



Washington Begins Phased Approach to Reopening

On May 1, Governor Jay Inslee extended Washington's Stay Home, Stay Healthy order through May 31, 2020, and also outlined a new plan to slowly reopen the State of Washington. ([Safe Start Washington: A Phased Approach to Recovery](#)) Under the plan, the Department of Health and local public health officials will monitor data to assess the State's readiness for safely reopening and modifying physical distancing measures by looking at four key areas, which include healthcare system readiness, testing capacity and availability, case and contact investigations, and ability to protect high-risk populations. The plan identifies four distinct phases for reopening businesses and resuming activities not authorized under the Stay Home, Stay Healthy order. The Governor anticipates that the State will stay in every phase for a minimum of three weeks. In addition, the phased approach may be adjusted as the pandemic evolves.

The governor's office will provide industry-specific guidance and safety criteria for businesses listed in each phase of the plan. The governor's office has also cautioned that business activities are not authorized to open until a business is able to meet all of the safety criteria that is forthcoming. Industry-specific guidance documents will be added to the Washington State Coronavirus Response [webpage](#) as they become available.

Phase I of reopening Washington began on May 5, 2020. In Phase I, essential businesses are open, and some construction is allowed (in accordance with industry-specific guidance for construction issued on April 24). The governor's office also issued guidance on May 6 regarding vehicle sales and spiritual drive-in services, and will soon issue guidance as to landscaping, retail (curb-side pick-up orders only), car washes, and pet walkers.

As stated in the plan, until there is an effective vaccine, effective treatment or herd immunity, it is crucial to maintain some level of community interventions to suppress the spread of COVID-19 throughout all phases of recovery. To that end, the Governor's plan sets forth certain requirements for Washington employers, which are required during **all phases** of reopening the State. Specifically, in addition to implementing any guidance developed specifically for their industry, employers are required to:

- Maintain the six-foot physical distancing requirements for employees and patrons. Adopt other prevention measures such as barriers to block sneezes and coughs when physical distancing is not possible for a particular job task.
- Provide services while limiting close interactions with patrons.
- Provide adequate sanitation and personal hygiene for workers, vendors and patrons. Ensure employees have access to hand washing facilities so they can wash their hands frequently with soap and running water.
- Ensure frequent cleaning and disinfection of the business, particularly of high-touch surfaces.



- Identify personal protective equipment (PPE) and cloth facial coverings in accordance with L&I requirements on facial coverings and industry specific COVID-19 standards. Provide the necessary PPE and supplies to employees.
- Identify strategies for addressing ill employees, which should include requiring COVID-19 positive employees to stay at home while infectious, and potentially restricting employees who were directly exposed to the COVID-19 positive employee. Follow CDC cleaning guidelines to deep clean after reports of an employee with suspected or confirmed COVID-19 illness. This may involve the closure of the business until the location can be properly disinfected.
- Educate employees about COVID-19 in a language they best understand. The education should include the signs, symptoms and risk factors associated with COVID-19 and how to prevent its spread.
- On a case-by-case basis, as directed by federal, state and local public health and workplace safety officials, implement other practices appropriate for specific types of businesses, such as screening of employees for illness and exposures upon work entry, requiring non-cash transactions, etc.
- Follow requirements in [Governor Inslee's Proclamation 20-46 High-Risk Employees – Workers' Rights](#).
- 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 "Stay Home, Stay Healthy" Proclamation 20-25, and in accordance with the [Washington State Department of Labor & Industries General Coronavirus Prevention Under Stay Home, Stay Healthy Order](#) and the [Washington State Department of Health Workplace and Employer Resources & Recommendations](#).

The plan also points out that Challenge Seattle and the Washington Roundtable have developed a [business checklist](#) which is a great starting point for businesses as they prepare for a Safe Start.

The [State's Business Response Center](#) fields general questions from employers about the Safe Start plan.

If you have questions of a legal nature or would like specific employment advice, the employment law attorneys at Farleigh Wada Witt would be happy to help as you navigate reopening issues under Washington's guidance.

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