

WSR 21-20-113

PROPOSED RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Filed October 4, 2021, 5:01 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 357-01-023 Anniversary date (general government), 357-01-348 Unbroken service date (general government), 357-28-055 How is the periodic increment date determined for a general government employee?, 357-28-056 How is the periodic increment date determined for a higher education employee?, 357-31-180 When an employee has taken leave without pay during the month is the employee's rate of accrual adjusted for the leave without pay?, 357-31-345 How does leave without pay affect a general government employee's anniversary date, unbroken service date, periodic increment date, and seniority date?, and 357-31-346 Does leave without pay affect a higher education employee's periodic increment date?

Hearing Location(s): On November 11, 2021, at 8:30 a.m., at Office of Financial Management (OFM), audio conference only, Dial-in 888-285-8919, Enter pin 8101730, Code (if asked) 415.

Date of Intended Adoption: November 18, 2021.

Submit Written Comments to: Brandy Chinn, OFM, P.O. Box 47500, Olympia, WA 98501, email brandy.chinn@ofm.wa.gov, fax 360-586-4694, by November 4, 2021.

Assistance for Persons with Disabilities: Contact OFM, TTY 711 or 1-800-833-6384, by November 4, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To remove the requirement for a general government employer to adjust an employee's anniversary date, unbroken service date, and periodic increment date (PID) for any period of leave without pay (LWOP) which exceeds fifteen consecutive calendar days, and to remove the requirement for a higher education employer to adjust an employee's vacation leave accrual date and PID for any period of LWOP which exceeds ten working days (consecutive calendar days).

Reasons Supporting Proposal: Address inequities among state employees, streamline process, and application of civil service rules and reduce significant workload for employers. These changes will result in more equal treatment between certain categories of employees and will result in less manual date adjustments for employers. Removing the requirement to adjust for LWOP will make it easier for employers to administer because they will no longer need to decipher which employees need to have their service dates manually adjusted; easier application of anniversary and PID for transfers between general government nonrepresented and represented employees; and easier application of anniversary and PID for transfers between general government and institutions of higher education.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: Chapter 41.06 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: [No information supplied by agency], governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Brandy Chinn, 128 10th Avenue, Olympia, WA 98501, 360-878-2901.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are related to internal government operations and are not subject to violation by a nongovernmental party. See RCW 34.05.328 (5) (b) (ii) for exemption.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

October 4, 2021
Roselyn Marcus
Assistant Director of Legal
and Legislative Affairs

OTS-3356.1

AMENDATORY SECTION (Amending WSR 05-12-093, filed 5/27/05, effective 7/1/05)

WAC 357-01-023 Anniversary date (general government). For employees of general government agencies, anniversary date is the unbroken service date plus prior state service (~~minus leave without pay when it exceeds fifteen consecutive calendar days as provided in WAC 357-31-345~~). The anniversary date is used to determine when vacation leave over two hundred forty hours is lost and for computing the rate of vacation leave accrual beginning with the fifth year of total state employment.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-12-093, § 357-01-023, filed 5/27/05, effective 7/1/05.]

AMENDATORY SECTION (Amending WSR 05-12-093, filed 5/27/05, effective 7/1/05)

WAC 357-01-348 Unbroken service date (general government). The date a general government employee began current continuous state service. This date is used for computing the rate of vacation leave accrual through and including the employee's fourth year of continuous service. (~~The unbroken service date is adjusted by leave without pay when it exceeds fifteen consecutive calendar days as provided in WAC 357-31-345.~~)

[Statutory Authority: Chapter 41.06 RCW. WSR 05-12-093, § 357-01-348, filed 5/27/05, effective 7/1/05.]

OTS-3355.2

AMENDATORY SECTION (Amending WSR 16-05-057, filed 2/12/16, effective 3/14/16)

WAC 357-28-055 How is the periodic increment date determined for a general government employee? (1) For a general government employee appointed to a position before July 1, 2005, the employee's periodic increment date as of June 30, 2005, is retained.

(2) For a general government employee appointed to a position on or after July 1, 2005, whose base salary is set at the minimum of the salary range, the periodic increment date is six months from the date of appointment.

(3) For a general government employee appointed to a position on or after July 1, 2005, whose base salary is set above the minimum but below step L of the salary range, the periodic increment date is twelve months from date of appointment.

(4) A general government employee appointed to a position on or after July 1, 2005, whose base salary is set at step L of the range will not have a periodic increment date set. If the employee later receives a new appointment, the periodic increment date will be set at that time, as described in this section.

(5) Once a general government employee's periodic increment date is set, it remains the same unless:

(a) The periodic increment date is advanced or postponed in accordance with WAC 357-28-070; or

(b) ~~((The periodic increment date is adjusted for leave without pay in accordance with WAC 357-31-345.~~

~~(c))~~ The periodic increment date is reset in accordance with subsections (2) and (3) of this section when an employee is rehired after a break in service.

[Statutory Authority: Chapter 41.06 RCW. WSR 16-05-057, § 357-28-055, filed 2/12/16, effective 3/14/16; WSR 13-19-043, § 357-28-055, filed 9/13/13, effective 10/18/13. Statutory Authority: RCW 41.06.150. WSR 10-17-062, § 357-28-055, filed 8/13/10, effective 9/15/10. Statutory Authority: Chapter 41.06 RCW. WSR 06-11-048, § 357-28-055, filed 5/11/06, effective 6/12/06; WSR 05-01-205, § 357-28-055, filed 12/21/04, effective 7/1/05.]

AMENDATORY SECTION (Amending WSR 16-05-057, filed 2/12/16, effective 3/14/16)

WAC 357-28-056 How is the periodic increment date determined for a higher education employee? (1) For a higher education employee appointed to a position before July 1, 2005, the employee's periodic increment date as of June 30, 2005, is retained.

(2) For a higher education employee appointed to a position on or after July 1, 2005, whose base salary is set at the minimum of the salary range, the periodic increment date is six months from the date of appointment.

(3) For a higher education employee appointed to a position on or after July 1, 2005, whose base salary is set above the minimum ~~((but))~~

and at or below step L of the salary range, the periodic increment date is twelve months from date of appointment.

(4) Once a higher education employee's periodic increment date is set, it remains the same unless:

(a) The periodic increment date is advanced or postponed in accordance with WAC 357-28-070; or

(b) The employee is appointed to another position with a different salary range maximum. Upon subsequent appointment, the provisions of subsection (2) and (3) of this section apply.

(c) The periodic increment date is reset in accordance with subsections (2) and (3) of this section when an employee is rehired after a break in service.

~~((d) The periodic increment date is adjusted for leave without pay in accordance with WAC 357-31-346.))~~

[Statutory Authority: Chapter 41.06 RCW. WSR 16-05-057, § 357-28-056, filed 2/12/16, effective 3/14/16; WSR 13-19-043, § 357-28-056, filed 9/13/13, effective 10/18/13; WSR 06-11-048, § 357-28-056, filed 5/11/06, effective 6/12/06.]

OTS-3354.3

AMENDATORY SECTION (Amending WSR 12-04-016, filed 1/24/12, effective 2/24/12)

WAC 357-31-180 When an employee has taken leave without pay during the month is the employee's rate of accrual adjusted for the leave without pay? Leave without pay ~~((taken for military leave of absence without pay, for temporary layoff as provided in WAC 357-46-063, or for scheduled mandatory periods of leave without pay for employees in cyclic year positions do))~~ does not affect the rate at which employees accrue vacation leave. ~~((For all other periods of leave without pay, the following applies:~~

~~(1) When a general government employee takes leave without pay which exceeds fifteen consecutive calendar days, the employee's anniversary date and unbroken service date are adjusted in accordance with WAC 357-31-345. These adjustments affect the rate at which an employee accrues vacation leave.~~

~~(2) When a higher education employee takes more than ten working days of leave without pay, that month does not qualify as a month of employment under WAC 357-31-165. Time spent on temporary layoff as provided in WAC 357-46-063 is considered time in pay status for the purpose of this subsection.))~~

[Statutory Authority: Chapter 41.06 RCW. WSR 12-04-016, § 357-31-180, filed 1/24/12, effective 2/24/12; WSR 10-23-040, § 357-31-180, filed 11/10/10, effective 12/13/10; WSR 05-08-137, § 357-31-180, filed 4/6/05, effective 7/1/05.]

AMENDATORY SECTION (Amending WSR 09-11-068, filed 5/14/09, effective 6/16/09)

WAC 357-31-345 ~~How does leave without pay affect a general government employee's ((anniversary date, unbroken service date, periodic increment date, and)) seniority date? ((1) For a general government employee, the anniversary date, unbroken service date, and periodic increment date is adjusted for any period of leave without pay which exceeds fifteen consecutive calendar days except when the leave without pay is taken for:~~

~~(a) Military leave of absence without pay as provided in WAC 357-31-370;~~

~~(b) Compensable work-related injury or illness leave;~~

~~(c) Government service leave not to exceed two years and one month;~~

~~(d) Educational leave, contingent upon successful completion of the coursework; and/or~~

~~(e) Voluntarily reducing the effect of an employer's layoff.~~

~~(2) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed above, the employee's anniversary date, unbroken service date and periodic increment date must be moved forward in an amount equal to the number of calendar days on leave without pay.~~

~~(3) For)) A general government employee's ((the)) seniority date is adjusted for leave without pay in accordance with WAC 357-46-055.~~

[Statutory Authority: Chapter 41.06 RCW. WSR 09-11-068, § 357-31-345, filed 5/14/09, effective 6/16/09; WSR 05-08-138, § 357-31-345, filed 4/6/05, effective 7/1/05.]

REPEALER

The following section of the Washington Administrative Code is repealed:

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| WAC 357-31-346 | Does leave without pay affect a higher education employee's periodic increment date? |
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