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**Title:** Order Pursuant to Proclamation of Emergency

**Keywords:** Health Emergency, COVID-19, Vaccination, Contractors, Volunteers

**Sponsoring Agency:** Office of the Executive



**King County**

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## **ORDER PURSUANT TO PROCLAMATION OF EMERGENCY**

**WHEREAS**, on March 1, 2020, in my capacity as King County Executive, I issued a Proclamation of Emergency regarding the significant health emergency caused by novel coronavirus, or COVID-19, in King County; and

**WHEREAS**, the State of Emergency continues to exist in King County; and

**WHEREAS**, RCW chapter 38.52, and King County Code chapters 2.56 and 12.52 authorize me to exercise the emergency powers vested in me as King County Executive; and

**WHEREAS**, King County provides essential services to the public; and

**WHEREAS**, response to the emergency has required and continues to require King County employees to provide important governmental services, often in-person, including but not limited to those that protect life, health and safety; and

**WHEREAS**, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the “delta variant” that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals; and

**WHEREAS**, variants are more likely to develop when disease is widespread, the threat of even more harmful variants emerging is increasing, and the key to ending the pandemic is for as many people as possible to be fully vaccinated; and

**WHEREAS**, COVID-19 vaccines are effective in reducing infection and serious disease, and widespread vaccination is cost-effective and the primary means we have as a state to protect everyone, including persons who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons including persons in health care facilities, and other congregate care facilities from COVID-19 infections; and

**WHEREAS**, although COVID-19 continues as an ongoing and present threat in King County, the measures King County employees and residents have taken together over the past 18 months, including the willingness of most King County employees and residents to take advantage of the remarkable, life-saving vaccines being administered throughout the region, have made a difference and have altered the course of the pandemic in fundamental ways; and

**WHEREAS**, widespread vaccination is also the primary means we have as a state to protect our health care system, to avoid the return of stringent public health measures, and to put the pandemic behind us; and

**WHEREAS**, COVID-19 vaccines are readily available throughout King County; and

**WHEREAS**, it is imperative that all King County Executive branch employees be vaccinated to stop the spread COVID-19; and

**WHEREAS**, certain contractors work with county employees, the public, or enter county facilities to provide essential goods and services; and

**WHEREAS**, on-site volunteers or monitors and similar individuals work with county employees, the public, or enter county facilities to provide essential services or oversight; and

**WHEREAS**, as the King County Executive, I have the authority under King County Charter 320.20 to supervise the Executive branch and its employees and to establish conditions of employment for Executive Branch employees.

**NOW THEREFORE, I, DOW CONSTANTINE, AS KING COUNTY EXECUTIVE, DO PROCLAIM AND ORDER AS FOLLOWS:**

**SECTION 1: ORDER**

It is hereby ordered that all county contractors and volunteers working onsite (Workers) at Executive branch agencies (Agency/Agencies) be fully vaccinated if the work is required to be performed in person and on site including but not limited to on county property or in county facilities, or requiring interaction with the general public regardless of frequency, except as noted below, whether or not other workers are present, or any contingent nature of that requirement, including indoor or outdoor worksites.

**"Worker" includes:**

- A person engaged to work as an employee, temporary staff, on-site volunteer, or an onsite contractor for a county Agency;
- **The following exceptions apply to the definition of "Worker":**
  - Visitors and patrons are not Workers.

This order does not include:

- Workers who are present at a site for only a short period of time and have a fleeting physical presence with others. Examples include contractors delivering supplies by truck to a construction site where they remain physically distanced from others on the site, refuse pickup or a driver for a contracted shipping and delivery service briefly entering a site to pick up parcels for shipping.
- Recipients of funds distributed by an Executive branch agency, but where work is always performed at a different physical location.

Unless approved by the county due to business necessity, no contractors or Workers who have not been fully vaccinated may perform work that is required to be performed in person and on site for the county as described above.

## **SECTION 2: EVIDENCE OF VACCINATION**

a. A Worker is not fully vaccinated until 14 days after the last shot required in any vaccination series and the Worker must have received any vaccinations as may be recommended by the Centers for Disease Control and Prevention (CDC). Workers must provide proof of full vaccination against COVID-19 by providing one of the following:

- CDC COVID-19 Vaccination Record Card or photo of the card;
- Documentation of vaccination from a health care provider or electronic health record; State immunization information system record; or
- For an individual who was vaccinated outside of the United States, a reasonable equivalent of any of the above.

b. A county Agency must obtain an attestation declaration from contractors or a copy of or visually observe proof of full vaccination against COVID-19 for every Worker who is engaged in work for them and require Workers to provide such proof under this Order.

c. Although a contractor may provide an attestation for all Workers that will work on-site for an Agency, the contractor may not verify individual Worker vaccinations by obtaining only a personal attestation rather than verification of COVID-19 vaccination records as described above.

## **SECTION 3: EVIDENCE OF VACCINATION – ATTESTATION**

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

a. Notwithstanding anything to the contrary in this Order that allows an Agency to review individual Worker vaccination records, a county Agency may elect to require a contractor who is subject to this Order to assume responsibility for the vaccination verification requirements in this Order. This election may be made with respect to any or all of a contractor's Workers who are subject to this Order.

b. If such an election is made, after October 18, 2021, the contractor's Workers are prohibited from engaging in work for a county Agency, and a county Agency is prohibited from permitting such a Worker to engage in work for them, unless the following requirements are met:

- By October 18, 2021, the contractor 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 contractor 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;
- By October 18, 2021, a contractor currently providing goods or services to the county that are subject to this order must submit to the county Agency a signed attestation declaration in a form prescribed by the county declaring that the contractor has met the above requirements unless provided with a limited time extension by the county if the contractor has documented it is necessary to come into full compliance;

c. The contractor must submit additional signed attestation declarations upon the request of and by the date designated by the county Agency;

d. The contractor must cooperate with any investigation or inquiry the county Agency makes into the **contractor's** compliance with these requirements, including by providing information and records upon request, except any information or records that the contractor is prohibited by law from disclosing.

e. Contractors are prohibited from providing attestations of vaccination that contain insufficient information or that they know are based on false, misleading, or dishonest grounds or information.

**SECTION 4: RESTRICTIONS BY ANOTHER GOVERNMENTAL AGENCY**

Nothing in this order exempts a contractor or Worker from complying with more restrictive requirements from the state or federal government or other governmental agency. Contractors and Workers must comply with the measures in this order, even if more restrictive than requirements from another governmental agency.

**SECTION 5: FAILURE TO COMPLY**

a. Failure by a contractor to comply with this order may result in the termination of a contract or debarment from future contracts with the county.

b. Failure of a Worker to comply with this order may result in barring onsite work by a Worker or dismissal from their role at the county.

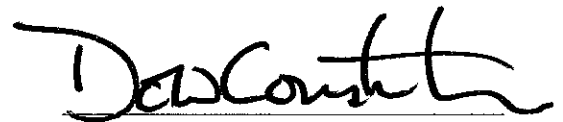
**SECTION 6: ADDITIONAL ORDERS**

I further reserve the right to issue additional orders as authorized by K.C.C. chapter 12.52 as may be necessary to respond to the emergency proclaimed March 1, 2020.

**SECTION 7: NOTICE**

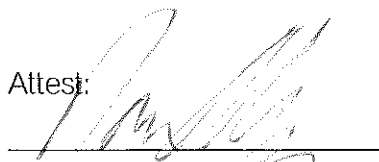
A. A copy of this order issued hereunder shall be delivered to the Clerk of the Council and each King County Councilmember by email. A copy of this order issued hereunder shall also be filed with the Clerk of the Council by no later than 10:00 a.m. on the next business day after issuance. To the extent practicable, a copy of this emergency order issued hereunder shall be delivered to all news media within King County and made available to the general public.

DATED this 22 day of September, 2021.



Dow Constantine  
King County Executive

Attest:



Norm Alberg  
Director, Records and Licensing Services Division, Department of Executive Services