

**WSR 23-24-024**  
**PERMANENT RULES**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**

[Filed November 28, 2023, 4:41 p.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: ESSB 5761 passed during the 2022 legislative session, chapter 242, Laws of 2022, with an effective date of January 1, 2023. The bill amends RCW 49.58.110, to state an employer must disclose the wage scale and salary range, and provide a general description of all the benefits or other compensation in each posting for a job opening. ESSB 5761 also states upon request of an employee who is offered an internal transfer to a new position or promotion that the employer must provide the employee with the wage scale or the salary range of the position they would be transferring into. Amendments to WAC 357-19-377 and 357-19-380 were inadvertently missed in 2019 on WSR 20-06-009, effective March 30, 2020. The amendments align Title 357 WAC with the requirements of the new law. The amendment to WAC 357-16-017 is to repeal the requirement for an employer to provide the salary range or management band upon request of an individual for employment after an employer has initially offered the individual the position; add language to require an employer to disclose the salary range or management band in each job posting, which includes a general description of all the benefits and other compensation; and to define the terms "salary range" and "management band" for the section. The amendment to WAC 357-16-220 is to define "negotiation" to include an offer of employment with compensation by the employer and acceptance of the offer by the applicant. This change aligns with Washington state department of labor and industries' interpretation that an offer of employment with compensation by the employer and acceptance of the offer by the applicant would constitute the element of "negotiation." The amendment to WAC 357-19-377 is to add subsection (5) to require nonpermanent appointments to be in compliance with the requirements governing wage and salary information. The amendment to WAC 357-19-380 is to state other chapters of the civil service rules may apply to nonpermanent employees where specifically stated.

Citation of Rules Affected by this Order: Amending WAC 357-16-017, 357-16-220, 357-19-377, and 357-19-380.

Statutory Authority for Adoption: RCW 41.06.133 and 41.06.150.

Other Authority: RCW 49.58.100 and 49.58.110.

Adopted under notice filed as WSR 23-20-078 on September 29, 2023.

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 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 0, 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 0, Amended 4, Repealed 0.

Date Adopted: November 29, 2023.

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**OTS-4591.1**

AMENDATORY SECTION (Amending WSR 20-06-009, filed 2/20/20, effective 3/30/20)

**WAC 357-16-017** ~~When must an employer ((provide))~~ disclose the salary range or management band, other compensation and a description of benefits for a position? In accordance with RCW 49.58.110, an employer must ~~((provide))~~ disclose the salary range or management band in the following circumstances:

(1) ~~((Upon request of an individual for employment after an employer has initially offered the individual the position))~~ In each job posting which includes a general description of all the benefits and other compensation; and

(2) Upon request of a current employee who is offered an appointment to another position.

~~((If no salary range or management band exists, an employer must provide the minimum wage set by the employer prior to posting the position or appointing an employee to another position.))~~

(3) For the purposes of this section:

(a) "Employer" also includes those employers with fewer than ~~((fifteen))~~ 15 employees;

(b) "Salary range" includes Step M; and

(c) "Management band" is the most reasonable and genuinely expected range that an agency has identified within their salary administration policy for Washington management services.

AMENDATORY SECTION (Amending WSR 20-06-009, filed 2/20/20, effective 3/30/20)

**WAC 357-16-220** May an employer confirm an individual's wage or salary history? In accordance with RCW 49.58.100, an employer may confirm an individual's wage or salary history if:

(1) The individual has voluntarily disclosed their wage or salary history; or

(2) After the employer has negotiated an offer and made an offer of employment including compensation to the individual. Negotiation includes an offer of employment with compensation by the employer and acceptance of the offer by the applicant.

For the purposes of this section "employer" also includes those employers with fewer than ~~((fifteen))~~ 15 employees.

**OTS-4592.1**

AMENDATORY SECTION (Amending WSR 21-14-042 and 22-01-153, filed 6/30/21 and 12/15/21, effective 7/1/22)

**WAC 357-19-377 What provisions apply to nonpermanent appointments?** Nonpermanent appointments are subject to the following provisions:

(1) Nonpermanent appointees must meet the competencies and other requirements of the position to which they are appointed.

(2) Nonpermanent appointments may be filled on a noncompetitive basis which means the employer is not required to comply with the rules on recruitment, assessment and certification as provided in chapter 357-16 WAC.

(3) Nonpermanent appointments may be filled using the competitive process specified in chapter 357-16 WAC as long as the eligible applicant indicates a willingness to accept a nonpermanent appointment.

(4) Employers may underfill a position with a nonpermanent appointment.

(5) Ensure compliance with requirements governing wage and salary information in accordance with RCW 49.58.100, 49.58.110, WAC 357-16-017, 357-16-215, and 357-16-220.

AMENDATORY SECTION (Amending WSR 05-01-206, filed 12/21/04, effective 7/1/05)

**WAC 357-19-380 What provisions of the civil service rules apply to nonpermanent employees?** The leave and holiday provisions of chapter 357-31 WAC and compensation provisions of chapter 357-28 WAC apply to employees in nonpermanent appointments. Other chapters of civil service rules may apply where specifically stated.