



Employment Law Note

June 2020

A New Phase: What Washington Employers Must Do to Return Employees to the Workplace



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Governor Jay Inslee's [Safe Start Washington](#) plan for reopening the Washington economy launched June 1st, and employers need to be aware of the conditions they must follow to resume business operations as their employees return to work.

Under the plan, counties that achieve certain COVID-19 health and preparedness metrics can apply for movement from one phase to the next in the reopening process, allowing for greater economic activity in each progressive phase. Businesses and citizens must follow the allowed activities and guidelines for the phase their county is in. There are four phases. As of this date, King County is in a modified Phase 1 ("Phase 1.5") while Pierce, Snohomish, Skagit and Whatcom counties have moved to Phase 2. Counties east of the mountains, as well as those rural counties to the west of Seattle, are also in Phase 2 and are moving to Phase 3.

Employer Requirements for Restarting Business Operations in All Phases

All employers must follow specific rules to resume operations regardless of phase. As of June 8th, all employees at work are to wear facial coverings when working unless they work alone in an office, are alone in a car, or are on a job site. They are expected to follow the established requirements of any job site they are on. Employers must provide the facial coverings and can refer to the Department of Labor and Industries' [Facial Coverings and Face Mask Information](#) page for assistance in determining the level of protection that is required in their situation.

In addition to the face mask requirement, employers must also adhere to the following practices:

- Keep a safe and healthy facility in accordance with state and federal law, and comply with COVID-19 worksite-specific safety practices, as outlined in Governor Inslee's Proclamation 20-25, and in accordance with the Washington State Department of Labor & Industries' [General Coronavirus Prevention under the "Stay Home, Stay Healthy"](#) order and the Washington State Department of Health's [Workplace and Employer Resources and Recommendations](#).
- Educate workers in the language they understand best about coronavirus and how to prevent transmission, and the employer's COVID-19 policies. You can find the Department of Labor and Industries' guidance on employee education [here](#).
- Maintain minimum six-foot separation between all employees (and customers) in all interactions at all times. When strict physical distancing is not feasible for a specific task, other prevention measures are required, such as use of barriers, minimizing staff or customers in narrow or enclosed areas, and staggering breaks and work shift starts.
- Provide (at no cost to employees) and require the wearing of personal protective equipment (PPE), such as gloves, goggles, face shields and face masks as appropriate or required for the work activity being performed. Cloth face coverings must be worn by every employee not working alone on the job site unless their exposure dictates a higher level of protection under L&I safety and health rules and

guidance. Refer to [Washington Coronavirus Hazard Considerations for Employers \(except COVID-19 care in hospitals and clinics\) Face Coverings, Masks, and Respirator Choices](#) for additional details. Cloth face coverings are described in the Department of Health guidance.

- Ensure frequent and adequate hand washing with adequate maintenance of supplies. Use disposable gloves where safe and applicable to prevent virus transmission on tools or other items that are shared.
- Establish a housekeeping schedule that includes frequent cleaning and sanitizing with a particular emphasis on commonly touched surfaces.
- Screen employees for signs/symptoms of COVID-19 at the start of their shift. Make sure sick employees stay home or immediately go home if they feel or appear sick. Cordon off any areas where an employee with probable or confirmed COVID-19 illness worked, touched surfaces, etc. until the area and equipment is cleaned and sanitized. Follow the cleaning guidelines set by the Centers for Disease Control to deep clean and sanitize.
- Post a sign strongly encouraging customers to wear cloth facial coverings, and prominently display it at the entrance to the business so

that it is immediately noticeable to all customers entering the store. Employers are encouraged to require customers to wear cloth facial coverings, in order to protect their employees.

- Follow requirements in Governor Inslee's [Proclamation 20-46 High-Risk Employees – Workers' Rights](#).
- Businesses are also required to implement any health and safety requirements developed specifically for their industry.

Operationally, employers must determine if they are prepared to implement these workplace controls and plan accordingly. To assist with this goal, the [Centers for Disease Control Resuming Business Toolkit](#) and the [Washington Department of Labor and Industries Novel Coronavirus Outbreak \(COVID-19\) Resources](#) are useful guides to get ready.

Finally, employers should make every effort to ensure that employees have access to information to address issues and concerns that will arise when the workplace reopens, including providing regular updates to employees and continuing to provide information on coronavirus symptoms and workplace practices.

For questions about these return-to-work requirements and other new COVID-19 issues, please contact us at Sebris Busto James.

For more information about this month's Employment Law Note
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