

**Memorandum of Agreement
By and Between
King County
And
Washington State Nurses Association Staff and Supervisor Units**

Subject: COVID-19

Background:

King County (the County) and the Washington State Nurses Association (the Union) engaged in negotiations with the intent of mitigating the effects from the COVID-19 pandemic and the resulting State of Emergency declared by King County Executive Dow Constantine. The parties expressly agree the current terms and conditions enumerated below modify the collective bargaining agreement.

Agreement:

The terms and conditions of this agreement apply to employees represented by the Union.

A. Emergency Paid Sick Leave Act (EPSLA). The County will provide eighty (80) hours of EPSLA, paid at the same rate an employee would receive for sick leave, prorated for part-time employees. The EPSLA will be maintained in a separate account for each employee. Employees can elect to use their accrued sick leave or EPSLA each time they are eligible to use sick leave for COVID related absences as set forth in the federal law. EPSLA will be available to employees beginning April 1, 2020, and expires on December 31, 2020. EPSLA cannot be cashed out on retirement, rolled into a VEBA, donated or carried over into 2021. Any EPSLA in the account at midnight December 31, 2020, will be forfeited.

B. Paid Administrative Leave (PAL). With approval of their supervisor, the County will allow employees, except short-term temporary employees and interns, to use PAL, up to a maximum of eighty (80) hours, prorated for part-time employees, only for absences listed under C.2. (a-e) below, from April 1, 2020, for employees on semi-monthly payroll, and April 4, 2020, for employees on biweekly payroll, to December 31, 2020.

C. COVID-19 Paid Leave. With approval of their supervisor, employees, except short-term temporary employees and interns, will be provided COVID-19 Leave, prorated for part-time employees, through April 24, 2020, with the following conditions.

1. An employee will continue to be paid their normal pay 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.

2. An employee must exhaust their own leaves (e.g., PAL, accrued benefit time, holiday bank leave, sick and vacation leaves; Executive leave; and any donated leave) before they are eligible for COVID-19 Leave in the following scenarios:

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 fall into CDC high risk categories who cannot telecommute and do not want to come into the workplace;
- d. 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; and
- e. Employees who are home because their child's school or childcare facility is closed and who are unable to work or telecommute.

D. Disqualification for COVID-19 Leave. COVID-19 leave is not available to employees who decline temporary reassignment or work arrangement that they are qualified to perform, except for CDC high risk employees who are unable to telecommute to do the reassignment or work arrangement. Such employees will be placed on leave without pay after exhausting their own leaves (e.g., PAL, accrued benefit time, holiday bank leave, sick and vacation leaves, Executive Leave and, any donated leave).

E. Emergency Donated Leave Program. The County has created a leave donation program focusing on the COVID-19 emergency that allows employees to donate sick and vacation leave 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 program, which allows employees to donate directly to another employee. (Eligibility requirements and guidelines for the Emergency Donated Leave Program can be found under the *Temporary Leave and Telecommuting Policy*.)

1. Requirements for Donations:

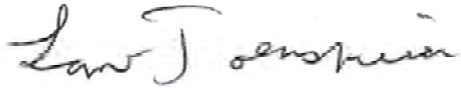
- a. Donors must have at least 100 hours of their accrued sick leave in their sick leave bank following the donation.
- b. As of the date of this Memorandum of Agreement there is no limit on the number of accrued sick or vacation leave hours an employee can donate; however, due to budget considerations, the County may implement a requirement of department director approval for donations over 80 hours.

F. Short-Term and Term Limited Employees. If any short-term temporary and term limited employee's service is temporarily suspended due to the operational impacts of COVID-19, that employee may be reinstated into their previous position when operations re-open, as determined by the appointing authority, and in accordance with applicable policies and procedures.

G. Personal Protective Equipment (PPE). The County shall make every effort to ensure that employees are supplied with the proper PPE required for their position. Employees will also be permitted to use their own personal PPE equipment on the job; provided, the PPE equipment does not interfere with their duties and is appropriate for the workplace.

The terms and conditions of this Agreement expire at such time the King County Executive rescinds the declared State of Emergency, unless the parties agree otherwise.

For the Washington State Nurses Association –
Staff Nurses:



Lane Toensmeier, Labor Counsel

4-17-2020

Date

For the Washington State Nurses Association –
Supervisors and Managers:



Danielle Franco-Malone
Partner, Barnard Iglitzin & Lavitt LLP

04/20/2020

Date

For King County:



Andre Chevalier
Labor Relations Negotiator
Office of Labor Relations
King County Executive Office

4/20/2020

Date