



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: July 06, 2022

TIME: 9:00 AM

WSR 22-14-104

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

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR** \_\_\_\_\_ ; or

**Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_ ; or

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject)

WAC 357-04-125 Must an employee provide proof of being fully vaccinated with one of the authorized COVID-19 vaccines as a condition of employment?

WAC 357-19-373 What notification must an employer give a nonpermanent appointee?

WAC 357-19-413 Must a nonpermanent employee comply with the COVID-19 vaccine requirements set forth in WAC 357-04-125?

WAC 357-46-165 When may an employer separate an employee in accordance with WAC 357-46-160?

WAC 357-46-195 Can an employer separate an employee for nondisciplinary reasons?

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

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
August 11, 2022	8:30 a.m.	Office of Financial Management Audio conference only Dial-in (888) 285-8919 Enter pin: 8101730 Code (if asked): 415	

**Date of intended adoption:** August 18, 2022 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Brandy Chinn

Address: Office of Financial Management, PO Box 47500, Olympia, WA 98501

Email: brandy.chinn@ofm.wa.gov

Fax: 360-586-4694

Other:

By (date) August 4, 2022

**Assistance for persons with disabilities:**

Contact Office of Financial Management

Phone:

Fax:

TTY: 7-1-1 or 1-800-833-6384

Email:

Other:

By (date) August 4, 2022

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** To place new provisions in Title 357 WAC requiring a state employee to become fully vaccinated, and an eligible candidate for a state position to provide proof of an up-to-date vaccination, or be granted an exemption and approved for an accommodation due to a disability or sincerely held religious belief that prevents them from receiving the COVID-19 vaccine; and requiring employers to separate an employee for failure to comply with the COVID-19 vaccination requirements.

**Reasons supporting proposal:** The worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Washington State significantly impacts the life and health of all Washingtonians, as well as the economy of Washington State, and is a public disaster that affects life, health, property or the public peace. 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.

**Statutory authority for adoption:** Chapter 41.06 RCW

**Statute being implemented:** Chapter 41.06 RCW

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization)  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Brandy Chinn	128 10 <sup>th</sup> Ave, Olympia, WA 98501	360-878-2901
Implementation:	Brandy Chinn	128 10 <sup>th</sup> Ave, Olympia, WA 98501	360-878-2901
Enforcement:	Brandy Chinn	128 10 <sup>th</sup> Ave, Olympia, WA 98501	360-878-2901

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: Rules are related to internal government operations and are not subject to violation by a nongovernmental party. See RCW 34.05.328(5)(b)(ii) for exemption.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

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

**Date:** July 6, 2022

**Name:** Roselyn Marcus

**Title:** Assistant Director of Legal and Legislative Affairs  
Office of Financial Management

**Signature:**

