

PROCLAMATION ABOUT HIGH-RISK WORKERS ISSUED APRIL 14, 2020

Governor Inslee recently issued a Proclamation to protect high-risk workers. High-risk individuals are defined by the Centers for Disease Control and Prevention (CDC), and specifically include those who are 65 years of age or older, and people of all ages with underlying medical conditions, particularly if the condition is not well controlled. The following provisions to protect high-risk workers will be in effect until June 12, 2020, unless this deadline is later extended.

Regarding high-risk workers:

Employers **must**:

- Allow for alternative work assignments, such as working remotely, alternative work locations, reassignment, or implementing social distancing measures.
- Allow the employees to use any employer-granted accrued leave or any unemployment insurance in any sequence the employee prefers if alternative work arrangements are not available.
- Fully maintain all employer-related health insurance benefits if the employees exhaust all paid time off.

Employers **must not**:

- Take adverse action against employees for exercising these rights that would result in the employee losing their job and being permanently replaced.
- Enforce any employment contract provisions that contradict or interfere with the prohibitions in the Proclamation.

Employers **still may**:

- Hire temporary workers so long as it does not impact the permanent employees' rights.
- Require workers to provide five days' advance notice if they plan to return to work.
- Take employment actions (such as reduction in work force) when no work reasonably exists, although employers cannot take actions that may adversely impact an employee's eligibility for unemployment benefits.

You can read the full Proclamation here: https://www.governor.wa.gov/sites/default/files/20-46%20-%20COVID-19%20High%20Risk%20Employees.pdf?utm_medium=email&utm_source=govdelivery