

Workers with Medical Conditions Who Cannot Work Due to the Mask Mandate

The employer must offer high-risk employees alternative work assignments, including telework, alternative, or remote work locations, if feasible, and social distancing measures:

- If an alternative work assignment is not feasible, or the employee declines, the employer must allow the employee to use any accrued leave or seek unemployment benefits;
- The employer must maintain the employee's health insurance benefits;
- The employer is prohibited from permanently replacing high-risk employees.

This proclamation is effective April 13 and will remain in effect through the duration of the state of emergency, or until otherwise rescinded or amended. The [guidance memo](#) (issued July 29) confirms that employees who are 65 and older continue to be covered by the proclamation and clarifies processes for employers of individuals with certain medical conditions.

Here is a link to the mandate and the details are highlighted below.

<https://coronavirus.wa.gov/information-for/workers/high-risk-worker-proclamation>

If I am not laying off my employee, how can they seek unemployment benefits? What documentation should I be providing them?

ESD has passed an emergency rule allowing an employee to file for benefits due to lack of work when they are unable to work due to being a member of a high-risk group as defined by the CDC. If an employee is seeking to use unemployment benefits rather than using leave due to lack of an alternative work arrangement, the employer should provide documentation to ESD that there is a lack of work.

CDC Definition of "High-Risk Worker" https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html

Can I back-fill for my high-risk employees who are on leave or not able to perform their jobs on site?

Yes, you can hire temporary/non-permanent employees, as long as they do not permanently replace the high-risk employee.