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**HOUSE BILL 1242**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Representatives Leavitt, Dolan, Lovick, Valdez, Simmons, Ramel, Ortiz-Self, Frame, Shewmake, Ryu, Callan, Wicks, Rule, Lekanoff, Macri, Bronoske, Chopp, Slatter, Ramos, Harris-Talley, and Pollet

Read first time 01/18/21. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to providing paid administrative leave for health  
2 care workers in time of declared public health emergencies; adding a  
3 new section to chapter 49.12 RCW; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.12  
6 RCW to read as follows:

7 (1) This section applies to health care workers during declared  
8 public health emergencies.

9 (2) A health care worker who the employer does not permit to  
10 work, including telework, under any of the following circumstances is  
11 entitled to paid administrative leave with no loss of pay or accrued  
12 time off, until the employer permits the employee to return to work:

13 (a) The health care worker is being tested, waiting on test  
14 results, seeking medical diagnosis, having a verified negative  
15 reaction to the vaccine, or is required by the employer to  
16 quarantine, due to probable occupational exposure to COVID-19 or any  
17 other infectious disease that is the subject of a public health  
18 emergency;

19 (b) The health care worker is being tested, waiting on test  
20 results, having a verified negative reaction to the vaccine, or  
21 seeking medical diagnosis, due to experiencing symptoms of COVID-19

1 or any other infectious disease that is the subject of a public  
2 health emergency, regardless of whether the health care worker's  
3 exposure is a result of occupational exposure or community or social  
4 exposure; or

5 (c) The health care worker has been advised by a health care  
6 provider to quarantine due to concerns related to COVID-19 or any  
7 other infectious disease that is the subject of a public health  
8 emergency.

9 (3) (a) During the time the health care worker is not permitted to  
10 work under circumstances set forth in subsection (2) of this section,  
11 the employer may not require the health care worker to use accrued  
12 time off.

13 (b) The employer may require the health care worker to  
14 participate in the employer's monitoring process.

15 (4) If the health care worker meets the criteria to return to  
16 work in accordance with the department of health or the United States  
17 centers for disease control and prevention, and the health care  
18 worker refuses to return to work, the leave provided under this  
19 section will no longer apply as of the date of the health care  
20 worker's refusal to return to work.

21 (5) The taking of leave under this section may not result in the  
22 loss of any employment benefits accrued before the date on which the  
23 leave commenced.

24 (6) (a) The rights to paid administrative leave provided in this  
25 section are in addition to any other benefits provided by local,  
26 state, and federal law or a collective bargaining agreement.

27 (b) Nothing in this section shall be construed to eliminate or  
28 amend existing benefits for which the health care worker may qualify,  
29 including benefits related to industrial insurance, unemployment  
30 insurance, and existing leave laws, and any benefits provided under a  
31 collective bargaining agreement.

32 (7) Nothing in this section prohibits health care workers from  
33 accessing other federal, state, or local benefits for which they may  
34 qualify, or from accessing benefits for which they may qualify under  
35 a collective bargaining agreement.

36 (8) Nothing in this section shall be construed to discourage  
37 employers from adopting policies that provide greater leave rights or  
38 greater safety accommodations to health care workers.

39 (9) For the purposes of this section:

1 (a) "COVID-19" means the illness caused by the severe acute  
2 respiratory syndrome coronavirus 2 (SARS-CoV-2);

3 (b) "Employer" means a health care facility;

4 (c) "Health care facility" means an assisted living facility  
5 licensed under chapter 18.20 RCW, a nursing home licensed under  
6 chapter 18.51 RCW, or a health care setting as defined in RCW  
7 49.19.010;

8 (d) "Health care worker" means a person employed by an employer  
9 and who is providing direct care or supportive services to patients  
10 or clients in a health care facility;

11 (e) "Public health emergency" means a proclamation issued under  
12 RCW 43.06.010 or issued by declaration of the president of the United  
13 States, related to COVID-19 or other contagious or infectious disease  
14 that is declared to be a public health crisis.

15 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
16 preservation of the public peace, health, or safety, or support of  
17 the state government and its existing public institutions, and takes  
18 effect immediately.

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