



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 28, 2023

TIME: 4:41 PM

WSR 23-24-024

Agency: Office of Financial Management (OFM)

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) January 1, 2024 (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: Engrossed Substitute Senate Bill ([ESSB 5761](#)) passed during the 2022 legislative session, Chapter 242, Laws 2022, with an effective date of January 1, 2023. The bill amends [RCW 49.58.110](#), to state an employer must disclose the wage scale and salary range, and provide a general description of all the benefits or other compensation in each posting for a job opening. ESSB 5761 also states upon request of an employee who is offered an internal transfer to a new position or promotion that the employer must provide the employee with the wage scale or the salary range of the position they would be transferring into. Amendments to WAC 357-19-377 and WAC 357-19-380 were inadvertently missed in 2019 on WSR 20-06-009 effective March 30, 2020. The amendments align Title 357 WAC with the requirements of the new law. The amendment to WAC 357-16-017 is to repeal the requirement for an employer to provide the salary range or management band upon request of an individual for employment after an employer has initially offered the individual the position; add language to require an employer to disclose the salary range or management band in each job posting which includes a general description of all the benefits and other compensation; and to define the terms “salary range” and “management band” for the section. The amendment to WAC 357-16-220 is to define “negotiation” to include an offer of employment with compensation by the employer and acceptance of the offer by the applicant. This change aligns with Washington State Department of Labor and Industries interpretation that an offer of employment with compensation by the employer and acceptance of the offer by the applicant would constitute the element of “negotiation.” The amendment to WAC 357-19-377 is to add subsection (5) to require nonpermanent appointments to be in compliance with the requirements governing wage and salary information. The amendment to WAC 357-19-380 is to state other chapters of the civil service rules may apply to nonpermanent employees where specifically stated.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: 357-16-017, 357-16-220, 357-19-377, 357-19-380
- Suspended:

Statutory authority for adoption: RCW 41.06.133 and 41.06.150

Other authority: RCW 49.58.100 and RCW 49.58.110

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as [WSR 23-20-078](#) on September 29, 2023 (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	0	Amended	4	Repealed	___

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

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

The number of sections adopted on the agency's own initiative:

New	0	Amended	4	Repealed	___
-----	---	---------	---	----------	-----

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	0	Amended	4	Repealed	___

Date Adopted: 11-29-23

Name: Nathan Sherrard

Title: Assistant Legal Affairs Counsel
Office of Financial Management

Signature:

