

WSR 23-12-084

PROPOSED RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Filed June 6, 2023, 4:35 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 357-28-245

Is approval required when a general government employer changes a position's overtime eligibility designation? and 357-58-160 How are hours of work established for WMS employees?

Hearing Location(s): On August 10, 2023, at 8:30 a.m., Zoom meeting (with call-in option), ID 881 7165 8224; call in 253-215-8782, passcode 850872, Zoom link <https://ofm-wa-gov.zoom.us/j/88171658224?pwd=T1R1aUF4K3hEOEtCLzBHZNbaamVnZz09>, Passcode if needed 850872.

Date of Intended Adoption: August 17, 2023.

Submit Written Comments to: Brandy Chinn, Office of Financial Management (OFM), Raad Building, 128 10th Avenue S.W., P.O. Box 47500, Olympia, WA 98504, email brandy.chinn@ofm.wa.gov, by August 3, 2023.

Assistance for Persons with Disabilities: Contact OFM, TTY 711 or 1-800-833-6384, by August 3, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Repeal WAC 357-28-245 to no longer require general government employers to request director approval when a nonrepresented employee's position is changed from overtime eligible to overtime exempt. Amend WAC 357-58-160 to remove the reference to WAC 357-28-245 due to the proposal to repeal WAC 357-28-245.

Reasons Supporting Proposal: The proposed amendment to WAC 357-28-245 is to allow employers the flexibility to manage overtime eligibility rather than require approval from the director of OFM. The proposed amendment to WAC 357-58-160 is to remove the reference to WAC 357-28-245 due to the proposal to repeal WAC 357-28-245.

Statutory Authority for Adoption: RCW 41.06.133.

Statute Being Implemented: RCW 41.06.133.

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

Name of Proponent: OFM, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Brandy Chinn, 128 10th Avenue S.W., 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.

Scope of exemption for rule proposal:

Is fully exempt.

June 6, 2023
Nathan Sherrard
Assistant Legal Affairs Counsel

AMENDATORY SECTION (Amending WSR 05-12-069, filed 5/27/05, effective 7/1/05)

WAC 357-58-160 How are hours of work established for WMS employees? Agencies must assign each WMS position to one of the overtime eligibility designations identified in the compensation plan and determine the position's work week.

For overtime eligible employees, compensation must be in accordance with the following sections of chapter 357-28 WAC:

(~~WAC 357-28-245~~)

WAC 357-28-250

WAC 357-28-255

WAC 357-28-260

WAC 357-28-265

WAC 357-28-275

WAC 357-28-280

WAC 357-28-285

[Statutory Authority: Chapter 41.06 RCW. WSR 05-12-069, § 357-58-160, filed 5/27/05, effective 7/1/05.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 357-28-245 Is approval required when a general government employer changes a position's overtime eligibility designation?