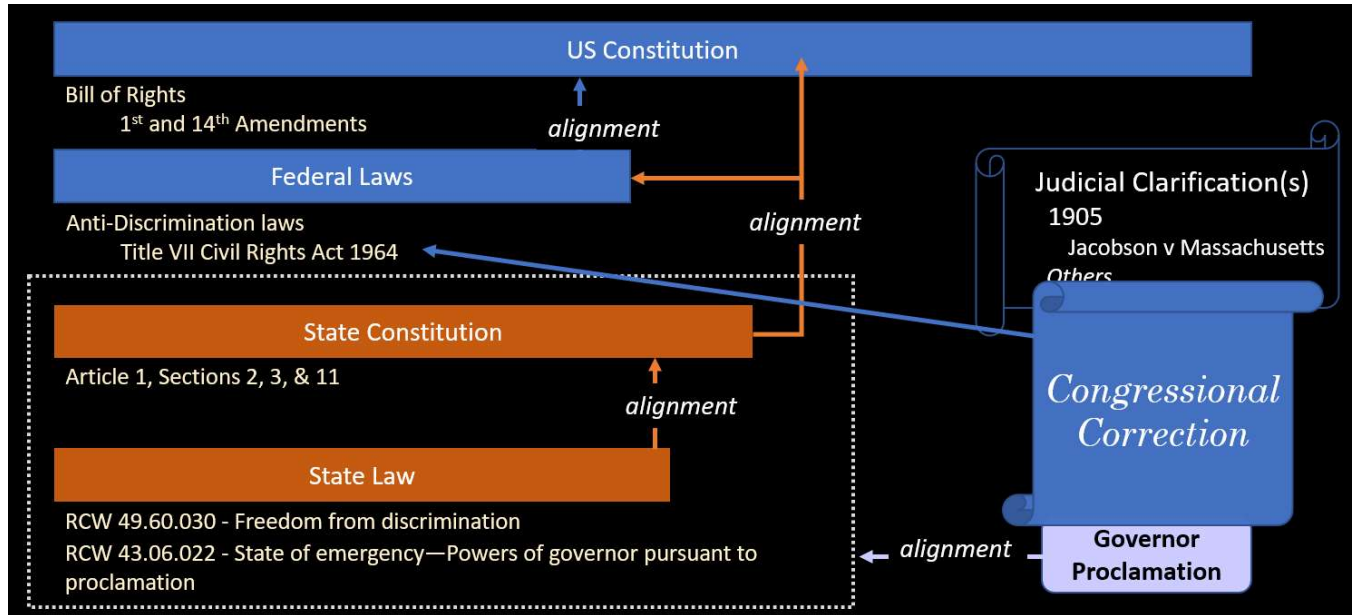


## Helpful Hints – Constitution, Laws, and the Proclamation

The overarching structure of our system of government puts everything ‘under’ the US constitution – it is the ultimate governing authority in the US system. As such, every law, state constitution, and proclamation must align with it. Similarly, there is a hierarchy between federal laws, state constitutions state laws and proclamations. The diagram below provides an illustration of these relationships



The core elements of Governor Inslee’s Proclamation 21-14 Covid-19 Vaccination Requirements include:

- All workers of a State Agency and public and private Health Care Providers be fully vaccinated against Covid-19 by October 18,2021.
- It seeks to prohibit:
  - Any worker from engaging in work for a State Agency if the worker has not been fully vaccinated.
  - Any State Agency from permitting any Worker to engage in work for the State Agency if the Worker has not been fully vaccinated and not provided proof of vaccination
  - Any Health Care Provider from failing to be fully vaccinated
  - Any individual or entity that operates a Health Care Setting from permitting a Health Care Provider to engage in work for the individual or entity as an employee, contractor, or volunteer if the Health Care Provider has not been fully vaccinated and not provided proof of vaccination.
- As of 8/13/2021 - It applied to the Governor, his agencies, Health Care Providers including first responders. It does not apply to legislature, other state agencies – schools, local governments, private sector.
- As of 8/18/2021 – It was updated, in coordination with the Superintendent of Public instruction to include schools.

*We strongly encourage you to read the original Proclamation to understand all definitions and implications of the Governor’s orders.*

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## Helpful Hints – Constitution, Laws, and the Proclamation

A proclamation is not rule of law – legislature is the body that creates and approves law – but it has the effect of law, **IF** it survives Constitutional, Legal and Judicial Review or **IF** the legislature agrees.

The table below provides a ‘quick check’ of Proclamation 21-14 against existing laws and the constitutions. *We strongly encourage you to read the original documents to understand all definitions and implications.*

Level	Reference	Key Elements	Assessment
State Law	RCW 43.06.022	Emergency powers for crowd control and law changes ...unless there is a <u>conflict with federal requirements</u> or rights under the First Amendment.	We must test the content of the Proclamation against federal requirements and the First Amendment of the United States Constitution
State Law	RCW 49.60.030	<u>Freedom from discrimination</u> because of race, creed ( <u>religion</u> ), color....is declared a <u>civil right</u> ...include but not limited to...employment...right to engage in health maintenance organizations.  Any person deeming himself or herself <u>injured</u> by any act in violation of this chapter shall have a <u>civil action in a court</u> ....authorized by this chapter or the United States Civil Rights Act of 1964	The state law guarantees our civil right to be free from discrimination based on religion.  We have our ‘day in court’ if we have been discriminated against
State Constitution	Article 1, Sections 2,3 & 11	The Constitution of the United States is the supreme law of the land.  No person shall be deprived of life, liberty, or property, without due process of law  Absolute freedom of conscience in all matters of religious sentiment...guaranteed to every individual...	Consistent with Federal Laws and US Constitution
Federal Law	Title VII of the Civil Rights Act of 1964	.... <u>unlawful employment</u> practice....to <u>discriminate</u> against any individual...based on race, color, <u>religion</u> , sex, or national origin.	The federal law guarantees our civil right to be free from discrimination based on religion. Consistent with the state law.
US Constitution	14 <sup>th</sup> Amendment	<u>No state shall deprive any person</u> of life, liberty, or property <u>without due process of law</u> ; nor deny to any person within its jurisdiction the equal protection of the laws...	The state must follow due process of law
US Constitution	1 <sup>st</sup> Amendment	Congress shall <u>make no law respecting an establishment of religion</u> , or prohibiting the <u>free exercise thereof</u> ...	No law can be made which will prohibit free exercise of religion

**CONCLUSION: You have a protected RIGHT to be free from discrimination, especially as it comes to the practice of your religion**

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