



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: April 01, 2025

TIME: 5:05 PM

WSR 25-08-079

Agency: Office of Financial Management (OFM)

☒ Original Notice

☐ Supplemental Notice to WSR _____

☐ Continuance of WSR _____

☐ Preproposal Statement of Inquiry was filed as WSR _____ ; or

☐ Expedited Rule Making--Proposed notice was filed as WSR _____ ; or

☒ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

☐ Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject)

WAC 357-28-255, What constitutes overtime for an overtime eligible employee?

WAC 357-28-265 For the purpose of computing eligibility for overtime compensation, are holidays and leave with pay considered time worked?

WAC 357-31-326 When may an employer grant leave with pay?

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 8, 2025	8:30 a.m.	Zoom Meeting (with call in option) ID: 818 1135 0765 Call in: (253) 215-8782 Passcode: 903984	Zoom link: https://ofm-wa-gov.zoom.us/j/81811350765?pwd=UjHOAyLqQ0dmF2sp7x5aG0KCG0ggY3.1 Passcode if needed: 903984

Date of intended adoption: May 15, 2025 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Brandy Chinn

Address: Office of Financial Management

1500 Jefferson Street SE

PO Box 47500, Olympia, WA 98504

Email: brandy.chinn@ofm.wa.gov

Fax:

Other:

By (date) 11:59 p.m. May 1, 2025

Assistance for persons with disabilities:

Contact Office of Financial Management

Phone:

Fax:

TTY: 7-1-1 or 1-800-833-6384

Email:

Other:

By (date) 11:59 p.m. May 1, 2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed amendment to WAC 357-28-255(2) is to clarify the exceptions provided in WAC 357-28-265. The proposed amendment to WAC 357-28-265 is to add subsection 3 to state leave with pay during the employees regular work schedule is not considered time worked except for when leave is taken on the employee's regularly scheduled workday for the purpose of rest and recuperation in accordance with WAC 357-31-326 and to clarify that if leave falls on the employee's regularly scheduled day off it is not considered hours worked for the calculation of the overtime rate. The proposed amendment to WAC 357-31-326(3) is to state Department of Natural Resources may grant two additional days of leave with pay for rest and recuperation after 14 consecutive calendar days performing emergency work. Additional days may only be granted if they fall on the employees regularly scheduled workday and are taken consecutively. Leave with pay under this subsection is subject to the overtime provisions in WAC 357-28-265. Reasons supporting proposal: To align the civil service rules with the changes stemming from the 2025-2027 tentative collective bargaining agreements for represented employees. A policy decision was made to extend the rest and recuperation leave to non-represented employees employed with the Department of Natural Resources provided this leave is funded in the 2025 enacted budget.

Reasons supporting proposal: To align the civil service rules with the changes stemming from the 2025-2027 tentative collective bargaining agreements for represented employees. A policy decision was made to extend the rest and recuperation

leave to non-represented employees employed with the Department of Natural Resources provided this leave is funded in the 2025 enacted budget.

Statutory authority for adoption: RCW 41.06.133

Statute being implemented: RCW 41.06.133

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Type of proponent: ☐ Private ☐ Public ☒ Governmental

Name of proponent: (person or organization) Office of Financial Management

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Brandy Chinn	1500 Jefferson Street SE, Olympia, WA 98504	360-878-2901
Implementation:	Brandy Chinn	1500 Jefferson Street SE, Olympia, WA 98504	360-878-2901
Enforcement:	Brandy Chinn	1500 Jefferson Street SE, Olympia, WA 98504	360-878-2901

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

☒ No: Please explain: 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.

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

☒ [RCW 34.05.310](#) (4)(b)

(Internal government operations)

☐ [RCW 34.05.310](#) (4)(c)

(Incorporation by reference)

☐ [RCW 34.05.310](#) (4)(d)

(Correct or clarify language)

☐ [RCW 34.05.310](#) (4)(e)

(Dictated by statute)

☐ [RCW 34.05.310](#) (4)(f)

(Set or adjust fees)

☐ [RCW 34.05.310](#) (4)(g)

((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4) (does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

☒ The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

☐ The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: 4-1-25

Name: Nathan Sherrard

Title: Legal Affairs Counsel
Office of Financial Management

Signature:

