

## WSR 24-14-103

## PROPOSED RULES

## OFFICE OF

## FINANCIAL MANAGEMENT

[Filed July 1, 2024, 11:37 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 357-16-113

When may an agency head or higher education institution president consider granting preference to eligible applicants in the hiring process?, 357-16-125 What must be specified in the employer's certification procedure?, and 357-58-197 When may an agency head consider granting preference to eligible WMS applicants in the hiring process?

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](mailto: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: SSB 6157, chapter 330, Laws of 2024, passed during the 2024 legislative session with an effective date of June 6, 2024. This bill intends to reform civil service by incorporating civil service advantage for bilingual and multilingual applicants, applicants with prior work experience in social services, and applicants with higher education. Section 1 adds a new section to chapter 41.04 RCW to state that in all competitive examinations to determine the qualifications of applicants, the agency head within a hiring organization has the discretion to add a maximum of 15 percent to the passing mark, grade, or rating only in accordance with outlined criteria. Preference points may not be aggregated to exceed more than 15 percent of an applicant's examination score, shall be added to the passing mark, grade, or rating of competitive examinations until the candidate's first appointment and may not be used in promotional examinations. The bill also defines "full professional fluency" and "native speaker." The proposed new section WAC 357-16-113 addresses when may an agency head or higher education institution president consider granting preference to eligible applicants in the hiring process. The proposed amendment to WAC 357-16-125 requires an employer's certification procedure to address when the employer will consider granting preference to eligible applicants under the provisions of WAC 357-16-113. The proposed new section WAC 357-58-197 addresses when may an agency head consider granting preference to eligible Washington management service applicants in the hiring process.

Reasons Supporting Proposal: To align the civil service rules (Title 357 WAC) with the requirements of the new law.

Statutory Authority for Adoption: RCW 41.06.150.

Statute Being Implemented: Section 1, chapter 330, 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-5417.2

### NEW SECTION

**WAC 357-16-113 When may an agency head or higher education institution president consider granting preference to eligible applicants in the hiring process?** (1) An agency head or higher education institution president may consider granting preference to eligible applicants in the hiring process if administering an examination prior to certification for any of the following qualifications in accordance with chapter 41.04 RCW:

(a) Ten percent to an applicant who has obtained full professional proficiency or who is completely fluent as a native speaker in two or more languages other than English;

(b) Five percent to an applicant who has obtained full professional proficiency or who is completely fluent as a native speaker in one language other than English;

(c) Five percent to an applicant with two or more years of professional experience or volunteer experience in the Peace Corps, AmeriCorps, domestic violence counseling, mental or behavioral health care, homelessness programs, or other social services professions; and

(d) Five percent to an applicant who has obtained an associate of arts or science degree or higher degree.

(2) The preference granted under this section may not be aggregated to exceed more than 15 percent of the applicant's examination score, shall be added to the passing mark, grade, or rating of competitive examinations until the applicant's first appointment, and may not be used in promotional examinations.

(3) For purposes of this section "full professional fluency" and "native speaker" have the same meaning as in RCW 41.04.XXX (section 1, chapter 330, Laws of 2024).

AMENDATORY SECTION (Amending WSR 05-01-200, filed 12/21/04, effective 7/1/05)

**WAC 357-16-125 What must be specified in the employer's certification procedure?** The employer's certification procedure must:

(1) Specify how the employer determines the pool of eligible candidates to be certified to the employing official in accordance with WAC 357-16-130;

(2) Specify how the employer determines the number of names certified if the number of eligible candidates certified to the employing official is limited;

(3) Provide for veterans' preference in accordance with WAC 357-16-110;

(4) Provide for supplemental certification of affected group members in accordance with WAC 357-16-135;

(5) Require that employing officials consider all eligible candidates certified;

(6) Provide for optional consideration of employees who have completed employer-approved training programs and are determined by the employer to meet the competencies and other position requirements;

(7) For general government employers, must provide for consideration of transition pool candidates when a certified pool contains eligible candidates other than candidates from the employer's internal or statewide layoff list or the employer's internal promotional eligibles; ((and))

(8) Address when the employer will certify qualified individuals seeking reemployment under the provisions of WAC 357-19-470; and

(9) Address when the employer will consider granting preference to eligible applicants under the provisions of WAC 357-16-113.

## OTS-5418.2

### NEW SECTION

**WAC 357-58-197 When may an agency head consider granting preference to eligible WMS applicants in the hiring process?** (1) An agency head may consider granting preference to eligible WMS applicants in the hiring process if administering an examination prior to certification for any of the following qualifications in accordance with chapter 41.04 RCW:

(a) Ten percent to an applicant who has obtained full professional proficiency or who is completely fluent as a native speaker in two or more languages other than English;

(b) Five percent to an applicant who has obtained full professional proficiency or who is completely fluent as a native speaker in one language other than English;

(c) Five percent to an applicant with two or more years of professional experience or volunteer experience in the Peace Corps, AmeriCorps, domestic violence counseling, mental or behavioral health care, homelessness programs, or other social services professions; and

(d) Five percent to an applicant who has obtained an associate of arts or science degree or higher degree.

(2) The preference granted under this section may not be aggregated to exceed more than 15 percent of the applicant's examination score, shall be added to the passing mark, grade, or rating of competitive examinations until the applicant's first appointment, and may not be used in promotional examinations.

(3) For purposes of this subsection "full professional fluency" and "native speaker" have the same meaning as in RCW 41.04.XXX (section 1, chapter 330, Laws of 2024).