

**WSR 24-18-068
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT**

[Filed August 29, 2024, 10:43 a.m., effective October 1, 2024]

Effective Date of Rule: October 1, 2024.

Purpose: To align Title 357 WAC with the requirements in 2SHB 2014, chapter 146, Laws of 2024. 2SHB 2014 passed during the 2024 legislative session, effective June 6, 2024, for sections 1-24. This bill intends to align the federal and state definitions of "veteran" expanding state veterans benefits to any veteran who is already eligible for federal Department of Veterans Affairs monetary benefits. Section 4 of the bill adds a new section to chapter 73.04 RCW, codified as RCW 73.04.055, to define "qualifying discharge." "Honorable discharge" is replaced with "qualifying discharge" throughout the bill. The proposed amendments to WAC 357-01-170 repeal language stating veterans scoring criteria is only added to passing scores since there is more than one way for an eligible candidate to receive preference credits. The new WAC 357-01-267 provides a definition of "qualifying discharge." The amendments to WAC 357-16-110 clarify veterans scoring criteria is only added to passing scores, replaces "honorable discharge" with "qualifying discharge," and adds clarification that veterans must have a qualifying discharge. The amendments to WAC 357-46-060 and 357-58-475 update the definition of eligible veteran by replacing "honorable discharge" with "qualifying discharge" and remove existing criteria tied to an "honorable discharge."

Citation of Rules Affected by this Order: New WAC 357-01-267; and amending WAC 357-01-170, 357-16-110, 357-46-060, and 357-58-475.

Statutory Authority for Adoption: RCW 41.06.133.

Other Authority: RCW 73.04.055.

Adopted under notice filed as WSR 24-14-108 on July 1, 2024.

Changes Other than Editing from Proposed to Adopted Version: Amendment to WAC 357-01-267 to update the reference from "section 4, chapter 146, Laws of 2024" to "RCW 73.04.005."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 4, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 4, Repealed 0.

Date Adopted: August 29, 2024.

Nathan Sherrard
Legal Affairs Counsel

OTS-5407.3

AMENDATORY SECTION (Amending WSR 05-01-204, filed 12/21/04, effective 7/1/05)

WAC 357-01-170 Examination results. An eligible candidate's final score on an examination, plus any veteran's scoring criteria or other applicable credits. (~~Veterans scoring criteria is only added to passing scores.~~)

NEW SECTION

WAC 357-01-267 Qualifying discharge. "Qualifying discharge" has the same meaning as in RCW 73.04.005.

OTS-5408.2

AMENDATORY SECTION (Amending WSR 09-17-057 and 09-18-112, filed 8/13/09 and 9/2/09, effective 12/3/09)

WAC 357-16-110 Do veterans receive any preference in the hiring process? (1) If an employer is administering an examination prior to certification, the employer must grant preference to veterans in accordance with the veterans scoring criteria provisions of RCW 41.04.010. Veterans' scoring criteria is only added to passing scores. (2) If no examination is administered prior to certification, the employer must refer the following individuals to the employing official under the provisions of RCW 73.16.010 as long as the individual meets the competencies and other position requirements:

- (a) Eligible veterans with a qualifying discharge;
- (b) Surviving spouses or registered domestic partners of eligible veterans with a qualifying discharge; or
- (c) Spouses or registered domestic partners of (~~honorably discharged~~) veterans with a qualifying discharge who have a service-connected permanent and total disability.

OTS-5409.1

AMENDATORY SECTION (Amending WSR 16-17-091, filed 8/18/16, effective 9/20/16)

WAC 357-46-060 Does a veteran receive any preference in layoff? (1) An eligible veteran receives a preference in layoff by having their seniority increased for total active military service, not to exceed five years. (2) An eligible veteran is defined as any permanent employee who:

- (a) Has one or more years in active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the

line of duty or is discharged at the convenience of the government;
and

(b) (~~Has received,~~) Upon termination of such service (~~(:~~

~~(i) An honorable discharge;~~

~~(ii) A discharge for physical reasons with an honorable record;~~

or

~~(iii) A release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given)) has received a qualifying discharge.~~

(3) "An eligible veteran" does not include any person who as a veteran voluntarily retired, as evidenced by the "DD Form 214" or other official military records, with (~~twenty~~) 20 or more years' active military service and has military retirement pay in excess of (~~five hundred dollars~~) \$500 per month.

(4) The surviving spouse or surviving registered domestic partner of an eligible veteran is entitled to veteran's seniority preference for up to five years as outlined in subsections (1) and (2) of this section regardless of whether the veteran had at least one year of active military service.

OTS-5410.1

AMENDATORY SECTION (Amending WSR 16-17-091, filed 8/18/16, effective 9/20/16)

WAC 357-58-475 Does a veteran receive any preference in layoff?

(1) An eligible veteran receives a preference in layoff by having their seniority increased for total active military service, not to exceed five years.

(2) An eligible veteran is defined as any permanent employee who:

(a) Has one or more years in active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government;
and

(b) (~~Has received,~~) Upon termination of such service (~~(:~~

~~(i) An honorable discharge;~~

~~(ii) A discharge for physical reasons with an honorable record;~~

or

~~(iii) A release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given)) has received a qualifying discharge.~~

(3) "An eligible veteran" does not include any person who as a veteran voluntarily retired with (~~twenty~~) 20 or more years' active military service and has military retirement pay in excess of (~~five hundred dollars~~) \$500 per month.

(4) The surviving spouse or surviving registered domestic partner of an eligible veteran is entitled to veteran's seniority preference for up to five years as outlined in subsections (1) and (2) of this section regardless of whether the veteran had at least one year of active military service.