



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: February 20, 2020

TIME: 12:30 PM

WSR 20-06-009

Agency: Office of Financial Management (OFM)

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) March 30, 2020 (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: Provide clear expectations of what is and what is not acceptable for seeking the wage or salary information from an applicant or an applicant's employer until the applicant has voluntarily disclosed their wage history or after the employer has negotiated and made an offer of employment. Engrossed Substitute House Bill (ESHB) 1696 was passed during the 2019 legislative session with an effective date of July 28, 2019. ESHB 1696 prohibits an employer from seeking the wage or salary history of an applicant for employment from the applicant or a current or former employer or requiring that the applicant's prior wage or salary history meet certain criteria. This bill also requires employers, upon request of an applicant for employment, to provide the wage scale or salary range for the job title for the position for which the applicant is applying. The proposed new section, WAC 357-16-017, addresses when an employer must provide the salary range or management band for a position. The proposed new section, WAC 357-16-215, addresses when an employer may seek the wage or salary history of an individual for employment. The proposed new section, WAC 357-16-220, addresses when an employer may confirm an individual's wage or salary history. The proposed amendment to WAC 357-58-190(8) is to add that the wage and salary history requirements in chapter 357-16 WAC must be addressed in agency's Washington management services recruitment and selection policy and/or procedure.

Citation of rules affected by this order:

- New: 357-16-017, 357-16-215 and 357-16-220
- Repealed:
- Amended: 357-58-190
- Suspended:

Statutory authority for adoption: Chapter 41.06 RCW

Other authority: RCW 49.58.100 and 49.58.110

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 20-02-083 on December 30, 2019 (date).

Describe any changes other than editing from proposed to adopted version:

Since the proposed version, WAC 357-16-017 was changed to address "the employer" as "an employer." WAC 357-16-017, 357-16-215, 357-16-220 were changed to address that all sections also include employers with fewer than fifteen employers. WAC 357-58-190 was changed to reference the RCW instead of stating "state law."

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	3	Amended	1	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	3	Amended	1	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	3	Amended	1	Repealed	___

Date Adopted: February 20, 2020

Name: Roselyn Marcus

Title: Assistant Director of Legal and Legislative Affairs

Signature:

