



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 21-08**

**21-08.1
Safe Workers**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in the state of Washington; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to persist in the state of Washington; and

WHEREAS, everyone over the age of five is currently eligible to receive a vaccination against the coronavirus causing COVID-19 symptoms, and Washington health care providers have successfully administered millions of vaccine doses, but have millions more doses to administer, and it is necessary to achieve the highest rate of vaccination of the United States population as possible; and

WHEREAS, certain workers are exempt from the state Minimum Wage Act and as a result lack employment protections afforded others under the state's paid sick leave laws ([RCW 49.46](#) and [WAC 296-128](#)); and

WHEREAS, further, workers covered by the state's paid sick leave laws may have exhausted all accrued paid time and may face continued employment disruptions as a result of COVID-19 related quarantine, and isolation or vaccination; and

WHEREAS, the U.S. President announced he is working to create a paid leave program for time spent receiving and recovering from a COVID-19 vaccination and the Centers for Disease Control and Prevention (CDC) recommends that employers develop plans to facilitate worker vaccinations; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, over the past 24 months, health experts and epidemiological modeling experts, including those at the Department of Health, the CDC, and our state universities, have gained critical knowledge regarding the spread of COVID-19, including a better understanding of the risks associated with certain activities and the measures that can be taken to reduce those risks; and

WHEREAS, some people who themselves have certain health risks or who live with people at risk for severe COVID-19 may still need to, or choose to, wear face coverings; and

WHEREAS, given the reduction in COVID-19 cases and hospitalizations, it is now appropriate to rescind the requirement that face coverings be worn in some settings; however, it is equally important to continue to ensure that workers have the right to wear a face covering in order to protect themselves, their families and their communities; and

WHEREAS, in 2021 the Legislature passed Substitute Senate Bill 5254, which protects a worker's right to wear a face covering during a public health emergency, and this protection is now codified at RCW 49.17.485; and

WHEREAS, notwithstanding the recent and hopeful decrease in cases and hospitalizations, the worldwide COVID-19 pandemic and its persistence in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues to coordinate resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues to coordinate with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under RCW 38.08, 38.52, and 43.06, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect and, pursuant to RCW 43.06.220(1)(h), I hereby amend Proclamations 20-05 and 21-08 to prohibit employers from taking employment action against workers as detailed below. This prohibition takes effect immediately and shall remain in effect until the end of the state of emergency unless otherwise terminated.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby prohibit any employer operating within Washington State from taking any adverse employment action against a worker as a result of the worker engaging in any of the following qualifying events:

- 1) Receiving the COVID-19 vaccination;
- 2) Taking a reasonable period of time off, whether unpaid, paid, or otherwise available through the employment arrangement,
 - (a) To receive the COVID-19 vaccination; or
 - (b) To recover from side effects of the vaccine.

- 3) Taking time off, whether unpaid, paid, or otherwise available through the employment arrangement, when the worker is:
 - (a) Subject to a federal, state, or local quarantine or isolation order related to COVID-19;
 - (b) Advised by a health care official or provider to self-quarantine or self-isolate due to concerns related to or a positive diagnosis of COVID-19;
 - (c) Experiencing COVID-19 symptoms and is seeking a medical diagnosis or treatment; or
- 4) Wearing a face covering while engaged in work for the employer.

“Worker” means any individual employed by an employer. “Employ” means to engage, suffer, or permit to work. “Employer” includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to a worker.

An “adverse employment action” means any action taken or threatened by an employer against an employee for engaging in any of the above qualifying events, which may include, but is not limited to:

- 1) Terminating, suspending, demoting, or denying a promotion;
- 2) Denying the worker the worker’s choice of any available paid leave provided by existing state laws, a collective bargaining agreement, or employer policy to cover the qualifying event, unless otherwise allowed by existing federal or state leave laws;
- 3) Denying unpaid leave to the worker if the worker does not have any paid leave available to cover the qualifying event, unless otherwise allowed by existing federal or state leave laws;
- 4) Denying use of, or delaying payment for, paid leave, wages, or other amounts owed to the worker;
- 5) Reducing the number of work hours for which the employee is scheduled;
- 6) Altering the employee’s preexisting work schedule;
- 7) Reducing the employee’s rate of pay; and
- 8) Threatening to take, or taking action, based upon the immigration status of an employee or an employee’s family member.

Nothing in the proclamation should be read to interfere with an employer’s existing payroll practices and attendance policies, except for any terms that result in adverse employment action under the terms of this proclamation.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department

