

Mask and Distancing Requirements Are Changing:

Key COVID-19 Updates for Fully Vaccinated Workers (June 14, 2021)

Updated state COVID-19 workplace safety and health guidance from the Washington Department of Labor & Industries (L&I) at www.Lni.wa.gov, will help employers adapt masking policies to meet new CDC guidelines (www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html) adopted by Governor Jay Inslee.

What's new:

- Fully vaccinated employees do not have to wear a mask or socially distance at work, unless their employer or local public health agency still requires it.
 - Before ending mask and social distance requirements, employers must confirm workers are fully vaccinated — by having the worker either sign a document attesting to their status or provide proof of vaccination.
 - Employers must be able to demonstrate they have verified vaccination status for workers who are not masked or physically distanced. L&I's guidance on vaccination verification methods are from the perspective of the worker safety and health laws. There may be other laws that apply like the Americans with Disabilities Act (ADA) that employers should consider when implementing the verification process. Verification methods may include:
 - Creating a log of workers who have verified they've been vaccinated and the date of verification,
 - Checking vaccination status each day as workers enter a jobsite,
 - Other methods demonstrating an employer has verified worker vaccination status may also meet the standard.
 - When verifying an employee's vaccine status, acceptable documentation includes a CDC vaccination card, a photo of the card, documentation from a health care provider, a signed attestation from the worker, or documentation from the state immunization information system.
- Evidence of the verification system must be available to L&I upon request.
 - Employers do not need to save actual copies of employee vaccination cards.

What's staying in place:

- Employers may still require mask use if they choose, and with some exceptions (<http://lawfilesexternal.wa.gov/biennium/2021-22/pdf/Bills/Session%20Laws/Senate/5254-S.SL.pdf>), employers must allow employees to wear a mask or other protective equipment if they choose to, regardless of vaccination status.
- If an employee is not fully vaccinated or their vaccination status is unknown, employers must continue to require masks and social distancing.
- The new guidance does not change masking rules for health care settings like hospitals, long-term care, or doctor's offices; correctional facilities, homeless shelters, schools, child care centers or day camps. And the federal order requiring masks on public transportation remains in place.
- Employers cannot fire or discriminate against an employee who is at high risk of contracting COVID-19 and is seeking accommodation that protects them from COVID-19 exposure.
- Unvaccinated individuals are still required to wear face coverings in all public spaces.

Employers are encouraged to check with their local public health agency, which may have more stringent requirements or recommendations.

For more information on enforcement policies:

- Visit www.Lni.wa.gov/DD170 and www.Lni.wa.gov/DD1180.
- Read L&I's COVID-19 Workplace Safety Requirements at www.Lni.wa.gov/go/F414-164-000 and www.Lni.wa.gov/go/F414-169-000.

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