

WSR 21-14-009
PROPOSED RULES
OFFICE OF
FINANCIAL MANAGEMENT
[Filed June 24, 2021, 9:01 a.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 357-46-053
How is a higher education employee's seniority date determined? and
357-46-055 How is a general government employee's seniority date de-
termined?

Hearing Location(s): On August 12, 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: August 19, 2021.

Submit Written Comments to: Caroline Kirk, OFM, P.O. Box 47500,
Olympia, WA 98501, email caroline.kirk@ofm.wa.gov, fax 360-586-4694,
by August 5, 2021.

Assistance for Persons with Disabilities: Contact OFM, TTY 711 or
1-800-833-6384, by August 5, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including
Any Changes in Existing Rules: To protect a general government and
higher education employee's seniority date when leave without pay is
taken due to a governor's issued proclamation to protect the health
and safety of employees.

Reasons Supporting Proposal: To ensure employees can take leave
without pay when the governor has issued a proclamation related to
health and safety.

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: OFM, governmental.

Name of Agency Personnel Responsible for Drafting, Implementa-
tion, and Enforcement: Caroline Kirk, 128 10th Avenue, Olympia, WA
98501, 360-878-4827.

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 sub-
ject 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 in-
ternal governmental operations that are not subject to vio-
lation by a nongovernment party.

June 24, 2021
Roselyn Marcus
Assistant Director of Legal
and Legislative Affairs

OTS-3008.3

AMENDATORY SECTION (Amending WSR 05-12-075, filed 5/27/05, effective 7/1/05)

WAC 357-46-053 How is a higher education employee's seniority date determined? For higher education employees, the seniority date is determined as follows:

(1) In accordance with the employer's layoff procedure. The employer's layoff procedure must specify a uniform method for determining the seniority date for employees of the higher education institution or related board who are covered by the civil service rules.

(2) Employees on military leave as provided in WAC 357-31-370 must not have their seniority date adjusted for the time spent on military leave without pay.

(3) Employees on leave without pay as authorized by a proclamation issued by the governor directly related to health and safety must not have their seniority date adjusted for the time spent on leave without pay.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-12-075, § 357-46-053, filed 5/27/05, effective 7/1/05.]

AMENDATORY SECTION (Amending WSR 14-06-007, filed 2/20/14, effective 3/24/14)

WAC 357-46-055 How is a general government employee's seniority date determined? (1) For a full-time general government employee, the seniority date is the employee's most recent date of hire into state service (including exempt service) as 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 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) Reducing the effects of layoff~~((-))~~; and/or

(f) Leave without pay as authorized by a proclamation issued by the governor directly related to health and safety.

(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 seniority date must be moved forward in an amount equal to the number of calendar days on leave without pay.

~~((2))~~ (3) For a part-time general government employee, the seniority date is calculated by determining the number of actual hours worked and/or in paid status, excluding compensatory time off. Actual hours worked includes overtime hours regardless of whether or not the employee receives monetary payment or compensatory time for the hours worked. Time spent in leave without pay status is not credited unless the leave without pay is taken for:

(a) Military leave 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) Reducing the effects of layoff; and/or

(f) Leave without pay as authorized by a proclamation issued by the governor directly related to health and safety.

[Statutory Authority: Chapter 41.06 RCW. WSR 14-06-007, § 357-46-055, filed 2/20/14, effective 3/24/14; WSR 09-11-063, § 357-46-055, filed 5/14/09, effective 6/16/09; WSR 05-08-135, § 357-46-055, filed 4/6/05, effective 7/1/05.]