

WSR 25-08-076

PROPOSED RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Filed April 1, 2025, 5:03 p.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: WAC 357-31-326

When may an employer grant leave with pay?

Hearing Location(s): On May 8, 2025, at 8:30 a.m., via Zoom (with call-in option) at <https://ofm-wa-gov.zoom.us/j/81811350765?pwd=UjHOAYLqQ0dmF2sp7x5aG0KCG0ggY3.1>, Meeting ID 818 1135 0765, Call in 253-215-8782, Passcode 903984.

Date of Intended Adoption: May 15, 2025.

Submit Written Comments to: Brandy Chinn, Office of Financial Management (OFM), 1500 Jefferson Street S.E., P.O. Box 47500, Olympia, WA 98504, email brandy.chinn@ofm.wa.gov, by 11:59 p.m., May 1, 2025.

Assistance for Persons with Disabilities: Contact OFM, TTY 711 or 1-800-833-6384, by 11:59 p.m., May 1, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendment to WAC 357-31-326 adds subsection (6) to allow an employer to grant up to 24 hours of leave with pay for each occurrence to employees who are experiencing extraordinary or severe impacts of a wildfire disaster in the event the governor declares a state of emergency.

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 this leave to nonrepresented employees 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.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: OFM, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Brandy Chinn, 1500 Jefferson Street S.E., Olympia, WA 98504, 360-878-2901.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. 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.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Scope of exemption for rule proposal:

Is fully exempt.

April 1, 2025
Nathan Sherrard
Legal Affairs Counsel

RDS-6219.1

AMENDATORY SECTION (Amending WSR 22-12-076, filed 5/27/22, effective 7/1/22)

WAC 357-31-326 When may an employer grant leave with pay? (1) A general government employer **may** grant leave with pay for an employee to perform civil duties as a volunteer including, but not limited to, firefighting, search and rescue efforts, or donating blood. Leave granted to participate in blood and plasma donations must not exceed five days in a two-year period.

(2) A higher education employer may grant leave with pay for an employee to perform civil duties as a volunteer including, but not limited to, firefighting, search and rescue efforts, participating in life-giving procedures, or donating blood. Leave granted to participate in life-giving procedures must not exceed five days in a two-year period.

(3) In the department of natural resources, leave with pay equivalent to one regular workshift **may** be allowed for the purpose of rest and recuperation after 10 consecutive calendar days performing emergency work under an incident command system, defined in RCW 38.52.010. The employer may grant one additional day of leave with pay for rest and recuperation after 21 consecutive calendar days performing emergency work under an incident command system.

(4) A general government employer may grant a reasonable amount of leave with pay for an employee to receive each dose or booster of COVID-19 vaccine if the vaccine is offered at the workplace. An employer may authorize leave in excess of one day for receipt of the vaccine in extraordinary circumstances, such as to accommodate travel where the vaccine is unavailable locally. The employer may require that the request for leave be supported by documentation, which may include proof of the vaccination. This subsection no longer applies if state or federal law otherwise provides paid leave specifically for employees to receive the COVID-19 vaccine.

(5) A higher education employer may grant a reasonable amount of leave with pay for an employee to receive each dose or booster of COVID-19 vaccine if the vaccine is not offered at the workplace. An employer may authorize leave in excess of one day for receipt of the vaccine in extraordinary circumstances, such as to accommodate travel where the vaccine is unavailable locally. The employer may require that the request for leave be supported by documentation, which may include proof of the vaccination. This subsection no longer applies if state or federal law otherwise provides paid leave specifically for employees to receive the COVID-19 vaccine.

(6) An employer may grant up to 24 hours of leave with pay per occurrence to employees who are experiencing extraordinary or severe impacts of a wildfire disaster in the event the governor declares a state of emergency in any area of the state of Washington where the employee resides. Examples of extraordinary or severe impacts are displacement from their home temporarily or permanently through evacuation, or significant damage or loss.

The employer may require verification of the extraordinary or severe impacts regarding the use of leave with pay. In order to ensure continued essential services to the public, the employer may consider emergency operations requirements and/or program and staffing replacement requirements in the approval and scheduling of leave under this

subsection. Leave under this subsection must be used within three months from the date the state of emergency was declared.