

WSR 22-06-006
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed February 17, 2022, 3:37 p.m., effective July 1, 2022]

Effective Date of Rule: July 1, 2022.

Purpose: To 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 leave without pay (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 periodic increment date (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. To remove the requirement for a general government employer to adjust an employee's anniversary date, unbroken service date, and PID for any period of LWOP which exceeds 15 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 10 working days.

Citation of Rules Affected by this Order: Repealing WAC 357-31-346; and amending WAC 357-01-023, 357-01-348, 357-28-055, 357-28-056, 357-31-180, and 357-31-345.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 22-02-048 on January 3, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 6, Repealed 1.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 6, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 1.

Date Adopted: February 17, 2022.

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.~~

~~(e))~~ 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 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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