



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 04, 2022

TIME: 9:41 AM

WSR 22-20-091

**Agency:** Office of Financial Management (OFM)

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** On August 5, 2022, Governor Inslee issued Directive #22-13.1, COVID-19 Vaccination Standards for State Employees, which directs a COVID-19 vaccination requirement as a condition of employment for state executive and small cabinet agencies. Although the emergency proclamation is expiring, COVID-19 and the risk of person-to-person transmission continues to impact the life and health of all Washingtonians, as well as the economy of Washington State. COVID-19 vaccines are effective in reducing infection and serious disease, and widespread vaccination is the primary means we have as a state to protect the health and safety of our workforce. As an employer, there is an obligation to maintain a safe and healthy work environment for all state employees. The vaccination requirements set forth in these proposed rules will help establish and maintain a healthy and safe work environment to protect the welfare of all state employees.

This rulemaking will place new provisions in Title 357 WAC requiring employers to ensure that non-represented state employees who are employed by general government executive and small cabinet agencies, or an eligible candidate for such a position, are fully vaccinated; or are granted an exemption and approved for an accommodation due to a disability and/or medical condition or sincerely held religious belief that prevents them from receiving the COVID-19 vaccine; and requiring employers to separate an employee, or not hire an eligible candidate, if they cannot provide proof they are fully vaccinated and the employer cannot provide an accommodation. These requirements are optional for higher education employers, independent agencies, boards, councils, commissions, and separately elected officials.

**Citation of rules affected by this order:**

- New: 357-01-1745, 357-04-125, 357-16-197, 357-19-413
- Repealed:
- Amended: 357-46-165, 357-46-195, 357-58-190
- Suspended:

**Statutory authority for adoption:** RCW 41.06.133 and RCW 41.06.150

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 22-17-122 on August 23, 2022 (date).  
 Describe any changes other than editing from proposed to adopted version: OFM made several non-substantial, non-substantive edits for the purpose of clarification, as follows:  
 Changed reference from "Directive 22-13" to "Directive 22-13.1" in WAC 357-04-125 and WAC 357-16-197 to clarify that these rules apply to executive and small cabinet agencies as defined in Directive 22-13.1 issued August 5, 2022, by the governor.  
 Modified title and language in WAC 357-16-197 and WAC 357-19-413(2) to clarify that these rules establish requirements directed at state employers, not eligible candidates.  
 Changed reference from "vaccination" in WAC 357-58-190(10) to "COVID-19 vaccination" for clarity.  
 If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	4	Amended	3	Repealed	

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	4	Amended	3	Repealed	
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	4	Amended	3	Repealed	

**Date Adopted:** 10/4/2022

**Name:** Nathan Sherrard

**Title:** Assistant Legal Affairs Counsel  
Office of Financial Management

**Signature:**

