



## TEMPORARY COVID-19 PERSONNEL POLICY

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

August 18, 2021

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King County seeks to responsibly and equitably respond to the COVID-19 situation by providing leave, telecommuting, vaccination 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 employees<sup>1</sup>. 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** – being within six feet of a person infected with COVID-19 for a combined total of 15 minutes or more over a 24-hour period starting from two days before the infected person’s symptoms appear (or, for infected people without symptoms, two days prior to being tested) until the infected person is isolated. Close contact also includes coming into direct contact with the secretions (droplets) of someone who has COVID-19 (for example, when they cough on you, sneeze on you, kiss you, or share utensils with you).

**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 medically verified as high risk, who want to stay home and are unable to telecommute.

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<sup>1</sup> **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.

**Fully Vaccinated** – people are considered fully vaccinated two weeks after their second dose in a 2-dose series, like the Pfizer or Moderna vaccines, or two weeks after a single-dose vaccine, like Johnson & Johnson’s Janssen vaccine. If it has been less than two weeks since a person’s shot, or they still need to get their second dose, they are NOT fully vaccinated/protected.

**High-Risk Employee** – the definition of a high-risk employee under the Health Emergency Labor Standards Act is one who:

- Is at an age or has an underlying health condition that puts them at high risk of contracting a severe case of COVID-19; and
- Has obtained a recommendation from a medical provider for removal from the workforce due to the employee’s high risk of contracting a severe case of COVID-19. For this purpose, removal from the workforce means the employee cannot be present in the workplace.

The definition of a high-risk employee is made with reference to the [CDC’s definition](#) for those people more likely to get severely ill from COVID-19. This definition changes over time. As of June 29, 2021, people at high risk may include older adults, people who are pregnant, and those that have certain medical conditions or need extra precautions.

- The CDC does not define a specific age for “older” adult, but the risk for severe illness with COVID-19 increases with age, with older adults at highest risk.
- Certain medical conditions can contribute to making an employee “high risk.” The CDC is constantly updating this list as more information becomes available. Those conditions may include cancer, chronic kidney disease, chronic lung disease, dementia, diabetes, and certain types of heart conditions. The current list is available on the [CDC website](#).
- An employee requesting accommodation or to use leave because they are high risk, must provide medical verification that they are high risk under the above definition and must be removed from the workplace. When making this assessment, the health care professional considers the employee’s medical condition, vaccination status and circumstances of the job and the workplace.

**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.

**Polymerase Chain Reaction COVID-19 Test (PCR test)** – Also called a molecular test, this COVID-19 test detects genetic material of the virus using a lab technique called polymerase chain reaction.

## POLICIES

### MASKS FOR EMPLOYEES

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**All employees must wear a mask in all indoor settings and enclosed spaces, regardless of vaccination status.** This applies to all King County buildings, facilities, structures, and when multiple people are in a vehicle. Employees may only remove their mask when they are working alone in an enclosed office or room, or driving a vehicle alone.

**When working outdoors,** employees may only remove their mask when they are working at least six feet from others, regardless of vaccination status.

**Employees in the following settings are required to always wear a mask while working,** per state and CDC guidance, due to the nature of their work:

- correctional facilities,
- homeless shelters,
- schools,
- public transportation,
- long-term care facilities, and
- healthcare settings

#### **Accommodation**

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, especially if the employee works in an environment where not wearing a mask creates a risk of exposing others.

### VACCINATIONS

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***Effective October 18, 2021, all Executive branch employees must be vaccinated.*** This includes telecommuting employees, those who have previously had COVID-19, and temporary employees. To meet this requirement, employees must have:

1. received their second shot of the Pfizer or Moderna vaccine, or the first shot of the Johnson & Johnson vaccine by October 4, 2021; **and**
2. provided proof of vaccination by October 18, 2021.

#### **Providing proof of vaccination**

Employees can provide proof that they are fully vaccinated by either:

- initiating the *COVID-19 Vaccination Declaration* process through their [NEOGOV Dashboard](#) (click on Dashboard > Forms > COVID-19 Vaccination Declaration) and attaching a copy of an official document (see list below), **OR**
- showing one of the following to an HR professional or other designated department representative:
  - their actual vaccination card, or a photo or a copy of it,
  - a copy of their state vaccine record, or
  - a verified medical record.

Departments *will not keep copies of vaccination cards, state vaccine records, or vaccine medical records;* however, they will document that the employee has been vaccinated, which vaccination was received (Pfizer, Moderna, or Johnson & Johnson), and the last date of the vaccination.

### **Accommodation**

Employees may make requests for a reasonable accommodation based on a medical disability or for sincerely held religious beliefs. Philosophical, political, scientific, or sociological objections to vaccination will not be considered for an exemption or accommodation.

Employees should work with their agency's human resources staff to assess whether they are eligible for a reasonable accommodation due to a medical disability or for religious reasons. Absent unforeseen events, employees must request an accommodation by September 17, 2021.

The county may not be able accommodate all requests. Examples of an undue burden for the purpose of accommodating a sincerely held religious belief include if the accommodation is costly, infringes on other employees' job rights or benefits, compromises workplace safety, decreases workplace efficiency, or requires other employees to do more than their share of potentially hazardous or burdensome work.

### **WHICH EMPLOYEES MUST BE OUT OF THE WORKPLACE DURING THIS TIME**

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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 improved<sup>2</sup>. The employee may telecommute, if feasible, or may use accrued leaves, then donated paid leave during the absence.

The employee may return sooner than 10 days, **if** there is no known exposure to COVID-19 **and** they test negative for COVID-19 using a PCR test. In this case, the employee can return after they have been without a fever for at least 24 hours without fever-reducing medication **and** their symptoms are resolving. If symptoms get worse, or new symptoms develop, the employee should be tested again and must be out of the workplace while they wait for the test results.

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 improved<sup>2</sup>. The employee may telecommute, if the employee feels well enough to work. If not, the employee may use accrued leaves, then donated paid leave during the absence.
3. An employee who is not a first responder or mission critical, or isn't fully vaccinated (see definition) and has returned from out-of-state or international travel, should get tested 3-5 days after their return from travel and stay home and quarantine for 7 days from the time the employee returned home from out-of-state or international travel. Even with a negative test, the employee should stay home for the full 7 days. If the employee doesn't get tested, they should stay home for 10 days following their return from travel. The employee must telecommute, if feasible. If not, the employee may use accrued leaves, then donated paid leave. If an employee is not sure if they are a first responder or mission critical or required to stay home, they should consult with their department's human resources office.

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

If the employee is a first responder or mission critical, they should report to their usual workplace. If the employee is fully vaccinated and has returned from international travel, the employee should get tested 3-5 days after travel, but does not need to quarantine and should report to work. Fully vaccinated employees do not need to get tested following domestic out-of-state travel and should report to work.

4. Employees who have had close contact with a person with a confirmed case of COVID-19, but don't have symptoms, and (1) aren't fully vaccinated (see definition) or (2) haven't recovered from a confirmed case of COVID-19 (see d. below), should follow the guidance set forth below:
  - a. **First Responders** – These employees should be tested no sooner than 5 days from the last contact. While waiting to test and awaiting results they should report to work, unless directed otherwise\*. Employees should wait 5 days to test, because testing too soon after an exposure may result in a false negative. If employees develop symptoms during that time, testing the day symptoms develop or the next day is recommended.
    - \* Employees who have been exposed to COVID-19 should be directed to report to work as a last resort and only in limited circumstances, such as when cessation of operation of a facility may cause serious harm or danger to public health or safety. Therefore, if the employee's department determines that there is sufficient staffing to allow the employee to be out of the workplace while waiting to test and awaiting results, that should occur. Employees should telecommute, if feasible. If not, employees may use accrued leaves, then donated paid leave during the absence.
  - b. **Mission Critical employees** – These employees should be out of the workplace for 7 days from the last contact if no symptoms develop **and** they receive a negative test result (the test must not occur sooner than 5 days after the last contact). Employees should telecommute, if feasible. If not, employees may use accrued leaves, then donated paid leave during the absence.
  - c. **All other employees** – These employees should be out of the workplace for 10 days from the last contact. Employees should telecommute, if feasible. If not, employees may use accrued leaves, then donated paid leave during the absence.
  - d. **Employees who have been fully vaccinated, or have recovered from a confirmed case of COVID-19 and it has been less than 90 days since the employee's symptoms started or the employee's first positive test, and the employee completed their isolation** – These employees do not need to be out of the workplace following an exposure to someone with a suspected or confirmed case of COVID-19, unless they have symptoms. They should monitor for symptoms for 14 days, but do not need to quarantine or be tested.

## 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 <b>and</b> at least 24 hours with no fever without fever-reducing medication <b>and</b> symptoms have improved <sup>2</sup> .
Symptoms	Yes	Negative	An employee who has had close contact and has symptoms must be out of the workplace for at least 10 days from the onset of symptoms <b>and</b> at least 24 hours with no fever without fever-reducing medication <b>and</b> symptoms have improved <sup>2</sup> .
Symptoms	No	Negative	An employee without a known close contact who has symptoms <b>and</b> who has a negative PCR test, must be out of the workplace until they have been without a fever for at least 24 hours without fever-reducing medication <b>and</b> their symptoms are resolving <sup>2</sup> . If symptoms get worse, or new symptoms develop, the employee should be tested again and must be out of the workplace while waiting for the test results.
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 <b>and</b> there is no subsequent illness.
Asymptomatic	Yes	Negative	See #4 above in "employees who must be out of the workplace during this time."
Asymptomatic	Yes, with a Suspected case	Employee & contact are Negative	An employee <sup>3</sup> who has had close contact with someone with a suspected case, unless the employee has been fully vaccinated (see definition) or has recently recovered from COVID-19 (see 4.d. above), should not be in the workplace for 10 days after the employee's last contact with the suspected case.
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 and then develops symptoms must be out of the workplace for at least 10 days from the onset of symptoms <b>and</b> at least 24 hours with no fever without fever-reducing medication <b>and</b> symptoms have improved <sup>2</sup> .

<sup>3</sup> 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

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Telecommuting is no longer mandatory; however, there is not a mandatory return to working at county worksites. Additionally, Facilities are continuing to reconfigure office spaces around the county. Therefore, employees should wait for guidance from their supervisor about when they will be returning to the office, and about whether and when they will work from home in the future. Employees who continue to telecommute must be available and responsive. For the period of this temporary policy, the following apply:

1. Children may be in the home while the employee is telecommuting, but the expectation of productive work remains.
2. Employees may not relocate out of Washington State. As a public employer whose taxpayers pay employees' salaries, it is important that King County employees live in or near the region they serve. Additionally, telecommuting employees may be called to report to a county worksite on or during a regularly scheduled telecommuting workday. Therefore, all employees must reside in Washington State and within a reasonable distance to their primary county worksite to respond to workplace reporting requirements. Telecommuting employees may work at locations outside of their home, as long as it is within Washington state; provided those locations are also within a reasonable distance to their primary county worksite.
3. 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](#).
4. During this time, some employees may not be able to perform all of the essential functions of their position.

## LEAVES AVAILABLE FOR COVID-19-RELATED ABSENCES

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Employees can use their leaves (sick, vacation, executive leave, comp. time, and benefit time off (BTO)), 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, and are required to be out of the workplace;
- Employees who are medically verified as high risk, and want to stay home and are unable to telecommute; and
- Employees who are exhibiting symptoms and are sent home.

## **Leave Without Pay**

Employees who have been approved for leave 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.

## **EMERGENCY LEAVE DONATION FUND**

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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. This benefit is available to non-represented employees and bargaining units who have signed agreements with the County.

### *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](mailto: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, 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 medically verified as high risk and 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**

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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.

## **MEDICAL VERIFICATION**

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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. This exception does not apply to verification of high-risk status.