

IN THE SUPERIOR COURT
FOR THE COUNTY OF SKAGIT

IN THE MATTER OF) ADMINISTRATIVE ORDER
COVID-19 VACCINATIONS FOR EMPLOYEES) NO. 21-6
OF SKAGIT COUNTY SUPERIOR COURT)

WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of emergency due to the novel coronavirus (COVID-19) outbreak in Washington; and on March 13, 2020 President Trump declared a national emergency due to the outbreak across the United States; and on February 24, 2021 President Biden continued the national emergency; and the Skagit County Board of County Commissioners has also declared a state of emergency for Skagit County due to the pandemic; and

WHEREAS, Skagit County Superior Court has remained open throughout the pandemic to provide access to the courts; and while Superior Court has modified numerous operations to permit and even require remote appearances, the court still hears cases every day where people appear in person either due to lack of access to viable remote options or because an in-person appearance is compulsory; and

WHEREAS, this court has issued numerous emergency orders since March of 2020 and taken significant steps to protect public health while ensuring continued access to justice and essential court services, including limiting in-person appearances and requiring the wearing of masks and physical distancing in the courtrooms and other work environments; and

WHEREAS, the Supreme Court of Washington has also issued numerous orders to protect the safety of litigants and court workers, including its August 18, 2021 vaccine mandate; and

WHEREAS, the nation, state, and this county have experienced substantial increases in infections and hospitalizations over the last month; and

WHEREAS, the Center for Disease Control (CDC) continues to rate Skagit County at a high level of COVID-19 transmission despite numerous public health measures; 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 Skagit County Superior Court consists of the Superior Court and the Office of Juvenile Courts, with its administrative, probation, and detention divisions; and

WHEREAS in light of the current environment, Skagit County Superior Court and the Office of Juvenile Court’s probation and administrative divisions operate in a medium-risk environment which suggests that prior public health measures alone are insufficient at maintaining public safety while continuing to provide access to justice including, but not limited to, the need for confidential attorney-client interactions, evidentiary and testimonial proceedings, jury management, and juvenile probation and administrative services; and

WHEREAS, the Office of Juvenile Court’s detention division (Juvenile Detention) operates in a high-risk environment distinct from those in Superior Court and the administrative and probation divisions of the Office of Juvenile Court in that it is a custodial environment requiring greater protections to ensure the safety of detained youth and all staff; and

WHEREAS, the Pfizer vaccine received full Food and Drug Administration (FDA) approval for use in the United States on August 23, 2021 and two additional vaccines have been granted emergency use authorization by the FDA. All have proven safe and effective at preventing severe cases of COVID infection and hospitalizations, as well as in reducing transmissions of COVID-19 between people; and

WHEREAS, the vaccination rates against COVID-19 of all employees of Superior Court far exceed those at the county and state levels, offering greater protection to fellow staff and the public than most other environments; and

WHEREAS, this court has the authority to take actions that are reasonably necessary for the efficient administration of justice and the fulfillment of its statutory and constitutional duties:

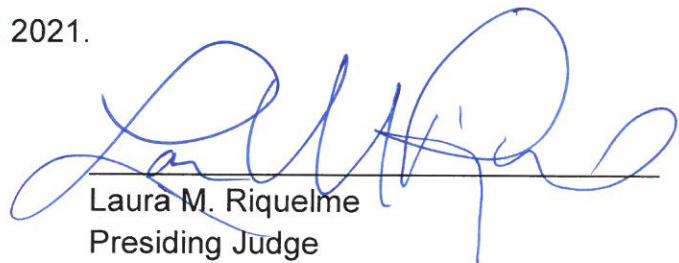
NOW, THEREFORE, pursuant to the court's authority to administer justice and to ensure the safety of courts, personnel, litigants, detained youth, and the public during this public health emergency, IT IS HEREBY ORDERED THAT:

1. **REQUIREMENTS.** Pursuant to General Rule (GR) 29, this order prohibits any direct employees of the Skagit County Superior Court and all divisions of the Office of Juvenile Court from engaging in work after September 7, 2021 unless they are fully vaccinated against COVID-19 or provide twice-weekly testing showing that they are negative for COVID-19. Current and future job postings will require full vaccination against COVID-19 as a condition of employment to ensure healthy staff and safe court operations, subject to the exemptions in Paragraph 3.
2. **JUVENILE DETENTION.** This order prohibits any employee from engaging in work for Juvenile Detention if the employee has not been fully vaccinated against COVID-19 by November 1, 2021. Detention employees must either be fully vaccinated or qualify for an exemption to be eligible for continued employment under Skagit County Superior Court. The court will comply with its collective bargaining obligations for represented employees regarding impacts of this order.
3. **EXEMPTIONS FROM VACCINE REQUIREMENTS.**
 - (a) Requests for exemption from the vaccine requirement will be evaluated and granted or denied by Skagit County's Human Resources Department (Human Resources) subject to review at the discretion of the Presiding Judge of Skagit County Superior Court.
 - (b) Direct employees of Juvenile Detention are not required to get vaccinated against COVID-19 if they are entitled under the Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act of 1964 (Title VII), the Washington Law Against Discrimination (WLAD), or any other applicable law to a disability-related reasonable accommodation or a sincerely held religious belief accommodation to the requirements of this order.
 - (c) To the extent permitted by law, before providing a disability-related reasonable accommodation to the requirements of this order, Human Resources must obtain from the individual requesting the accommodation documentation from a qualified health care or rehabilitation professional authorized to practice in the State of Washington stating that the individual has a disability that necessitates the accommodation and the probable duration of the need for the accommodation.

- (d) To the extent permitted by law, before providing a sincerely held religious belief accommodation to the requirements of this order, Human Resources must document that the request for an accommodation has been made and the document must include the employee's attestation regarding the way in which vaccinations conflict with the religious observance, practice, or belief of the employee.
 - (e) Reasonable accommodations will be determined on an individualized basis and, where an employee is determined to be exempt from this mandate, accommodations may include, but are not limited to wearing a mask, obtaining regular viral testing, or physically distancing from others. Remote work shall not be included as a reasonable accommodation unless an individual's exposure, symptoms, or testing for COVID-19 necessitate quarantine or self-isolation *and* remote work is possible given the employee's job duties. Requirements for all unvaccinated employees are listed in Paragraph 6 and apply to employees who qualify for exemptions as stated in this paragraph, but may be modified as required by the ADA, Title VII, and WLAD depending on the required accommodation.
4. **"FULLY VACCINATED."** An employee is considered fully vaccinated if they are two weeks past their second dose of the Pfizer or Moderna COVID-19 vaccinations or their one dose of the Johnson & Johnson vaccination against COVID-19. Further, in light of waning immunity offered by vaccines over time, full vaccination also includes having received a booster shot as recommended by public health officials within one month of the employee's eligibility for available and approved booster shots.
5. **PROOF OF VACCINATION STATUS.** Where required above, direct employees must provide proof of full vaccination against COVID-19. Acceptable proof must also be accompanied by the employee's sworn attestation that they have been fully vaccinated as set forth in their proof. However, personal attestation alone is not an acceptable form of verification of COVID-19 vaccination. Acceptable proof may include:
- (a) CDC COVID-19 Vaccination Record card or photo of the card;
 - (b) Documentation of vaccination from a health care provider or electronic health record;
 - (c) State immunization information system record;
 - (d) Other forms as approved by Human Resources

6. **REQUIREMENTS FOR ALL UNVACCINATED EMPLOYEES.** Employees who have not shown proof of full vaccination are required to:
- (a) Provide proof of regular, negative testing for COVID-19, at least twice a week at intervals as indicated by the employee's supervisor.
 - (b) Wear masks at all times while in work buildings or county buildings. If wishing to eat or drink while observing a break within the workplace, the employee must be in a separate room from other staff.
 - (c) Maintain physical distancing by remaining at least six feet apart from members of the public and staff at all times unless job duties require passing contact within six feet.
7. **EMPLOYEE.** An "employee" includes persons who are engaged to perform work on a full-time or part-time basis as a paid employee, or on a volunteer or on-call basis with the Superior Court, to include all divisions of the Office of Juvenile Courts.
8. **APPLICABILITY.** This order does not apply to individuals who are not employees of Skagit County Superior Court. The court strongly encourages other entities and attorneys with staff who regularly appear in the courtroom to impose similar or stricter requirements on their staff and themselves to ensure the safety of the courtroom environment and continued court operations. Further, Skagit County District Court's Administrative Order 21-9 does not apply to courtrooms when presided over by Skagit County Superior Court.
9. **EFFECTIVE DATE.** This order becomes effective upon signing and shall remain in effect until modified or terminated by court order.

DATED this 2nd day of September, 2021.



Laura M. Riquelme
Presiding Judge