



## TEMPORARY COVID-19 PERSONNEL POLICY

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

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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 (e.g., three 5-minute exposures for a total of 15 minutes).

**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, Moderna, or Novavax 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 April 21, 2022, people at high risk may include older adults, people who are pregnant or were recently 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.

## POLICIES

### MASKS FOR EMPLOYEES

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**Employees in the following settings are required to always wear a mask**, per state and federal guidance:

- correctional facilities,
- healthcare settings, and
- long-term care facilities

**Some executive branch employees may work in county facilities that have more restrictive mask requirements**, for example in courtrooms or in areas where court business is conducted with the public. Executive branch employees must abide by those more restrictive requirements when working in those areas.

**Otherwise, masks are recommended in all settings.**

King County encourages and welcomes anyone who wants to wear a mask.

#### **Accommodation**

If an employee who is required to wear a mask, 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, existing employees must provide proof that they have received their final vaccination necessary for full vaccination. New hires must provide proof of full vaccination before their start date.

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

Employees can provide proof of vaccination as soon as they receive their final vaccination by either:

1. initiating the *COVID-19 Vaccination Declaration* process through their [NEOGOV Dashboard](#)
  - click on Dashboard > Forms > COVID-19 Vaccination Declaration; and
  - attach a copy of an official document (see list in bullets below), **OR**
2. 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, Johnson & Johnson, Novavax, or AstraZeneca<sup>2</sup>), 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.

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**

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1. **Employees who have symptoms**, should be out of the workplace for at least 5 days. The first day with symptoms is day 0. Employees can return to the workplace 6 days after their symptoms have begun if their symptoms are improving and they are fever-free for 24 hours without the use of fever-reducing medication. It is recommended that the employee get tested as soon as possible. The employee may telecommute, if feasible, or may use accrued leaves or COVID leave, then donated paid leave during the absence. In some instances, first responders may have varying rules provided that they have received approvals from the appropriate personnel and public health authorities.
2. **Employees who test positive for COVID and are asymptomatic**, these employees must be out of the workplace for at least 5 days from the day they are tested. The day of the test is considered day 0. If they remain asymptomatic, they can return to the workplace on day 6. The employee may telecommute, if feasible, or may use accrued leaves or COVID leave, then donated paid leave during the absence.
3. **Employees who test positive for COVID and have or develop symptoms**, must be out of the workplace for at least 5 days from the start of their symptoms (not from the day they test positive). The first day with symptoms is day 0. Employees can return 6 days after their symptoms have begun if their symptoms are improving and they are fever-free for 24 hours without the use of fever-reducing medication. The employee may telecommute, if feasible, or may use accrued leaves or COVID leave, then donated paid leave during the absence.
4. **Employees who come into close contact with a confirmed case of COVID-19** do not need to be out of the office but should monitor for symptoms.

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<sup>2</sup> To be considered fully vaccinated with the AstraZeneca vaccine trial, the employee must have participated in a U.S. trial and have received the "active" vaccine, and not a placebo.

## TELECOMMUTING

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Telecommuting is no longer mandatory and there are no restrictions on in-person work, meetings, and events. However, not all county employees will be required to return to in-person work at this time. Each department will determine whether and which services will be delivered in-person, remotely, or as a hybrid of both moving forward. Additionally, some workgroups may be moving to new locations. Department leaders will share the plans and expectations for their teams and operations. Employees who continue to telecommute must abide by the [Telecommuting Policy](#) and have a [Telecommuting Agreement](#) on file.

### Location

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. Reasonable distance will be determined on a case-by-case basis by the department director based on departmental business needs.

Employees wishing to *temporarily* telecommute from locations outside a reasonable distance to their primary county work site shall obtain prior approval from their immediate supervisor. Employees who wish to *temporarily* telecommute from a location outside Washington shall submit a written request to their department director. The county will not approve employee requests to temporarily telecommute from international locations, locations within the U.S. Territories, and the states of Ohio, North Dakota, and Wyoming. For additional details, see the [Telecommuting Policy](#).

### Ergonomics and home workstations

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. For more specifics, see the [Ergonomics Evaluation and Remote Office Equipment Procedures](#).

## LEAVES AVAILABLE FOR COVID-19-RELATED ABSENCES

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Employees can use their accrued 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.

## **COVID Leave**

The County may approve up to a maximum of 80 hours of COVID leave through December 31, 2022, for non-represented comprehensive leave eligible employees and those in bargaining units who have signed an MOA with the County to provide COVID leave. COVID leave may only be used for the following circumstances:

### **Up to one regular shift per vaccination** of the total 80 hours available may be taken for:

- An employee who is unable to work due to side effects from the COVID vaccine, including booster shots, within 48 hours of the injection. This usage is also available to STTs and administrative interns. If side effects last for more than one shift, employees can use sick leave.

### **Up to 40 hours** of the total 80 hours available may be taken for:

- An employee who must care for their child and cannot work because the child is unable to attend school or childcare due to COVID, and the employee has provided documentation of the situation. This includes a child who is quarantining under a school or childcare policy, or while awaiting COVID test results; and
- An employee who needs to provide care for an immediate family member who is sick from COVID, and the employee has provided proof of their positive COVID test.

### **Up to 80 hours** of the total 80 hours available may be taken for:

- An employee who tests positive for COVID, provides documentation of a positive test and is unable to telecommute; and
- An employee who is subject to quarantine due to county policy and is unable to telecommute.

COVID Leave is not available to obtain a COVID test. Employees may use sick leave for testing.

## **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.