



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 02, 2020

TIME: 4:29 PM

WSR 20-20-083

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 357-28-190 When must an employee receive shift premium

WAC 357-31-130 When may an employee use accrued sick leave?

WAC 357-31-215 When may vacation leave be accumulated above the maximum two hundred forty hours?

WAC 357-46-064 Are there any limits to temporary layoff?

WAC 357-46-066 What is the notice requirement to temporarily layoff an employee?

Hearing location(s):

Date: Time: Location: (be specific) Comment:

Date:	Time:	Location: (be specific)	Comment:
November 12, 2020	8:30 a.m.	Office of Financial Management Audio conference only Dial-in (888) 285-8919 Enter pin: 8101730 Code (if asked): 415	

Date of intended adoption: November 19, 2020 (Note: This is NOT the effective date)

Submit written comments to:

Name: Brandy Chinn

Address: Office of Financial Management, PO Box 47500, Olympia, WA 98501

Email: Brandy.Chinn@ofm.wa.gov

Fax: 360-586-4694

Other:

By (date) November 5, 2020

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) November 5, 2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules: To state that if an employee voluntarily requests to work a shift in which the majority of the hours worked are between 6:00 p.m. and 6:00 a.m. and/or when an employee is scheduled to work a shift which is split with a minimum of four intervening hours not worked will not be eligible for shift premium; to allow an employee to request a statement of necessity to preserve leave acquired over two hundred forty hours between February 29, 2020 and the filing of the statement of necessity until the expiration of Proclamation 20-05 or any amendment thereto; to expand the reasons in which an employee may use accrued sick leave due to the novel coronavirus disease 2019 (COVID-19); to extend the timeframe in which a non-represented employee may

be furloughed in a calendar year from thirty to sixty days; and to allow an employer the ability to provide less than a seven days' notice period if urgent budget or operational issues are present for temporary layoffs.

Reasons supporting proposal: To align Title 357 WAC with Governor Jay Inslee's issued proclamation 20-05 which declares a State of Emergency in all counties in the state of Washington as a result of the outbreak of COVID-19. The Governor further declared that State agencies and departments are directed to use state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the outbreak. The worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Washington State significantly impacts the life and health of our people, as well as the economy of Washington State, and is a public disaster that affects life, health, property or the public peace.

Statutory authority for adoption: Chapter 41.06 RCW

Statute being implemented: Chapter 41.06 RCW

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:

Name of proponent: (person or organization)

Private

Public

Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Brandy Chinn	128 10 th Ave, Olympia, WA 98501	360-407-4141
Implementation:	Brandy Chinn	128 10 th Ave, Olympia, WA 98501	360-407-4141
Enforcement:	Brandy Chinn	128 10 th Ave, Olympia, WA 98501	360-407-4141

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 Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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:

- | | |
|--|--|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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 _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If 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 analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert 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: October 2, 2020

Name: Roselyn Marcus

Title: Assistant Director of Legal and Legislative Affairs
Office of Financial Management

Signature:

