**Rule Review Items**

**October 14, 2025**

Rule Item #1 – Salary Determination Policy*\* NEW*

Staff note: WAC 357-28-030 requires employers to develop a written salary determination policy (SDP) that is subject to the director’s approval. The Rules Team, in partnership with members of the Classification and Compensation team, conducted a review of the compensation rules, chapter 357-28, and identified opportunities to clarify what must be addressed in employers’ SDP. This effort was prompted by employer feedback and a need to clarify requirements related to SDPs and based on the understanding that employers may have made updates to their policies over the years without requesting director’s approval. We are proposing to amend WAC 357-28-035 to include all of the compensation WACs that allow for employer discretion. The additional amendments are housekeeping in nature to promote clarity and consistency, to incorporate gender neutral pronouns and remove outdated language.

Lead: Inna Livingston

AMENDATORY SECTION

**WAC 357-28-035** **What must be addressed in the employer's salary determination policy?**

The employer's salary determination policy must minimally address the following, if applicable:

(1) Setting base salary for new employees;

(2) Adjusting timing and/or amount of regularly scheduled increment increases in accordance with WAC 357-28-070;

(3) Adjusting base salary to address issues related to recruitment, retention, or other business-related reasons in accordance with WAC 357-28-090;

(4) Increasing base salary in accordance with WAC 357-28-110 when an employee ((~~promotes~~)) is promoted to a position in a new class;

((~~(3)~~)) (5) Increasing base salary in accordance with WAC 357-28-110 when an employee ((~~promotes~~)) is promoted to a permanent position while in a nonpermanent appointment;

((~~(4)~~)) (6) Setting base salary in accordance with WAC 357-28-140 when an employee transfers to a new position;

((~~(5)~~)) (7) Setting base salary in accordance with WAC 357-28-135 when an employee is appointed from an internal or statewide layoff list to a position with a lower range maximum than the position from which the employee was laid off;

((~~(6)~~)) (8) Setting base salary ((~~when~~)) higher than step M in accordance with WAC 357-28-120 for an employee occupying a position that is reallocated to a ((~~position with a~~)) class with the same or lower salary range ((~~and the employee's previous base salary is above step M of the new salary range as permitted in WAC 357-28-120. Under no circumstance should an employee's salary exceed their previous base salary~~));

((~~(7)~~)) (9) Setting base salary in accordance with WAC 357-28-155 when an employee ((~~demotes for reasons other~~)) is demoted for any other reason than accepting a demotion in lieu of layoff or ((~~accepting a demotion when a position is reallocated~~)) the demotion is a result of reasonable accommodation;

((~~(8)~~)) (10) Setting base salary in accordance with WAC 357-28-150 when an employee is reverted following a voluntary demotion;

((~~(9)~~)) (11) Authorizing ((~~premiums for~~)) additional pay to support recruitment and/or retention ((~~as provided~~)) for a specific position in accordance with WAC 357-28-095 ((~~and 357-28-100~~));

((~~(10)~~)) (12) Setting base salary and progression based on recruitment and retention rather than years of experience for the nurse special pay salary schedules, if allowed by the employer;

((~~(11)~~)) (13) Compensation for employees being called back to work in accordance with WAC 357-28-185;

(14) When an employee must receive shift premium in accordance with WAC 357-28-190;

(15) When an employee must receive holiday premium in accordance with WAC 357-28-200;

(16) When an employee must receive standby pay in accordance with WAC 357-28-205;

(17) Setting base salary in accordance with WAC 357-19-340 when an employee returns to a permanent position from a project position;

((~~(12)~~)) (18) Setting base salary in accordance with WAC 357-19-353 when ((~~an~~)) a WGS employee returns to a permanent position from an acting WMS appointment; and

((~~(13)~~)) (19) Setting base salary in accordance with WAC 357-19-395 when an employee returns to a permanent position from a nonpermanent appointment.

AMENDATORY SECTION

**WAC 357-28-070** ((**~~Can~~**)) **May an employer adjust the timing and/or amount of increment increases?**

Employers may adjust the timing and/or amount of regularly scheduled increment increases stated in WAC 357-28-060 by resetting the periodic increment date based on the nature of the work or training requirements in accordance with the employer's salary determination policy. This may apply to all employees, employees in specific positions, all employees allocated to a class, or all employees in an organizational unit. This may happen as long as employees receive minimally an increase of two steps annually until their salary reaches step L of the salary range.

AMENDATORY SECTION

**WAC 357-28-084** **May an employee be appointed to step M upon demotion (voluntary or involuntary)?**

An employee cannot be appointed to step M upon demotion (voluntary or involuntary) unless:

(1) The employee was at step M of the salary range ((~~from which~~)) the employee is ((~~demoting~~)) demoted from;

(2) The employee was previously at step M in the salary range of the class the employee is ((~~demoting~~)) demoted to;

(3) The demotion is a result of a reasonable accommodation;

(4) The employee was appointed to a position due to layoff action in accordance with WAC 357-28-135; or

(5) It is for recruitment and retention or other business-related reasons in accordance with WAC 357-28-090.

AMENDATORY SECTION

**WAC 357-28-090** ((**~~Can~~**)) **May an employer adjust an employee's base salary within the employee's current salary range for recruitment, retention, or other business-related reasons?**

((~~The~~)) An employer may adjust an employee's base salary up to step M within the salary range to address issues ((~~that are~~)) related to recruitment, retention, or other business-related reason, such as equity, alignment, or competitive market conditions in accordance with the employer's salary determination policy.

AMENDATORY SECTION

**WAC 357-28-095** ((**~~Can~~**)) **May an employer authorize additional pay to support recruitment and/or retention of a position?** (1) Employers may authorize additional pay to support ((~~the~~)) recruitment and/or retention of the incumbent or candidate for a **specific position** in accordance with the employer's salary determination policy. At the employer's discretion, up to a ((~~fifteen~~)) 15 percent premium may be added to the employee's base salary or paid on a lump sum basis as described in subsection (2) of this section. An employee may not receive more than ((~~fifteen~~)) 15 percent of ((~~his/her~~)) their annual base salary over a ((~~twelve~~)) 12-month period under the provisions of this section.

(2) In advance of authorizing a lump sum recruitment or retention payment, employers must establish express conditions in writing for the payment. The conditions must include a specified period of employment or continued employment. Any lump sum payment under this section must only be made after services have been rendered in accordance with conditions established by the employer and become part of the employee's annual compensation for work performed prior to receipt of any funds.

(3) Any additional pay granted under this section is a premium that is not part of base salary. The premium is to be used only as long as the circumstances it is based on are in effect.

AMENDATORY SECTION

**WAC 357-28-110** **Must an employee who is promoted receive a salary increase?**

An employee who is promoted must advance to a step of the range for the new class that is nearest to five percent above their prepromotional salary, not to exceed step M of the salary range. If the employee's prepromotional salary is set above the maximum of the salary range in accordance with WAC 357-28-040, the promotional increase will be based off of the maximum of the salary range of the class the employee is promoting from. In accordance with the employer's salary determination policy, the employer may grant a higher salary increase if:

(1) Significant increases in duties and responsibilities, as documented by the employer, warrant greater compensation;(2) The increase is necessary for internal salary alignment, retention of the employee, or other documented business needs in accordance with WAC 357-28-090; or

(3) The increase is necessary to bring the employee to the minimum of the salary range for the position.

AMENDATORY SECTION

**WAC 357-28-120** **What is the base salary of an employee occupying a position that is reallocated to a class with the same or lower salary range?**

An employee occupying a position that is reallocated to a class with the same or lower salary range must be placed within the new salary range at an amount equal to their previous base salary. If the previous base salary exceeds the new salary range, the employee's base salary must be set equal to step M of the salary range for the reallocated position. The employee's base salary may be set higher than step M if allowed by the employer's salary determination policy, but not exceeding the previous base salary, until such time as the employee vacates the position or their salary falls within the new salary range. Under no circumstances should an employee's salary exceed their previous base salary.

AMENDATORY SECTION

**WAC 357-28-185** **What is the requirement for employers to compensate employees for being called back to work?**

(1) If an overtime-eligible employee has finished the work shift and has left the worksite or is in paid leave status and is called to return to work outside of regularly scheduled hours to handle emergency situations which could not be anticipated, a minimum of two hours' pay must be guaranteed. The minimum of two hours of pay and any hours worked in excess of two hours must be compensated in accordance with WAC 357-28-255 if applicable.

(2) An employee on standby status called to return to work does not qualify for ((~~call back~~)) callback pay.

(3) The appointing authority may cancel a ((~~call back~~)) callback notification to work extra hours at any time, but cancellation must not waive the guarantee of two hours of ((~~call back~~)) callback pay.

(4) Overtime-exempt employees and employees assigned to the law enforcement overtime eligibility designation are not paid for being called back to work unless the employer authorizes payment.

(5) Compensation under the provisions of this section must be in accordance with the employer's salary determination policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and(b) Employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

AMENDATORY SECTION

**WAC 357-28-190** **When must an employee receive shift premium?**

(1) Shift premium at the rate specified in the compensation plan must be paid when:

(a) An employee is regularly scheduled to work a shift in which the majority of hours worked daily or weekly are between 6:00 p.m. and 6:00 a.m.;

(b) An employee is scheduled to work a shift which is split with a minimum of four intervening hours not worked; or

(c) An employee is regularly scheduled to work a day shift but is assigned to work a night or evening shift in which the majority of hours worked are between 6:00 p.m. and 6:00 a.m.

(2) Shift premium must be paid for the entire daily or weekly shift that qualifies under subsection (1) of this section. Additionally, these employees are entitled to shift premium for all hours that the employees work adjoining that evening or night shift.

(3) Shift premium may be paid at a monthly rate as specified in the compensation plan for full-time employees regularly assigned to a qualifying shift.

(4) An employee assigned to a shift that qualifies for shift premium ((~~pay~~)) must receive the same shift premium for authorized periods of paid leave and holidays and for up to five days of a temporary assignment to a shift that does not qualify. Continued payment of shift premium for a temporary assignment exceeding five days is at the discretion of the employer and must be addressed in the employer's salary determination policy.

(5) Compensation under the provisions of this section must be in accordance with the employer's salary determination policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

(b) Employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

(6) Exceptions to shift premium provisions may be approved by the director.

(7) For higher education employers, shift premium must not apply to police and fire officers where special pay salaries are correlated with a rotating shift in accordance with local practice.

(8) Employees may waive shift premium.

(9) Employees who voluntarily request to work a shift as described in subsection (1)(a), (b), and (c) of this section will not be eligible for shift premium.

AMENDATORY SECTION

**WAC 357-28-200** **When must an employee receive holiday premium pay?**

(1) Overtime-eligible employees who are directed to work on a designated holiday as listed in chapter 357-31 WAC must receive their regular rate of pay for the holiday. In addition, employees must receive premium ((~~pay~~)) at the overtime rate for all hours worked on the holiday. The employer may offer compensatory time off in lieu of monetary payment.

(2) Overtime-exempt employees do not qualify for holiday premium pay unless the employer determines otherwise.

(3) Compensation under the provisions of this section must be in accordance with the employer's salary determination policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

(b) Employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

AMENDATORY SECTION

**WAC 357-28-205** **When must an employee receive standby pay?**

(1) Overtime-eligible employees required to restrict off-duty activities to be immediately available for duty must be compensated for time spent in standby status. Overtime-exempt employees are not eligible for standby pay unless the employer determines otherwise.

(2) Compensation under the provisions of this section must be in accordance with the employer's salary determination policy, as approved by the director, for the following individuals:

(a) Employees dispatched to emergency response duty under an incident command system as defined in RCW 38.52.010; and

(b) Employees of the department of corrections who are in charge of offenders assigned to assist in forest fire suppression and other emergency incidents.

AMENDATORY SECTION

**WAC 357-19-395** **What return rights must an employer provide to an employee who accepts a nonpermanent appointment?**

(1) For nonpermanent appointments made for reasons specified in WAC 357-19-360(1) at a minimum, the employer must provide the permanent employee who is leaving their position with the employer to accept a nonpermanent appointment access to the employer's internal layoff list at the conclusion of the nonpermanent appointment. If the employer agrees to return the employee to a position, the employee must notify the employer of their intent to return to a permanent position at least 14 calendar days in advance of return unless the employee and employer agree otherwise. Failure of the employee to provide proper written notice to the employer may result in forfeiture of any return rights. Upon return to a permanent position, the employee's salary must be determined by the employer's salary determination policy.

(2) For nonpermanent appointments made for reasons specified in WAC 357-19-360(2), ((~~the~~)) a general government employee must be returned to the same position held prior to the redeployment at the conclusion of the redeployment. Upon return to their previous position, the employee's base salary must be set at the step the employee would be at if they had not left the position.

FOR REFERENCE ONLY

**WAC 357-28-035 What must be addressed in the employer's salary determination policy?**

The employer's salary determination policy must minimally address the following:

(1) Setting base salary for new employees;

(2) Increasing base salary in accordance with WAC [**357-28-110**](http://app.leg.wa.gov/WAC/default.aspx?cite=357-28-110) when an employee promotes to a position in a new class;

(3) Increasing base salary in accordance with WAC [**357-28-110**](http://app.leg.wa.gov/WAC/default.aspx?cite=357-28-110) when an employee promotes to a permanent position while in a nonpermanent appointment;

(4) Setting base salary in accordance with WAC [**357-28-140**](http://app.leg.wa.gov/WAC/default.aspx?cite=357-28-140) when an employee transfers to a new position;

(5) Setting base salary when an employee is appointed from an internal or statewide layoff list;

(6) Setting base salary when an employee is reallocated to a position with a lower salary range and the employee's previous base salary is above step M of the new salary range as permitted in WAC [**357-28-120**](http://app.leg.wa.gov/WAC/default.aspx?cite=357-28-120). Under no circumstance should an employee's salary exceed their previous base salary;

(7) Setting base salary when an employee demotes for reasons other than accepting a demotion in lieu of layoff or accepting a demotion when a position is reallocated;

(8) Setting base salary when an employee is reverted following a voluntary demotion;

(9) Authorizing premiums for recruitment and retention as provided in WAC [**357-28-095**](http://app.leg.wa.gov/WAC/default.aspx?cite=357-28-095) and [**357-28-100**](http://app.leg.wa.gov/WAC/default.aspx?cite=357-28-100);

(10) Setting base salary and progression based on recruitment and retention rather than years of experience for the nurse special pay salary schedules, if allowed by the employer;

(11) Setting base salary in accordance with WAC [**357-19-340**](http://app.leg.wa.gov/WAC/default.aspx?cite=357-19-340) when an employee returns to a permanent position from a project position;

(12) Setting base salary in accordance with WAC [**357-19-353**](http://app.leg.wa.gov/WAC/default.aspx?cite=357-19-353) when an employee returns to a permanent position from an acting WMS appointment; and

(13) Setting base salary in accordance with WAC [**357-19-395**](http://app.leg.wa.gov/WAC/default.aspx?cite=357-19-395) when an employee returns to a permanent position from a nonpermanent appointment.

**Item #2 – Wage and Salary Disclosure**

**Staff note:** Substitute Senate Bill 5408 ([SSB 5408](https://app.leg.wa.gov/BillSummary/?BillNumber=5408&Year=2025&Initiative=false)), Chapter 383, Laws of 2025, passed during the 2025 legislative session and took effect on July 27, 2025. This bill amends [RCW 49.58.110](https://app.leg.wa.gov/RCW/default.aspx?cite=49.58.110), Disclosure of wage or salary range by employer—When required—Violations—Remedies, to require employers to disclose a fixed wage amount rather than a scale or range if the employer is offering only a fixed wage amount. We are proposing to amend WAC 357-16-017 to align with the bill by adding that an employer must disclose the salary range or management band, except where the employer is offering only a fixed wage amount, then the employer must disclose the fixed wage amount rather than a salary range or management band.

Lead: Brittany Trujillo

**AMENDATORY SECTION**

**WAC 357-16-017 When must an employer disclose the salary range, ~~or~~ management band, or fixed wage amount, and other compensation and a description of benefits for a position?**

In accordance with RCW [**49.58.110**](http://app.leg.wa.gov/RCW/default.aspx?cite=49.58.110), an employer must disclose the salary range or management band, except where the employer is offering only a fixed wage amount, the employer must disclose the fixed wage amount rather than a salary range or management band, in the following circumstances:

(1) In each job posting which includes a general description of all the benefits and other compensation; and

(2) Upon request of a current employee who is offered an appointment to another position.

(3) For the purposes of this section:

(a) "Employer" also includes those employers with fewer than 15 employees;

(b) "Salary range" includes Step M; and

(c) "Management band" is the most reasonable and genuinely expected range that an agency has identified within their salary administration policy for Washington management services.

**REFERENCE ONLY**

**WAC 357-58-190 What must be addressed in agency's WMS recruitment and selection policy and/or procedure?**

An agency's WMS recruitment and selection policy and/or procedure must:

(1) Provide for the ability to consider any or all qualified candidates for hire, promotion, or internal movement;

(2) Ensure that hiring decisions are fair, objective, and based on the evaluation of leadership and other job related competencies and characteristics required for successful job performance and performance management;

(3) Support workforce diversity and affirmative action goals;

(4) Consider the career development of the agency's employees and other state employees;

(5) Consider making appointments from a veterans placement program;

(6) Ensure that hiring decisions are not based on patronage or political affiliation;

(7) Ensure compliance with state and federal laws relating to employee selection and nondiscrimination;

(8) Encourage decentralized and regional administration of the recruitment and selection processes when it is appropriate for the agency; and

(9) Ensure compliance with requirements governing wage and salary information in accordance with RCW [49.58.100](http://app.leg.wa.gov/RCW/default.aspx?cite=49.58.100), [49.58.110](http://app.leg.wa.gov/RCW/default.aspx?cite=49.58.110), WAC [357-16-017](http://app.leg.wa.gov/WAC/default.aspx?cite=357-16-017), [357-16-215](http://app.leg.wa.gov/WAC/default.aspx?cite=357-16-215), and [357-16-220](http://app.leg.wa.gov/WAC/default.aspx?cite=357-16-220).

**Item # 3 - Sick Leave for Immigration Proceedings**

### **Staff note:**Engrossed Substitute House Bill ([ESHB) 1875, Chapter 170, Laws of 2025](https://app.leg.wa.gov/billsummary/?BillNumber=1875&Year=2025&Initiative=false), passed during the 2025 legislative session, effective July 27, 2025. This legislation amends [RCW 49.46.210,](https://app.leg.wa.gov/rcw/default.aspx?cite=49.46.210) Paid sick leave- authorized purposes-limitations, to authorize an employee to use sick leave to prepare for, or participate in, any judicial or administrative immigration proceeding involving the employee or employee's family member. It also lists the types of verification employers must accept when employee requests leave for this purpose.

A policy decision was made to also apply the changes to paid sick leave provisions in chapter 357-31 WAC to overtime-exempt employees to allow for equal treatment of all employees.

We are proposing to:

* Amend WAC 357-31-100(6) and 357-31-130 to remove the reference to medical certification and instead state certification or verification to account for non-medical reasons for the use of paid sick leave under chapter [296-128](http://app.leg.wa.gov/WAC/default.aspx?cite=296-128) WAC.
* Amend WAC 357-31-100 subsections 5 and 9 to implement housekeeping changes.
* Amend WAC 357-31-130 to add subsection 8 to require an employer to allow an employee to use their accrued sick leave to prepare for, or participate in, any judicial or administrative immigration proceeding involving the employee or employee's family member. Renumber subsections 9-14.
* Amend WAC 357-31-130 subsections 1, 6, 7, 9, and 13 to implement housekeeping changes.

Lead: Inna Livingston

**AMENDATORY SECTION**

**WAC 357-31-100 Must an employer have a policy for requesting and approving leave?**

Each employer must develop a leave policy which specifies the procedure for requesting and approving all leave, as provided in the civil service rules. The employer's policy must:

(1) Allow an employee to use vacation leave without advance approval when the employee is requesting to use vacation leave to respond to family care emergencies or for an emergency health condition as provided in WAC [357-31-200](http://app.leg.wa.gov/WAC/default.aspx?cite=357-31-200) (1)(b);

(2) Allow an employee to use a reasonable amount of accrued leave or unpaid leave when the employee is a victim or has a family member, as defined in chapter [357-01](http://app.leg.wa.gov/WAC/default.aspx?cite=357-01) WAC, who is a victim of domestic violence, sexual assault or stalking as defined in RCW [49.76.020](http://app.leg.wa.gov/RCW/default.aspx?cite=49.76.020);

(3) Allow an employee to use accrued leave as a supplemental benefit as provided in WAC [357-31-248](http://app.leg.wa.gov/WAC/default.aspx?cite=357-31-248);

(4) Address advance notice from the employee when the employee is seeking leave under subsections (2) and (3) of this section. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault or stalking, the employee or the employee's designee must give notice to the employer no later than the end of the first day that the employee takes such leave;

(5) Allow an employee to use sick leave for the purpose of parental leave to bond with a newborn, adoptive, or foster child. The policy must state the total amount of sick leave allowed to be used beyond 18 weeks in accordance with WAC [357-31-133](http://app.leg.wa.gov/WAC/default.aspx?cite=357-31-133);

(6) Address overtime eligible employees that are required to provide ~~medical certification or~~ verification or certification to their employer for the use of paid sick leave under chapter [296-128](http://app.leg.wa.gov/WAC/default.aspx?cite=296-128) WAC;

(7) Address overtime eligible employees that are required to provide reasonable notice to their employer for an absence from work for the use of paid sick leave under chapter [296-128](http://app.leg.wa.gov/WAC/default.aspx?cite=296-128) WAC;

(8) Address whether a general government employee may take additional accrued leave beyond 30 days in a two-year period to participate in life-giving procedures in accordance with RCW [41.06.570](http://app.leg.wa.gov/RCW/default.aspx?cite=41.06.570);

(9) Allow a high-risk employee seeking an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease to use their accrued leave if the employer determines no other accommodation is reasonable besides the use of leave. The employer may require that the employee's request be supported by verification or documentation;

(10) Allow a high-risk employee seeking an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease during a public health emergency to use leave without pay if the employer determines no other accommodation is reasonable besides the use of leave in accordance with RCW [49.17.062](http://app.leg.wa.gov/RCW/default.aspx?cite=49.17.062);

(11) Allow an employee to use unpaid leave when the employee is granted a temporary leave of absence for service in an elective office in accordance with WAC [357-31-374](http://app.leg.wa.gov/WAC/default.aspx?cite=357-31-374)(1);

(12) Allow an employee to use unpaid and/or accrued paid leave when the employee is granted a temporary leave of absence for legislative service in accordance with WAC [357-31-374](http://app.leg.wa.gov/WAC/default.aspx?cite=357-31-374)(2). The policy must state employees who request a leave of absence for legislative service must provide notice to the employer at least 30 days in advance for a regular legislative session or as soon as the session is proclaimed for a special session; and

(13) Address whether former employees who are reemployed after five years of separation from state service may be restored unused sick leave credits in accordance with WAC 357-31-160.

**AMENDATORY SECTION**

**WAC 357-31-130 When must an employer allow an employee to use their accrued sick leave?**

~~The~~An employer may require ~~medical~~ verification or certification of the reason for sick leave use in accordance with the employer's leave policy and in compliance with chapter [296-128](http://app.leg.wa.gov/WAC/default.aspx?cite=296-128) WAC.

Employers **must** allow the use of accrued sick leave under the following conditions:

(1) An employee's mental or physical illness, disability, injury, or health condition that has incapacitated the employee from performing required duties; to accommodate the employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care.

(2) By reason of exposure of the employee to a contagious disease when the employee's presence at work would jeopardize the health of others.

(3) When a high-risk employee seeks an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease and the employer determines no other accommodation is reasonable besides the use of leave.

(4) To allow an employee to provide care for a child who has been exposed to a contagious disease and is required to quarantine; or when a household or family member needs additional care, not covered by subsection (6) of this section, who has been exposed to a contagious disease and is required to quarantine.

(5) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such health-related reason, or after the declaration of an emergency by a local or state government or agency, or by the federal government.

(6) To allow an employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care.

(7) For family care emergencies per WAC [357-31-290](http://app.leg.wa.gov/WAC/default.aspx?cite=357-31-290), [357-31-295](http://app.leg.wa.gov/WAC/default.aspx?cite=357-31-295), [357-31-300](http://app.leg.wa.gov/WAC/default.aspx?cite=357-31-300), and [357-31-305](http://app.leg.wa.gov/WAC/default.aspx?cite=357-31-305).

(8) To allow the employee to prepare for, or participate in, any judicial or administrative immigration proceeding involving the employee or employee's family member.

~~(8)~~(9) When an employee is required to be absent from work to care for members of the employee's household, ~~or~~ relatives of the employee or relatives of the employee's spouse/registered domestic partner who experience an illness or injury, not including situations covered by subsection (6) of this section.

(a) The employer must approve up to five days of accumulated sick leave each occurrence. Employers may approve more than five days.

(b) For purposes of this subsection, "relatives" is limited to spouse, registered domestic partner, child, grandchild, grandparent, or parent.

~~(9)~~(10) When requested as a supplemental benefit while receiving a partial wage replacement for paid family and/or medical leave under Title [50A](http://app.leg.wa.gov/RCW/default.aspx?cite=50A) RCW as provided in WAC [357-31-248](http://app.leg.wa.gov/WAC/default.aspx?cite=357-31-248). Leave taken under this subsection may be subject to verification that the employee has been approved to receive benefits for paid family and/or medical leave under Title [50A](http://app.leg.wa.gov/RCW/default.aspx?cite=50A) RCW.

~~(10)~~(11) If the employee or the employee's family member, as defined in chapter [357-01](http://app.leg.wa.gov/WAC/default.aspx?cite=357-01) WAC, is a victim of domestic violence, sexual assault or stalking as defined in RCW [49.76.020](http://app.leg.wa.gov/RCW/default.aspx?cite=49.76.020). An employer may require the request for leave under this section be supported by verification in accordance with WAC [357-31-730](http://app.leg.wa.gov/WAC/default.aspx?cite=357-31-730).

~~(11)~~(12) In accordance with WAC [357-31-373](http://app.leg.wa.gov/WAC/default.aspx?cite=357-31-373), for an employee to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment.

~~(12)~~(13) When an employee requests to use sick leave for the purpose of parental leave to bond with a newborn, adoptive, or foster child for a period up to 18 weeks. Sick leave for this purpose must be taken during the first year following the child's birth or placement.

~~(13)~~(14) If the employee requests to use sick leave when granted a temporary leave of absence for legislative service in accordance with WAC 357-31-374(2).

**Item #4 – Victims of Hate Crimes**

**Staff note:** Substitute Senate Bill 5101 ([SSB 5101](https://app.leg.wa.gov/BillSummary/?BillNumber=5101&Year=2025&Initiative=false)), Chapter 375, Laws of 2025, passed during the 2025 legislative session with an effective date of January 1, 2026. This bill amends the Domestic Violence Leave Act, [chapter 49.76 RCW](https://app.leg.wa.gov/RCW/default.aspx?cite=49.76), to extend protections to employees who are victims of hate crimes, or who have a family member who is a victim. Section 3 amends RCW 49.76.030 to allow employees to take reasonable leave, with or without pay, for reasons related to hate crimes. Section 4 amends RCW 49.76.040 to detail advance notice requirements and documentation needed to support such requests. Section 6 amends RCW 49.76.115 to prohibit an employer from refusing reasonable safety accommodations requested by an individual, unless the employer can demonstrate that the accommodation would impose an undue hardship. It also provides the types of accommodations that may be considered reasonable.

We are proposing to amend:

* WAC 357-01-172 to add hate crimes to domestic violence, sexual assault and stalking provisions to the definition of family member.
* WAC 357-26-050, 357-26-055, and 357-26-060 to add hate crimes to domestic violence, sexual assault, and stalking when an employer must provide reasonable safety accommodations to an applicant or employee and remove redundant language.
* WAC 357-26-060 to add hate crimes to domestic violence, sexual assault, and stalking to the verification requirements when an applicant or employee is seeking a reasonable safety accommodation.
* WAC 357-31-027, WAC 357-31-070, WAC 357-31-130, WAC 357-31-200, WAC 357-31-230, WAC 357-321-327, and WAC 357-31-567 to allow an employee to use the applicable leave types if they or their family member are victims of a hate crime and remove redundant language.
* WAC 357-31-100 to address that the employer's leave policy must allow an employee to use a reasonable amount of accrued leave or unpaid leave when they or their family member is a victim of a hate crime and remove redundant language.
* WAC 357-31-327(2) to remove “or” which was inadvertently missed as housekeeping.
* WAC 357-31-730 to add hate crimes to domestic violence, sexual assault, and stalking to the verification requirements when an employee is seeking to use their accrued leave or unpaid leave when the employee or the employee’s family member are victims of a hate crime and remove redundant language.

Lead: Brittany Trujillo

**AMENDATORY SECTION**

**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, or hate crime 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.

**AMENDATORY SECTION**

**WAC 357-26-050** **When must an employer provide reasonable safety accommodations?**

An employer must provide reasonable safety accommodations to an applicant or employee who is a victim of domestic violence, sexual assault, stalking, or hate crime, or an employee whose family member((~~,~~)) as defined in chapter 357-01 WAC, is a victim of ((~~domestic violence, sexual assault or stalking~~)) such acts as required in chapter 49.76 RCW.

**AMENDATORY SECTION**

**WAC 357-26-055** **What actions must an employer take to provide safety accommodations?**

(1) An employer must provide an applicant, or employee who is a victim of domestic violence, sexual assault, stalking, or hate crime, or an employee whose family member((~~,~~)) as defined in chapter 357-01 WAC, is a victim of ((~~domestic violence, sexual assault or stalking~~)) such acts, a reasonable safety accommodation, which includes, but is not limited to the following:

(a) A transfer or reassignment;

(b) Modified schedule;

(c) Changed work telephone number, work email address and/or workstation;

(d) Installed lock;

(e) Implemented safety procedure; or

(f) Any other adjustment to a job structure, workplace facility, or work requirement in response to actual or threatened domestic violence, sexual assault ((~~or~~)), stalking, or hate crime.

(2) Leave taken in accordance with chapter 357-31 WAC may be considered a reasonable safety accommodation.

(3) The employer may deny a reasonable safety accommodation based on an undue hardship, which means an action requiring significant difficulty or expense.

**AMENDATORY SECTION**

**WAC 357-26-060** **When an applicant or employee who is a victim of domestic violence, sexual assault** ((**~~or~~**))**, stalking, or hate crime, or when an employee has a family member who is a victim of** ((**~~domestic violence, sexual assault or stalking~~**)) **such acts and seeks a reasonable safety accommodation, what documentation may the applicant or employee be required to submit?**

(1) When an applicant or employee who is a victim of domestic violence, sexual assault ((~~or~~)), stalking, or hate crime, or when an employee has a family member((~~,~~)) as defined in chapter 357-01 WAC, who is a victim of ((~~domestic violence, sexual assault or stalking~~)) such acts and seeks a reasonable safety accommodation, the employer may require that the request be supported by verification. An applicant or employee may satisfy the verification requirement by providing the employer with one or more of the following:

(a) A police report indicating that the applicant, employee or employee's family member was a victim of domestic violence, sexual assault ((~~or~~)), stalking, or hate crime;

(b) A court order protecting or separating the applicant, employee or the employee's family member from the perpetrator of the act of domestic violence, sexual assault ((~~or~~)), stalking, or hate crime;

(c) Evidence from the court or prosecuting attorney that the applicant, employee or the employee's family member appeared, or is scheduled to appear, in court in connection with ((~~an incident of~~)) a case involving domestic violence, sexual assault ((~~or~~)), stalking, or hate crime;

(d) An applicant or employee's written statement that the applicant, employee or the employee's family member is a victim of domestic violence, sexual assault ((~~or~~)), stalking, or hate crime and the safety accommodation requested is to protect the applicant or employee from domestic violence, sexual assault ((~~or~~)), stalking, or hate crime; or

(e) Documentation that the applicant, employee or the employee's family member is a victim of domestic violence, sexual assault ((~~or~~)), stalking, or hate crime, from any of the following persons from whom the applicant, employee or employee's family member sought assistance in addressing the domestic violence, sexual assault ((~~or~~)), stalking, or hate crime: An advocate for victims of domestic violence, sexual assault ((~~or~~)), stalking, or hate crime; an attorney; a member of the clergy; or a medical or other professional.

(2) If the victim of domestic violence, sexual assault ((~~or~~)), stalking, or hate crime is the employee's family member((~~,~~)) as defined in chapter 357-01 WAC, verification of the familial relationship between the employee and the victim may include, but is not limited to: A statement from the employee; a birth certificate; a court document; or other similar documentation.

**AMENDATORY SECTION**

**WAC 357-31-027** **When must a higher education employer allow a part-time employee to use accrued holiday credit?**

Higher education employers must allow a part-time employee as defined in WAC 357-01-2290(2) to use accrued holiday credit for the following reasons:

(1) Employees must request to use accrued holiday credit in accordance with the employer's leave policy. When considering employees' requests to use accrued holiday credit, employers must consider their business needs and the wishes of the employee.

(2) An employee must be granted the use of accrued holiday credit to care for a spouse, registered domestic partner, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition, or to care for a minor/dependent child with a health condition that requires treatment or supervision. In accordance with the employer's leave policy, approval of the employee's request to use accrued holiday credit may be subject to verification that the condition exists.

(3) An employee must be granted the use of accrued holiday credit if the employee or the employee's family member((~~,~~)) as defined in chapter 357-01 WAC, is a victim of domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime as defined in RCW 49.76.020. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730.

(4) In accordance with WAC 357-31-373, an employee must be granted the use of accrued holiday credit to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment.

(5) An employee must be granted the use of accrued holiday credit when requested as a supplemental benefit while receiving a partial wage replacement for paid family and/or medical leave under Title 50A RCW as provided in WAC 357-31-248. Leave taken under this subsection may be subject to verification that the employee has been approved to receive benefits for approved paid family and/or medical leave under Title 50A RCW.

(6) Employers may require that accumulated holiday credit be used before vacation leave is approved, except in those instances where this requirement would result in loss of accumulated vacation leave.

(7) If the employee requests to use their accrued holiday credit when granted a temporary leave of absence for legislative service in accordance with WAC 357-31-374(2).

(8) When a high-risk employee seeks an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease and the employer determines no other accommodation is reasonable besides the use of leave.

**AMENDATORY SECTION**

**WAC 357-31-070** **When is an employer required to approve an employee's request to use a personal holiday?**

(1) An employer must approve the use of a personal holiday as long as:

(a) The employee is entitled to a personal holiday in accordance with RCW 1.16.050 and WAC 357-31-055;

(b) The employee has requested the personal holiday in accordance with the employer's leave procedures; and

(c) The employee's absence does not interfere with the operational needs of the employer.

(2) At any time, an employer must allow an employee to use part or all of the personal holiday for any of the following reasons:

(a) To care for a minor/dependent child with a health condition that requires treatment or supervision;

(b) To care for a spouse, registered domestic partner, parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency health condition;

(c) If the employee or the employee's family member is a victim of domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime as defined in RCW 49.76.020. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730;

(d) In accordance with WAC 357-31-373, for an employee to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment;

(e) If the employee requests to use their personal holiday as a supplemental benefit while receiving a partial wage replacement for paid family and/or medical leave under Title 50A RCW. Leave taken under this subsection may be subject to verification that the employee has been approved to receive benefits for paid family and/or medical leave under Title 50A RCW;

(f) When a high-risk employee seeks an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease and the employer determines no other accommodation is reasonable besides the use of leave; or

(g) If the employee requests to use their personal holiday when granted a temporary leave of absence for legislative service in accordance with WAC 357-31-374(2).

**AMENDATORY SECTION**

**WAC 357-31-100** **Must an employer have a policy for requesting and approving leave?**

Each employer must develop a leave policy which specifies the procedure for requesting and approving all leave, as provided in the civil service rules. The employer's policy must:

(1) Allow an employee to use vacation leave without advance approval when the employee is requesting to use vacation leave to respond to family care emergencies or for an emergency health condition as provided in WAC 357-31-200 (1)(b);

(2) Allow an employee to use a reasonable amount of accrued leave or unpaid leave when the employee is a victim or has a family member((~~,~~)) as defined in chapter 357-01 WAC, who is a victim of domestic violence, sexual assault ((~~or~~)), stalking, or hate crime as defined in RCW 49.76.020;

(3) Allow an employee to use accrued leave as a supplemental benefit as provided in WAC 357-31-248;

(4) Address advance notice from the employee when the employee is seeking leave under subsections (2) and (3) of this section. When advance notice cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault ((~~or~~)), stalking, or hate crime, the employee or the employee's designee must give notice to the employer no later than the end of the first day that the employee takes such leave;

(5) Allow an employee to use sick leave for the purpose of parental leave to bond with a newborn, adoptive or foster child. The policy must state the total amount of sick leave allowed to be used beyond 18 weeks in accordance with WAC 357-31-133;

(6) Address overtime eligible employees that are required to provide medical certification or verification to their employer for the use of paid sick leave under chapter 296-128 WAC;

(7) Address overtime eligible employees that are required to provide reasonable notice to their employer for an absence from work for the use of paid sick leave under chapter 296-128 WAC;

(8) Address whether a general government employee may take additional accrued leave beyond 30 days in a two-year period to participate in life-giving procedures in accordance with RCW 41.06.570;

(9) Allow a high-risk employee seeking an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease to use their accrued leave if the employer determines no other accommodation is reasonable besides the use of leave. The employer may require that the employees request be supported by verification or documentation;

(10) Allow a high-risk employee seeking an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease during a public health emergency to use leave without pay if the employer determines no other accommodation is reasonable besides the use of leave in accordance with RCW 49.17.062;

(11) Allow an employee to use unpaid leave when the employee is granted a temporary leave of absence for service in an elective office in accordance with WAC 357-31-374(1);

(12) Allow an employee to use unpaid and/or accrued paid leave when the employee is granted a temporary leave of absence for legislative service in accordance with WAC 357-31-374(2). The policy must state employees who request a leave of absence for legislative service must provide notice to the employer at least 30 days in advance for a regular legislative session or as soon as the session is proclaimed for a special session; and

(13) Address whether former employees who are reemployed after five years of separation from state service may be restored unused sick leave credits in accordance with WAC 357-31-160.

**AMENDATORY SECTION**

**WAC 357-31-130** **When must an employer allow an employee to use their accrued sick leave?**

The employer may require medical verification or certification of the reason for sick leave use in accordance with the employer's leave policy and in compliance with chapter 296-128 WAC.

Employers **must** allow the use of accrued sick leave under the following conditions:

(1) An employee's mental or physical illness, disability, injury or health condition that has incapacitated the employee from performing required duties; to accommodate the employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or an employee's need for preventive medical care.

(2) By reason of exposure of the employee to a contagious disease when the employee's presence at work would jeopardize the health of others.

(3) When a high-risk employee seeks an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease and the employer determines no other accommodation is reasonable besides the use of leave.

(4) To allow an employee to provide care for a child who has been exposed to a contagious disease and is required to quarantine; or when a household or family member needs additional care, not covered by subsection (6) of this section, who has been exposed to a contagious disease and is required to quarantine.

(5) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such health-related reason or after the declaration of an emergency by a local or state government or agency, or by the federal government.

(6) To allow an employee to provide care for a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or care for a family member who needs preventive medical care.

(7) For family care emergencies per WAC 357-31-290, 357-31-295, 357-31-300 and 357-31-305.

(8) When an employee is required to be absent from work to care for members of the employee's household or relatives of the employee or relatives of the employee's spouse/registered domestic partner who experience an illness or injury, not including situations covered by subsection (6) of this section.

(a) The employer must approve up to five days of accumulated sick leave each occurrence. Employers may approve more than five days.

(b) For purposes of this subsection, "relatives" is limited to spouse, registered domestic partner, child, grandchild, grandparent or parent.

(9) When requested as a supplemental benefit while receiving a partial wage replacement for paid family and/or medical leave under Title 50A RCW as provided in WAC 357-31-248. Leave taken under this subsection may be subject to verification that the employee has been approved to receive benefits for paid family and/or medical leave under Title 50A RCW.

(10) If the employee or the employee's family member((~~,~~)) as defined in chapter 357-01 WAC, is a victim of domestic violence, sexual assault ((~~or~~)), stalking, or hate crime as defined in RCW 49.76.020. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730.

(11) In accordance with WAC 357-31-373, for an employee to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment.

(12) When an employee requests to use sick leave for the purpose of parental leave to bond with a newborn, adoptive or foster child for a period up to 18 weeks. Sick leave for this purpose must be taken during the first year following the child's birth or placement.

(13) If the employee requests to use sick leave when granted a temporary leave of absence for legislative service in accordance with WAC 357-31-374(2).

**AMENDATORY SECTION**

**WAC 357-31-200** **When must an employer grant the use of vacation leave?**

(1) An employee's request to use vacation leave must be approved under the following conditions:

(a) As a result of the employee's serious health condition.

(b) To care for a spouse, registered domestic partner, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition.

(c) To care for a minor/dependent child with a health condition that requires treatment or supervision.

(d) For parental leave as provided in WAC 357-31-460.

(e) If the employee or the employee's family member((~~,~~)) as defined in chapter 357-01 WAC, is a victim of domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime as defined in RCW 49.76.020. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730.

(f) In accordance with WAC 357-31-373, for an employee to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment.

(g) When requested as a supplemental benefit while receiving a partial wage replacement for paid family and/or medical leave under Title 50A RCW as provided in WAC 357-31-248.

(h) When a high-risk employee seeks an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease and the employer determines no other accommodation is reasonable besides the use of leave.

(i) When the employee requests to use their vacation leave when granted a temporary leave of absence for legislative service in accordance with WAC 357-31-374(2).

(2) In accordance with the employer's leave policy, approval for the reasons listed in (1)(a) through (g) above may be subject to verification that the condition or circumstance exists or that paid family and/or medical leave under Title 50A RCW has been approved.

**AMENDATORY SECTION**

**WAC 357-31-230** **When must an employee be granted the use of accrued compensatory time?**

(1) Employees must request to use accrued compensatory time in accordance with the employer's leave policy. When considering employees' requests, employers must consider their business needs and the wishes of the employee.

(2) An employee must be granted the use of accrued compensatory time to care for a spouse, registered domestic partner, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency health condition, or to care for a minor/dependent child with a health condition that requires treatment or supervision. In accordance with the employer's leave policy, approval of the employee's request to use accrued compensatory time may be subject to verification that the condition exists.

(3) An employee must be granted the use of accrued compensatory time if the employee or the employee's family member((~~,~~)) as defined in chapter 357-01 WAC, is a victim of domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime as defined in RCW 49.76.020. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730.

(4) In accordance with WAC 357-31-373, an employee must be granted the use of accrued compensatory time to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment.

(5) When requested as a supplemental benefit while receiving a partial wage replacement for paid family and/or medical leave under Title 50A RCW as provided in WAC 357-31-248. Leave taken under this subsection may be subject to verification that the employee has been approved to receive benefits for approved paid family and/or medical leave under Title 50A RCW.

(6) Compensatory time off may be scheduled by the employer during the final 60 days of a biennium.

(7) Employers may require that accumulated compensatory time be used before vacation leave is approved, except in those instances where this requirement would result in loss of accumulated vacation leave.

(8) A high-risk employee seeking an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease must be granted the use of accrued compensatory time if the employer determines no other accommodation is reasonable besides the use of leave.

(9) An employee must be granted the use of compensatory time when granted a temporary leave of absence for legislative service in accordance with WAC 357-31-374(2).

**AMENDATORY SECTION**

**WAC 357-31-327** **When must an employer grant leave without pay?**

An employer must grant leave without pay under the following conditions:

(1) When an employee who is a volunteer firefighter is called to duty to respond to a fire, natural disaster, or medical emergency;

(2) If the employee or the employee's family member((~~,~~)) as defined in chapter 357-01 WAC, is a victim of domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime as defined in RCW 49.76.020. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730; ((~~or~~))

(3) In accordance with WAC 357-31-373, for an employee to be with a spouse or registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment((~~.~~));

(4) When an employee requests a day off for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization in accordance with WAC 357-31-052((~~.~~));

(5) When an employee is on approved paid family and/or medical leave under Title 50A RCW. Leave taken under this subsection may be subject to verification that the employee has been approved to receive benefits for paid family and/or medical leave under Title 50A RCW and qualifies for employment protection in accordance with RCW 50A.35.010((~~.~~));

(6) When a high-risk employee seeks an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease during a public health emergency and the employer determines no other accommodation is reasonable besides the use of leave in accordance with RCW 49.17.062((~~.~~)); or

(7) When an employee is granted a temporary leave of absence for service in an elective office or for legislative service in accordance with WAC 357-31-374.

**AMENDATORY SECTION**

**WAC 357-31-567** **When must an employer grant the use of recognition leave?**

(1) An employee's request to use recognition leave must be approved under the following conditions:

(a) An employee must be granted the use of recognition leave if the employee or the employee's family member((~~,~~)) as defined in chapter 357-01 WAC, is a victim of domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime as defined in RCW 49.76.020. An employer may require the request for leave under this section be supported by verification in accordance with WAC 357-31-730;

(b) In accordance with WAC 357-31-373, an employee must be granted the use of recognition leave to be with a spouse or registered domestic partner who is a member of the Armed Forces of the United States, National Guard, or Reserves after the military spouse or registered domestic partner has been notified of an impending call or order to active duty, before deployment, or when the military spouse or registered domestic partner is on leave from deployment;

(c) When requested as a supplemental benefit while receiving a partial wage replacement for paid family and/or medical leave under Title 50A RCW as provided in WAC 357-31-248. Leave taken under this subsection may be subject to verification that the employee has been approved to receive benefits for approved paid family and/or medical leave under Title 50A RCW;

(d) When a high-risk employee seeks an accommodation to protect themselves from the risk of exposure to an infectious or contagious disease and the employer determines no other accommodation is reasonable besides the use of leave; and

(e) When an employee requests to use recognition leave when granted a temporary leave of absence for legislative service in accordance with WAC 357-31-374(2).

(2) In accordance with the employer's leave policy, approval for the reasons listed in (1)(a) and (b) above may be subject to verification that the condition or circumstance exists.

**AMENDATORY SECTION**

**WAC 357-31-730** **When an employee or the employee's family member is a victim of domestic violence, sexual assault,** ((**~~or~~**)) **stalking, or hate crime, and the employee is seeking to use accrued leave or unpaid leave, what** ((**~~documentation~~**)) **verification may the employee be required to submit?**

(1) When an employee or the employee's family member((~~,~~)) as defined in chapter 357-01 WAC, is a victim of domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime as defined in RCW 49.76.020, and the employee is seeking to use their accrued leave or take leave without pay the employer may require that the request be supported by verification. An employee may satisfy the verification requirement by providing the employer with one or more of the following:

(a) A police report indicating that the employee or the employee's family member was a victim of domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime;

(b) A court order protecting or separating the employee or employee's family member from the perpetrator of the act of domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime;

(c) Evidence from the court or prosecuting attorney that the employee or the employee's family member appeared, or is scheduled to appear, in court in connection with ((~~an incident of~~)) a case involving domestic violence, sexual assault, or stalking;

(d) An employee's written statement that the employee or the employee's family member is a victim of domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime; or

(e) Documentation that the employee or the employee's family member is a victim of domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime, from any of the following persons from whom the employee or employee's family member sought assistance in addressing the domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime: An advocate for victims of domestic violence, sexual assault, ((~~or~~)) stalking, or hate crime; an attorney; a member of the clergy; or a medical or other professional.

(2) If the victim of domestic violence, assault, ((~~or~~)) stalking, or hate crime, is the employee's family member, as defined in chapter 357-01 WAC, verification of the familial relationship between the employee and the victim may include but is not limited to: A statement from the employee; a birth certificate; a court document; or other similar documentation.

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