



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 01, 2024
TIME: 4:01 PM

WSR 24-20-131

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 357-01-072 Child.

WAC 357-01-172 Family members.

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

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 14, 2024	8:30 a.m.	Zoom Meeting (with call in option) ID: 818 8933 6350 Call in: (253) 215-8782 Passcode: 171240	Zoom link: https://ofm-wa.gov.zoom.us/j/81889336350?pwd=TzYzY05oL3FrSW5UTnBEeEk5ODVVQT09 Passcode if needed: 171240

Date of intended adoption: November 21, 2024 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Brandy Chinn
 Address: Office of Financial Management
 1500 Jefferson Street SE
 PO Box 47500, Olympia, WA 98504
 Email: brandy.chinn@ofm.wa.gov
 Fax:
 Other:
 By (date) 11:59 p.m. November 7, 2024

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) 11:59 p.m. November 7, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed amendment to WAC 357-01-072 expands the definition of child for the purpose of using accrued sick leave under WAC 357-31-130 to include a child's spouse or child's registered domestic partner. The proposed amendment to WAC 357-01-172 expands the definition of family member for the purpose of using accrued sick leave under WAC 357-31-130 to include 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 care for the individual for the purposes of WAC 357-31-130. The proposed amendment to WAC 357-31-130(5) is to align with the changes made to RCW 49.46.210(1)(b)(iii).

Reasons supporting proposal: To align the civil service rules (Title 357 WAC) with the requirements of the new law. Engrossed Substitute Senate Bill 5793, Chapter 356, Laws of 2024, passed during the 2024 legislative session, effective January 1, 2025. Section 1 of this bill amends RCW 49.46.210(1)(b)(iii) to clarify an employee is authorized to use paid sick leave when the employee's place of business or an employee's child's school or place of care has been closed by order of a public official for any health-related reason or after the declaration of an emergency by a local or state government or agency, or federal government. Section 1 also amends RCW 49.46.210(2) to expand the definition of a family member to include any individual who regularly resides in the employee's home or where the relationship creates an expectation the employee cares for the person and that individual depends on the employee for care, except it does not include an individual who simply resides in the same home with no expectation the employee care for the individual. The definition of a child was also

expanded to include a child's spouse and registered domestic partner. A policy decision was made to expand the definition of a family member for all sick leave reasons provided in WAC 357-31-130, not just limiting to ones included in RCW 49.46.210, and also apply these changes to both overtime-eligible and overtime-exempt employees to allow for equal treatment of all employees.

Statutory authority for adoption: RCW 41.06.133

Statute being implemented: RCW 49.46.210

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

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

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Office of Financial Management

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Brandy Chinn	1500 Jefferson Street SE, Olympia, WA 98504	360-878-2901
Implementation:	Brandy Chinn	1500 Jefferson Street SE, Olympia, WA 98504	360-878-2901
Enforcement:	Brandy Chinn	1500 Jefferson Street SE, Olympia, WA 98504	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 and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:

- | | |
|--|--|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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 19.85.025\(4\)](#) (does not affect small businesses).

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

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: 10-1-24

Name: Nathan Sherrard

Title: Assistant Legal Affairs Counsel
Office of Financial Management

Signature:

