

WSR 25-08-081
PROPOSED RULES
OFFICE OF
FINANCIAL MANAGEMENT
[Filed April 1, 2025, 5:06 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 357-01-072 Child, 357-01-172 Family members, 357-31-248 May an employee use vacation leave, sick leave, personal holiday, compensatory time, holiday credit, recognition leave, bereavement leave, or holiday pay as a supplemental benefit during a period when the employee is receiving partial wage replacement for paid family and/or medical leave under Title 50A RCW?, and 357-31-250 Are employees entitled to paid bereavement leave?

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 357-31-250 is to expand the number of days employees are entitled to receive paid bereavement leave from three to five days and to expand the reasons in which an employee is entitled to receive paid bereavement leave to include loss of pregnancy. The proposed amendment to WAC 357-01-072 and 357-01-172(3) is to expand the definitions of child and family member for paid bereavement leave reasons provided in WAC 357-31-250. The proposed amendment to WAC 357-31-248 is to add loss of pregnancy if the employee uses bereavement leave as a supplemental benefit if the employee is receiving a partial wage replacement for paid family and/or medical leave.

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-6217.1

AMENDATORY SECTION (Amending WSR 24-24-061, filed 11/27/24, effective 1/1/25)

WAC 357-01-072 Child. A biological, adopted, foster child, stepchild, legal ward, or a child of a person standing *in loco parentis*, a child of a legal guardian, or a child of a de facto parent, regardless of age or dependency status. For the purpose of using accrued sick leave under WAC 357-31-130 and paid bereavement leave under WAC 357-31-250, child also includes a child's spouse or child's registered domestic partner.

AMENDATORY SECTION (Amending WSR 24-24-061, filed 11/27/24, effective 1/1/25)

WAC 357-01-172 Family members. (1) Individuals considered to be members of the family are parent, sibling, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, minor/dependent child, and child.

(2) For the purpose of domestic violence, sexual assault, or stalking provisions within Title 357 WAC, in addition to subsection (1) of this section, family member also includes a domestic partner as defined in RCW 26.60.020 or a person with whom the employee has a dating relationship as defined in RCW 49.76.020.

(3) For the purpose of using accrued sick leave under WAC 357-31-130 and paid bereavement leave under WAC 357-31-250, in addition to subsection (1) of this section family member also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. Family member does not include an individual who simply resides in the same home with no expectation that the employee cares for the individual.

RDS-6218.1

AMENDATORY SECTION (Amending WSR 22-24-026, filed 11/30/22, effective 1/1/23)

WAC 357-31-248 May an employee use vacation leave, sick leave, personal holiday, compensatory time, holiday credit, recognition leave, bereavement leave, or holiday pay as a supplemental benefit during a period when the employee is receiving partial wage replacement for paid family and/or medical leave under Title 50A RCW? An employee may use vacation leave, sick leave, personal holiday, compensatory time, holiday credit, recognition leave, bereavement leave, or holiday pay during a period when the employee is receiving partial wage replacement under Title 50A RCW as a supplemental benefit. The use of bereavement leave as a supplemental benefit is limited to the death of an employee's family member (~~(or)~~), household member, or loss of pregnancy in accordance with WAC 357-31-250.

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

WAC 357-31-250 Are employees entitled to paid bereavement leave?

(1) If an employee's family member or household member dies, or for loss of pregnancy, the employee is entitled to (~~three~~) five days of paid bereavement leave. An employee may request less than (~~three~~) five days of paid bereavement leave.

(2) In accordance with the employer's leave policy, the employer may require verification of the (~~family member's or household member's death~~) paid bereavement leave reasons provided in subsection (1) of this section.

(3) In addition to paid bereavement leave, the employer may approve an employee's request to use paid leave (accrued compensatory time, accrued holiday credit, sick leave, vacation leave, and/or a personal holiday) or to take leave without pay for purposes of bereavement, including loss of pregnancy.

(4) For the purpose of this section, loss of pregnancy, a qualifying pregnancy is defined as the pregnancy of the employee, including as a surrogate, or employee parent-to-be, including through surrogacy or adoption, where the employee would have been the parent.