

WSR 24-14-108

PROPOSED RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Filed July 1, 2024, 11:41 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 357-01-170 Examination results, 357-01-267 Qualifying discharge, 357-16-110 Do veterans receive any preference in the hiring process?, 357-46-060 Does a veteran receive any preference in layoff?, and 357-58-475 Does a veteran receive any preference in layoff?

Hearing Location(s): On August 8, 2024, at 8:30 a.m., Zoom meeting (with call-in option) <https://ofm-wa-gov.zoom.us/j/81889336350?pwd=TzYzY05oL3FrSW5UTnBEeEk5ODVvQT09>, ID 818 8933 6350, Call in 253-215-8782, Passcode 171240.

Date of Intended Adoption: August 15, 2024.

Submit Written Comments to: Brandy Chinn, Office of Financial Management (OFM), 1500 Jefferson Street S.E., P.O. Box 47500, Olympia, WA 98504, email brandy.chinn@ofm.wa.gov, by 11:59 p.m., August 1, 2024.

Assistance for Persons with Disabilities: Contact OFM, TTY 711 or 1-800-833-6384, by 11:59 p.m., August 1, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: 2SHB 2014 (chapter 146, Laws of 2024) 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 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 proposed new WAC 357-01-267 provides a definition of "qualifying discharge." The proposed amendments to WAC 357-16-110 clarify veterans scoring criteria is only added to passing scores, replace "honorable discharge" with "qualifying discharge" and add clarification that veterans must have a qualifying discharge. The proposed 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."

Reasons Supporting Proposal: To align Title 357 WAC with the requirements in the new law (chapter 146, Laws of 2024).

Statutory Authority for Adoption: RCW 41.06.133.

Statute Being Implemented: Section 4, chapter 146, Laws of 2024.

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, 1500 Jefferson Street S.E., Olympia, WA 98504, 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.

July 1, 2024

Nathan Sherrard

Assistant Legal Affairs Counsel

OTS-5407.2

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.XXX (section 4, chapter 146, Laws of 2024).

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.