

Washington Updates Pandemic-Readiness Rules to Implement HELSA and PPE Law

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Not waiting for guidance from federal authorities, Washington's Department of Labor & Industries (L&I) has issued emergency rules to implement two new state pandemic-readiness laws: Health Emergency Labor Standards Act (HELSA) (formerly, ESSB 5115; now, RCW 49.17.062-.064) and Voluntary Personal Protective Equipment (PPE) Usage (SSB 5254).

One of the most expansive pandemic worker-protection laws in the country, HELSA establishes a rebuttable presumption of workers' compensation coverage for workplace transmission of certain diseases for "frontline employees," creates notice and rapid reporting requirements for some workplace exposures, and increases protections for "high-risk" workers.

The [new emergency rules](#) are found at WAC 296-62-600 (HELSA) and WAC 296-62-601 (PPE).

In general, the rules:

- Provide that employers with more than 50 covered employees at a workplace or worksite are required to report to L&I any infectious or contagious disease outbreaks of at least 10 employees;
- Define terms in HELSA and the PPE law;
- Confirm that employees are not required to disclose any medical condition or diagnosis to their employer;
- Except for certain healthcare employers, require employers to notify employees in writing of potential exposures within one business day; and
- Permit employees and contractors to voluntarily use personal protective equipment not otherwise required by an employer, unless doing so:
 - Introduces hazards to the work environment;
 - Involves facial coverings that interfere with an employer's security requirements; or
 - Conflicts with standards for the specific type of equipment used.

For more details, see our article, [Washington Passes Two New Laws to Prepare for the Next Pandemic](#).

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work.

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