

Updated COVID-19 Facial Covering Guidance for Employers, Businesses, and Organizations

Summary of update: This document aims to clarify requirements and expectations for employers, businesses, and organizations as the state strengthens its facial covering guidelines based on the increase in cases, hospitalizations, and deaths from COVID-19.

Responsibilities and Expectations for Employers involving Employees:

- COVID continues to be a dangerous and deadly virus, and employers must continue to protect their employees. Washington’s Department of Labor & Industries (L&I) maintains jurisdiction over workplace safety and may engage in COVID-related investigations and enforcement actions to protect employees. Employers are required to follow face covering requirements as provided in Proclamation 20-25, *et seq.*, including L&I guidelines and requirements [found here](#).
- Employers maintain a safe COVID-related work environment by:
 - Verifying employee vaccination status. Employees who verify full vaccination status may work indoors without a facial covering whenever working alone or working in a place that is generally inaccessible to the public but only if no customers, volunteers, visitors, or non-employees are present; or
 - Maintaining facial covering and physical distancing requirements regardless of employee vaccination status and setting.
- For employers who choose to verify employee vaccination status to modify facial covering requirements in the workplace, the employer may accept the following evidence of full vaccination status from employees:
 - Vaccination Record – Employers may ask employees to provide physical proof of vaccination (e.g., vaccination card). The employer must have a demonstrable process to verify vaccination status but is not required to keep a copy of employee vaccination records, which may require secure and confidential handling as a medical record.
 - If an employer requires evidence of vaccination status, and an employee claims to be vaccinated but refuses to show acceptable proof of vaccination, the employer may treat the employee as a non-vaccinated employee and mandate that the employee wear a facial covering.
 - Attestation - Employers may ask employees to sign a document attesting to their full vaccination status. The employer must retain this attestation document and give L&I access to this record if requested during an investigation.
 - Log System Without Underlying Documentation – Employers may devise a system whereby they record their employees’ vaccination status in a logbook (including employee name and method of confirming their vaccination status). Employers are not required to maintain records demonstrating the underlying proof of the employees’ vaccination status, but the employer must provide L&I access to the logbook if requested during an investigation.

*****Note:** Employers covered by the vaccine mandate in Proclamation 21-14, *et seq.*, are not permitted to use self-attestation for verifying vaccination status.***

- Employers may require vaccination as a condition of employment, unless doing so would be otherwise prohibited or exempted by state or federal law (EEOC, ADA, medical exemptions, etc).
- Employers must specifically ensure operations follow the main L&I COVID requirements to protect workers. COVID workplace and safety requirements can be found [here](#).

Responsibilities and Expectations for Businesses/Organizations involving Customers/Patrons:

- Customers are required to wear face coverings when indoors, unless otherwise exempt, as provided in the Secretary of Health’s face covering [order](#).
- Businesses **must post signage** in a prominent location visible to patrons at each entry informing customers of the face covering requirement.
- No Inquiry Option: A business may choose to assume that any customer who enters a business without a face covering is claiming a disability/medical exemption.
- Inquiry Option: A business may choose to engage with a customer who enters a business without wearing a face covering. In these circumstances, if a customer enters without wearing a face covering, the business may engage with the customer to ensure the customer is aware of the face covering requirement and to ask if the customer is exempt from wearing a face covering as provided in the Secretary of Health’s face covering order and Proclamation 20-25.15.
 - If the customer responds stating s/he is not fully vaccinated but is otherwise exempt under the Secretary’s order, the business may:
 - Offer a reasonable accommodation (alternative way to receive service, if feasible). If the reasonable accommodation is refused, deny the person entry; or
 - Allow the customer to enter.
 - If the customer declines to provide information or states that s/he refuses to wear a face covering, i.e., they are not exempt under the face covering order and proclamation but unwilling to wear a face covering, the business **must** deny the customer entry/service unless there are worker safety concerns. The business may choose to offer an alternative way to receive service, when feasible; however, if the alternative is refused, the business must deny entry as provided above.
- Businesses are not required to directly engage with a customer if there is reason to believe that engaging with the customer would pose a threat to worker safety.

Additional References

- A person is fully vaccinated against COVID-19 two weeks after they have received the second dose in a two-dose series (Pfizer-BioNTech or Moderna) or two weeks after they have received a single-dose vaccine (Johnson and Johnson (J&J)/Janssen).
- Information regarding face covering signage and printable posters may be found [here](#).
- Information on proper face covering usage may be found [here](#).