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REPLY TO FLORIDA

September 2, 2021

VIA FACSIMILE AND/OR EMAIL

The Honorable Jay Inslee, Governor
State of Washington
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Fax: 360-753-4110

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Don Clintsman, Acting Secretary
Department of Social and Health Services
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RE: Unlawful Attempt to Suppress Religious Exemptions and Accommodations from
State's Mandatory COVID-19 Vaccine Policy

Dear Governor Inslee, Attorney General Ferguson, and Secretaries:

As you know, Liberty Counsel is a national non-profit litigation, education and public policy organization with an emphasis on First Amendment liberties, and a particular focus on religious freedom and the sanctity of human life. Liberty Counsel has engaged in extensive litigation in the last year regarding civil rights violations ostensibly justified by "COVID-19," and has had great success holding both government entities and private actors accountable. *See, e.g., Harvest Rock Church, Inc. v. Newsom*, 141 S. Ct. 1289 (2021) (permanent injunction granted and **\$1,350,000 in attorney's fees awarded** in *Harvest Rock Church, Inc. v. Newsom*, No. 2:20-cv-06414, C.D. Cal., May 17, 2021); *Harvest Rock Church, Inc. v. Newsom*, 141 S. Ct. 889 (2020); *Elim Romanian Pentecostal Church v. Pritzker*, 962 F.3d 341 (7th Cir. 2020); *Maryville Baptist Church, Inc. v. Beshear*, 957 F.3d 610 (6th Cir. 2020).

I write on behalf of numerous Washington doctors, nurses, medical professionals, home health facilities and providers, and other health care workers, along with Washington public and private school employees, who have been forced by Governor Inslee's recent August 18, 2021 "[Proclamation](#)

[21-14.1](#)¹ to choose between the exercise of their sincerely held religious beliefs and feeding their families (with “as narrow as possible” “religious exemptions” set forth in staff emails, along with illegal questions set forth in state implementation forms, attached hereto). No individual in Washington should be forced into such an unconscionable decision.

On August 3, 2021, one of Governor Inslee’s staff members, Kathryn Leathers, set forth in an email: “The decision has been made. We are now definitely going in the direction of a mandatory vaccine for all employees in certain areas of employment: public and private healthcare, congregate settings (like DOC and LTC facilities) and state employees who work for the Exec cabinet. We may branch out to other separately electeds’ employees, but we will start with our staff.” In a bullet point list under “Other,” Ms. Leathers stated that Governor Inslee would require as follows:

- Mandatory weekly testing until such time as you are fully vaccinated.
- For the private healthcare settings, we want to require that they have a policy in place by “X” date (“X” TBD).
- **Exemptions: medical for sure; and religious (if we have to; if yes, as narrow as possible).**
 - ...
 - o Consequence: This is a condition of employment. You lose your job if you do not comply (and, the privates are prohibited from employing or continuing to employ anyone who is not fully vaccinated by X date).

See Email, Leathers to Cortez, Merchant, Wonhoff et al, Tuesday, August 3, 2021 5:52 PM. (Bold emphasis added).

Consistent with Ms. Leathers’ email, on August 18, 2021, Governor Inslee announced “Proclamation 21-14.1” (hereinafter “Mandatory COVID-19 Vaccination Policy” or “the Policy”). The Policy purports to require all “Workers for State Agencies,” “Workers for operators of Educational Settings,” and “Health Care Providers” to be “fully vaccinated” against COVID-19 or obtain a religious or medical exemption by October 18, 2021. The “Educational Settings” portion of the Policy purports to apply to all employees working for public *and private* K–12 schools in the State of Washington.

Multiple implementation forms, attached hereto, styled “*Religious Exemption Request Form 1 – Proclamation 21-14*” purport to require that employees:

1. “[A]ssert that you have a sincerely held religious belief or religious conviction that prevents you from receiving the COVID-19 vaccine. (Check yes or no).
2. “[A]ffirm/agree that **you have never received a vaccine or medicine from a health care provider as an adult.**” (Check yes or no).

Combined, the Policy and its implementing Forms (hereinafter “Forms”) suffer from numerous legal deficiencies, not the least of which is any claim by Governor Inslee that the existence of COVID-19 constitutes a continuing, perpetual emergency sufficient to justify perpetual rule by decree and “proclamation.” Staff emails that “**religious**” exemptions will be issued only “**if we have to;**” and if “yes,” then “**as narrow as possible,**” combined with standard Forms purporting to demand employees

¹ https://www.governor.wa.gov/sites/default/files/proclamations/21-14.1%20-%20COVID-19%20Vax%20Washington%20Amendment.pdf?utm_medium=email&utm_source=govdelivery

“assert/agree” that they have never received any other “vaccine” or never taken “medicine” in order to submit a religious exemption request are shockingly illegal, and betray anti-religious animus.

A. The First Amendment Protects Religious Beliefs and Requires Religious Exemptions; and Prohibits Arbitrary “Rules,” False and Misleading “Forms” and other types of “Guidance” Designed to Block Workers From Obtaining Religious Exemptions.

The State of Washington cannot itself deny (nor induce private employers to deny) religious exemption requests, on the basis that an employee has taken other vaccines or medication in the past. It is now common knowledge and incontrovertible that all three of the currently available COVID-19 vaccines are produced by, derived from, manufactured with, tested on, developed with, or otherwise connected to aborted fetal cell lines. There is no question about the accuracy of this determination. The North Dakota Department of Health, in its literature for those considering one of the three, currently available COVID-19 vaccines, notes the following: “[t]he non-replicating viral vector vaccine produced by Johnson & Johnson **did require the use of fetal cell cultures, specifically PER.C6, in order to produce and manufacture the vaccine.**” See North Dakota Health, *COVID-19 Vaccines & Fetal Cell Lines* (Apr. 20, 2021), available at https://www.health.nd.gov/sites/www/files/documents/COVID%20Vaccine%20Page/COVID-19_Vaccine_Fetal_Cell_Handout.pdf (bold added).

The Louisiana Department of Health likewise confirms that the Johnson & Johnson COVID-19 vaccine, which used PER.C6 fetal cell line, “is a retinal cell line that was **isolated from a terminated fetus in 1985.**” Louisiana Department of Public Health, *You Have Questions, We Have Answers: COVID-19 Vaccine FAQ* (Dec. 12, 2020), available at https://ldh.la.gov/assets/oph/Center-PHCH/Center-PH/immunizations/You_Have_Qs_COVID-19_Vaccine_FAQ.pdf (bold added).

The same is true of the Moderna and Pfizer/BioNTech mRNA vaccines. The Louisiana Department of Health’s publications again confirm that aborted fetal cells lines were used in the “proof of concept” phase of the development of their COVID-19 mRNA vaccines. Louisiana Department of Public Health, *You Have Questions, We Have Answers: COVID-19 Vaccine FAQ* (Dec. 12, 2020), available at https://ldh.la.gov/assets/oph/Center-PHCH/Center-PH/immunizations/You_Have_Qs_COVID-19_Vaccine_FAQ.pdf. The North Dakota Department of Health, in its handout literature on COVID-19 vaccines, notes: “[e]arly in the development of mRNA vaccine technology, **fetal cells were used for ‘proof of concept’ (to demonstrate how a cell could take up mRNA and produce the SARS-CoV-2 spike protein) or to characterize the SARS-CoV-2 spike protein.**” See North Dakota Health, *COVID-19 Vaccines & Fetal Cell Lines* (Apr. 20, 2021), available at https://www.health.nd.gov/sites/www/files/documents/COVID%20Vaccine%20Page/COVID-19_Vaccine_Fetal_Cell_Handout.pdf (last visited Aug. 10, 2021) (emphasis added).

Thus, the currently-available COVID shots are different than any vaccines an employee has taken in the past that were NOT derived using aborted fetal cells. While some people may hold sincere religious beliefs against taking ANY vaccines, many (indeed most) others only hold religious beliefs against accepting those vaccines derived from aborted fetal cell lines used in testing, development, or manufacturing. Again, taking “medicine” prescribed by healthcare providers does not foreclose someone from rejecting the current COVID vaccines, for the same reasons. Employees may have taken other vaccines or medicine that were not developed, tested or produced using aborted fetal cell lines; but even if they were or did:

1. The Forms assume previous vaccinations and medicines are the same as the three COVID shots - and they are not;
2. The Forms assume that to the extent previously-taken medications or vaccines might have been the same, the person claiming a religious exemption knew about the connection between previously-taken medications or vaccines and took them anyways; and
3. The Forms assume that if the vaccinations and medicines were the same, and the religious exemption claimant knew and accepted this fact, the claimant has not experienced guilt and shame, and experienced a renewed religious conviction that they must not do the same thing again.

The Forms assume that if someone answers “yes” to a question of “have you ever smoked tobacco,” that such a person is lying if they were to say that, going forward, they are now a “non-smoker;” or if one has ever had (or coerced someone else to have) an abortion, they can no longer oppose abortion and truthfully claim to be “pro-Life” going forward.

By the logic of the Forms, if a person has ever engaged in sexual activities prohibited by or inconsistent with their faith, that person can no longer commit religiously to living a chaste and virtuous life. The Forms assume that people are not allowed to make mistakes in the past, and if they have, they cannot claim to have changed their behavior to conform better with their faith going forward.

In sum, the Forms thus are a frontal assault on millennia of Christian theology of “repentance” and turning from sin, as set forth in 1 Corinthians 6:9-11:

⁹ Or do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral, nor idolaters, nor adulterers, nor men who practice homosexuality, ¹⁰ nor thieves, nor the greedy, nor drunkards, nor revilers, nor swindlers will inherit the kingdom of God. ¹¹ **And such were some of you.** But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God.

See 1 Corinthians 6:9-11, the Holy Bible, Authorized Version. (Emphasis added). The Bible (and numerous other religions) allow for change and repentance; but the Forms do not.

Thus, the Forms’ questions regarding former vaccine acceptance and medicinal prescriptions are wholly without merit and violate the First Amendment and other rights of employees who are subjected to them or intimidated by them.

B. Washington Cannot Deny Religious Exemptions Because it Disagrees with or Disapproves of the Sincere Religious Beliefs of its Citizens.

While there may be some who consider COVID-19 vaccines to be acceptable as a matter of religious doctrine or belief, no employer in Washington – including the State – is permitted to determine which religious adherent has a correct understanding of religious doctrine or whether a health care worker’s sincerely held religious beliefs are shared broadly among members of her faith. As the Supreme Court has recognized, an employee’s “religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection.” *Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 714 (1981). *See also Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 531 (1993) (same). Additionally, though membership in or adherence

to the tenets of an organized religious is plainly sufficient to provide protection for an individual's sincerely held religious beliefs, it is not a necessary precondition. *See Frazee v. Ill. Dep't of Emp. Sec.*, 489 U.S. 829, 834 (1989) (“**Undoubtedly, membership in an organized religious denomination, especially one with a specific tenet forbidding members to work on Sunday, would simplify the problem of identifying sincerely held religious beliefs, but we reject the notion that to claim the protection [for sincerely held religious beliefs], one must be responding to the commands of a particular religious organization.**” (emphasis added)). *See also Office of Foreign Assets Control v. Voices in the Wilderness*, 329 F. Supp. 2d 71, 81 (D.D.C. 2004) (noting that the law provides protection for “sincerely held religious beliefs,” “not just tenets of organized religion”).

The law provides protection for sincerely held religious beliefs even when some members of the same religious organization, sect, or denomination disagree with the beliefs espoused by the individual. That some individuals may have sincerely held religious beliefs that differ from those espoused by health care providers with a sincere religious objection to the three currently available COVID-19 vaccines is irrelevant to whether those sincerely held religious beliefs are entitled to protection under Title VII. Indeed,

[i]ntrafaith differences of that kind are not uncommon among followers of a particular creed, and the judicial process is singularly ill equipped to resolve such differences . . . and the guarantee of free exercise is not limited to beliefs which are shared by all of the members of a religious sect. Particularly in this sensitive area, it is not within the judicial function and judicial competence to inquire whether the petitioner or his fellow worker more correctly perceived the commands of their common faith. Courts are not arbiters of scriptural interpretation.”

450 U.S. at 715-16 (emphasis added). Moreover, the denial of an employee's request for a religious accommodation and exemption based upon the views of other individuals who do not share their sincere religious beliefs is unlawful. It is legally irrelevant what other individuals think or religiously believe. Once an employee has articulated his sincerely held religious objections to acceptance or receipt of the currently available COVID-19 vaccines, the proper inquiry is at its end. Because all three of the currently available COVID-19 vaccines are developed and produced from, tested with, researched on, or otherwise connected with the aborted fetal cell lines HEK-293 and PER.C6, the sincerely held religious beliefs of the employees we represent compel them to abstain from accepting or injecting any of these products into their body, regardless of the perceived benefit or rationale. Thus, while there may be some faith leaders and other adherents whose understanding of Scripture is different, and who may be willing to accept one of the three currently available COVID-19 vaccines despite their connection with aborted fetal cell lines, official recognition of a sincerely held religious objection to acceptance or receipt of a vaccine that is inextricably intertwined with aborted fetal cell lines is unnecessary to warrant protection.

In sum, denying a health care worker's request for a religious accommodation based upon the beliefs of others, or based on whether they have received other vaccines or “medicine” is unlawful. Refusing to grant a health care worker a religious accommodation is also plainly a violation of Title VII.

- C. **Title VII Prohibits Washington's Attempt to Dissuade, Discourage, or Suppress Requests for Religious Accommodations and Exemptions; Denying Merited Religious Exemptions and Accommodations Would Violate Title VII**

As you are undoubtedly aware, Title VII of the Civil Rights Act prohibits every employer in Washington from discriminating against its employees on the basis of their sincerely held religious beliefs. *See* 42 U.S.C. §2000e-2(a) (“It shall be an unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual’s race, color, religion, sex, or national origin”). *See also EEOC v. Abercrombie & Fitch Stores, Inc.*, 575 U.S. 768 (2015) (same). And, **health care workers who are employed by the State of Washington are also afforded the same protection under Title VII.** *See* 42 U.S.C. §2000e(f); *Fitzpatrick v. Bitzer*, 427 U.S. 445 (1976) (noting that States are also required to abide by Title VII’s mandates in relation to their employees). Title VII defines “religion” as “all aspects of religious observance and practice, as well as belief.” 42 U.S.C. §2000e(j). Put simply, an employer violates Title VII if it makes employment decisions related to an employee based solely upon that individual’s sincerely held religious beliefs. *Abercrombie & Fitch*, 575 U.S. at 773 (“**An employer may not make an applicant’s religious practices, confirmed or otherwise, a factor in employment decisions.**” (emphasis added)).

Indeed, Title VII of the Civil Rights Act, 42 U.S.C. §2000e-2(d), prohibits hospitals and other entities from discriminating on the basis of religion in terms of their apprenticeships and training programs. To deny medical or nursing students a religious exemption from the mandated immunizations and to refuse to permit them to participate in the apprenticeship and clinical training programs is unlawful religious discrimination.

Governor Inslee is courting liability against both the State of Washington and hospitals and long-term care centers that comply with his mandates, and discourage or refuse to provide religious exemptions. The fraudulent discouraging or denial of religious accommodations from mandatory vaccine policies has been found unlawful in the hospital and health care context. Indeed, hospitals have been sued and lost over forced influenza vaccines. *See, e.g. EEOC v. Mission Hosp., Inc.*, No. 1:16-cv-118-MOC-DLH, 2017 WL 3392783 (W.D.N.C. Aug. 7, 2017) (resulting in permanent injunction against Mission Hospital from improperly denying religious exemptions from mandatory vaccinations and requiring the hospital to pay \$89,000 in damages); *United States v. Ozaukee Cnty.*, No 18-cv-343-pp (E.D. Wis. 2018) (resulting in a permanent injunction against the county for failure to grant religious exemptions from compulsory vaccinations and ordering county to pay \$18,000 in damages to the employee). Colleges and universities located in the State of Washington cannot blame any religious discrimination on its affiliated partners for the clinical programs, or on Governor Inslee’s “mandatory” vaccine Policy. The law requires all such institutions to recognize and protect the students’ sincerely held religious beliefs.

D. The Washington Constitution Secures Religious Freedom Against State Interference.

The Constitution of the State of Washington recognizes that:

Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. ... No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters

of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

See Wash. Const. art. I, § 11. “Absolute freedom of conscience” is violated by a “Form” that purports to indicate that a religious exemption request will not be granted if a person seeking the exemption has ever received a vaccination, or taken any “medicine” prescribed by a medical provider. Requiring a person to accept into their body a shot that violates their religious beliefs constitutes “molest[ation]...in [one’s] person.” Moreover, to the extent that public employees are forced to make a request for a “religious” exemption, and their beliefs are judged insufficient by employers acting at the behest of Governor Inslee, the State of Washington is instituting a religious qualification for public employment, in contravention of the mandate of the Washington Constitution.

E. The Washington Law Against Discrimination Prohibits Discrimination on the Basis of An Employee’s “Creed”/Sincerely Held Religious Beliefs.

The Washington Law Against Discrimination (WLAD) also provides statutory protection for the health care workers and teachers with sincerely held religious objections to the currently available COVID-19 vaccines. Indeed, the WLAD states that it is unlawful for any employer to refuse to hire or to **“discharge or bar any person from employment because of ... creed.”** R.C.W § 49.60.180(2) (emphasis added). Moreover, no employer, including the State of Washington, may “print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use **any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation**, specification, or discrimination as to...creed...”. R.C.W § 49.60.180(4). On their face, the Forms express “limitation” on employment because of religious beliefs, purporting to require that a prospective request for a religious exemption from the COVID shot mandate is limited if a religious objector has ever taken “medicine.”

F. Washington Law Protects Every Individual’s Right to Refuse Unwanted Medical Treatment.

Washington law provides a long-established common law right to all individuals to refuse unwanted medical care. The constitutional right to privacy includes autonomy over one's medical care, and includes the right to refuse treatment. *See, e.g., In re Welfare of Colyer*, 99 Wn.2d 114, 119–22, 660 P.2d 738 (1983) (discussing common law and constitutional bases for patients’ right to refuse treatment); *see also* RCW 7.70.050 (statutory requirement to obtain informed consent by health care provider). The individual’s

right to be free from nonconsensual invasions of one's bodily integrity is the basis for the doctrine of informed consent which requires physicians to disclose to a patient all material facts and risks concerning the patient's condition, thus **enabling the patient to make an informed choice regarding the proposed treatment.** *Gates v. Jensen*, 92 Wash.2d 246, 595 P.2d 919 (1979); RCW 7.70.050. Such information must include the possibility of alternative treatment **or no treatment at all.** *ZeBarth v. Swedish Hosp. Med. Ctr.*, 81 Wash.2d 12, 499 P.2d 1, 52 A.L.R.3d 1067 (1972); RCW 7.70.050(3)(d). Thus, freedom of choice with respect to medical treatment encompasses **the right to refuse life sustaining treatment in certain circumstances.**

See Matter of Welfare of Colyer, 99 Wash. 2d 114, 121–22, 660 P.2d 738, 743 (1983), *holding modified by Matter of Guardianship of Hamlin*, 102 Wash. 2d 810, 689 P.2d 1372 (1984). If the right of an

individual to refuse even “life sustaining treatment” belongs not to the State, but to the individual whose life the treatment is designed to preserve, then there is no basis for Governor Inslee to proclaim that individuals must consent to treatment in the form of novel injections to save the lives of others.

Because the health care workers and teachers we represent have a sincerely held religious objection to the currently available COVID-19 vaccines, and because they are unable to comply with Washington’s Mandatory COVID-19 Vaccination Policy due to conflict with their sincerely held religious beliefs, **all employers in Washington – including the State – are mandated to accommodate these religious beliefs under Washington law.** As with Title VII and the WLAD discussed above, an employer’s failure to accommodate a health care worker’s sincerely held religious (or “creed”) objections to the COVID-19 vaccines is unlawful and discriminatory; as is circulation of any notice of intent to discriminate, as currently constituted by the circulation of “Guidance” and Forms.

CONCLUSION

As discussed in this letter, Washington cannot compel health care workers, school teachers, or any other employee’s compliance with its Mandatory COVID-19 Vaccination Policy when the employee’s sincerely held religious beliefs preclude them from compliance with such policy. And, requests for accommodation and exemption from a policy cannot be denied because other religious adherents happen to hold views different from the applicant’s sincerely held religious beliefs. A denial effectuated by the State of Washington’s fraudulent misrepresentation to employers as to what is permissible will result in liability to both the private company AND the State of Washington.

Liberty Counsel prefers to avoid the need for further action, and trusts that the authorities outlined in this letter will demonstrate to the State of Washington that its attempts to dissuade health care workers, teachers, and others from seeking a religious accommodation and exemption, or to induce employers to refuse to accommodate an employee’s request for a religious accommodation and exemption, based on impermissible considerations are unlawful.


The State of Washington must cease from its current course of discouraging or denying religious health care workers’ and teachers’ request for religious accommodation based upon the beliefs of other individuals, based upon the willful disregard of Title VII’s dictates, or based upon a laughably narrow question (or additional questions) in a “form” designed to limit “**religious exemptions**” to be issued only “**if we [the State] have to;**” and if “**yes,**” then only “**as narrow as possible.**” The State of Washington may not require workers to “assert/agree” that they have never received any other “vaccine” or have never taken “medicine” in order to submit a religious exemption request.

Liberty Counsel is giving the State of Washington the opportunity to grant these workers their requested religious exemptions without litigation. We hope this letter will demonstrate to the State of Washington that health care workers and teachers are equally entitled to the religious protections of Title VII and other laws, and that these vital workers will be granted the religious exemptions and accommodations to which they are entitled.

Please confirm that Question 2 on the Forms (whether an employee has gotten a vaccination in the past or taken “medicine” or medical treatment) is 1) not a disqualifying factor or condition for receiving a COVID vaccine religious exemption, 2) that supervisors have been

informed that they must not indicate to employees that such is a disqualifier; and 3) that it has been withdrawn.

If there are similar improper questions that betray anti-religious animus, these, too, must be withdrawn. **We are requesting that you respond in writing by September 9, 2021 with the above assurances.** If we do not receive this response, Liberty Counsel will be forced to conclude that Washington is ignoring its obligations to provide religious exemptions and accommodations to health care workers, teachers and other employees with sincerely held religious objections to the COVID-19 vaccines, and we will take action to prevent irreparable harm.



Richard L. Mast[†]

Sincerely,



Horatio G. Mihet^{††}

CC
Via Email
JD Bristol^{†††}

jdb@wapractice.com

[†] Licensed in Virginia

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From: [Sonju, Eric A. \(ATG\)](#) [REDACTED]
To: [Leathers, Kathryn \(GOV\)](#) [REDACTED]
[Cortez, Dawn C. \(ATG\)](#) [REDACTED]
[Merchant, David \(ATG\)](#) [REDACTED]
CC: [Wonhoff, Taylor \(GOV\)](#) [REDACTED]
[Petrie, Valerie B \(ATG\)](#) [REDACTED]
Date: 2021-08-04 11:37:44 AM
Subject: RE: New mandatory vaccine proclamation
Attachments: rssExec.pdf

Thought you'd all be interested to see this order from the 7th Circuit denying a motion for an injunction pending appeal against Indiana University's vaccination mandate. The district court denied plaintiff students' preliminary motion, which they're now appealing.

From: Leathers, Kathryn (GOV) [REDACTED]
Sent: Tuesday, August 3, 2021 5:52 PM
To: Cortez, Dawn C. (ATG) [REDACTED] Merchant, David (ATG) [REDACTED]
Cc: Wonhoff, Taylor (GOV) [REDACTED] Sonju, Eric A. (ATG) [REDACTED] Petrie, Valerie B (ATG) [REDACTED]
Subject: New mandatory vaccine proclamation

[EXTERNAL]

Dawn and Dave,

The decision has been made. We are now definitely going in the direction of a mandatory vaccine for all employees in certain areas of employment: public and private healthcare, congregate settings (like DOC and LTC facilities), and state employees who work for the Exec cabinet. We may branch out to other separately electeds' employees, but we will start with our staff.

Other:

- Mandatory weekly testing until such time as you are fully vaccinated.
- For the private healthcare settings, we want to require that they have a policy in place that mandates vaccines by "X" date ("X" TBD).
- Exemptions: medical for sure; and religious (if we have to; if yes, as narrow as possible).
 - o Adding Eric Sonju and Valerie Petrie to help with the exemptions.
- Still trying to nail down how long the unvaccinated person has to become fully vaccinated, TBD.
- Consequence: This is a condition of employment. You lose your job if you do not comply (and, the privates are prohibited from employing or continuing to employ anyone who is not fully vaccinated by X date).

I will get you the list of what qualifies as healthcare and congregate settings asap.

Governor wants to announce this week, if possible. If we need more time, we can announce this week and issue on Monday. Usual moving target on a short timeframe. So sorry.

Can you get this one started (tomorrow)?

Thank you,



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

RELIGIOUS EXEMPTION REQUEST FORM 1
PROCLAMATION 21-14 (VACCINE REQUIREMENT)

The Department of Social and Health Services (DSHS) will provide reasonable accommodations to qualified applicants and employees with religious beliefs, unless providing such accommodations would pose an undue hardship.

Instructions for Employees:

Below are initial intake questions for you to respond to in requesting a sincerely held religious belief exemption pursuant to Proclamation 21-14 exemption.

Please return this form and your response to Religious Request Inbox at religiousrequest@dshs.wa.gov. Please complete your response as soon as possible, but no later than August 30, 2021, to help us assure timelines for responses can be met. If you have any questions or need more information, please do not hesitate to contact religiousrequest@dshs.wa.gov or your assigned HR Business Partner.

Questionnaire:

1. Employee Name: _____

Personnel Number: _____

Administration/Division: _____

2. You, _____ [employee name], assert that you have a sincerely held religious belief or religious conviction that prevents you from receiving the COVID-19 vaccine. ☐ YES ☐ NO

3. You, _____ [employee name] affirm/agree that you have never received a vaccine or medicine from a health care provider as an adult. ☐ YES ☐ NO

In most circumstances, DSHS will need to obtain additional follow up information about your strongly held religious belief(s). Human Resources staff will reach out to you if additional information is needed to process this request.



Washington State Department of Transportation

RELIGIOUS EXEMPTION REQUEST FORM PROCLAMATION 21 -14 (VACCINE REQUIREMENT)

The Washington State Department of Transportation (WSDOT) is committed to building an inclusive and welcoming work environment.

WSDOT will provide reasonable accommodations to qualified applicants and employees with religious beliefs/practices, unless providing such accommodations would pose an undue hardship.

Employee Name: _____ EID#: _____

Regular work schedule: _____

Employee's Job Title: _____ Region/Division: _____

1. You assert that you have a sincerely held religious belief or religious conviction that prevents you from receiving the COVID-19 vaccine.

_____ Yes _____ No

2. You affirm/agree that you have never received a vaccine or medicine from a health care provider as an adult.

_____ Yes _____ No

In some circumstances, WSDOT will need to obtain additional follow-up information about your strongly held religious belief(s). WSDOT will reach out to you if additional information is needed to process this request.

I certify that I have read and understood the information provided in this request, and that it is true to the best of my knowledge, information, and belief.

Dated this _____ day of _____, 2021 at _____, Washington.

Signature: _____ Print Name: _____

Instructions for employees:

Please return this form and your response to exemption@wsdot.wa.gov. WSDOT employees are required to be fully vaccinated with one of the authorized COVID-19 vaccines by October 18, 2021, or have an accommodation in place by October 18, 2021. If you have any questions, please do not hesitate to contact your assigned Human Resource Consultant.