



TEMPORARY LEAVE AND TELECOMMUTING POLICY

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

March 24, 2020

King County seeks to responsibly and equitably respond to the COVID-19 situation by providing temporary leave and telecommuting 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 or April 24, 2020, whichever is sooner, unless extended by the Director. 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 10 minutes, 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 fever, a cough and difficulty breathing, which 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 required by 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 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. During the COVID-19 emergency, most mission critical employees will be able to perform their duties while telecommuting.

People at high-risk:

- People 60 and over;
- People with underlying health conditions, including heart disease, lung-disease or diabetes;
- People who have weakened immune systems; and
- People who are pregnant.

POLICY

With the exception of first responders and mission critical employees (see definition), the following employees must be out of the workplace during this time.

1. An employee who returns from a level-3 high-risk area, as designated by the [CDC](#), should inform their HR Manager and stay home for 14 days from the time the employee left the level-3 area. The employee should telecommute, if possible. If not, the employee should use accrued leaves, then donated paid leave during the absence. If an eligible employee has exhausted their leaves, they will be granted COVID-19 leave.
2. An employee who displays symptoms should be directed to go home. The employee must not return to the workplace until at least 72-hours after the symptoms have cleared. The employee may telecommute, if feasible, or should use accrued leaves, then donated paid leave during the absence. If an eligible employee has exhausted their leaves, they will be granted COVID-19 leave.
3. 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. If an eligible employee has exhausted their leaves, they will be granted COVID-19 leave.
4. 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 7 days from the onset of the symptoms or 72-hours after symptoms have cleared, whichever is longer. 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. If an eligible employee has exhausted their leaves, they will be granted COVID-19 leave.

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. The employee may work somewhere outside of the home; however, the employee needs to obtain prior approval if wanting to 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. During this time, some employees may not be able to perform all of the essential functions of their position.

EMERGENCY LEAVE DONATION PROGRAM

A temporary program has been created specifically for the COVID-19 emergency that allows employees to donate sick and vacation to a bank 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 have at least 100 hours of sick leave in their sick leave bank following the donation.
- There is no limit on the number of sick or vacation leave hours an employee can donate.
- The donor must submit a request to donate leave to EmergencyDonation@kingcounty.gov or by U.S. mail to 401 Fifth Ave., Suite 230, Seattle, WA 98104-233 (interoffice mail stop: CNK-ES-0230).

Eligibility Requirements to Receive Emergency Donated Leave:

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 leave accruals, including comp. time, executive leave, 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:
 - 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 Donated Leave Guidelines:

- 1. The maximum donation an employee can receive is two (2) weeks (based on the employee’s regular work week). This may be revisited based upon the volume donations to the program and the duration of the emergency.
- 2. The leave will be distributed on a first come, first served basis.
- 3. Donated leave from this bank will not be provided for leaves unrelated to the COVID-19 emergency.
- 4. Leave may revert to the donor if unused.
- 5. Any COVID-19 donated leave remaining with the recipient will be removed from the employee’s leave balances once the County has determined the emergency has ceased.

LEAVE USAGE

Through April 24, 2020, the County will provide COVID-19 Leave to Executive Branch employees, with the exception of short-term temporary employees and interns, in the following instances where an employee has first exhausted their own leaves and any available Emergency Donated Leave, or in instances when an employee is unable to work because the County has suspended services and the employee is unable to telecommute.

During the time that this policy is activated, King County’s policies regarding leave usage will be applied in the following manner:

- 1. **People who are sick with COVID-19 or taking care of people with COVID-19 need to first use leave accruals. Effective April 2, 2020, these employees may also use Federal Emergency Paid Sick Leave (FEPSL).**
 - a. Employees must first use their own leave accruals (sick, vacation, executive leave, comp. time, and BTO). Once they’ve used their accruals and two weeks of emergency donated leave, if available, then the employee would be provided COVID-19 leave.
 - b. Full-time employees may also choose to use up to 80 hours of Federal Emergency Paid Sick Leave (FEPSL). Part-time employees are eligible for a prorated amount based on their average hours worked over a two-week period.
 - FEPSL is available to all employees who meet one of the six eligibility requirements below. FEPSL is in addition the County’s paid leaves. Employees cannot be required to use other types of leave before they use FEPSL.
 - Employees are eligible for FESPL if they:
 - 1) Are subject to a local, state or federal quarantine order related to COVID-19;
 - 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;
 - 5) Are caring for their minor child 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.
- Employees on FEPSL will be paid their base rate of pay, up to a maximum of \$511 per day and \$5,100 total for reasons (1) – (3) above. Employees will be paid two-thirds of their base rate of pay, up to a maximum of \$200 per day and \$2,000 total for reasons (4) – (6) above.
 - FEPSL expires December 31, 2020.

2. Employees who are sick must stay home and first use their leave accruals.

3. Employees who are exhibiting symptoms will be sent home and must first use their leave accruals.

4. High risk employees (see definition) who cannot telecommute and do not want to come into the workplace, must first use their leave accruals. If employees have been advised not to work by their healthcare provider, then they can use FEPSL. See 1.b.2 above.

5. If an employee is not high-risk but chooses to self-quarantine because of potential exposure to COVID, the employee should telecommute. If the employee cannot telecommute, the employee must first use their leave accruals.

6. Employees who are home because their child’s school or childcare facility is closed and the employee is unable to work or telecommute, must first use their leave accruals. Effective April 2, these employees may also use Federal Emergency Paid Sick Leave (FEPSL), or the expanded FMLA Public Health Emergency Leave (PHEL). Because PHEL is an expansion of FMLA, the 12-week total annual entitlement for FMLA still applies.

- a. Employees who need to care for a child under the age of 18 due to closure of the child’s school or childcare facility can use FEPSL. See 1.b.5.
- b. In addition, these employees are eligible for up to 12 weeks of protected PHEL, if they have worked for the County for at least 30 days.
 - This includes short-term temporary employees.
 - The first 10 days of PHEL are unpaid; however, the employee may use any other available paid leave (including the FEPSL discussed in 1.b above).
 - After 10 days, the employee is entitled to two-thirds of their base rate of pay during the leave, up to a maximum of \$200/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.

- 7. If there is insufficient work for an employee or if the employee cannot perform their work due to operational reasons (building closure or suspension of services), and the employee's work cannot be done via telecommuting, then the employee will remain in paid status.**
 - a. The [County Operations During Emergency Situations and Inclement Weather Policy](#) ("County Emergency Policy") states that employees will continue be paid their normal pay until the emergency ends. If the shutdown extends for more than one week, the status of displaced workers will be reviewed by the Executive. In this instance, the Executive has extended employee pay in these situation
 - b. This is effective through April 24, 2020.
- 8. Employees who would not normally be able to telecommute but are provided a temporary reassignment or work arrangement and decline, must first use their leave accruals and then will be placed in leave without pay.**
- 9. 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, health care 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 polices 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 normally required, they will not be subject to discipline.
- Doctor's notes for leave usage will be waived for COVID-19 related absences. In order to reduce the strain on the medical community, doctor's notes for other medical conditions are at the discretion of the HR Manager.