



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: September 30, 2025

TIME: 10:02 AM

WSR 25-20-089

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 357-31-100 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?

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 amendments to WAC 357-31-100(6) and 357-31-130 are to remove the reference to medical certification and instead allow certification or verification for the use of paid sick leave for immigration proceedings under chapter [296-128](#) WAC. The proposed amendments to WAC 357-31-100 subsections 5 and 9 are to implement technical cleanup. The proposed amendment to WAC 357-31-130 adds subsection 8 to require an employer to allow an employee to use their accrued sick leave to prepare for, or participate in, any judicial or administrative immigration proceeding involving the employee or employee's family member. Renumber subsections 9-14. The proposed amendments to WAC 357-31-130 subsections 1, 6, 7, 9, and 13 are technical cleanup.

Reasons supporting proposal: To align the civil service rules, Title 357 WAC, with the requirements of the law. Engrossed Substitute House Bill (ESHB) 1875 (Chapter 170, Laws of 2025), passed during the 2025 legislative session, effective July 27, 2025. This legislation amends [RCW 49.46.210](#) to authorize an employee to use sick leave to prepare for, or participate in, any judicial or administrative immigration proceeding involving the employee or employee's family member. It also lists the types of verification employers must accept when an employee requests leave for this purpose. A policy decision was made to also apply the changes to paid sick leave provisions in chapter 357-31 WAC to 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:
- | | |
|--|--|
| ☒ 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

Name: Nathan Sherrard

Title: Legal Affairs Counsel
Office of Financial Management

Signature:

