



TEMPORARY COVID-19 PERSONNEL POLICY

Issued by Jay Osborne, Director of the Department of Human Resources

November 20, 2020

King County seeks to responsibly and equitably respond to the COVID-19 situation by providing temporary leave, telecommuting and mask provisions with the intention of promoting public health and safety while also mitigating financial impacts.

This temporary policy applies to all Executive Branch employees¹. Employees in other branches of County government will receive guidance from their leaders.

This policy is effective immediately and will end upon declaration by the Director of the Department of Human Resources. This policy is subject to change during this time and will be reissued if things change.

To the extent this policy changes existing County policy that applies to represented employees, adds to or modifies the collective bargaining agreement, OLR will bargain the effects of that change to the extent required by law.

DEFINITIONS

Close Contact – includes scenarios like living with or caring for a person with confirmed COVID-19, being within six feet of a person with confirmed COVID-19 for about 15 minutes (consecutively or combined over a 24-hour period), or if someone with COVID-19 coughed on you, kissed you, shared utensils with you or you had direct contact with their body secretions.

COVID-19 (also known as “novel coronavirus”) – a new virus strain spreading from person-to-person. Its symptoms include, but are not limited to, fever or chills, a cough, shortness of breath and difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea. Symptoms may appear in as few as 2 days or as long as 14 days after exposure to the virus.

COVID-19 Related Absence – any absence from the workplace necessitated by COVID-19, including but not limited to:

- The employee’s own health condition;
- The health condition of a family or household member;
- A school or childcare closure due to COVID-19;
- Employees who have been exposed to COVID-19, but don’t yet have symptoms; and
- Employees who are at higher risk, who want to stay home and are unable to telecommute.

¹ **Executive Branch departments:** Department of Assessments, Department of Adult and Juvenile Detention, Department of Executive Services, Department of Community and Human Services, Department of Human Resources, Department of Judicial Administration, Department of Local Services, Department of Metro Transit, Department of Natural Resources and Park, Department of Public Defense, Department of Public Health, Executive Department, King County Elections, King County Information Technology, King County Sheriff’s Office.

Other branches of County government: District Court, King County Council, Prosecuting Attorney’s Office, Superior Court.

First Responder – employees who, in an emergency incident, are responsible for the protection and preservation of life, property, evidence, the environment, and/or the restoration of order. These employees may have a direct role in emergency response and may also staff essential functions. **These employees have the highest duty to report to work as directed in emergency conditions.** Given the unique situation of the COVID-19 emergency, employees designated as first responders may be different than those who are designated as first responders in our traditional natural disaster emergencies. Every department needs to determine which employees should be designated as a first responder. These designations may change through the course of the COVID-19 emergency.

Mission Critical Employee – those who provide for and maintain the essential functions of county services as described in the Continuity of Operations Plans. Mission-critical employees **must be available to perform their duties** as determined by their agency management.

People at High-Risk:

- People 65 and older;
- People whose [medical conditions are listed by the CDC under the “increased risk” category](#); and
- People whose [medical conditions are listed by the CDC under the “might be at an increased risk” category](#), but only if, based on the employee’s medical circumstances and workplace conditions, the employee is, in fact, at increased risk for suffering severe illness from COVID-19.
 - Departments may require verification from a medical provider when the employee falls into the “might be at an increased risk” category.

POLICY

The following employees must be out of the workplace during this time.

1. An employee who displays symptoms should be directed to go home. The employee must not return to the workplace for at least 10 days from the onset of symptoms **and** at least 24 hours with no fever without fever-reducing medication **and** symptoms have improved². The employee may telecommute, if feasible, or should use accrued leaves or PAL, then donated paid leave during the absence.
2. An employee who has had close contact (see definition) with someone with a confirmed or suspected case of COVID-19 and the employee has symptoms should not be in the workplace for at least 10 days from the onset of the symptoms **and** at least 24 hours with no fever without fever-reducing medication **and** symptoms have improved². The employee may telecommute, if the employee feels well enough to work. If not, the employee may use accrued leaves or PAL, then donated paid leave during the absence.
3. An employee who is not a first responder or mission critical (see definition) and has returned from out-of-state or international travel to a [Level 3 country](#) as defined by the CDC, should stay home and practice social distancing for 14 days from the time the employee returned home from out-of-state or international travel. The employee must telecommute, if feasible. If not, the employee may use accrued or donated leaves, or request approval for PAL during their absence. If an employee is not sure if they are a first responder or mission critical or required to quarantine, they should consult with their department’s human resources office. If the employee is a first responder or mission critical, they should report to their usual workplace.

² Loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation.

4. With the exception of first responders and mission critical employees (see definition), an employee who has had close contact (see definition) with someone with a confirmed or suspected case of COVID-19, but who does not have symptoms should not be in the workplace for 14 days after the employee’s last contact with the diagnosed person. The employee should telecommute, if possible. If not, the employee should use accrued leaves, then donated paid leave during the absence.

SCENARIOS REGARDING COVID-19 TESTING

Employee has symptoms or not?	Employee has had close contact	COVID-19 Test Results	Required Protocol
Symptoms	Yes or No	Positive	An employee who has symptoms must be out of the workplace for at least 10 days from the onset of symptoms and at least 24 hours with no fever without fever-reducing medication and symptoms have improved ² .
Symptoms	Yes or No	Negative	An employee who has symptoms must be out of the workplace for at least 10 days from the onset of symptoms and at least 24 hours with no fever without fever-reducing medication and symptoms have improved ² . There is no exception for an employee who has tested negative and whose symptoms have improved ² .
Asymptomatic	Yes or No	Positive	An employee who tests positive must be out of the workplace until at least 10 days have passed since the date of the employee’s first positive test and there is no subsequent illness.
Asymptomatic	Yes	Negative	An employee ³ who has had close contact with someone with a confirmed or suspected case, should not be in the workplace for 14 days after the employee’s last contact with the diagnosed person.
Asymptomatic	Yes, with a Suspected case	Employee & contact are Negative	An employee ² who has had close contact with someone with a confirmed or suspected case, should not be in the workplace for 14 days after the employee’s last contact with the diagnosed person.
Asymptomatic	No	Negative	Employee does not need to be out of the workplace.
Asymptomatic & Quarantining	Yes	Negative or Positive	An asymptomatic employee who was originally quarantining for 14 days and then develops symptoms must be out of the workplace for at least 10 days from the onset of symptoms and at least 24 hours with no fever without fever-reducing medication and symptoms have improved ² .

³ With the exception of first responders and mission critical employees. First responders and mission critical employees who are exposed, but do not have symptoms are expected to report for work due to their essential function, unless otherwise directed by their supervisor.

TELECOMMUTING

During the time this policy is activated, telecommuting is mandatory for all employees whose work allows for it and normal eligibility requirements are suspended; however, telecommuting still requires prior approval from the employee's supervisor. Employees who are telecommuting must be available and responsive. For the period of this temporary policy, King County will relax its normal policies regarding telecommuting in the following manner:

1. If a telecommuting agreement is not already in place, supervisors can forgo submitting one for assignments during this event, but the supervisor should obtain one as soon as practicable.
2. Children may be in the home while the employee is telecommuting, but the expectation of productive work remains.
3. Employees may not relocate out of Washington State. The employee may work somewhere outside of the home; however, the employee needs to obtain prior approval if wanting to temporarily work outside of the employee's normal work/home area. Unless travel has been preapproved, employees are expected to remain close enough to physically report to work, if necessary.
4. If an employee needs assistance with the ergonomics of their home workstation, the employee should first complete the [self-assessment checklists](#) to determine if the employee can make self-adjustments to address the issue. If an employee has a medical restriction and/or requires an accommodation related to the employee's home workstation, the employee should [request an ergonomic evaluation](#). The evaluation will be conducted via Skype or phone. If needed, equipment or furniture from the employee's King County workstation may be approved for use at the employee's home. Any equipment or furniture must be inventoried by the employee's department before it can be removed from the worksite. For more specifics, see the [Ergonomics Evaluation and Remote Office Equipment Procedures](#).
5. During this time, some employees may not be able to perform all of the essential functions of their position.

EMERGENCY LEAVE DONATION FUND

A leave donation fund has been created to focus on the COVID-19 emergency/disaster that allows employees to donate sick and vacation leave to a fund to support other employees in need. This program will run parallel to, and is not a substitution for, the existing donated leave process that is managed within the departments, which allows employees to donate directly to another employee.

Requirements for Donations:

- Donors must be eligible for comprehensive leave benefits. This program is not available for short-term temporary employees or interns.
- Donors must have at least 100 hours of sick leave in their sick leave bank following their donation.
- Donors are limited to donations of 80 hours of sick leave and 80 hours of vacation leave (or BTO leave) to the Emergency Leave Donation Fund in a calendar year, unless the donor's department director approves a greater amount.

- Leave donations are placed in a single pool of donated leave; therefore, donations cannot be made to a specific employee.
- An online donation tool within PeopleSoft is currently being developed, which will allow employees to donate accrued leave to the Emergency Leave Donation Fund. In the meantime, employees wanting to make donations must complete the [Emergency Donation Donor Form](#) and submit it via one of the following:
 - Email: EmergencyDonation@kingcounty.gov
 - US Postal Service: King County, 401 Fifth Ave., Suite 230, Seattle, WA 98104
 - Interoffice Mail: CNK-ES-0230

Eligibility Requirements to Receive Emergency Leave Donations:

1. The employee must be eligible for comprehensive leave benefits (this program is not available to short term temporary employees or interns);
2. The employee must submit a request for donated leave (or a request should be submitted on the employee's behalf by the supervisor, family, or payroll or HR staff);
3. The employee needs to have exhausted their own paid leaves, including comp. time, executive leave, BTO, PAL and any donated leaves;
4. There is no retroactive application of donated leave for employees who have already exhausted their leave accruals; and
5. The employee must sign an affidavit attesting to one of the following criteria, but does not need to specify which criteria they are attesting to:
 - a. The employee has been diagnosed with COVID-19;
 - b. The employee has a qualifying family member (see [Paid Sick Leave](#) policy), who has diagnosed COVID-19 and the employee is caring for the family member;
 - c. The employee is one of the enumerated employees "who should be out of the workplace during this time" above;
 - d. The employee is in a high-risk group that wishes to stay home and cannot telecommute; or
 - e. The employee's child's school or care center has been closed and the employee cannot telecommute.

Additional Emergency Leave Donation Fund Guidelines:

1. Hours donated to the Emergency Leave Donation Fund will be converted into dollars and then converted back to hours when awarded to an employee.
2. The maximum donation an employee can receive is two (2) weeks (based on the employee's normally scheduled hours) in a calendar year. This may be revisited based upon the volume donations to the program and the duration of the emergency.
3. The leave will be distributed on a first come, first served basis.
4. Leave will be awarded in two-week increments.
5. Until the Governor and the Executive have lifted the emergency orders related to the COVID-19 emergency, donated leave from this Emergency Leave Donation Fund will not be provided for leaves unrelated to the COVID-19 emergency.
6. Leave that is not used by the recipient within 60 days, will be returned to the Emergency Leave Donation Fund.
 - a. A recipient who has leave returned to the fund may apply again, if the employee has another instance when the employee meets the eligibility requirements.
7. Any COVID-19 donated leave remaining with the recipient after the emergency orders have been lifted may be used for FMLA qualifying conditions.
8. Any leave remaining in the Emergency Leave Donation Fund after the COVID-19 emergency will be used for FMLA qualifying conditions.

LACK OF WORK FOR EMPLOYEES DUE TO SUSPENSION OF SERVICES

In instances when an employee is unable to work because the County has suspended services and the employee is unable to telecommute, the County will follow the [County Operations During Emergency Situations and Inclement Weather Policy](#) (“County Emergency Policy”). DHR and OLR will work with departments on how to address employees on a case-by-case basis, including providing reassignment opportunities.

LEAVES AVAILABLE FOR COVID-19-RELATED ABSENCES

Leave Accruals (sick, vacation, executive leave, comp. time, and benefit time off (BTO))

Employees can use their leaves, including PAL if eligible (see below), in any order they choose for COVID-19-related absences, these include:

- The employee’s own health condition;
- The health condition of a family or household member;
- A school or childcare closure due to COVID-19;
- Employees who have been exposed to COVID-19, but don’t yet have symptoms;
- Employees who are at higher risk, who want to stay home and are unable to telecommute; and
- Employees who are exhibiting symptoms and are sent home.

Emergency Paid Sick Leave Act (EPSLA)

Full-time employees may choose to use up to 80 hours of federal Emergency Paid Sick Leave (EPSLA). Part-time employees are eligible for a prorated amount of EPSLA based on their average hours worked over a two-week period.

- EPSLA is available to all employees who meet one of the six eligibility requirements below (including short-term temporary employees and paid interns). EPSLA is in addition the County’s paid leaves. Employees cannot be required to use other types of leave before they use EPSLA.
- Employees are eligible for EPSLA if they are unable to work (either at home or at the worksite), AND:
 - 1) Are subject to a local, state or federal quarantine order related to COVID-19;
 - A quarantine order includes Governor Inslee’s “stay home, stay safe” order; however, because the Governor’s order allows King County employees to perform work, either at work or via telecommuting, no King County employee qualifies for EPSLA for reason #1.
 - 2) Have been advised by a healthcare provider to self-quarantine due to COVID-19 concerns;
 - 3) Are experiencing symptoms of COVID-19 and are seeking a medical diagnosis;
 - 4) Are caring for an individual who is self-isolating for one of the reasons described in (1) or (2) above. A qualifying “individual” is an employee’s immediate family member, a person who lives in the employee’s home, or a person with whom the employee has a relationship with that creates an expectation that the employee would care for that person while quarantined;
 - 5) Are caring for their child under the age of 18 whose school has been closed, or whose childcare provider is unavailable due to a public health emergency related to COVID-19; or

- 6) Are experiencing any other “substantially similar condition” specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.
- For all six reasons above, the County will be more generous than required under federal law and pay full-time employees up to 80 hours of EPSLA in the same way that employees are currently paid when they use their sick leave. Part-time employees are eligible for a prorated amount based on their average hours worked over a two-week period.
 - Employees may use EPSLA intermittently, if approved by their department, if they are either telecommuting, or if they need time off to care for a child (see reason #5 above); however, if it is used for childcare, it must be paid with hours worked or other leaves, so that the employee is paid for the entire day.
 - Partial days for salaried employees are only permitted if for childcare or other FMLA-qualifying reasons. If salaried employees are members of the Coalition and take part of the day as leave, their leave bank and their FML entitlement would both be decremented, but they would remain salaried (per the Coalition MOA). Salaried employees represented by other unions and non-reps who wish to take EPSLA in partial day increments should be converted to hourly status, per County policy.
 - EPSLA expires December 31, 2020.

Emergency Family and Medical Leave Expansion Act (EFMLEA)

Employees who need to care for a child under the age of 18 or an older child incapable of self-care due to a mental or physical disability due to closure of the child’s school or childcare facility are eligible for up to 12 weeks of protected EFMLEA, if they have worked for the County for at least 30 days. This includes short-term temporary employees and paid interns.

- Because EFMLEA is an expansion of FMLA, the 12-week total annual entitlement for FMLA still applies.
- The first 10 days of EFMLEA are unpaid; however, the employee may use any other available paid leave (including the EPSLA discussed above).
- After 10 days, the employee is entitled to two-thirds of their regular rate of pay during the leave, up to a maximum of \$200 per day and \$10,000 total.
 - Pay is calculated based on the number of hours the employee would otherwise be scheduled to work. For employees with varied schedules, the hours are determined based on the average number of hours scheduled over the 6-month period ending on the date on which the leave starts, including any leave hours; or based on a reasonable expectation at the time of hiring.
- Alternatively, the employee may choose to use leave accruals in full-day increments.
- Employees may use EFMLEA intermittently, if approved by their department, but the employee must either:
 - take the full day of federal pay (2/3 up to \$200) and not work or take leave; or
 - take a full day of paid leave; or
 - use a combination of leave and hours worked, so that the employee is in pay status for the entire day.
 - This applies to both salaried and hourly employees. If salaried employees are members of the Coalition and take part of the day as leave, their leave bank and their FML entitlement would both be decremented, but they would remain salaried (per the Coalition MOA). Salaried employees represented by other unions and non-reps who wish to use EFMLEA in partial day increments should be converted to hourly status, per County policy.
- EFMLEA expires December 31, 2020.

Paid Administrative Leave (PAL)

The County may approve up to 80 hours of Paid Administrative Leave (PAL) for full-time non-represented employees and bargaining units who have signed an MOU with the County to provide PAL. Part-time employees are eligible for a prorated amount based on their average hours. A list of participating bargaining units can be found [here](#). PAL is not available for short-term temporary employees and interns. Partial days for salaried employees are ONLY permitted if for childcare and other FMLA-qualifying reasons and must be paired with hours worked or other leaves, so that the employee is paid for the entire day. PAL can only be used for the following circumstances:

- A. Employees who are sick with COVID-19 or taking care of eligible family members with COVID-19;
- B. Employees who are sick with COVID-19 symptoms and must stay home;
- C. Employees who are not high risk, but are directed by a Health Officer or qualified medical professional to quarantine because of potential exposure to COVID-19 and who cannot telecommute;
- D. Employees who are home because their child's school or childcare facility is closed and who are unable to work or telecommute; and
- E. Employees who fall into CDC high risk (see below) categories who cannot telecommute and do not want to come into the workplace.

CDC Definition of High Risk:

- People 65 and older;
- People whose [medical conditions are listed by the CDC under the "increased risk" category](#); and
- People whose [medical conditions are listed by the CDC under the "might be at an increased risk" category](#), but only if, based on the employee's medical circumstances and workplace conditions, the employee is, in fact, at increased risk for suffering severe illness from COVID-19.

Supervisor Approval Process for PAL:

In order to maintain essential services, supervisor approval must be received in order to take PAL. Supervisors will make decisions based on the eligibility criteria listed above, operational need and business continuity, in addition to employee designations as First Responder or Mission Critical. Upon receipt of an employee's request for PAL, the supervisor will assess staffing levels based upon available staff and operational need, as follows:

- For eligibility **criteria A and B**, the supervisor shall grant the leave.
- For eligibility **criteria C**, the supervisor will approve the request, if it does not pose operational hardship. Where approving the employee's request for eligibility criterion 3 would pose operational hardship, HR will confer with the Health Officer or medical professional who directed the quarantine.
- For eligibility **criteria D or E**, the leave will be granted if it does not pose operational hardship based on the demands of operations and the available staffing (taking into account employees currently on leave and employees previously authorized to take leave). If approving the leave would cause operational hardship, the manager will attempt to accommodate the leave as soon as possible relative to when the request was made. The request will be given priority over requests for vacation leave.

Leave Without Pay

Employees may choose to go into a leave without pay status before using all accrued paid leaves for any COVID-19-related absence. Note, that a choice to go into a leave without pay status may impact the employee's benefits, e.g., retirement credits, healthcare benefits, leave accruals, etc. Employees should talk to their department HR Manager for more information.

Additionally, during this time, King County will relax its normal policies regarding leave in the following manner:

- In the event of a COVID-19 related absence, employees are still expected to call-in per regular call-in procedures. However, if an employee does so later than is normally required, they will not be subject to discipline.
- In order to reduce the strain on the medical community, doctor's notes for COVID-19 related absences or other medical conditions are at the discretion of the HR Manager. The availability of medical providers will be taken into consideration during the pandemic.

MASKS FOR EMPLOYEES

Wearing a mask over your nose and mouth is a key step in limiting the spread of the virus. Employees **must** wear a mask when they cannot maintain a distance of six feet from others, and are **strongly encouraged** to wear a mask when whenever possible indoors, which may further reduce the risk of infection.

King County employees are required, at a minimum, to wear a cloth or disposable mask provided by the county or a mask substantially equivalent to the masks provided by the county. Some work activities require a specific type of mask. Members of the public are only required to wear a "face covering" consistent with health guidance. Face coverings include less effective coverings than the masks required for county employees in the workplace.

Because it is still important to conserve medical-grade or N95 respirators for health care workers, unless a health reason requires it, individuals should use county provided masks or substantially similar masks in the workplace. Bandanas, gaiters, buffs, vented masks and face shields are not permitted substitutes for masks. Face masks must be worn properly in order to avoid contaminating the hands or face of the user. The County has cloth and disposable masks available for all employees to use in the workplace. Employees' supervisors will tell them if a specific type of mask is required for their job.

If an employee has a medical condition that impacts the employee's ability to wear a mask, they should contact their HR Manager. The county may not be able to reasonably accommodate a disabled employee's request that they be exempted from the requirement to wear a mask if the employee works in an environment where social distancing is difficult and/or not wearing a mask creates a risk of exposing others.

We acknowledge that some individuals who are members of communities historically and currently discriminated against may experience anxiety and fear about wearing masks. King County is committed to maintaining a respectful, productive, inclusive and equitable workplace, and discrimination and other conduct that is inconsistent with that, will not be tolerated. In this unprecedented time, when individuals can be infected and contagious before or without symptoms and evidence suggests a significant number of infections may be transmitted this way, masks must be worn to prevent inadvertently spreading COVID-19 while interacting with others. If an employee will be in close contact with the public and has concerns about being discriminated against while wearing masks, they should speak to their HR Manager about ways to clearly identify themselves as a King County employee. However, even with identification, we fully acknowledge that the anxiety and fear for members of historically and currently discriminated against communities are real and these steps alone cannot change that. We, through your supervisor or HR Manager, are committed to working with you to making sure that everyone stays healthy and safe.