

Election to Require Employers of Contractors to Assume Responsibility for Vaccination Verification and Accommodation Requirements

- a. Notwithstanding anything to the contrary in this Order, a State Agency, an operator of an Educational Setting, or an operator of Health Care Setting may elect to require the employer of a contractor who is subject to this Order to assume responsibility for the vaccination verification and accommodations requirements in this Order. This election may be made with respect to any or all of an employer's contractor-employees who are subject to this Order.
- b. If such an election is made, after October 18, 2021, the employer's contractor-employees are prohibited from engaging in work for the State Agency, operator of the Educational Setting, or operator of the Health Care Setting, and the State Agency, operator of the Educational Setting, or operator of the Health Care Setting is prohibited from permitting such employee to engage in work for them, unless the following requirements are met:
  - By October 18, 2021, the employer must obtain a copy of or visually observe proof of full vaccination against COVID-19 for every current employee who is subject to the vaccination requirement in this Order;
  - The employer must obtain a copy of or visually observe proof of full vaccination against COVID-19 for every employee hired after October 18, 2021 who is subject to the vaccination requirement in this Order;
  - The employer must follow the requirements for granting disability and religious accommodations to its current and future employees that apply to State Agencies, operators of Educational Settings, and operators of Health Care Settings under this Order;
  - By October 18, 2021, the employer must submit to the State Agency, operator of the Educational Setting, or operator of the Health Care Setting a signed declaration in substantially the form prescribed in RCW 5.50.050 declaring that the employer has met the above requirements;
  - The employer must submit additional signed declarations upon the request of and by the date designated by the State Agency, operator of the Educational Setting, or operator of the Health Care Setting;
  - If an employer is also a contractor subject to this Order, the employer must include in their declaration that the employer is fully vaccinated against COVID-19 or is unable to get vaccinated because of a disability or a conflict between the vaccination requirement and their sincerely held religious beliefs, practice, or observance, as applicable; and
  - The employer must cooperate with any investigation or inquiry the State Agency, operator of the Educational Setting, or operator of the Health Care Setting makes into the employer's compliance with these requirements, including by providing information and records upon request, except any information or records that the employer is prohibited by law from disclosing.
- c. Any State Agency, operator of an Educational Setting, or operator of Health Care Setting who makes the election above retains the right to investigate or inquire into the employer's compliance with the above requirements, to obtain proof of vaccination directly from any contractor-employee, and to withdraw the election in whole or in part at any time.