

WACOPS – March 23, 2020

Dear WACOPS members and friends:

During this unprecedented time, we are trying to gather and convey helpful information on the ever-evolving pandemic in WA. We have created a mash-up of information collected from a variety of sources. Due to the increasing need of our members to find sources of information we are erring on the side of sharing and hope you all check all information with responsible, knowledgeable sources. The point is, that given the pace at which things are evolving, I cannot guarantee that everything we've pulled together has the same shelf life, or even what the shelf life is.

COVID – 19 and Washington State's Peace Officers

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>

This is developing and not every department may be handling this in a manner that ensures you have the worker's protections you are entitled to. Rather than simply stay home and call in sick, it is important that you communicate with your department's human resources office about your illness. It may be that your department will choose to put you on Administrative Leave.

Currently, law enforcement is not prioritized for the limited COVID-19 testing. This may change, but if you believe you have been exposed, be sure to contact your doctor about your exposure and next steps. The key to the Governor's Executive Order (linked above) is that you must be ordered quarantined by a physician or health official.

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

Earlier this month I shared the links below. These links offer information and resources regarding protection for law enforcement from COVID-19. This information was provided by WASPC Executive Director Steve Strachan. 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

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 use 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.

In the interest of getting this out to you today, please consider this a work in progress. I am working with the State Council of Fire Fighters, the Governor’s Office and the State Department of Health in gathering current, relevant information. We are actively advocating for your safety, access to COVID-19 testing and priority access to appropriate safety equipment.

Please reply to me with any information about how your department is handling the pandemic and if there are any specific concerns you want WACOPS to be aware of. We are also looking for any collective bargaining actions you’re taking and any “best practices” you wish to share. We will continue to share relevant information as we get it and are depending on you to help inform our research.

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