

Vaccine Mandate Frequently Asked Questions

From the Governor's Website:

https://www.governor.wa.gov/VaccineMandateFAQ?utm_source=ActiveCampaign&utm_medium=email&utm_content=AGCW+Member+Bulletin%3A+The+latest+on+the+Governor+s+vaccine+mandate&utm_campaign=Member+Bulletin+-+Vaccine+Mandate+Aug++28%2C+2021#Contractors

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 also covers K-12 and higher education institutions, and childcare providers. The proclamation does not cover separately elected officials or boards and commissions, but those governmental bodies are encouraged to adopt a similar approach if they have not done so already.

What does the Proclamation do?

The proclamation requires all state employees, higher education, childcare, and K-12 education 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.

When will this be in effect?

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

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.

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.

What is the mechanism for proving vaccination?

The Department of Labor and Industries (L&I) and the 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. No employer may accept self-attestation to verify vaccination but have a range of options to address different business needs. Employers must be able to show the process used to verify employee vaccination status. **They are not required to keep an actual copy of the employee's vaccination records.**

Contractors

Which contractors of covered entities are included in the vaccination requirement for employees?

Contractors of covered entities are largely included in the requirement for staff to be fully vaccinated to perform work on the site of the covered entity.

Included:

- **State agencies:** all contractors working onsite at **executive cabinet agencies (listed below)** of the state of Washington if the work is required to be performed in person and on site, regardless of frequency, whether other workers are present, or any contingent nature of that requirement, including indoor or outdoor worksites.
- **Medical facilities:** work performed at a “healthcare setting” where patients receiving care are present. “Healthcare setting” is defined as any public or private setting that is primarily used for the delivery of in-person health care services to people. “Healthcare setting” includes portions of a multi-use facility, but only the areas that are primarily used for the delivery of health care, such as a pharmacy within a grocery store.
- **Educational setting:** In places where students or people receiving services are present.

Not included:

- Workers who are present at a site for only a short period of time and have a fleeting physical presence with others. Examples include contractors delivering supplies by truck to a construction site where they remain physically distanced from others on the site, refuse pickup or a driver for a contracted shipping and delivery service briefly entering a site to pick up parcels for shipping.
- Recipients of funds distributed by an executive cabinet state agency, but where work is performed at a different physical location. Examples include vendors employed by local government who receive state funding, or subrecipients of the state operating independent offices.
- Work performed at a healthcare setting removed from patient care access. Examples include an entire closed wing with no medical services provided at the time of construction.
- Work performed at a school or institution of higher education in a location removed from student instruction or services.

Executive Agencies:

- Office of the Governor
- Department of Agriculture
- Department of Children, Youth and Families
- Department of Commerce
- Department of Corrections
- Department of Ecology
- Employment Security Department
- Department of Enterprise Services
- Department of Financial Institutions
- Office of Financial Management
- Department of Health
- Health Care Authority
- Department of Labor and Industries
- Department of Licensing
- Military Department
- Puget Sound Partnership
- Department of Retirement Systems
- Department of Revenue
- Department of Social and Health Services
- Washington State Patrol
- Student Achievement Council
- Department of Transportation
- Utilities and Transportation Commission
- Department of Veterans Affairs
- Washington Technology Solutions