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TO: Interested Stakeholders

FROM: Governor Jay Inslee

DATE: July 29, 2020

SUBJECT: Proclamation 20-46.2, “High-Risk Employees – Workers’ Rights”

Proclamations 20-46, et seq., prohibit employers, public or private, from failing to provide accommodation to high-risk workers. This memorandum serves to clarify the scope of the order and the circumstances in which an employer may require an employee to submit verification from a medical provider.

According to the Centers for Disease Control and Prevention (CDC), older adults and people with certain medical conditions are particularly susceptible to severe illness from COVID-19. With respect to age, the CDC indicates that 8 of 10 deaths attributed to COVID-19 are among those aged 65 and older. With respect to medical conditions, the CDC now divides people between those who are “at increased risk” and those who “might be at an increased risk.” The categories just described are further detailed [here](#).

Scope of the Proclamation

Effective July 27, 2020, only those employees who fall within the following categories are covered by Proclamation 20-46.2 and any future versions of the order.

- a) Employees who are 65 years or older;
- b) Employees whose conditions are listed by the CDC under the “at increased risk” category; and
- c) Employees whose conditions are listed by the CDC under the “might be at increased risk” category, but only if, based on the employee’s medical circumstances and workplace conditions, the employee is, in fact, at increased risk for suffering severe illness from COVID-19.

Medical Verification

Except as provided below, employers *must not* require verification from a medical provider when the employee either is 65 years or older, or falls within the “at increased risk” category.

Employers *may* require verification from a medical provider when the employee either falls within the “might be at an increased risk” category or seeks to use any leave where a state or federal law, collective bargaining agreement, or contractual obligation separately requires verification. Examples of leave described here include paid sick leave under Initiative 1433, employer-administered paid leave, Families First Coronavirus Response Act paid leave, and unemployment insurance compensation.

This memorandum applies to Proclamation 20-46.2 and all subsequent proclamations bearing the same primary number (20-46) and similar operative language.