



STATE OF WASHINGTON  
— OFFICE OF GOVERNOR JAY INSLEE —

**PROCLAMATION BY THE GOVERNOR  
AMENDING PROCLAMATIONS 20-05**

**21-08  
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**, despite an increase in infections, hospitalizations, and deaths in the latter half of 2020, Washington State has avoided overwhelming the state's health care systems throughout this pandemic by implementing rigorous safety and prevention measures, such as physical distancing, masking, social and economic prohibitions and, since December of 2020, the administration of vaccinations to prevent infection of the coronavirus that causes COVID-19 symptoms; and

**WHEREAS**, according to the U.S. Centers for Disease Control and the Washington State Department of Health have determined that the COVID-19 vaccines that have received emergency approval by the US Federal Drug Administration are safe, effective against infection of the coronavirus that causes COVID-19 symptoms, have proven to significantly decrease the likelihood of infection; and

**WHEREAS**, everyone over the age of 12 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, 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 recommend 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**, 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 Proclamation 20-05 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; or
- (c) Experiencing COVID-19 symptoms and is seeking a medical diagnosis or treatment.

“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

