

WSR 23-20-079

PROPOSED RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Filed September 29, 2023, 1:43 p.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 357-58-040  
Which manager positions or managerial employees are excluded from WMS and not covered by chapter 357-58 WAC?

Hearing Location(s): On November 14, 2023, at 9:00 a.m., via Zoom meeting (with call-in option), ID 881 7165 8224, Call in 253-215-8782, Passcode 850872, Zoom link <https://ofm-wa-gov.zoom.us/j/88171658224?pwd=T1R1aUF4K3hEOEtCLzBHZnBaamVnZz09>.

Date of Intended Adoption: November 21, 2023.

Submit Written Comments to: Brandy Chinn, Office of Financial Management (OFM), Raad Building, 128 10th Avenue S.W., P.O. Box 47500, Olympia, WA 98504, email [brandy.chinn@ofm.wa.gov](mailto:brandy.chinn@ofm.wa.gov), by November 7, 2023.

Assistance for Persons with Disabilities: Contact OFM, TTY 711 or 1-800-833-6384, by November 7, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending WAC 357-58-040(1) to add the exemption reference to RCW 41.06.022 for clarification.

Reasons Supporting Proposal: 2SHB 1122 passed during the 2023 legislative session, chapter 136, Laws of 2023, with an effective date of January 1, 2024. This bill amends chapter 41.06 RCW, State civil service law, and chapter 41.80 RCW, State collective bargaining, to grant Washington management service (WMS) employees in certain salary bands the right to collectively bargain. WMS collective bargaining agreements may not take effect before July 1, 2025.

Statutory Authority for Adoption: RCW 41.06.150.

Statute Being Implemented: RCW 41.06.150.

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, 128 10th Avenue S.W., Olympia, WA 98501, 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.

September 29, 2023  
Nathan Sherrard  
Assistant Legal Affairs Counsel

OTS-4892.1

AMENDATORY SECTION (Amending WSR 20-06-011, filed 2/20/20, effective 5/1/20)

**WAC 357-58-040 Which manager positions or managerial employees are excluded from WMS and not covered by chapter 357-58 WAC?** The following manager positions or managerial employees are excluded from WMS and not covered by chapter 357-58 WAC:

- (1) Manager positions or managerial employees that are exempt from civil service in accordance with RCW 41.06.022;
- (2) Manager positions or managerial employees that are included in professional structures; and
- (3) Manager positions or managerial employees of institutions of higher education and related boards.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.133. WSR 20-06-011, § 357-58-040, filed 2/20/20, effective 5/1/20. Statutory Authority: Chapter 41.06 RCW. WSR 05-12-068, § 357-58-040, filed 5/27/05, effective 7/1/05.]