

Memorandum of Understanding
By and Between
Thurston County (County)
and AFSCME/WSCCCE Council 2
Local 618-CO (Courthouse), Local 618-DC (District Court),
and Local 618-T (Tilley)

RE: COVID-19 Impacts – Required Use of Leave May 5, 2020, Onward

The COVID-19 pandemic has resulted in Thurston County moving to an essential services model under Governor Inslee’s [*Stay Home—Stay Healthy Order \(Proclamation #20-25\)*](#) and the Thurston County Board of County Commissioners’ Resolution #15880. In addition, on April 13, 2020, Governor Inslee issued the [*High-Risk Employees – Workers’ Rights Order \(20-46\)*](#), providing additional consideration for “high risk” employees when an alternative work arrangement is not feasible, including the use of accrued leave.

Employees continue to work safely by adjusting their office hours, adjusting their work methods, telework arrangements and/or reassignment of duties. Employees who cannot report to the worksite, cannot telework, or be reassigned due to the nature of their work and are not eligible for federal benefits such as Emergency Paid Sick Leave (EPSL) and/or Public Health Emergency Leave (PHEL) have been allowed paid administrative leave through May 4, 2020.

Effective May 5, 2020, employees who are not receiving federal benefits (EPSL, PHEL) and who continue to be unable to report to the worksite, cannot telework, and cannot be reassigned to perform other work, will no longer be on paid administrative leave and will be allowed to use their accrued personal leave (vacation/alternative leave/compensatory time/floating holidays/award time), consistent with Article 14.10.A of the parties’ collective bargaining agreements.

To mitigate the impacts of the May 5th change and to ensure compliance with Governor Inslee’s [*High-Risk Employees – Workers’ Rights Order \(20-46\)*](#), the parties have reached the following agreements:

1. Employees who would otherwise be available to work but have been receiving paid administrative leave because they cannot telework may request return-to-work options from their office or department. Within available resources, offices and departments will identify options that will allow such employees to return to work to the extent reasonably possible. This may include reassignment of duties, assignment to an alternative work location, county-provided equipment (laptops, cell phones), and adjustments to work schedules. Work is not guaranteed under this provision, and work offered, if any, may be outside of the employee’s job classification.
2. In addition to available state and/or federal benefits for which employees may be eligible, employees who continue to be unable to work due to the COVID-19 pandemic, including employees in a “high risk” category as defined by the [Centers for Disease Control](#) who choose to not work, will be entitled to the following:

- a. In addition to the use of accrued leave allowed under Article 14.10.A.2, employees may also use accrued sick leave, Washington State Paid Sick Leave (WPSL), and/or leave-without-pay for absences covered by this Memorandum.
- b. During the use of leave-without-pay the employer will continue to pay the employer's portion of health care benefit premiums. Employees must continue to pay their portion of health care premiums, if any, to ensure continuation of coverage. Employees who are not covered by or have exhausted EPSL and/or PHEL may be required by Public Employees Benefits Board (PEBB) rules to use no less than eight (8) hours of paid leave each month to ensure continuation of health care coverage.
- c. To accrue additional leave while using leave-without-pay, employees must use less than seven (7) calendar days (40 hours) of leave-without-pay each pay period.
- d. During the use of leave-without-pay, PERS2 and PERS3 employees must work or use paid leave for a minimum of ninety (90) hours each calendar month to receive full service credit, a minimum of seventy (70) paid hours for ½ service credit, and a minimum of one (1) paid hour to receive ¼ service credit from the Department of Retirement Systems (DRS). Employees should consult their plan handbook on the DRS website for more information.
- e. The use of leave-without-pay under this Memorandum will not affect the calculation of an employee's seniority, step increment, or leave accrual increase date.
- f. Barring previously approved leave, employees are expected to return to work the next working day following the lifting or modification of the Governor Inslee's *Stay Home—Stay Healthy* order and/or expiration or modification of the Thurston County Board of County Commissioners' Resolution #15880, unless otherwise directed or agreed to by the supervisor. Employees are expected to stay informed about the status of Thurston County government operations by monitoring the County's web page, <https://www.thurstoncountywa.gov/tchome/Pages/default.aspx>

This agreement is non-precedent setting, is effective beginning May 5, 2020, and shall remain in place no longer than June 15, 2020, absent mutual agreement to extend this Memorandum. The parties understand that continued negotiations and modifications to this Memorandum may be necessary if the Governor Inslee's *Stay Home—Stay Healthy* order is extended. Either party may request negotiations.

By their signatures below, the parties acknowledge their understanding and acceptance of this agreement.

Signed Via Email
 Mary Kincy, Local 618-CO, Chapter Chair

4-27-20
 Date

Signed Via Email
 Kris Asche, Local 618-T, Chapter Chair

4-27-20
 Date

Signed Via Email
Theresa Garza, Local 618-DC, Chapter Chair

4-28-20
Date

Signed Via Email
Pat Miller, AFSCME/WSCCCE Representative

4-28-20
Date

Maria Aponte
Maria Aponte, Director, Human Resources

4/28/2020
Date

Debbie Brook
Debbie Brookman, Labor Relations Negotiator

4/28/2020
Date