

**WSR 23-18-011  
EMERGENCY RULES  
OFFICE OF  
FINANCIAL MANAGEMENT**

[Filed August 24, 2023, 8:39 a.m., effective August 24, 2023, 8:39 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amend WAC 357-31-255 to allow an employer to grant up to three days leave with pay to an employee who is experiencing extraordinary or severe impacts from the 2023 wildfires referenced in Governor Jay Inslee's Emergency Proclamation 22-05 [23-05], effective August 19, 2023.

Citation of Rules Affected by this Order: Amending WAC 357-31-255.

Statutory Authority for Adoption: RCW 41.06.133.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Effective August 19, 2023, Governor Jay Inslee issued emergency Proclamation 23-05, 2023 Wildfires, which directed state agencies and departments to utilize state resources to respond to the event. State employees have been directly and severely impacted by this emergency, including loss of their homes and residences. In these extreme and urgent circumstances, the temporary relief provided by this emergency rule making is necessary to sustain the health, safety, and welfare of our state workforce.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 24, 2023.

Nathan Sherrard  
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**OTS-4890.1**

AMENDATORY SECTION (Amending WSR 22-01-022, filed 12/3/21, effective 7/1/22)

**WAC 357-31-255 What types of leave may an employee use when absent from work or arriving late to work because of inclement weather**

**or because of the 2023 wildfires referenced in proclamation 23-05?**

(1) When the employer determines inclement weather conditions exist, the employer's leave policy governs the order in which accrued leave, compensatory time, and holiday credit may be used to account for the time an employee is absent from work due to the inclement weather.

(2) The employer's policy must allow the use of accrued vacation leave, accrued sick leave up to a maximum of three days in any calendar year, and the use of leave without pay in lieu of paid leave at the request of the employee.

(3) The employer's policy may allow leave with pay when an employee is absent due to inclement weather.

(4) The employer may allow leave with pay due to employees experiencing extraordinary or severe impacts from the 2023 wildfires referenced in proclamation 23-05, issued August 19, 2023, by the governor and declaring an emergency in the state of Washington. The employee may receive up to three days of leave with pay under this subsection. The employer may require verification of the reason for leave with pay use. This subsection is effective until the expiration of proclamation 23-05 or any amendment thereto, whichever is later.

[Statutory Authority: Chapter 41.06 RCW. WSR 22-01-022, § 357-31-255, filed 12/3/21, effective 7/1/22; WSR 15-11-102, § 357-31-255, filed 5/20/15, effective 6/22/15; WSR 11-19-091, § 357-31-255, filed 9/20/11, effective 10/24/11; WSR 07-11-093, § 357-31-255, filed 5/16/07, effective 7/1/07; WSR 05-08-137, § 357-31-255, filed 4/6/05, effective 7/1/05.]