

DRAFT

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE STATE OF WASHINGTON

AND

THE WASHINGTON FEDERATION OF STATE EMPLOYEES

AFSCME COUNCIL 28 AFLCIO

COVID-19 Response –Seniority Protection for High Risk Leave Without Pay

Whereas, on February 29, 2020, Governor Inslee issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in the state of Washington and;

Whereas, A subsequent Proclamation, 20-46.1, was issued providing guidance to address the high risk COVID-19 poses to our most vulnerable populations and;

Whereas, Proclamation 20-46.1 requires employers to provide accommodation to high risk workers to protect them from risk of exposure and permit an employee to utilize leave options free from risk of adverse employment action and;

Whereas, Proclamation 20-46.1 also prohibits all public employers in Washington State and labor unions representing employees in Washington State from applying or enforcing any employment contract provisions that contradict or otherwise interfere with the prohibitions and the intent of the Proclamation and;

Whereas, the parties to this MOU agree that in order to meet the requirements stated within Proclamation 20-46.1, revisions to the collective bargaining agreement between the State of Washington and the Washington Federation of State Employees are required.

Therefore, the parties agree to modify Article 33, Section 33.1(A) as follows:

33.1 Definition

A. Seniority for full-time employees will be defined as the employee's length of unbroken state service. Seniority for part-time or on-call employees will be based on actual hours worked. Actual hours worked includes all overtime hours and all paid holiday and leave hours, excluding compensatory time. For purposes of calculating actual hours worked for part-time and on-call employees, forty (40) hours will equal seven (7) days of seniority. Leave without pay of fifteen (15) consecutive calendar days or less will not affect an employee's seniority. When an employee is on leave without pay for more than fifteen (15) consecutive calendar days, the employee's seniority will not be affected when the leave without pay is taken for:

1. Military leave or United States Public Health Service;

