

Washington State's COVID-19 Emergency Declaration To Expire With HELSA Still in Effect

Washington Governor Jay Inslee [will end](#) the statewide COVID-19 emergency declaration on October 31, 2022, and rescind all remaining COVID-19 emergency proclamations. Despite the governor's action, however, [Washington's Health Emergency Labor Standards Act](#) (HELSA) will remain in effect for now.

In May 2021, Governor Inslee signed HELSA into law, which codified protections for high-risk workers, such as individuals with underlying health conditions, those whose age places them at higher risk of severe illness, or those whose medical provider otherwise recommends their removal from the workplace due to health risks. HELSA also imposed COVID-19 notification and reporting requirements, broadened workers' compensation benefits, and more. (Perkins Coie's previous HELSA updates can be found [here](#).)

Even though Washington's state of emergency is set to end, HELSA also applies during a public health emergency declared by the president of the United States. The federal COVID-19 public health emergency is still in effect, and President Biden is expected to extend the nationwide state of emergency through January 2023.

Thus, HELSA remains law for the time being, and employers must continue to accommodate high-risk workers, accommodate for voluntary personal protective equipment (PPE) use, report COVID-19 outbreaks to the Washington Department of Labor and Industries (L&I), and notify employees of potential COVID-19 exposure, among other obligations. For more information regarding HELSA obligations, see our previous HELSA updates linked above, HELSA's [implementing regulations](#), and the L&I [FAQ page](#).

Key Takeaways for Employers

HELSA remains in effect until President Biden rescinds the nationwide state of emergency. Thereafter, employers will have no obligations under HELSA, but those obligations could be automatically triggered by a future pandemic or public health emergency involving an infectious or contagious disease.

Perkins Coie will continue to monitor and report HELSA developments, including whether President Biden rescinds the nationwide COVID-19 public health emergency.

© 2022 Perkins Coie LLP

Authors



Emily A. Bushaw

Partner

EBushaw@perkinscoie.com [206.359.3069](tel:206.359.3069)



Kyle Nelson

Counsel

KyleNelson@perkinscoie.com [206.359.3621](tel:206.359.3621)

Explore more in

[Labor & Employment](#)

Related insights

Update

'Tis the Season... for Cybercriminals: A Holiday Reminder for Retailers

Update

Employers and Immigration Under Trump: What You Need To Know