

**WSR 25-08-080**  
**PROPOSED RULES**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**  
[Filed April 1, 2025, 5:05 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 357-28-265

For the purpose of computing eligibility for overtime compensation, are holidays and leave with pay considered time worked?, 357-31-325 When must an employer grant leave with pay for other miscellaneous reasons?, and 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](mailto: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 357-28-265 is to state that leave with pay (LWP) during the employee's regular work schedule is not considered time worked except for when leave is taken to travel and receive the Centers for Disease Control and Prevention (CDC) recommended vaccine(s) and remove the requirement to provide LWP for an employee to travel and receive each dose or booster of COVID-19. The proposed amendment to WAC 357-31-325 is to remove the requirement for an employer to provide LWP for a general government employee to take a reasonable amount of LWP to travel and receive each dose or booster of COVID-19 vaccine, and instead require an employer to provide LWP for an employee to take a reasonable amount of LWP for the employee to travel and receive the CDC recommended vaccine(s) during a declared state of emergency due to a pandemic if the vaccine is not offered in the workplace. The proposed amendment to WAC 357-31-326 is to repeal subsections (4) and (5) to remove the ability for an employer to grant LWP to an employee to receive each dose or booster of COVID-19 vaccine if the vaccine is or is not offered in the workplace.

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 the pandemic vaccination leave to nonrepresented employees provided this leave is funded in the 2025 enacted budget. A policy decision was also made to repeal the COVID-19 vaccination leave to mirror the leave provisions for represented employees.

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-6225.2

AMENDATORY SECTION (Amending WSR 23-24-021, filed 11/28/23, effective 1/1/24)

**WAC 357-28-265 For the purpose of computing eligibility for overtime compensation, are holidays and leave with pay considered time worked?** For purposes of computing eligibility for overtime compensation, paid holidays during the employee's regular work schedule **are** considered time worked. Leave with pay during the employee's regular work schedule is **not** considered time worked except for ((~~1~~))

when leave is taken to travel and receive ((each dose or booster of COVID-19)) the Centers for Disease Control and Prevention recommended vaccine(s) in accordance with WAC 357-31-325 ((~~1~~ or

2) When leave is taken to receive each dose or booster of COVID-19 vaccine in accordance with WAC 357-31-326)) .

## RDS-6226.2

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

**WAC 357-31-325 When must an employer grant leave with pay for other miscellaneous reasons?** Leave with pay **must** be granted to an employee in accordance with WAC 357-31-320 and for the following reasons:

(1) To allow an employee to receive assessment from the employee assistance program.

(2) When an employee is scheduled to take an examination or participate in an interview for a position with a state employer during scheduled work hours.

(a) Employers may limit the number of occurrences or the total amount of paid leave that will be granted to an employee to participate in an interview or take an examination during scheduled work hours.

(b) Employers may deny an employee's request to participate in an interview or take an examination during scheduled work hours based upon operational necessity.

(3) When an employee is required to appear during working hours for a physical examination to determine physical fitness for military service.

(4) To allow a general government employee to take paid leave, not to exceed 30 days in a two-year period to participate in life-giving procedures, such as medical procedures, including testing, sampling, or donation of organs, tissues, and other body components for the purpose of donation, without compensation. For this subsection blood or plasma donations are not considered life-giving procedures.

(a) General government employers may take operational necessity into account and require the employee to provide reasonable advance notice.

(b) Employees must provide written proof from an accredited medical institution, physician, or other medical professional that the employee will or has participated in a life-giving procedure.

(5) To allow ~~((a general government))~~ an employee to take a reasonable amount of leave with pay ~~((for the employee))~~ to travel and receive ~~((each dose or booster of COVID-19 vaccine))~~ the Centers for Disease Control and Prevention (CDC) recommended vaccine(s) during a declared state of emergency due to a pandemic if the vaccine is not offered at the workplace. An employer may authorize leave in excess of one day in extraordinary circumstances, such as to accommodate travel where the ~~((vaccine is))~~ CDC recommended vaccines are 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.))~~

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.))~~