

IN THE DISTRICT COURT FOR SKAGIT COUNTY and in the MUNICIPAL COURTS
OF ANACORTES, BURLINGTON, and MOUNT VERNON, WASHINGTON

IN THE MATTER OF COVID-19
VACCINATIONS FOR EMPLOYEES OF
THE SKAGIT COUNTY DISTRICT AND
MUNICIPAL COURTS

ORDER

NO. 2021-A

WHEREAS, on February 29, 2020, Governor Inslee declared a state of emergency due to the public health emergency caused by the Coronavirus Disease (COVID-19); and on March 13, 2020, President Trump declared a national emergency due to the COVID-19 pandemic across the United States; and on February 24, 2021 President Biden continued the national emergency; and

WHEREAS, the Commissioners of Skagit County have declared a state of emergency in Skagit County due to the same public health concerns; and

WHEREAS, the Washington State Supreme Court has adopted various administrative orders authorizing certain specific emergency measures to address the safety of the public and of court employees; and

WHEREAS, the COVID-19 pandemic remains an ongoing threat to the health of the people of Skagit County; and

WHEREAS, the infection and hospitalization rate for COVID-19 cases has increased substantially over the past two months; and,

WHEREAS, the percentage of the Skagit County population who are fully vaccinated remains at approximately 55% of the total population and 67% of individuals over the age of 18; and

WHEREAS, court operations are recognized as essential, and may often be conducted by alternative means, in alternative settings, and with extra measures taken for public safety; and

WHEREAS, pursuant to prior orders of this Court many important steps to protect public health while ensuring continued access to justice and essential court services,

including by strictly observing social distancing measures, holding proceedings remotely, suspending many in-building operations, and promulgating emergency rules and orders as necessary; 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 to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals; and

WHEREAS, COVID-19 vaccines are effective in reducing infection and serious disease, the Pfizer vaccine is approved by the FDA, widespread vaccination is the primary means we have to protect everyone, including people who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons from COVID-19 infections, 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 vaccinations have been available in Washington State from December 2020 to the present, and since April 15, 2021, all Washingtonians over the age of 16 have been eligible to receive free COVID-19 vaccinations from a wide variety of providers at many locations; and,

WHEREAS, on July 6, 2021, the Office of Legal Counsel of the United States Department of Justice issued a legal opinion stating that federal and state governments were not prohibited by federal law from imposing vaccinations mandates, even when the only vaccines available are those authorized under U.S. Food and Drug Administration Emergency Use Authorization; and

WHEREAS, it is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures; and

WHEREAS, court employees live in and provide services to the public in every geographic area of our county as well as adjacent counties, and many interact with the public on a regular basis, and they all interact with some portion of the community at large to varying degrees before and/or after court work hours; and

WHEREAS, on August 9, 2021, Governor Inslee issued a proclamation requiring all employees, on-site contractors, volunteers, goods and services providers, and appointees of designated state agencies to be fully vaccinated against COVID-19 on or before October 18, 2021, and

WHEREAS on August 18, 2021, the Supreme Court of the State of Washington issued an administrative order requiring vaccination of all State Supreme Court personnel and, in addition, strongly encouraged all other courts, agencies, and entities in the judicial branch to adopt and implement similar vaccination requirements for their workers;

NOW THEREFORE, Consistent with orders to all courts from the Washington State Supreme Court and in keeping with the applicable directions from the Governor and pursuant to the Court's authority to administer justice and to ensure the safety of courts, personnel, litigant, and the public during this public health emergency, it is hereby ORDERED:

1. **Prohibitions:** This order imposes additional public health safety measures for workers in the Skagit County District and Municipal Courts after November 1, 2021 if the worker has not been fully vaccinated against COVID-19. A worker must either be vaccinated or qualify for an exemption to be eligible for employment with the Skagit County District and Municipal Courts.
2. **Exemptions from Vaccine Requirement:**
 - a. Workers for the Skagit District and Municipal Courts are not required to get vaccinated against COVID-19 if they are entitled under the Americans With Disability Act (ADA), Title VII of the Civil Rights Act of 1964 (Title VII), The Washington Law Against Discrimination (WDAD), or any other applicable law to a disability-related reasonable accommodation or a sincerely held religious belief accommodation to the requirement of this order.
 - b. To the extent permitted by law, before providing a disability-related reasonable accommodation to the requirements of this order, the Skagit County District and Municipal Court must obtain from the individual requesting the accommodation documentation from an appropriate 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.
 - c. To the extent permitted by law, before providing a sincerely held religious belief accommodation to the requirements of this order, the Skagit County District and Municipal Courts must document that the request for an accommodation has been made and the document must include a statement regarding the way in which vaccinations conflict with the religious observance, practice, or belief of the worker.

- d. Reasonable accommodations will be determined on an individualized basis and, where an employee is exempt from this mandate, accommodations may include but are not limited to requirements to wearing a mask at all times when in any building including while working at one's desk, having breaks without other individuals in a separate break room, obtaining viral testing regularly, and/or social distancing when in any office of the court. "Reasonable accommodation" does not include remote work unless an individual has been exposed to COVID-19 and must quarantine, is experiencing COVID-19 symptoms such that testing for the virus is required and quarantine required pending test results, or has confirmed COVID-19 such that quarantine is required.

3. **Acceptable Proof of Full Vaccination Against COVID-19:** Where as required above, workers for the Skagit County District and Municipal Courts must provide proof of full vaccination against COVID-19. Acceptable proof may include:

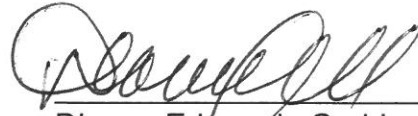
- a. COVID-19 Vaccination Record Card or photo of the card;
- b. Documentation of vaccination from a health care provider or electronic health record;
- c. State immunization information system record;
- d. Other form which may be approved by the court in subsequent orders.

4. **Definitions:**

- a. "Worker": For the purposes of this order, "Worker" includes a person engaged to work as an employee, independent contractor, service provider, volunteer, or through any other formal or informal agreement to provide goods or services, whether compensated or uncompensated, but does not include a visitor or patron;
- b. "Skagit County District and Municipal Courts": For purposes of this order, references to the "Skagit County District and Municipal Courts" includes the Skagit County District Court Probation Department.

This order will take effect immediately and shall remain in effect until further order of the Court.

DATED THIS 24th day of August, 2021.

A handwritten signature in black ink, appearing to read "Dianne Edmonds Goddard", written over a horizontal line.

Dianne Edmonds Goddard, District
Court Judge, Presiding