**Rule Review Items**

**September 9, 2025**

**Item #1 – Wage and Salary Disclosure \*NEW**

**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 # 2 - 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 #3 – 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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