

1 Hearing date: May 28, 2021  
2 Hearing time: 9:00 AM  
3 Judge/Calendar: Hon. James J. Dixon/Civil  
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9 WASHINGTON STATE SUPERIOR COURT FOR THURSTON COUNTY

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11 TYLER G MILLER,  
12 Plaintiff,

13 vs.

14 JAY INSLEE, ET AL,  
15 Defendants,  
16

Case No.: 21-2-00092-34

PLAINTIFF'S OPENING BRIEF

17 **I. INTRODUCTION**

18 1.1 Plaintiff brings this case to vindicate his lawful rights and privileges under Article  
19 II § 11 of the Constitution of the State of Washington to attend and observe, in-person, floor  
20 sessions of both houses of the Washington State Legislature, now sitting in open session. These  
21 rights and privileges were denied to the Plaintiff directly due to the actions of the Defendants,  
22 acting under the color of law, making each defendant guilty of a gross misdemeanor under RCW  
23 9A.80.010.<sup>1</sup>

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<sup>1</sup> RCW [9A.80.010](https://app.leg.wa.gov/RCW/default.aspx?cite=9A.80.010), Official misconduct. (1) A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege: (a) He or she intentionally commits an unauthorized act under color of law; or (b) He or she intentionally refrains from performing a duty imposed upon him or her by law. (2) Official misconduct is a gross misdemeanor. <https://app.leg.wa.gov/RCW/default.aspx?cite=9A.80.010>

1           1.2     Article II § 11 of the Constitution of Washington State states, in part, “*The doors*  
2 *of each house shall be kept open, except when the public welfare shall require secrecy.*”<sup>2</sup> The  
3 clear textual and historical intent of this provision is to provide the public with unfettered access  
4 by which to observe, in person, the operations and conduct of their elected representatives during  
5 the legislative session. Article I § 29 of the Constitution of the State of Washington  
6 unambiguously states that, “*The provisions of this Constitution are mandatory, unless by express*  
7 *words they are declared to be otherwise.*”<sup>3</sup> Nowhere in any other part of the Constitution of the  
8 State of Washington is it stated, suggested, or alluded to that Article II § 11 is conditional or  
9 capable of temporary suspension. Therefore, Article II § 11 is a mandatory constitutional  
10 provision – one which the defendants, by virtue of their offices, are obligated to guarantee and  
11 carry out.

12           1.3     January 11, 2021 began the current legislative session. Plaintiff had fully intended  
13 to attend the proceedings in both chambers on that day and on various other days that followed.  
14 He ultimately refrained, and continues to refrain, from attempting to attend due to the imminent  
15 threat of harm caused by the erection of a chain-linked fence surrounding the Legislative  
16 Building, and the presence of a multitude of officers from the Washington State Patrol (WSP)  
17 and Washington National Guard (WNG). This imminent harm was created by orders from the  
18 Defendants to the WSP to detain and arrest any unauthorized persons attempting to cross the

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<sup>2</sup> Constitution of the State of Washington, Article II § 11: JOURNAL, PUBLICITY OF MEETINGS - ADJOURNMENTS. “*Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other.*”

<sup>3</sup> Constitution of the State of Washington, Article 1 § 29: CONSTITUTION MANDATORY. “*The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.*”







1           *Each house shall keep a journal of its proceedings and publish the*  
2           *same, except such parts as require secrecy. The doors of each house*  
3           *shall be kept open, except when the public welfare shall require*  
4           *secrecy. Neither house shall adjourn for more than three days, nor*  
5           *to any place other than that in which they may be sitting, without the*  
6           *consent of the other.*<sup>11</sup>

7 This exact language was written into the original State Constitution when it was first drafted in  
8 1878, appearing there as Article VI § Section 12.<sup>12</sup> The section contains three separate, yet  
9 interrelating clauses of one sentence per clause. Unfortunately, the debate record of the  
10 conventions which adopted both the 1878 and the subsequent and current 1889 Constitutions left  
11 us no record of the specific reasoning for the inclusion of these clauses. However, we can access  
12 and analyze the available information necessary to illuminate the meanings, context, and intents  
13 for this Section, and specifically for the second clause, central to this case.

14           4.2     Isolating the second clause of the Section, it is worth noting that no fewer than 35  
15 other State’s Constitutions have this clause in substantially the same form, with a majority of  
16 those appearing as a stand-alone section.<sup>13</sup> However, the wording of the sentence as it appears in  
17 the Washington Constitution is somewhat nebulous. While the clear, overarching purpose of the  
18 entire Section is to establish transparency and differentiate between open and secret proceedings,  
19 the precise meaning and scope of the words that are used in the first clause of the second

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<sup>11</sup> Constitution of the State of Washington, Article II § 11.

<sup>12</sup> <https://www.sos.wa.gov/assets/legacy/1878constitution.pdf>

<sup>13</sup> Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Wisconsin, and Wyoming.

1 sentence is debatable. Are the doors literal doors, or are they poetically metaphoric - as human  
2 eyes are sometimes referred to as “the windows to the soul?” If it is the former, then does it  
3 apply to every door of each house? For that matter, are the physical limits of each “house”  
4 confined to the walls enclosing the main chamber floor?

5           4.3     The use of the word “open” must also be explored and contextualized in order to  
6 derive a precise meaning and application. Again, it is superficially clear that the authors of this  
7 text sought to differentiate between proceedings that were “open,” versus ones that require  
8 “secrecy,” and would therefore be “shut” or “closed.” So in this sense, the use of the word  
9 “open” leans heavily on the metaphorical usage to simply mean, “open for all to see and/or  
10 hear.” The first sentence of the Section suggests that this can be achieved simply through the  
11 availability of the published proceedings. However, if that were a mere alternative or a wholly  
12 sufficient one, then why include the third sentence in the Section? This “adjournment clause,”  
13 placed in the overall context of this Section, appears to have connected to it the deep concern that  
14 the location of, and times for, each house’s activities are known. At a minimum known to the  
15 members of the other house, but also, looking at the whole context of the Section, known to the  
16 public generally.

17           4.4     When looked at in this holistic manner, the obvious meanings derived in the first  
18 clause of the second sentence in this Section seems to argue for a literal interpretation. The doors  
19 are, in fact, the literal doors of each house. Which doors and how many are immaterial to the  
20 point. The authors of this Section (and presumably those that ratified it), understood this clause  
21 to compel the actual doors of each house to remain physically open, but for necessary secrecy.  
22 Although it is not explicitly stated, the necessary inference is that to practically achieve

1 proceedings that are, in fact, open for all to see and/or hear, it would necessitate the ability for all  
2 – “the public” – to be able to physically enter each house to see and/or hear the proceedings.

3 4.5 Still, there will be those who argue that the second sentence does not actually  
4 speak to a right of the public to be physically present during proceedings, insisting instead that  
5 this second sentence is merely a completion statement of the first sentence. This view ignores the  
6 third sentence entirely and relies upon an almost purely metaphorical interpretation of the second  
7 sentence. Plain reason should reject such a view, and if it cannot, then an analysis of how this  
8 sentence appears in similar documents should dispel any doubt.

9 4.6 As was already mentioned, text of the second sentence in Article II § 11  
10 substantially appears in no fewer than 35 other State’s Constitutions. In some of those documents  
11 it is wrapped up with the “Journals” and “Adjournment” clauses as it is in Washington’s  
12 Constitution. When it does stand alone as a separate section, it is most often placed close to these  
13 other clauses, usually immediately before or after, or in-between them. In many of these  
14 instances the language is made more explicit as to what “open” means, adding phrases such as,  
15 “...to the public...,” or, “...for the admissions of all persons...”<sup>14</sup> At least 7 States made the  
16 right of public attendance to legislative proceedings so explicit as to add specific clauses for the  
17 removal of any member(s) of the public that “disturb” or “dishonor” that body.<sup>15</sup> And at least one

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<sup>14</sup> California, Connecticut, Florida, Georgia, Hawaii, Minnesota, Montana, New Mexico, North Dakota, Ohio, and Utah each have explicit language that meetings shall “be public” or shall “be open to the public.” New Hampshire, Pennsylvania (1776), and Vermont each add “for the admission of all persons...” And Louisiana explicitly states that, “*No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.*” (Article XII § 3).

<sup>15</sup> Indiana, Mississippi, Nevada, New Hampshire, Tennessee, Texas, and Vermont all have expulsion and imprisonment clauses for non-members who disturb or disrupt proceedings.

1 State, California, goes so far as to create an explicit right of action for members of the public that  
2 are denied this right.<sup>16</sup>

3 4.7 Some may argue that the lack of such specificity in the Washington State  
4 Constitution shows an intent of the authors to not, in fact, create any such right for its citizens.  
5 To properly consider that argument we must look at the historical origin and application of the  
6 clause. It is found in at least four of the original 13 State’s Constitutions adopted after the  
7 Federal Constitution in 1790, with at least one, Pennsylvania, having the clause in its original  
8 1776 Constitution.<sup>17</sup> Given its substantive inclusion in all but 6 State’s Constitutions from that  
9 time through inclusion in the Washington State Constitution, guaranteeing that the public could  
10 not be shut out of the legislative process appears to have placed as highly significant in terms of  
11 importance to those organizing bodies.<sup>18</sup>

12 4.8 What is even clearer is that these clauses have rarely (if ever) been challenged –  
13 even through times of crisis, to include numerous instances of the outbreak of deadly disease,  
14 civic upheaval, and even our Civil War. At most we have historically seen increased security

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<sup>16</sup> “*Except as provided in paragraph (3), the proceedings of each house and the committees thereof shall be open and public. The right to attend open and public proceedings includes the right of any person to record by audio or video means any and all parts of the proceedings and to broadcast or otherwise transmit them; provided that the Legislature may adopt reasonable rules pursuant to paragraph (5) regulating the placement and use of the equipment for recording or broadcasting the proceedings for the sole purpose of minimizing disruption of the proceedings. Any aggrieved party shall have standing to challenge said rules in an action for declaratory and injunctive relief, and the Legislature shall have the burden of demonstrating that the rule is reasonable.*” (Article IV § 7(c))

<sup>17</sup> Connecticut, Delaware, New Hampshire, and Pennsylvania. Pennsylvania’s 1776 Constitution read, “*The doors of the house in which the representatives of the freemen of this state shall sit in general assembly, shall be and remain open for the admission of all persons who behave decently, except only when the welfare of the state may require the doors to be shut.*” (Chapter II § 13)

<sup>18</sup> Of States admitted to the Union after adoption of the Federal Constitution, Colorado, Illinois, Kansas, Kentucky, Maine, and West Virginia are the only states to leave this clause out of their respective State Constitutions.



1 plan were provisions for providing either televised or internet-streamed content for both chamber  
2 floor and committee room activities. Additionally, both plans included provisions for remote  
3 participation by the public in committee hearings and/or contacting their representative to  
4 express views on legislation. Both plans, as adopted, are wholly inadequate substitutes for in-  
5 person participation, and both fail to meet the Constitutional requirements of Article II § 11 of  
6 the State Constitution.

7           5.2     **Technological Inequity** – The adopted rules in both legislative houses depend  
8 upon a parity in technological access that simply does not exist. It does not exist within the  
9 general public, nor does it exist among actual members of the legislature. Whether by economic  
10 circumstance or otherwise, it is a plain reality that not every person in our state owns, or has the  
11 access to, the means by which to observe their elected representatives. Even if they own the  
12 technological hardware necessary, it does not follow that they have the subscription-based  
13 services needed for access. In these cases, even the normally publicly available access via  
14 schools, libraries, or commercial businesses that offer these services (internet cafés for example,  
15 or free public Wi-Fi at a restaurant) is not an option at this time due to the restrictions currently  
16 in place over COVID-19. However, even restoration of these avenues of access will not remedy  
17 the fact that a significant portion of the public remains limited, or completely without, the means  
18 by which to participate in these remote options.

19           5.3     **Technological Frailty** – The practical operation of the legislative session under  
20 these remote conditions is not dependable and has already seen numerous failings. These range  
21 from “minor technical glitches” that completely interrupt or cause broken video and audio

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*behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same offense.”*

1 connections and feeds, to reported instances of outright censorship of testimony by those with  
2 opposing views of the presiding officer. The implication here is not to make any accusations of  
3 widespread malicious malfeasance by any legislative officials, but to merely draw attention to  
4 the increased possibility of misconduct under these conditions. While in-person proceedings are  
5 not completely free from these risks, the possible avenues by which these improprieties may occur  
6 are greatly reduced when the technological component is not the sole means of participation.  
7 Even absent any human-caused errors, intentional or otherwise, we know that technology, over  
8 the long run, fails. When this happens in the court setting, there are rules and procedures that  
9 protect the parties', and the court's, rights. In the 2021 remote legislative setting there are no  
10 such protections of the people's rights.

11           5.4     **Rights Need Not Be Justified** – At the very core of our conception of liberty is  
12 the idea that a right, if it is truly held to be a right, is not one that demands justification to any  
13 other person, group, or body – especially government. In fact, according to Article I § 1 of the  
14 Constitution of the State of Washington, the only point and purpose of government is to “protect  
15 and maintain individual rights.”<sup>21</sup> If we accept the premise that, at the very least, Article 2 § 11  
16 guarantees a right to observe (and implicitly participate in) the conduct of legislative proceedings  
17 by the public, then that carries with it the principle that the expression of this right is wholly up  
18 to the individual exercising it, to the extent that it does not impede others in the exercise of their  
19 rights or present an inherent and unreasonable risk of harm.

20           5.5     The truth of this was elucidated most vividly through the decades-long struggles  
21 of the civil rights movement and is best exemplified with experience of Rosa Parks. She had the

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<sup>21</sup> Constitution of the State of Washington, Article I § 1: POLITICAL POWER. “*All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.*”

1 right to ride on the public bus. That right carries with it the presumption of being able to freely  
2 choose where on the bus she would ride. The government made laws that limited the expression  
3 of that right while claiming that this limited expression still fulfilled the essential quality of the  
4 right. Rosa Parks was not being denied the right to ride the bus, she was simply being limited in  
5 how she could exercise that right by being forced to sit at the back of the bus. Why she wanted to  
6 choose to sit in the front of the bus is immaterial - the court ruled that it was her right to do so.<sup>22</sup>  
7 Equally applicable to this case, it does not matter why the Plaintiff or others may want to view  
8 legislative proceedings in-person, it is their right to do so. Denying them this right on the theory  
9 that the right is being fulfilled by an alternate means is no different than asserting that Rosa  
10 Parks' rights were fulfilled when she was being forced to ride in the back of the bus.

## 11 **VI. THE CONSTITUTION IS MANDATORY**

12 6.1 Article 1 § 29 of the Constitution states:

13 *“The provisions of this Constitution are mandatory, unless by*  
14 *express words they are declared to be otherwise.”*

15 6.2 There is no other section of the Constitution which affects Article 2 § 11. It is,  
16 therefore, a mandatory provision of the Constitution which cannot be deviated from without  
17 Amendment per Article XXIII.

18 6.3 It is argued by many that the extraordinary circumstances of fighting a global  
19 pandemic give excuse for temporarily waiving, suspending, or altering constitutional provisions.  
20 This cannot be. While our State and National histories certainly provide many examples of times  
21 where the government has responded to extreme situations by skirting constitutional provisions

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<sup>22</sup> Although Rosa Parks was not a party to *Browder v. Gayle*, 142 F. Supp. 707 (1956), her protest touched off the Montgomery Bus Boycott which led to that case, which was ultimately decided on 14<sup>th</sup> Amendment Equal Protection grounds.



1 observation; and that the legislative bodies cannot meet at times and in places not declared in  
2 advance and generally known.

3 7.3 The development and implementation of technology has greatly enhanced the  
4 ability to fulfill the requirements of Article II § 11, but it has not, and cannot by itself, fully  
5 achieve the requirements of this Section of the Constitution.

6 7.4 The Constitution of the State of Washington is superior to all Statutes and  
7 Administrative Rules in this State. Its provisions are mandatory. Extreme and exigent  
8 circumstances cannot undo this reality without completely unraveling all threads of authoritative  
9 cohesion. In short, a disregard of such a clear and direct constitutional provision would signal  
10 that no constitutional provision need ever be followed or respected. Such a decision would only  
11 serve to further justify the contempt toward government that is leading many to take increasingly  
12 aggressive actions in protest.

13 7.5 The Plaintiff prays, therefore, that this Court will find in his favor and order both  
14 the removal of the chain-linked fences surrounding the Legislative and other buildings of the  
15 Capitol Campus, as well as the restoration of the public inside the Legislative Building during  
16 the legislative session, and provide the injunctive relief sought prohibiting either Defendant from  
17 taking this or any other actions in the future that result in the denial of the public's rights under  
18 Article II § 11 of the Constitution of the State of Washington.

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20 Dated this 1<sup>st</sup> day of February 2021.

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s/Tyler G Miller

Tyler G. Miller

Pro Se Plaintiff

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<https://www.governor.wa.gov/news-media/inslee-statement-security-measures-2021-legislative-session>

## Inslee statement on security measures for 2021 legislative session

January 8, 2021

### Story

Gov. Jay Inslee released a statement today on actions the state is taking to ensure the safety and security of Washingtonians, legislators, state employees and the buildings of the Capitol Campus as the Legislature is set to convene the 2021 session on Monday.

"As legislators begin their work on behalf of the people of the state of Washington, we must do whatever we can to ensure that they can do that work without fear, intimidation or harassment. The actions we saw in both Washington, D.C. and Olympia earlier this week were completely unacceptable and will not be repeated in our state capital again.

"There will be acres of areas for people to exercise their First Amendment rights on the Capitol Campus. There will be restricted access in certain areas that are open only to legislators and staff. These areas will be clearly delineated by fencing and security personnel.

"But in light of the most recent insurrection activity, the state cannot tolerate any actions that could result in harm, mayhem or interruption of function of democratic institutions. Any illegal intrusion of the Capitol, state buildings or restricted areas will not be tolerated and strictly enforced.

"To that end, I have activated the Washington State National Guard to be in Olympia in coordination with the Washington State Patrol and local law enforcement. I am authorizing up to 750 members of the Guard and a large number of Washington State Patrol troopers will be on hand, in addition to the regular Capitol Campus security contingent.

"The National Guard's role will be to support the Washington State Patrol in their mission to protect Washingtonians, legislators, their staff and the buildings of the Washington State West Capitol Campus.

"I thank the citizen soldiers of the National Guard who are coming from their private lives and families to protect democracy.

"We sincerely hope for peaceful actions but if that does not happen, we will be prepared."

### Media Contact

Public and constituent inquiries | 360.902.4111

Press inquiries | 360.902.4136



<https://des.wa.gov/sites/default/files/public/documents/Facilities/CapitolCampus/EstablishingRestrictedArea-Jan-2021.pdf?e=eee96>



**ORDER OF THE DEPARTMENT OF ENTERPRISE SERVICES  
Restricted Access for Specified Areas of West Capitol Campus - Extension**

Due to recent violence associated with non-permitted events occurring on the Capitol Campus, a heightened threat environment identified by Homeland Security National Terrorism Advisory System (NTAS) January 27, 2021 bulletin, as well as anticipated non-permitted events, the area of the West Capitol Campus described below shall remain closed to the public and restricted to authorized personnel through 12:01am March 1, 2021.

**Restricted Area:** West Capitol Campus buildings and grounds in the area south of 12<sup>th</sup> Avenue, west of Cherry Lane, north of 15<sup>th</sup> Avenue, and east of Capitol Lake. The restricted area is shown in map below.



Issued pursuant to the authority identified below of the Director of Department of Enterprise Services, delegated for this purpose to Bob Covington, DES Capitol Security & Visitor Services Director.

Authority: WAC 200-220-210, 200-220-280, 200-220-320, RCW 43.19.011, 43.19.125.

Signed this 29<sup>th</sup> day of January, 2021

A handwritten signature in blue ink, appearing to read "B. Covington".

Bob Covington  
Capitol Security & Visitor Services Director  
Department of Enterprise Services

State of  
Washington  
House of  
Representatives



## **COVID-19 Session Operations Plan**

### **I. OVERVIEW**

The Washington State House of Representatives (House) is committed to doing the people's work while adhering to public health guidance to reduce the risk of spreading COVID-19 during the ongoing pandemic. This document provides guidelines for House operations during the 2021 legislative session.

The following imperatives guided the development of this document:

- Ensuring accountable and transparent operations of the House;
- Preserving and enhancing public participation;
- Adhering to the guidance of medical and public health officials; and
- Protecting the health and safety of the public, House members, and employees.

This document relies on the latest guidance from the U.S. Centers for Disease Control (CDC), local public health authorities, the Department of Labor and Industries (L&I), the Department of Health (DOH), and the Governor's Office. Changes will be communicated as we receive new information or guidance.

### **II. SESSION OPERATIONS**

In order to preserve public health, House facilities will remain closed and, subject to the adoption of House rules, proceedings will occur remotely during the 2021 session. Unfortunately, allowing access to House facilities during the 2021 legislative session carries a risk of infection, not only within the legislative community, but also within communities across the entire state. However, operational changes will be implemented to enable and enhance public participation, including remote participation and alternative ways to contact a Member's office. Additionally, all committee meetings and floor action will be streamed on TVW.

#### **Floor Sessions**

The first day of the legislative session will require an in-person quorum to vote on House rules. This will be held at a Thurston county facility large enough to accommodate all House members and maintain physical distancing. The members will be sworn in and sign their oath of office during opening day proceedings. The press may observe the proceedings, but no guests will be permitted on site. Opening day will be broadcast to TVW. Anyone attending must self-screen prior to entry in the facility, wear a mask, and socially distance themselves from others.

Following opening day and the adoption of House rules regulating remote voting, floor sessions will be held remotely. Members will participate in floor sessions through a secure voting system. Additionally, members must be seen through a video link in order to vote or speak. Members will be required to follow

House dress code and decorum rules while participating remotely. The presiding officers, minority leader, and caucus floor leaders will be permitted on the floor. Members who are permitted access to House facilities may not meet with the public, stakeholders, or lobbyists in House facilities.

The galleries will remain closed to the public. Up to six credentialed members of the Capitol Press Corps are permitted to observe floor action from the House gallery. The press must adhere to all public health guidance, including wearing masks and social distancing, self-screen, and sign in and out of the gallery.

#### **Committee Operations**

Given the public health risk associated with large gatherings and close proximity during the ongoing pandemic, committee meetings will be held remotely via Zoom in accordance with House rules. The House is committed to facilitating public participation. The public will have the ability to testify directly from their community, rather than traveling to the Capitol to testify.

The legislative website will provide information regarding how the public can participate, including addressing accessibility for individuals with disabilities. The public can sign up to provide testimony over the virtual platform once a bill is scheduled for public hearing. The sign-up will close one hour prior to the start of the meeting. Those testifying will be provided an individual Zoom link in order to participate. The Chairs will continue to decide the order and length of the public testimony. Additionally, there will be a process to accept written testimony for bills scheduled for public hearing.

#### **Processes**

Members will participate remotely from their homes or from their legislative district offices. Additionally, members are permitted to secure temporary spaces in their community for their remote participation. This might involve partnering with cities, counties, or community and technical colleges to secure short-term space with stable internet connectivity in order to facilitate remote participation. Caucus meetings will be conducted remotely via Microsoft Teams. Information regarding contacting a member's office will be accessible on the House public website.

Each caucus may designate up to 15 members to work remotely from their assigned offices on the capitol campus (see Part IV Expectations for House Operations). The Executive Rules Committee will determine whether other members are permitted to use their office at the Capitol Campus to participate remotely due to connectivity issues. Members who are permitted access to House facilities may only participate remotely and may not meet with the public, stakeholders, or lobbyists in House facilities. Meetings with staff must occur remotely. Members must self-screen prior to entering the facilities, wear a mask anytime they are in public spaces or anytime they are not alone, including within their own office, and maintain at least 6 feet of distance from others.

All workroom documents will be accepted electronically. A blue sheet or green sheet must be dropped in the eHopper by the member via email. All floor amendments must be submitted electronically, rather than dropped on the bar. There will be a Member Portal that includes FAQs about processes and links to forms.

The House Page Program is suspended during the 2021 legislative session. The Legislative Intern Program will be conducted virtually.

### **III. PREPARATION FOR SESSION OPERATIONS**

Continued changes in House operations are necessary to keep members and staff safe and prevent the spread of COVID-19. Some of these changes may be inconvenient and unfamiliar, but it should be remembered that this is being done to protect the legislative community and those that interact with it. Anyone who has questions or concerns is encouraged to contact the Chief Clerk's Office or House Counsel.

House facilities on the Capitol Campus will remain closed to the public and guests. Only members and staff who are granted an exception and provided prior approval will be able to access House facilities. For the few individuals authorized to be on the Capitol Campus, the following applies:

1. Staff and members must self-screen prior to entering any House facility and provide an attestation that they have not answered "yes" to any of the screening questions. [See House Screening Questionnaire.]
2. As required by Thurston County<sup>1</sup> and the Safe Start Plan,<sup>2</sup> everyone must wear a mask when interacting in person with anyone else or while in public settings such as common areas and hallways. Masks must be worn properly over one's nose and mouth and secure under one's chin.<sup>3</sup> While masks are not required to be worn if an individual is working onsite alone in an enclosed work area, if anyone else enters the work area, all individuals must wear a mask.
3. Exceptions to this mask wearing requirement may be made if an individual is deaf or hard of hearing, or is communicating with someone who relies on language cues such as facial markers and expression and mouth movements as a part of communication; or if an individual has a medical condition or disability that makes wearing a mask inappropriate. Please contact the House ADA coordinator, [Kyle Overmiller](#), if you need an accommodation regarding masks.
4. Six-foot distancing must be maintained in all spaces, at all times. People must disperse if a situation arises that makes adequate distancing impossible.

House Administration, in collaboration with others, continue to take the following steps in preparation for session:

House Counsel provides:

- Assistance and advice to employees and management with issues related to work conditions and building access, including information for staff regarding accommodations, leave options, and work with local public health authorities in the event of exposure.

House Administration, in collaboration with others, will support remote work by:

- Deploying equipment (monitors, printers, headsets) to support remote work to staff.
- Adjusting leave practices to allow more flexible use during session.

For staff and members who are permitted House facility access, House Administration, in collaboration with others, will:

- Ensure availability and proper placement of sanitizing materials (e.g., wipes and hand sanitizer), protective equipment, tissues, and wastebaskets.
- Provide signage, reconfigure spaces to reinforce safe practices including installing physical barriers, increase disinfecting, and change HVAC filters.
- Address accessibility needs and requests for accommodations.

#### **IV. EXPECTATIONS FOR HOUSE OPERATIONS**

Staff and members will be asked to join in efforts to keep each other safe by reducing the likelihood for transmission of COVID-19. These include the following:

1. Each caucus may designate up to fifteen members to work remotely from their assigned office on the capitol campus. Members with unresolved technological issues will be prioritized for such access. All other members will participate remotely. Members permitted access to their assigned legislative offices must comply with public health guidelines (masking, distancing, hygiene) both on and off the capitol campus, and acknowledge that House facilities will remain closed to the public.
2. The House Executive Rules Committee may authorize additional members with internet connectivity challenges to participate remotely from their office on campus if the number of members with unresolved technological issues exceeds the original allotment and the technological issues are substantiated, attempts to address them do not bring resolution, and a site closer to the member's district is not available.
3. Only members of Leadership authorized for floor proceedings will be permitted access to the House chamber.
4. Staff must plan to telework during the 2021 session. House staff authorized to work onsite during Phase 3 are not automatically permitted to continue during session. Staff supporting committee or floor proceedings may be permitted access during those times. Staff directors must submit a staffing plan to the Chief Clerk's Office for approval for any staff seeking to work onsite. This plan should consider how many staff or members would be present at a given time to ensure that ample social distancing is able to be maintained. A plan is needed for any staff that would spend any time working onsite at the Capitol Campus or at a district office.
5. Member meetings with legislative staff must be scheduled remotely, irrespective of where the member is working from. Additionally, members and legislative assistants may not be co-located.
6. If a member or an employee in an "at-risk" category is in need of a work accommodation (including a need to access a building facility or a need to continue to telework when they would otherwise be directed to work in a building facility) they must notify their supervisor and/or the House ADA coordinator, [Kyle Overmiller](#). At risk categories include individuals with asthma, chronic lung disease, diabetes, serious heart conditions, chronic kidney disease being treated with dialysis, severe obesity, people aged 65 years and older, immunocompromised, and liver disease.<sup>4</sup>
7. Staff work-related travel remains limited to essential business and requires advance approval.
8. Office supplies should be requested by email through Legislative Support Services and can be picked up at designated times or mailed.
9. Additional equipment such as printers, monitors, and headsets are available in order to facilitate remote work.
10. In-person LegTech/LSC assistance will be limited. Whenever possible, LegTech/LSC assistance will be provided remotely. If in-person assistance is needed, public health guidance regarding physical distancing and mask wearing must be followed.
11. Meetings must be virtual. In-person meetings are not permitted unless unavoidable due to exceptional circumstances.
12. Most importantly, anyone who is sick should plan to stay home and help prevent the spread of illness. Before entering House facilities for any purpose, individuals must self-screen using public health criteria and provide an attestation. [See House Screening attached].<sup>5</sup> Security will have touchless

thermometers for use.

13. Key cards will be turned off. All building access must be approved in advance through the House Executive Rules Committee for members and the Chief Clerk's Office for staff. Access must be coordinated with Security. The JLOB entry will be restricted to the entrance facing the sundial. Everyone must sign a log.
14. Individuals permitted access must wash their hands or use hand sanitizer immediately upon entry in the building.
15. A mask must be worn at all times, unless a person is working alone in their immediate workstation.<sup>6,7</sup> If a workstation does not have a door, such as a cubicle, a person must wear their mask anytime another person is working in the same area, including in a cubicle that shares an entry way.
16. The House will provide masks that adhere to L&I standards. All staff and members may obtain two cloth masks from Security. A person may opt to use their own cloth masks, but must adhere to decorum standards. Staff should follow public health guidance for the use and laundering of masks.<sup>8</sup>
17. Everyone must practice proper distancing (maintaining a minimum six feet of distance), respiratory etiquette, hand washing, and disinfecting of shared spaces (kitchen and copiers) after use.<sup>9</sup>
18. Communal rooms, such as breakrooms and the workout room remain closed.
19. Kitchen equipment and water dispensers will be available for use by one person at a time. Adequate distancing must be maintained.
20. Avanti Market services in JLOB will be paused. The Member Cafeteria operations are suspended.
21. Food sharing, communal meals, and consuming food in common/public areas is not permitted.
22. If anyone becomes ill with COVID-19 like symptoms during the workday, that person must immediately notify their supervisor and leave the building. They should not return to a House facility until cleared by a healthcare provider.
23. If anyone accesses a House facility, and later has or develops signs/symptoms of COVID-19 (fever, cough, shortness of breath, fatigue, muscle aches or new loss of taste or smell) or is themselves found positive or has been in close contact with someone who is experiencing symptoms or is confirmed positive, they must report the development of symptoms, positive diagnosis, or close contact to the House Counsel and, if an employee, to the employee's staff director. Information must be provided to House Counsel on what areas they occupied and who they had close contact with, as defined by the CDC. Information will only be shared as appropriate and allowed by law. The House will also take steps to disinfect areas.
24. In the event someone becomes diagnosed with COVID-19 and accessed House facilities, the workspace will be disinfected according to CDC guidelines.<sup>10</sup>
25. Everyone must complete review the [materials](#) addressing coronavirus education and prevention of transmission.<sup>11</sup>

## **V. MOVING FORWARD**

The Chief Clerk's Office will continue to monitor the guidance from the Thurston County Public Health & Social Services, L&I, DOH, and the Governor's Office to determine how and when to adjust operations. This may also include returning to more restricted access of House facilities if staff or operations are compromised. The Chief Clerk's Office recognizes that these operational changes are unfamiliar and uncomfortable. Adjustment periods will be necessary. House member and staff diligence and flexibility are essential.

Thank you all for your assistance.

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<sup>1</sup> See, <https://www.thurstoncountywa.gov/phss/phssdocuments/ThurstonCOVID-19FAQsFaceCoveringsFinal5-29-20.pdf>

<sup>2</sup> See, [https://www.governor.wa.gov/sites/default/files/SafeStartPhasedReopening.pdf?utm\\_medium=email&utm\\_source=govdelivery](https://www.governor.wa.gov/sites/default/files/SafeStartPhasedReopening.pdf?utm_medium=email&utm_source=govdelivery)

<sup>3</sup> See: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>

<sup>4</sup> House staff who are in an “at-risk” category and according to the Centers for Disease Control (CDC) are at higher risk for severe illness. At risk categories include asthma, chronic lung disease, diabetes, serious heart conditions, chronic kidney disease being treated with dialysis, severe obesity, people aged 65 years and older, immunocompromised, and liver disease.

See <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>.

<sup>5</sup> See, <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/Employervisitorscreeningguidance.pdf>.

<sup>6</sup> See Page 5,

[https://www.governor.wa.gov/sites/default/files/SafeStartPhasedReopening.pdf?utm\\_medium=email&utm\\_source=govdelivery](https://www.governor.wa.gov/sites/default/files/SafeStartPhasedReopening.pdf?utm_medium=email&utm_source=govdelivery)

<sup>7</sup> See Page 2, <https://www.thurstoncountywa.gov/phss/phssdocuments/ThurstonCOVID-19FAQsFaceCoveringsFinal5-29-20.pdf>

<sup>8</sup> See, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wash-cloth-face-coverings.html>

<sup>9</sup> See, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cleaning-disinfection.html>

<sup>10</sup> See, <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

<sup>11</sup> See, <https://www.lni.wa.gov/safety-health/safety-topics/topics/coronavirus>

## Senate Session Guidelines

The Washington State Senate is committed to maintaining a safe working environment and reducing the likelihood for transmission of air-borne illnesses. These guidelines direct the members, staff, and workspaces of the Senate and are not intended to address the House of Representatives or Department of Enterprise Services staff or activities. This document is based on the latest guidance from the federal [Centers for Disease Control and Prevention](#), the [Department of Health](#), [local public health authorities](#), the [Department of Labor & Industries](#), and the [Governor's office](#) and will be regularly updated. Changes will be communicated to staff and members as new guidance is provided. As guidance is constantly evolving, staff and members are encouraged to contact the Human Resource Officer (HRO) or the Secretary's Office if they have questions or concerns.

The goal of these guidelines is to provide for a legislative session that balances the following priorities:

- 1) **A session that is safe.** Of paramount importance to Senate Administration and Leadership is the safety of Senate staff, the public, and the legislators charged with conducting the people's work.
- 2) **A session that is transparent.** This legislative session will look unlike any other. But each necessary change taken to preserve the safety of Senate staff and legislators has been carefully balanced with the need for transparency to the public that holds its elected officials accountable.
- 3) **A session that not only preserves, but enhances, public participation.** Increased efforts have been taken wherever possible to make the legislative process more open and accessible to those who may not have traditionally been able to participate in pre-COVID times. As a result, lessons learned will be taken beyond this pandemic to create additional transparency and increase public participation across our state.
- 4) **A session that functions efficiently.** Our state Constitution charges the Senate with conducting the people's work within 105 days. To accomplish this during these unprecedented times will take great flexibility, nimbleness, and efficiency.

### 1. Overarching Public Health Principles

Any person authorized to work on-site during the legislative session will be required to wear a mask in all legislative facilities unless alone in their office. This includes hallways, bathrooms, and outdoor locations where social distancing of at least 6 feet is difficult to maintain. The Senate will provide masks in compliance with guidance from the Department of Labor and Industries. Senate-issued masks *must* be worn on the Senate floor at all times.

*At least six feet of social distancing must be maintained at all times. Staff and members are advised not to congregate in public spaces when walking throughout legislative facilities.*

### 2. Who is authorized to work on-site during session?

Legislative facilities will be open to authorized employees and legislators only. Legislative facilities will remain closed to the public and guests. Each building entrance will have information to assist members of the public who arrive on campus with remotely contacting their legislators.

Senate Committee Services may allow staff to work on-site on a limited basis to manage committee hearings and complete certain tasks related to budget development and bill and amendment drafting. The Secretary's office will identify necessary staff to manage the rostrum and provide security. During floor sessions, each caucus may designate up to two staff members necessary to aide in the functions of the floor who may work in the Senate wings.

Senate employees are encouraged to continue teleworking as much as possible. Those staff who were approved to return to work on campus during Phase 3 are not automatically permitted to continue during session. Staff directors will submit a general session staffing plan for approval by the Secretary. In creating a staffing plan, staff directors should keep in mind how many employees are physically present on campus each day to ensure that social distancing can be maintained throughout the buildings.

While legislative assistants are encouraged to telework whenever possible, legislators and legislative assistants may work with the Human Resource Officer to arrive at an in-person session staffing model that preserves safety and function. Session aides and interns will work remotely.

The Centers for Disease Control and Prevention have identified [certain people who are at an increased risk for severe illness from COVID-19](#). If an employee or member is at increased risk for severe illness and in need of an accommodation they should contact the HRO.

### **3. How will floor action work?**

#### Swearing-in of Members

Members will be sworn in remotely on an individual basis by a judge to be arranged by the Senate before convening on the floor. The swearing-in ceremonies will be broadcast on TVW. Those who are unable to attend the remote ceremony arranged by the Senate are advised to take their oaths in their home districts before the Senate convenes on January 11.

#### First Day of Session

The first day of the legislative session will require an in-person quorum of at least 25 members to vote on changes to Senate Rules. Those who wish to be physically present for this vote will vote in shifts in a manner that will provide for adequate social distancing and reduce the risk of congregating.

#### Regular Floor Action

Floor action will be conducted in a hybrid format, with some members participating in-person on the Senate floor and some members participating remotely. The F&O Committee will decide how many members and staff will be allowed on the floor, rostrum, and in the wings based on guidance from the

DOH, the Olympia Fire Department, and the current COVID-19 infection rate. The F&O Committee may adjust the allowable number of members and staff during session if necessary.

DOH Safe Start Guidelines limit indoor capacity to 30% capacity (per fire marshal code) or 200 people, whichever is less. The Olympia Fire Marshal has advised that the Senate Floor Capacity is 70 people and recommends a floor capacity limit of 21-24 individuals under DOH guidelines, inclusive of members and staff. Taking into account the presiding officer and the number of rostrum and IT staff required to be present in order to run floor operations, the maximum number of members allowed on the floor will be 15, to be divided between 8 Democrats and 7 Republicans.

Up to 5 individuals are permitted in either caucus room at a time, within the capacity limits set in this Plan.

Members participating remotely will use a secure voting system devised by LegTech. Members participating remotely must be seen through a video link provided by LegTech in order to vote or to be recognized to speak. Phone calls will not suffice.

Members who are participating remotely may do so from their homes (with a reliable internet connection) or from their legislative office in Olympia. Members are responsible for their own technical and network reliability issues if using a remote location other than their Senate office. Senate dress code will be enforced while participating remotely.

Caucuses will select the members and staff who will be physically present on the Senate Floor and wings and provide that list to the Secretary of the Senate and the Floor Leader at the beginning of each day. The list may change from day to day but may not change throughout the day due to necessary cleaning and disinfecting measures that must be taken.

Members permitted to vote from the Senate floor must remain socially distanced at their desks. Arrows will be placed on the Senate floor to direct foot traffic and help maintain social distance throughout the day. Masks will be provided by the Senate and must be worn in accordance with guidance from the Department of Labor and Industries.

The President of the Senate, together with the Senate Floor Leaders, will enforce mask and social distance rules and may call upon the Sergeant at Arms when necessary.

#### Caucus Meetings

Full caucus meetings will be conducted remotely on the Senate's Intranet. Smaller, in-person meetings of members and/or staff should not occur if such meetings can be held virtually. Where in-person meetings are unavoidable, masks must be worn and social distancing of at least six feet between participants must be maintained.

#### **4. How will committee action work?**

Washington State benefits from extraordinary public participation in the legislative process. Year after year, thousands of people visit the Capitol from all over the state to make their voices heard.

Regrettably, the 2021 legislative session must operate differently for the health of the public, staff, and legislators.

Committee meetings will be held remotely via Zoom given the public health risk of people congregating at the Capitol from different parts of the state. However, this will provide historically broadened access to committee hearings for members of the public wishing to testify before legislative committees.

Traditionally, members of the public have had to travel to the Capitol to testify. The 2021 legislative session will provide members of the public with the opportunity to sign in and testify directly from their homes, places of business, or wherever is most convenient for them.

Using the electronic sign-in process already utilized by legislative committees, the public will be able to sign-in up to one hour in advance of a scheduled committee meeting to receive a unique Zoom link. Chairs will then decide the order and length of public testimony as would be the case with an in-person committee meeting.

Additional procedures for committees to increase transparency and ensure public participation will be adopted via both Senate Resolution and Senate Committee Services guidelines.

#### **5. Will the public have access to legislative buildings?**

As noted, allowing members of the public to access legislative buildings carries a risk of infection not only within the legislative community, but also within the communities to which constituents would be returning. Regrettably, legislative buildings must be closed to lobbyists and the public.

Meetings with constituents and legislators will be held remotely. Each building entrance will have information to help members of the public contact their legislators (phone numbers, e-mails, etc.).

TVW will broadcast all floor and committee action via their cable and web streaming platforms.

Credentialed members of the Capitol Press Corps will be permitted to observe floor action from the Senate gallery. No more than six members of the press may be present in the gallery at a time. Masks must be worn upon entering the Legislative Building and six feet of distance must be maintained at all times. Press must sign in and out of the gallery upon entry and will be screened for COVID symptoms.

#### **6. How will the physical space of the Senate be prepared?**

The Secretary will coordinate with the Department of Enterprise Services (DES) and Legislative Support Services (LSS) to make arrangements for the following:

- Identify problem areas for physical distancing.
- Ensure availability and proper placement of sanitizing materials (e.g. wipes and hand sanitizer), protective equipment, tissues, and wastebaskets.

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- Identify problem areas for physical distancing.
- Ensure availability and proper placement of sanitizing materials (e.g. wipes and hand sanitizer), protective equipment, tissues, and wastebaskets.

- Remove or block seating to allow for distancing in communal areas (e.g. conference, break rooms, wings).
- Provide signage to reinforce safe practices.
- Post printer and copier usage and cleaning instructions and ensure that sanitizing supplies are provided.
- Post instructions for elevator use, including limiting the number of users, marked waiting area, and cleaning for touch points.
- Mark areas such as tight stairways or hallways to only allow for “one-way passage” to limit face to face interactions.
- Ensure that ventilation and filtration systems are updated consistent with CDC guidelines.
- Make improvements to the engineering controls using the building’s ventilation system.
- Support respiratory etiquette and hand hygiene. This includes, for example, making tissues available, providing soap and water, placing hand sanitizers in multiple locations, and displaying posters to remind individuals to wash their hands and refrain from touching their faces or masks.
- Perform routine environmental cleaning and disinfection, particularly of surfaces that are frequently touched.

**7. What training and resources will staff and members receive prior to the start of session?**

Prior to the start of session, members and staff will be required to become familiar with Senate guidelines and safety practices. Trainings will also be conducted over Teams via Senate intranet on a regular basis. (See [General Requirements and Prevention Ideas for Workplaces](#)) The HRO will also make information available to staff and members regarding work accommodations. All of the reference materials will be posted on the [Senate intranet](#).

The Secretary's Office will also regularly disseminate the latest data from DOH regarding COVID-19 infection rates around the state.

**8. What screening procedures will be in place for members and authorized staff who are working on-site in legislative facilities?**

Employees and members will be screened each day before entering any legislative buildings. They will be asked a series of questions (see below). If they answer “yes” to any of the questions below, they will not be permitted access. They will contact the HRO for guidance and next steps.

1. Do you have any of these symptoms that are not caused by another condition?
  - Fever or chills
  - Cough
  - Shortness of breath or difficulty breathing
  - Fatigue
  - Muscle or body aches

- Persistent headache
- Recent loss of taste or smell
- Sore throat
- Congestion
- Nausea or vomiting
- Diarrhea

2. Within the past 14 days, have you had contact with anyone that you know had COVID-19 or COVID-like symptoms? Contact is being 6 feet or closer for more than 15 minutes cumulatively in a 24-hour period with a person, or having direct contact with fluids from a person with COVID-19 (for example, being coughed or sneezed on).
3. Have you had a positive COVID-19 test for active virus in the past 10 days?
4. Within the past 14 days, has a public health or medical professional told you to self-monitor, self-isolate, or self-quarantine because of concerns about COVID-19 infection?

#### **9. What is expected of staff and members when they are working on-site?**

Legislative facility operations will be very different. Changes are necessary to keep staff and members safe and prevent the spread of air-borne illnesses, but many of these changes may feel inconvenient and unfamiliar. Staff and members will be asked to join in efforts to keep each other safer by reducing the likelihood for transmission of Coronavirus and other air-borne illnesses. (See [How to Protect Yourself and Others](#)) These changes include the following:

- Employees and members must maintain at least 6 feet of distance at all times. They must immediately disperse if a situation arises that makes adequate distancing impossible.
- Unless impossible to do so, all meetings should occur virtually.
- Consistent with the Secretary of Health's Directive and [Washington state order](#), staff and members must wear face coverings over their noses and mouths, except when they are alone in their office with a door closed. If an employee's workspace is not a private office with a closing door, they will be required to wear a face covering. The Senate will provide masks. Members and staff should refrain from touching their face or masks during the day. (See [How to Wear Face Coverings](#) and [How to Wash Face Coverings](#))
- Staff must wash their hands or use hand sanitizer immediately upon entry in legislative facilities. (See [How to Wash Your Hands](#))

- Throughout the workday, staff should regularly wash their hands, refrain from touching their face or masks, and practice good hygiene habits. (See [Coughing and Sneezing Etiquette](#))
- Most communal rooms, such as work-out rooms will be closed. Other areas, such as copy rooms will be open, but staff and members should respect distancing requirements and guidance in posted signs in these spaces.
- Capacity for elevators will be limited to one person at a time. Those with disabilities or other physical limitations have priority in elevator use.
- Chairs and seating in communal areas will be removed. Most kitchen equipment and water fountains will be unavailable for use.
- Water and coffee services will be paused.
- Food sharing, communal meals, and food in common areas where people congregate are not permitted.
- In order to request office supplies, staff should email LSS Supply and make an appointment.

**10. What if a member or employee tests positive for COVID-19, experiences COVID-19 like symptoms, or is exposed to someone with COVID-19?**

- The Senate will work with local public health authorities and follow DOH guidelines to reduce the risk of transmission in the workplace. Additionally, the Senate will notify staff and members who may have been exposed to COVID-19 in the workplace and notify them of next steps, including information on testing and when they may return to legislative facilities.
- The Senate will work with local public health authorities in identifying close contacts for purposes of contact tracing. A close contact is defined by the CDC as someone who was within 6 feet of an infected person for a total of 15 minutes or more over a 24-hour period starting from 2 days before illness onset (or, for asymptomatic persons, 2 days prior to positive specimen collection) until the time the patient is isolated.
- **Positive COVID-19 Diagnosis.** If staff or members have been working in legislative facilities and receive a positive diagnosis of COVID-19, they should not return to work and immediately notify the HRO. The employee or member should isolate at home according to DOH's guidance. Unless directed otherwise by a medical provider, a member or employee with confirmed COVID-19 with symptoms should isolate until they have been fever-free for at least 24 hours without the use of fever-reducing medication, the symptoms have gotten better, and least 10 days have passed since the symptoms first appeared. If a member or employee tests positive for COVID-19, but does not have any symptoms, they should isolate at home until least 10 days have gone by since the date of the first positive COVID-19 test and the person has not gotten sick with COVID-19.
- **COVID-19 like symptoms without known exposure.** If an employee or member develops COVID-19 like symptoms while working in a legislative building they must immediately leave the building and

notify the HRO. Likewise, if an employee or member develops COVID-19 like symptoms and has been in a legislative facility, they should not return to work and should notify the HRO. The employee or member should also contact their healthcare provider for further instruction. They should not return to work until cleared by their healthcare provider.

- **Exposure to someone with COVID-19 or COVID-19-like symptoms.** If a member or employee is a close contact to someone they know had COVID-19 or COVID-like symptoms, they should not return to legislative facilities for at least 14 days and seek further direction from their medical provider. They must also report this to the HRO. Again, a close contact is defined by the CDC as someone who was within 6 feet of an infected person for a total of 15 minutes or more over a 24-hour period starting from 2 days before illness onset (or, for asymptomatic persons, 2 days prior to positive specimen collection) until the time the patient is isolated.
- The identity of those reporting any of this information to the HRO will remain confidential. If the HRO is required to share any information with public health authorities, they will notify the employee or member before doing so.
- In a situation where a person with COVID-19 or COVID-19-like symptoms has been in legislative facilities, DES will clean and disinfect the area to minimize the potential of other employees being exposed to respiratory droplets. They will wait 24 hours before beginning the disinfecting process, but if 24 hours is not feasible, they will wait as long as possible. During this waiting period, the Senate will open outside doors and windows to increase air circulation in these areas.

### **11. Testing**

Testing will be required in the following circumstances:

- Someone has COVID-19 like symptoms. In this case, the test results would be used to determine how long until a person may return to legislative facilities.
- Someone was in close contact with a person with COVID-19 or COVID-19 like symptoms. In this case, that individual would need to get tested AND stay away for a minimum of 14 days (the length of time it can take for symptoms to appear).

The Senate will work with a dedicated provider near the Capitol Campus that can provide testing to members and staff without the need for an appointment/doctor's referral upon onset of symptoms.

1 **DECLARATION OF SERVICE**

2 I hereby declare that on this day I caused the foregoing document to be served by U.S. Mail,  
3 postage pre-paid, on the following:

4 Zachary Pekelis Jones and Christina Sepe,  
5 Assistant Attorney’s General  
6 Jeffrey T. Even and Emma Grunberg,  
7 Deputy Solicitors General  
8 800 Fifth Avenue, Suite 2000  
9 Seattle, WA 98104-3188  
10 206.464.7744

11 Dated this 1<sup>st</sup> day of February, 2021, at Bremerton, Washington.

12 \_\_\_\_\_ s/Tyler G. Miller

13 Tyler G. Miller  
14 Plaintiff  
15 6000 W Sherman Heights RD  
16 Bremerton, WA 98312  
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