JAY INSLEE
Governor

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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-39
Post-Retirement Employment

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, and 20-38, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the impacts of the COVID-19 State of Emergency on many public sector agencies and offices has significantly affected their ability to adequately staff and supply various administrative and operational activities essential to assisting with response to the COVID-19 pandemic; and

WHEREAS, there are many retired public sector employees with critical skills necessary to assist with and supplement the COVID-19 emergency response who are limited in returning to service by statutory restrictions on post-retirement employment; and

WHEREAS, to encourage these retired public sector employees to return to service and fill these critical needs for COVID-19 response, it is necessary to waive certain statutory restrictions limiting post-retirement employment; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamations 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive and suspend specific statutory restrictions limiting post-retirement employment, as provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I also find that, as a result of the COVID-19 pandemic, strict compliance with the following statutory obligations or limitations will prevent, hinder, or delay action that is necessary to encourage retired public sector employees with critical skills necessary for response to the COVID-19 to return to service and fill these critical needs, and that the specific language of each statutory provision identified below is hereby waived and suspended in its entirety until midnight on April 30, 2020:

1. RCW 41.40.037(2) -- partial waiver and suspension only of the following language:
   - "up to eight hundred sixty-seven hours per calendar year".

2. RCW 41.40.630(3)(b) -- partial waiver and suspension only of the following language:
   - "Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of *RCW 41.40.037(2)(d) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.40.690(1)."

3. RCW 41.40.820(3)(b) -- partial waiver and suspension only of the following language:
   - "Any member who retires under the provisions of this subsection is ineligible for the postretirement employment provisions of *RCW 41.40.037(2)(d) until the retired member has reached sixty-five years of age. For purposes of this subsection, employment with an employer also includes any personal service contract, service by an employer as a temporary

or project employee, or any other similar compensated relationship with any employer included under the provisions of RCW 41.40.850(1)."

4. RCW 41.26.500(1) -- partial waiver and suspension only of the following language:
   - "Except under subsection (3) of this section" and
   - "not" and
   - "If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department."

5. RCW 41.37.050(2) -- partial waiver and suspension only of the following language:
   - "up to eight hundred sixty-seven hours per calendar year".

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 31st day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State