



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
**(Implements RCW 34.05.360)**

**Agency:**

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (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:

Under RCW 34.05.353 Expedited rule making, an agency may adopt the rule if no objections were filed with the agency or if all filed objections have been withdrawn.

No objections were filed with the Department of Enterprise Services.

**Purpose:**

The purpose of this rule-making is to repeal WAC 200-320-006 and amend WAC 200-320-010 in order to comply with a court decision that invalidates WAC 236-51-006 (recodified as 200-320-006) and WAC 236-51-010(11) (recodified as 200-320-010(11)). See Wash Fed'n of State Empl. V. Wash Dep't of Gen. Admin., 152 Wn. App. 368, 216 p.3d 1061 (Div. 2, 2009)

In regard to the repeal of WAC 200-320-006 and amendment of WAC 200-320-010, agencies must apply the text of RCW 41.06.142(1)(b) to their specific situation to determine if they have "employees in the classified service whose positions or work would be displaced by the contract." If so, agencies must follow the competitive contracting requirements.

**Citation of existing rules affected by this order:**

Repealed: WAC 200-320-006 If state employees will not be displaced

Amended: WAC 200-320-010 Definitions

Suspended:

**Statutory authority for adoption:** RCW 41.06.142(1)(b)

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 14-06-099 on March 05, 2014 (date).

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

No changes were made 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: \_\_\_\_\_ phone ( ) \_\_\_\_\_

Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

**Date adopted:** May 20, 2014

**NAME (TYPE OR PRINT)**

Jack Zeigler

**SIGNATURE**

**TITLE**

Policy and Rules Manager

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: May 21, 2014**

**TIME: 10:23 AM**

**WSR 14-11-102**

(COMPLETE REVERSE SIDE)

**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:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

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

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>1</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>1</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>