

WACOPS – April 1, 2020

COVID – 19 and Washington State’s Peace Officers

Dear WACOPS members and friends:

WACOPS is actively advocating for you, your safety, and the safety of your family. The Olympia office is closed, but we are working. Please contact us as follows:

Kelsey Jewell, Administrative & Events Assistant – adminevents@wacops.org

At this time, we are moving forward with our Spring Gen Mem. Please let us know if you’re coming and let us know if you’re not!

Julie Morley, Communications & Membership Assistant – wacops@wacops.org

We know you’re busy, please let us know how your rosters are changing, keep that information coming. If you have questions about your membership, don’t hesitate to reach out to Julie. She will get an answer for you!

Teresa Taylor, Executive Director – ttaylor@wacops.org or by cell 360-710-4318.

Call me or email me any time about any issues. While I am focused on COVID-19, and seeking all of your experiences (good and bad), I am also here for you on any issues you believe WACOPS can assist with.

Be sure to watch our website for all the information we’ve put out about COVID-19 and updates on the work we are doing. www.wacops.org.

Follow us on Facebook! We have regularly been posting good news stories of our members as well as critically important COVID-19 information. If you haven’t looked for us before, please search @WACOPS360 in Facebook.

We look forward to hearing from you and helping you. Your investment in Washington’s most effective law enforcement advocacy organization matters. Together we are making a difference.

NEW! FIRST RESPONDERS COALITION – Advocating for you!

WACOPS reached out to our friends at the SEIU and the Washington State Council of Fire Fighters to compare notes regarding statewide failures to support and protect the workers on the frontline of COVID-19. We were joined in our effort by the United Food and Commercial Workers (UFCW21), Washington State Nurses Association (WSNA), and Teamsters 117. Collectively we were all experiencing the same immediate concerns: Personal Protective Equipment (PPE) Supplies, COVID-19 Testing/Processing; Use of Leave & Presumed Injury; and Protection for Vulnerable Workers. Attached is our coordinated letter delivered April 1, 2020, to Governor Jay Inslee; Secretary of WA Department of Health, John Wiesman; and, Vice Admiral Bono, Director WA COVID-19 Health Care Response Team.

What if you get ill?

Washington State L&I recognizes COVID-19 as on the job injury --

L&I has changed its policy around workers' compensation coverage for health care workers and first responders who are quarantined by a physician or public health officer. Under the clarified policy, L&I will provide benefits to these workers during the time they're quarantined after being exposed to COVID-19 on the job.

<https://www.governor.wa.gov/news-media/inslee-announces-workers-compensation-coverage-include-quarantined-health-workersfirst>

UPDATE: We have asked the Governor to clarify the "quarantined by a . . . public health officer" to ensure those that have self-quarantined due to concern of their health will qualify for the L&I protection. We will report on this as we learn more.

Bear in mind:

All L&I claims begin by filing at L&I (www.lni.wa.gov)

You have up to two years to claim an injury, but you should file as soon as you're able
COVID-19 in first responders is a "presumed occupational injury"

Get and keep all documentation related to your quarantine

Do you best to try to get tested

Keep track of your efforts to get tested (how and when)

Keep documentation with test results.

The chance of death from COVID-19 for another wise healthy individual is very low. However, we are researching whether a COVID-19 related death of a peace officer will be handled as a line of duty death. We pray that we will know the answer and never need to see it play out.

Access to COVID-19 testing –

We are hearing that this is being handled differently across the state. We applaud the areas that have set aside special testing sites for first responders. We've heard that Snohomish County's program is quite effective as is Bellevue. We've had mixed reviews on some other jurisdictions trying this approach and we have heard very alarming situations where there is no coordinated location or effort to get first responders the testing and test processing that is necessary. We are working directly with the Governor's office on a remedy to this significant problem.

OUR ASK: Please keep sending me your stories. To best focus our limited resources it is very important to hear from you about what is working and what is not working.

UPDATE: For what it's worth, it is the Governor's expectation that ALL first responders get tested when appropriate and that those tests be processed as a priority. While that may be the expectation, we have informed his staff that this is not the comprehensive practice in the field. We will update you as this continues.

Congress Passes Families First Coronavirus Response Act --

Effective April 2, 2020, H.R. 6201: Changes to Federal Family Medical Leave Act

Below is a link to a section by section summary of H.R. 6201.

<https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/Families%20First%20summary.pdf>

In the document linked above, Division D Section 601 defines an “emergency leave day” as a day in which an individual is unable to work due to one of four qualifying reasons related to COVID-19. The reasons are summarized in the link above. Whether this directly relates to our members or not, it may relate to your spouse and your family circumstance. Please review it. Knowledge is power.

How to protect yourself

Links to Guidance for health safety --

Many of you have probably been briefed by your departments, but in case you have questions these links may be helpful for you.

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-law-enforcement.html>

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-for-ems.html>

Collective Bargaining, Law Enforcement Labor Leaders and COVID-19 --

NEW! Hazard pay for some --

We are getting reports of some departments giving 5% or more in hazard pay to active duty police officers. We do not have the specifics about how this is being applied. We applaud the guild leaders and department leadership that came together and funded this important recognition.

OUR ASK: Please let me know if your department has implemented this pay and send me any information explaining how it will be applied, for how long, and to whom. We hope to use that information to help other guilds as they begin discussions with their department leadership.

Labor Relations Information Systems and Public Safety Labor Group Suggestions --

As our friends at Labor Relations Information Systems and Public Safety Labor Group said in their recent newsletter, you are strongly advised as managers and labor officials to confer with local legal counsel and HR professionals over contractual and statutory rights and limitations, along with ongoing bargaining obligations during the COVID-19 pandemic.

Some points the LRIS mid-March newsletter made regarding negotiations included:

“Collective Bargaining Issues

In collective bargaining jurisdictions, the first stop in any analysis is to review applicable collective bargaining agreements or memoranda of understanding for provisions related to management’s rights to take unilateral action in emergency situations, including the ability to alter shift schedules, extend hours of work, eliminate days off or vacations, eliminate special assignments to bolster core services, or the addition of duties. Sick leave provisions will undoubtedly come into play for employee or family illnesses.

But the collective bargaining agreement is not the last stop in the bargaining analysis. Local and state laws governing collective bargaining place upon both labor and management a continuing duty to

bargain, especially where a collective bargaining agreement is silent on a mandatorily negotiable topic. Considerations for bargaining in this context could include:

- Securing adequate safety equipment;
- Establishing paid administrative leave systems for first responders who are forced to stay home from work;
- Presumptive sick leave usage without medical verification due to illness for COVID-19 or flu-like symptoms;
- Altered shift and vacation schedules;
- Rotation of specialty assignment personnel to core public safety functions;
- Identification of essential and non-essential personnel related to teleworking options and other modified duty assignments;
- The ability to used accrued leave or borrow against future accruals to deal with sickness, family illnesses, and childcare;
- Waiving leave accrual caps or providing cash-out options once caps are hit; and
- Waiver of co-pays and out-of-pocket expenses associated with the testing and treatment of COVID-19.

Some collective bargaining laws provide narrow business necessity or emergency provisions that may allow management more latitude to take actions in the event of an emergency. Such laws usually require “effects bargaining” over the impact of changes on employees.”

The previous segment was taken directly from the LRIS March 19, 2020 newsletter.

Emergency Staffing: Retirees may return to work –

Governor Inslee signed a proclamation allowing currently retired, essential workers to return to work. You can find his proclamation here:

https://www.governor.wa.gov/sites/default/files/proclamations/20-39%20-%20COVID-19%20DRS%20%28tmp%29.pdf?utm_medium=email&utm_source=govdelivery

Remember WACOPS members and friends, these COVID-19 updates are ever evolving. I am doing my best to track all your questions, follow up on your stories, and find reliable resources for you to review. In the interest of keeping communications open and timely, I may have left something out, or newer information may be available. Please let me know of any and all resources you've found that might benefit other members.

As always, please be safe. Thank you for your investment in WACOPS. We respect and value your membership and are proud to offer any help we are able.

On behalf of the Board of Directors and the staff, we wish you all the best and good health,

Teresa Taylor
Executive Director
WACOPS