



— WASHINGTON GOVERNOR —

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FAQs for vaccine mandate for some state employees and certain private employers

Who does the Proclamation apply to?

All Cabinet Agency worksites and employees and Health Care employees in private sector health care and in long term care settings including but not limited to nursing homes, adult family homes, assisted living, enhanced services facilities, RTFs, and other treatment facilities. This includes most contractors, volunteers and other positions that have any onsite presence in a workplace setting. The proclamation does not cover separately elected officials, boards and commissions, K-12 and higher education institutions, but those organizations are encouraged to adopt a similar approach.

What does the Proclamation do?

The proclamation requires all state employees and most health and long-term care providers to be fully vaccinated with a recommended COVID-19 vaccine by October 18, 2021 as a condition of employment. Employers will need to verify vaccination status of all employees.

For state employees:

With so many state employees working remotely, does the requirement only apply if/when they return to the office?

No. The requirement applies to all state workers regardless of their work setting. All workers need to be prepared to come to a worksite at any time necessary to meet business needs.

Staff have been successful keeping infection rates low with safety precautions such as social distancing, hand washing, and mask wearing, why is this needed?

Frontline workers in state service and across the private sector have continued working since the initial "Stay home, Stay Healthy" order. They, rightfully, are becoming weary of the day to day stress of high and dangerous caseloads. Significant efforts have been made to address workplace safety in the face of COVID, a new workplace hazard. Even with all of those safety efforts we did not curtail all outbreaks. The threat of COVID-19 is evolving as new more easily transmitted and aggressive variants become prevalent in our state. We now have the tool of vaccine, which is the single most effective resource to combat spread, prevent illness and death. The state of Washington has a duty to our employees to provide a safe work environment free of known hazards, and to reduce risk to the public we serve. This safety measure is equally important to fight the spread of COVID generally and statewide because it will help to protect the communities in which we live and interact before and after our state work hours. Private employers operate under the same workplace safety standards as the state.

When will this be in effect?

The order is effective immediately, the deadline to become fully vaccinated will be October 18, 2021.

Is there any avenue to opt out of vaccination?

Under the proclamation, employees must show proof of vaccination by October 18, 2021. State employees may work with their agency's human resources office if they need a reasonable accommodation for medical or religious reasons. Private sector employers may choose a different process.

What is the mechanism for proving vaccination?

Labor and Industry (L&I) and Department of Health (DOH) have published requirements and guidance that all employers must adhere to. State agencies already have protocols in place per the Healthy WA – Roadmap to Recovery Guide v11 to develop vaccination verification. Many are in the early stages of implementation while others have been doing this work for the entire COVID response period. Updates to the protocol will be made as needed to meet any new requirements. For state employees, proof of vaccination is required; attestation is not allowed. Private employers may choose a different process.

How will agencies safeguard my vaccination information?

State agencies have protocol in place for safeguarding confidential information. Vaccination information will meet these requirements.

What if someone refuses to get vaccinated?

All employees must be fully vaccinated by October 18, 2021 as a qualification of fitness for continued employment. Employees who refuse will be subject to non-disciplinary dismissal from employment for failing to meet the qualifications of the job. Those employees granted a reasonable accommodation for medical or religious reasons may not be subject to non-disciplinary dismissal. There may be continued or additional safety requirements for employees who are granted accommodations.

What if an employee is vaccinated but refuses to provide verification?

State employees must provide proof of vaccination. Employees who refuse will be subject to non-disciplinary dismissal from employment for failing to meet the qualifications of the job.

Will employees have any recourse to losing employment?

Any post dismissal dispute over a dismissal action would follow any applicable collective bargaining agreement, civil service rules, and/or agency policy and procedure.

On what legal grounds can this be imposed?

In response to the emerging COVID-19 threat, the Governor declared a state of emergency on February 29, 2020, using his broad emergency authority under RCW 43.06. More specifically, under RCW 43.06.220, after a state of emergency has been declared, the Governor may suspend statutes and prohibit any activity that he believes should be prohibited to help preserve and maintain life, health, property or the public peace. Under an emergency such as this, the Governor's paramount duty is to focus on the health and safety of our communities. In addition, the Governor is also a large employer and needs to meet the obligation to provide a safe workplace for government employees. This Proclamation answers both of those obligations.

How will the state be engaging with labor on this issue?

We understand that there will be many questions about the processes that agencies, and other employers, will use to implement this direction. Employers value their relationships with labor organizations and will discuss the impacts of this directive as requested.

What stakeholders were consulted in arriving at this decision?

The state engaged with labor organizations, local governments, and private healthcare, and received communications from various associations representing segments of private healthcare settings. These engagements revealed differing viewpoints and perspectives. Many organizations expressed an interest in implementation of a “vaccination or test” approach. Many other settings have taken this approach. We considered this feedback in great depth and deemed that approach infeasible in state government and across our health systems. The state and some private entities have used a “vaccination or test” system in various congregate care settings and many recognized it to have not stopped the threat to our communities and places of work, as outbreaks have persisted. The cost and administrative process to sustain, or expand, this model long-term is significant. Ultimately, the state made the tough decision to proceed with a mandate for the healthcare workforce and the state employee workforce.

Given the spread of the Delta variant, what other steps is the state taking to protect the workforce and the community?

The state continues to assess what measures need to be in place in state agencies and community settings. The L&I and DOH are daily engaged in disease data analytics, health requirements, and workplace safety requirements to determine what is working well and what is not. The current variant is very rapidly spreading amongst unvaccinated populations that were previously a lesser target for the virus.

Younger unvaccinated people are getting sicker faster and more often. Grounded in the Healthy WA – Roadmap to Recovery Guide for state agencies, monthly updates are provided to state Cabinet agencies to meet CDC, DOH, and L&I requirements and to determine agency implementation directions. We take into consideration business, customer, and employee impacts as we develop our implementation strategies to keep people healthy and safe in our worksites. This includes planning for return to work that emphasizes a new hybrid model of service delivery.

We continue to update masking and physical distancing requirements in a way that best protects our employees and the people we serve. We have increased options for customers to get services online or remotely to decrease the need for in person contact and travel. We have also prioritized closing business gaps where in person services are needed as we pay attention to equity in our approach to customer access.

Will the state provide additional guidance regarding this directive?

The state will establish additional resources as needed to help employees and employers move into compliance with this directive.