



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 27, 2022

TIME: 4:27 PM

WSR 22-12-074

Agency: Office of Financial Management (OFM)

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) July 1, 2022 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: To align Title 357 WAC with Governor Jay Inslee’s Executive Order 19-01 directing state agencies to bridge employment opportunities to increase veteran employment. Veteran Placement Programs (VPP) are considered bridge employment opportunities and state agencies are strongly encouraged to use them. A new section is added to define VPP; to allow employers to change the status of a nonpermanent appointment to probationary or trial service if the nonpermanent position was filled by using a VPP; and to state that an employer’s Washington management service recruitment and selection policy and/or procedure should consider making appointments from a VPP. The proposed amendment to WAC 357-19-400(1) is to repeal the language “if the employee held permanent status prior to the nonpermanent appointment” because in order for an employee to be in a trial service they must hold permanent status.

To align Title 357 WAC with the Choice Performance Confirmation Program. In September 2016 SHR launched the Choice Performance Confirmation (CPC) pilot program, a modified version of the Performance Management Confirmation (PMC) program. The pilot was designed to assist state employers in the development of a performance management program that 1) creates and manages a performance-based culture; 2) links individual, team and organizational performance goals; 3) meaningfully distinguishes among different levels of performance; and 4) develops a fair and transparent performance program. The pilot program included changes to the performance-based incentives for confirmed agencies. While the CPC was operating as a pilot program, it remained operating under the PMC program title. During the preparation for the pilot, SHR met with all CPC confirmed agencies to solicit feedback and recommendations. During that process, SHR learned that participating agencies had never and do not intend on using layoff as part of the program. We are proposing to remove layoff as an option for performance-based incentives. Removing the language ‘factor employee performance when making layoff decisions will not impact confirmed agencies. The amendment to WAC 357-01-073 and WAC 357-58-065(2) is to define “choice performance confirmation” and the repeal of WAC 357-01-230 and WAC 357-58-065(9) is to remove the prior definition for performance management confirmation. In addition, to amend the current Performance Management Confirmation WACs to reflect the Choice Performance Confirmation program title change and remove language referencing the ability to factor employee performance when making layoff decisions.

Citation of rules affected by this order:

- New: 357-01-073, 357-01-351
- Repealed: 357-01-230
- Amended: 357-19-400, 357-31-565, 357-37-050, 357-37-055, 357-37-060, 357-46-020, 357-46-050, 357-58-065, 357-58-190, 357-58-425, 357-58-430, 357-58-435
- Suspended:

Statutory authority for adoption: Chapter 41.06 RCW

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-08-023 on March 25, 2022 (date).
Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>2</u>	Amended	12	Repealed	<u>1</u>

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>2</u>	Amended	12	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>2</u>	Amended	12	Repealed	<u>1</u>

Date Adopted: 05/27/2022

Name: Roselyn Marcus

Title: Assistant Director of Legal and Legislative Affairs

Signature:

