

State Agency Vaccination Accommodation Guidelines

Work environment safety and reasonable accommodation options if someone is found to be exempt from vaccination requirements (effective 8/27/21) *

We recognize safety measures in worksites that included PPE, distancing, testing, and other interventions were not stopping the spread of COVID-9. Accommodation decisions must take into consideration the type of contact the employee will have with other employees, customers, the public, business partners and others; the frequency of contact; the risk and vaccination status of other people in the setting who will have contact or may have contact with the employee; and what protective measures can reasonable and consistently be put in place to create a safe work environment for the employee seeking accommodation and the people they will be around. It is typical that one accommodation alone will not meet safety needs, so consider combinations of accommodations in determining if an accommodation can be granted. *Use this matrix in conjunction with AAG consultation. It is not intended to be stand-alone direction.

Environment/Job Type	Congregate settings identified by L&I and DOH Jobs with essential duties that require unavoidable or unpredictable interaction and/or exposure to others.	Indoor worksite with public/client interaction Jobs with essential duties that require unavoidable or unpredictable interaction and/or exposure to others.	Outdoor worksite Jobs with essential duties primarily occur outdoors.	Back-office settings that are not public/client facing and have little or controlled interaction with business partners. Jobs with essential duties that require an in-office presence.
Description	<ul style="list-style-type: none"> • Health care (including long-term care, doctor’s offices, hospitals) • Public transportation (aircraft, train, road vehicles, ferries) • K-12 schools, childcare facilities, day camps in locations where children/adolescents are present • Correctional and juvenile justice facilities • Homeless shelters • Others (check most recent requirements) 	Work environments that include reception counters, customer service counters, lobbies, and field work and other work that takes employees to other indoor settings. There is regular public/client interaction.	Work environments where employees, business partners, and customers are outdoors. If essential duties regularly require indoor work, apply the job environment category that is most like the worksite setting.	Work environments within the same agency, that include only other employees. These settings include any indoor location where there is or might be interaction with business partners or any other non-employee.
Types of Accommodation Considerations.	Case rates and virus spread continues to be a consideration in these settings. These circumstances were factored in as well as the options listed for back offices. The	Case rates and virus spread continues to be a consideration in these settings. These circumstances were factored in as well as the options listed for back	<ul style="list-style-type: none"> • See the considerations under back-offices. Frequency of close contact with others is an important factor in 	Can you meet DOH and L&I health and safety requirements if you allow <u>multiple</u> options below?

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<p>Given the current situation with COVID-19 – no one option is likely to be sufficient for workplace safety. Combinations of options should be considered to see if accommodation can be granted.</p> <p>The number of vaccinated people in a setting is an important consideration as well given the protection that vaccination provides.</p>	<p>remaining options may be considered for these settings.</p> <ul style="list-style-type: none"> • If it not an essential function to be onsite or there are job duties that do not require frequent and close contact, consider the options in the “back-office” section. • Leave, if the accommodation is temporary to allow becoming fully vaccinated (e.g., employee was COVID-19 positive and had to wait to be vaccinated). 	<p>offices. The remaining options may be considered for these settings.</p> <ul style="list-style-type: none"> • If it not an essential function to be onsite or there are job duties that do not require frequent and close contact, consider the options in the “back-office” section. • Leave, if the accommodation is temporary to allow becoming fully vaccinated (e.g., employee was COVID-19 positive and had to wait to be vaccinated). 	<p>determining the accommodation for someone who is primarily working outdoors.</p>	<ul style="list-style-type: none"> • Schedule changes to allow in office time when others aren’t present, or few people are present • Physical distancing requirements • Protective barriers or other physical interventions that stop aerosol or droplet spread • PPE with proper fitting and use (may include medical surveillance requirement) • Face coverings (consider higher risk for transmission) • Ability to limit interactions between people and size of groups in all indoor settings, this includes entrances, exits, waiting rooms, staff areas, etc. • Ability to provide on-going enhanced cleaning practices and ventilation where people are working or gathering • Telework when not performing in office duties • Increased space and ventilation • Reassignment if positions are available • Leave, if the accommodation is temporary to allow becoming fully vaccinated (e.g., employee was COVID-19 positive and had to wait to be vaccinated). • Additional accommodations may be available based on specific positions. When needed, work with your AAG.
<p>Accommodation review period</p>	<p>Review impact and effectiveness at least every 60 days. Adjust as needed.</p>	<p>Review impact and effectiveness at least every 60 days. Adjust as needed.</p>	<p>Review impact and effectiveness at least every 60 days. Adjust as needed.</p>	<p>Review impact and effectiveness at least every 60 days. Adjust as needed.</p>

If an employee is required to travel, apply the category that most closely represents the conditions of travel (e.g., alone in a car; air or other travel with other people; etc.).

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Proclamation 21-14.1: https://www.governor.wa.gov/sites/default/files/proclamations/21-14.1%20-%20COVID-19%20Vax%20Washington%20Amendment.pdf?utm_medium=email&utm_source=govdelivery

Secretary of Health Face Covering Order 20-03.4: https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/Secretary_of_Health_Order_20-03_Statewide_Face_Coverings.pdf

L&I Guidelines: <https://www.lni.wa.gov/forms-publications/F414-164-000.pdf>

EEOC guidance: <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws#K.5>

<https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>

See Healthy WA – Roadmap to Recovery Guide for state agencies for more information on PPE and safety precaution guidance and resources:

https://ofm.wa.gov/sites/default/files/public/shr/COVID19/SafeStart/RoadMap_Guide.pdf