



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: November 30, 2022

TIME: 1:35 PM

WSR 22-24-027

Agency: Office of Financial Management (OFM)

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) January 1, 2023 (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: Chapter 271, 2022 Laws (HB 1927) passed during the 2022 legislative session with an effective date of June 9, 2022. HB 1927 adds a new chapter to Title 49 RCW (Labor Regulations), encouraging citizens to serve in the legislature by creating leave provisions for legislative service. Section 3 *requires* an employer to grant a temporary leave of absence without loss of **job status** or **seniority** to an employee who is a member of the state legislature to perform any official duty during regular and special legislative sessions. The leave granted *may* be unpaid, or the employee may substitute **any** accrued paid leave. In addition, [RCW 41.04.120](#) (Chapter 164, 1957 Laws) allows for leave of absence by reason of having been elected or appointed to an elective office (service in an elective office) preserving an employee's civil service status and seniority. Unlike HB 1927, RCW 41.04.120 is not restricted to regular and special legislative sessions. The purpose is to align Title 357 WAC with the requirements of the new and existing laws specifically to: 1) Require an employer to grant an employee's request to use their accrued leave or leave without pay for legislative service leave in accordance with chapter 49.100 RCW; 2) Require an employer to grant an employee's request to use leave without pay for service in an elective office in accordance with RCW 41.04.120; 3) Allow an employee who is serving a probationary period, trial service period, transitional review period or Washington Management Service review period to resume/complete their review period when the employee returns from the leave of absence due to legislative service and due to service in an elective office; 4) State that employees who are on an approved leave of absence must not have their seniority date adjusted for time spent during a leave of absence for legislative service and for service in an elective office; and 5) Exclude legislative service leave violations under chapter 49.100 RCW from rule violation appeals.

Citation of rules affected by this order:

New: 357-31-374, 357-31-3745
 Repealed:
 Amended: 357-01-304, 357-31-027, 357-31-070, 357-31-100, 357-31-130, 357-31-200, 357-31-230, 357-31-327, 357-31-567, 357-46-053, 357-46-055, 35-52-010, 357-58-300
 Suspended:

Statutory authority for adoption: RCW 41.06.133

Other authority: RCW 41.04.120 and chapter 49.100 RCW

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as [WSR 22-20-096](#) on October 4, 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	2	Amended	13	Repealed	___

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	2	Amended	13	Repealed	___
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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	2	Amended	13	Repealed	___

Date Adopted: 11/30/22

Name: Nathan Sherrard

Title: Assistant Legal Affairs Counsel
Office of Financial Management

Signature:

