



PROPOSED RULE MAKING

CR-102 (July 2022)
(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: September 30, 2025

TIME: 10:01 AM

WSR 25-20-088

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 357-01-172 Family members.

WAC 357-26-050 When must an employer provide reasonable safety accommodations?

WAC 357-26-055 What actions must an employer take to provide safety accommodations?

WAC 357-26-060 When an applicant or employee who is a victim of domestic violence, sexual assault, stalking, or hate crime, or when an employee has a family member who is a victim of such acts and seeks a reasonable safety accommodation, what documentation may the applicant or employee be required to submit?

WAC 357-31-027 When must a higher education employer allow a part-time employee to use accrued holiday credit?

WAC 357-31-070 When is an employer required to approve an employee's request to use a personal holiday?

WAC 357-31-100 Must an employer have a policy for requesting and approving leave?

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

WAC 357-31-200 When must an employer grant the use of vacation leave?

WAC 357-31-230 When must an employee be granted the use of accrued compensatory time?

WAC 357-31-327 When must an employer grant leave without pay?

WAC 357-31-567 When must an employer grant the use of recognition leave?

WAC 357-31-730 When an employee or the employee's family member is a victim of domestic violence, sexual assault, stalking, or hate crime, and the employee is seeking to use accrued leave or unpaid leave, what verification may the employee be required to submit?

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 13, 2025	8:30 a.m.	Zoom Meeting (with call in option) ID: 818 1135 0765 Call in: (253) 215-8782 Passcode: 903984	Zoom link: https://ofm-wa.gov/zoom.us/j/81811350765?pwd=UjHOAyLqQ0dmF2sp7x5aG0KCG0ggY3.1 Passcode if needed: 903984

Date of intended adoption: November 20, 2025 (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 6, 2025

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 6, 2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed amendment to WAC 357-01-172 is to add hate crimes to domestic violence, sexual assault, and stalking provisions to the definition of family member. The proposed amendments to WAC 357-26-050, 357-26-055, and 357-26-060 are 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. The proposed amendment to WAC 357-26-060 is 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. The proposed amendments to 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 are 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. The proposed amendment to WAC 357-31-100 is 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. The proposed amendment to WAC 357-31-327(2) is to remove the word "or". The proposed amendment to WAC 357-31-730 is to add hate crimes to domestic violence, sexual assault, and stalking 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 to remove redundant language.

Reasons supporting proposal: To align the civil service rules, Title 357 WAC, with the requirements of the law. Substitute Senate Bill (SSB) 5101 (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, 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. The proposed amendment to WAC 357-31-327(2) is housekeeping in nature.

Statutory authority for adoption: RCW 41.06.133

Statute being implemented: RCW 49.76.010, 49.76.020, 49.76.030, 49.76.040, 49.76.060, and 49.76.115

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:

☒ [RCW 34.05.310](#) (4)(b)
(Internal government operations)

☐ [RCW 34.05.310](#) (4)(e)
(Dictated by statute)

☐ [RCW 34.05.310](#) (4)(c)
(Incorporation by reference)

☐ [RCW 34.05.310](#) (4)(f)
(Set or adjust fees)

☐ [RCW 34.05.310](#) (4)(d)
(Correct or clarify language)

☐ [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: 9-30-25	Signature: 
Name: Nathan Sherrard	
Title: Legal Affairs Counsel Office of Financial Management	