EXPEDITED RULE MAKING
CR-105 (December 2017)
(Implements RCW 34.05.353)

Agency: Office of Financial Management (OFM)

Title of rule and other identifying information: (describe subject)
WAC 357-31-325 When must an employer grant leave with pay for other miscellaneous reasons?
WAC 357-31-326 When may an employer grant leave with pay?

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This filing repeals WAC 357-31-325(5) to remove the requirement for a general government employer to grant leave with pay (LWP) when an employee is required by Centers of Disease Control and Prevention (CDC) guidelines to self-quarantine due to the novel coronavirus disease 2019 (COVID-19), but is otherwise healthy and has not tested for COVID-19 and the employer has determined the employee does not have the option to telework. It also repeals WAC 357-31-326(4) to remove the option for higher education employers to grant LWP when an employee is required by CDC guidelines to self-quarantine due to COVID-19, but is otherwise healthy and has not tested for COVID-19 and the employer has determined the employee does not have the option to telework.

Reasons supporting proposal: To align chapter 357-31 WAC with the progression of the COVID-19 response resulting from a change in circumstances including increased availability of testing and vaccine along with updated CDC requirements/guidelines for preventing the spread of COVID-19. Based on the updated guidelines and the availability and effectiveness of the COVID-19 vaccine, leave with pay is no longer needed for individuals to self-quarantine.

Statutory authority for adoption: Chapter 41.06 RCW

Statute being implemented: Chapter 41.06 RCW

Is rule necessary because of a:

☐ Federal Law?    ☒ No
☐ Federal Court Decision?    ☐ No
☐ State Court Decision?    ☐ No
If yes, CITATION: 

Name of proponent: (person or organization) OFM State Human Resources

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

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<tr>
<th>Name</th>
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Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

☐ Relates only to internal governmental operations that are not subject to violation by a person;
☐ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
☐ Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect;
☐ Content is explicitly and specifically dictated by statute;
☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
☐ Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
☒ The rule is no longer necessary because of changed circumstances; or
☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The rule change is based on a change of circumstances.