

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

REGULAR AGENDA REQUEST

TO: Board of County Commissioners
FROM: Mark McCauley, County Administrator
DATE: August 22, 2022

SUBJECT: Proposed 12th Temporary COVID-19 Policy

STATEMENT OF ISSUE: The efforts to address COVID-19 have continued to evolve since the pandemic began. The County has adopted eleven resolutions which included temporary HR policies for the COVID-19 emergency declared by the Board of County Commissioners. New CDC guidance has been issued that may require a change in the current resolution. At the request of the Board of County Commissioners prepared a proposed resolution adopting a 12th Temporary COVID-19 Policy to address these changed circumstances. Staff's proposed changes were discussed at the County's COVID-19 Coordination Meeting on August 19, 2022. Additional changes were suggested at that meeting and are presented in the attached proposed resolution.

ANALYSIS: The Board of County Commissioners should consider and should potentially take action on the attached proposed resolution.

FISCAL IMPACT: The fiscal impact of this Agenda Request is unknown.

RECOMMENDATION: That the Board of County Commissioners consider and potentially take action on the attached proposed resolution.

REVIEWED BY:

Approved Telephonically

Mark McCauley, County Administrator

August 19, 2022.
Date

**STATE OF WASHINGTON
COUNTY OF JEFFERSON**

In the Matter of Adopting an ~~Eleventh~~ Twelfth
Temporary County Policy Based on Emergency
Response to the COVID-19 Pandemic

RESOLUTION NO. _____

WHEREAS, on February 29, 2020, Governor Jay Inslee declared a State of Emergency in all Counties in Washington State due to the public health emergency caused by the COVID-19 virus; and,

WHEREAS, on March 10, 2020, the Jefferson County Health Officer issued a Public Health Order to control and prevent the spread of the COVID-19 virus; and,

WHEREAS, on March 11, 2020, the World Health Organization declared the outbreak of COVID-19 to be a pandemic; and,

WHEREAS, on March 16, 2020, the Jefferson County Board of Commissioners approved a Declaration of Emergency due to the COVID-19 Pandemic; and,

WHEREAS, on March 23, 2020, Governor Jay Inslee signed Proclamation [20-25](#) declaring that a State of Emergency continues to exist in all Counties in Washington State due to COVID-19; and,

WHEREAS, on March 23, 2020, the Jefferson County Board of Commissioners approved a Resolution Temporarily Limiting Access to County Buildings and Offices through April 24, 2020, due to the COVID-19 Pandemic; and,

WHEREAS, on June 24, 2020, the Secretary of Health issued Order 20-03, effective June 26, 2020, requiring all individuals in Washington State to wear a face covering that covers their nose and mouth when in any indoor or outdoor public setting, except under certain circumstances, which provides a minimum level of protection for Washingtonians when they are not at work where the Department of Labor & Industries' face covering requirements apply; and,

WHEREAS, on July 24, 2020, the Secretary of Health issued Order [20-03.1](#), effective July 25, 2020, which expands the Secretary's prior face covering mandate to require all people in Washington State to wear a face covering when they are outside of their house, mobile home, apartment, condominium, hotel or motel room, bedroom in a congregate living setting, or other dwelling unit; and,

WHEREAS, as of March 1, 2021, COVID-19 vaccines became available for the general public and employees according to each individual's Washington State mandated priority order and Jefferson County, in order to promote public health during this pandemic, deems it in its interests to encourage employees to become fully vaccinated and boosted; and,

WHEREAS, Proclamation [20-25](#) has been amended several times, with the most recent amendment occurring on March 11, 2022 in Proclamation [20-25-19](#); and,

WHEREAS, rates of COVID-19 transmission and hospitalization have been on the rise from the summer of 2021 through mid-January 2022 due to the highly contagious Delta variant and Omicron variant, largely in the unvaccinated population; and,

WHEREAS, fully vaccinated persons obtain a high level of protection from the vaccine for fully vaccinated persons from getting a severe version of the disease; and,

WHEREAS, as of December 20, 2021, the COVID-19 variant, Omicron, was detected in the United States and is rapidly increasing the proportion of COVID-19 cases it is causing; and,

WHEREAS, the Omicron variant and its subvariants have demonstrated an increased ability to evade immunity achieved through vaccination and through prior infection, when compared to prior variants. This has led to an increased rate of breakthrough infections in our community; and,

WHEREAS, the Omicron variant and its subvariants are a highly contagious and easily spread to others; and,

WHEREAS, while current vaccines are expected to protect against severe illness, hospitalizations, and deaths due to infection, breakthrough infections in people who are fully vaccinated have been occurring in significant numbers; and,

WHEREAS, due to the level of vaccination achieved in the population and the level of infection of unvaccinated persons to COVID-19 as a result of the Omicron variant, the risk of high levels of hospitalization for COVID-19 significantly diminished from prior variants; and,

WHEREAS, on February 28, 2022, Governor Inslee announced, in concert with the Governors of Oregon and California, that Washington's indoor mask mandate would lift for most places on March 11, 2022 at 11:59 p.m.; and,

WHEREAS, the Health Officer for Jefferson County rescinded the public health order requiring masks in indoor, public places on March 11, 2022 at 11:59 p.m. while continuing to strongly recommend wearing masks in indoor settings until reaching a community transmission threshold of less than 100 cases per 100,000 in a two-week period; and,

WHEREAS, vaccines remain the best public health measure to protect people from severe illness and hospitalization from COVID-19; and,

WHEREAS, masking remains an important tool to protect people from spreading COVID-19, especially when vaccination is less effective in preventing the spread of the Omicron variant and its subvariants; and,

WHEREAS, throughout the COVID-19 pandemic there have been waves of increased risk of transmission, requiring the ability to implement stricter mitigations and safety protocols as recommended by public health officials; and,

WHEREAS, RCW [38.52.070\(2\)](#) vests emergency powers in the Board to take extraordinary measures for the preservation of public health and to relieve loss, hardship, and suffering; and,

WHEREAS, in recent weeks the level of COVID-19 infections have increased significantly, as preventive measures have been relaxed, but subvariants of the Omicron variant have spread; and,

WHEREAS, the Washington State Department of Labor & Industries (L&I) Requirements and Guidelines for Preventing COVID-19 effective April 21, 2022 ([L&I Requirements](#)) state: “Masks are no longer required for most workers, however, the COVID-19 pandemic remains a public health emergency and a recognized workplace hazard. Employers must continue to ensure a safe workplace;” and,

WHEREAS, the [L&I Requirements](#) state that at a minimum, employers must: “Keep workers known or suspected to have COVID-19 from working around others by following appropriate isolation or quarantine guidance as outlined by the Washington State Department of Health (DOH);” and,

WHEREAS, the [L&I Requirements](#) state: “Employers must continue to assess COVID-19 hazards in their workplaces, because the level of hazards may change. This depends on the amount of disease in the community, how close workers are to others, whether the worker or others they interact with are vaccinated, and ventilation. When COVID-19 hazards change, employers may need to adjust their prevention measures;” and,

WHEREAS, the severity of the situation demands that the Board take measures to protect the public and County employees from further transmission of COVID-19 in Jefferson County; and,

WHEREAS, the Board of County Commissioners has determined that in-person attendance at a hybrid open public meeting only can be held with reasonable safety, ~~namely that the COVID-19 risk is Very Low, Low or Moderate per the dashboard located at <https://www.co.jefferson.wa.us/1429/COVID-19> at the time the meeting agenda for the meeting is advertised;~~ and,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Jefferson County Commissioners that:

1. As long as there is a declared state of emergency, open public meetings will be: (a) held in virtual formats only with the public having access via internet platforms (such as Zoom or GoTo Meeting), via the telephone or streaming on the County’s website or (b) held in

hybrid formats with in-person capacity limited to 50 percent of the venue's capacity and at the same time a virtual format with the public having access via internet platforms (such as Zoom or GoTo Meeting), via the telephone or streaming on the County's website, provided the hybrid meeting can be held with reasonable safety, as determined by the Board of County Commissioners in consultation with the Health Officer, namely that the COVID-19 risk is Very Low, Low or Moderate per the dashboard located at <https://www.co.jefferson.wa.us/1429/COVID-19> at the time the meeting agenda for the meeting is advertised; and

2. Persons visiting County facilities are recommended to wear a face covering for the duration of the Emergency. Facilities shall post signs in each County facility that recommend visitors wear a face covering; and
3. APPENDIX 'I' – Temporary Personnel Policies to Address the COVID-19 Pandemic as amended (attached) is adopted as set forth below; and
4. Each policy in this resolution is adopted as a temporary measure to slow and help prevent the spread of the COVID-19 virus, APPENDIX 'I' – Temporary Personnel Policies to Address the COVID-19 Pandemic as amended (attached) continues to be added to the Jefferson County Personnel Administration Manual and contains standards for public service and accountability and is necessary to maintain the efficiency of governmental operations. Employees who fail to follow the requirements of APPENDIX 'I' are subject to disciplinary action and termination for just cause.
5. This Resolution shall repeal and replace Resolution ~~1224~~-22 of Jefferson County and shall be effective at 12:01 am. on ~~May 24~~September 23, 2022.

(SIGNATURES FOLLOW ON THE NEXT PAGE)

APPROVED AND ADOPTED this _____ day of _____, 2022.

SEAL:

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

ATTEST:

Heidi Eisenhour, Chair

Greg Brotherton, Member

Carolyn Gallaway, CMC
Clerk of the Board

Kate Dean, Member

APPENDIX 'I' – Temporary Personnel Policies to Address the COVID-19 Pandemic

1. **HEALTH AND SAFETY WORKPLACE REQUIREMENTS:** To help prevent the spread of COVID-19 employees must follow these workplace requirements:

A. **Sick Employees Must Stay Home:** Please help keep co-workers safe. This includes temporary/seasonal employees.

1. If you are sick, please contact your supervisor immediately and stay at home.
2. Medical certification from your health care provider may be required.
3. If you need to stay home to care for a sick family member, please do so. During this time, more workers may need to stay at home to care for sick children or other sick family members than is normal.
4. Employees may use individual leave accruals per policy (e.g., sick leave, vacation, floating holidays, and comp time) and may be eligible for WA State Paid Family & Medical Leave.

B. **COVID-19-Sick Employees or Family Members:**

1. Employees who have been sick with or without COVID-19 may be required to provide medical certification. Medical certification for FMLA requests will be required if the FMLA is for a COVID-19-sick employee or family member.
2. If an employee is sick, with or without COVID-19, the employee must:
 - a. Notify their supervisor immediately. The supervisor and any other employee who knows must keep the notification confidential, except as provided in Section 2.d., below. This is required by the Americans with Disabilities Act (ADA).
 - b. Employees who have Covid-19 must isolate for at least 5 full days and may return to work as follows: On the next day after 5 full days of isolation, **if the employee tests negative on an antigen test**, they may return to work, **but must mask for 5 days additional days if symptoms have reduced. Based on risks identified by Department Heads, Departments may require a negative test on an antigen test or up to a 10-day isolation period before returning to work. However, if an employee continues to test positive, or refuses to test, they may return to work only after they have completed a full 10 days of isolation. If employees return before day 10 of isolation, they are required to mask.**
 - c. Follow guidance from the Jefferson County Public Health Department regarding symptoms and testing and what to do if they are sick: <https://www.co.jefferson.wa.us/DocumentCenter/View/12518/Testing-Flowchart>

- d. Follow guidance from the CDC regarding symptoms and testing and what to do if they are sick: <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.
 - e. Once informed, the supervisor and/or department director will immediately notify the Human Resources Manager.
3. When a supervisor or department director is notified of an employee who is sick, they must:
- a. Send the person home if they are at work.
 - b. Follow guidance from the Jefferson County Public Health Department regarding symptoms and testing here: <https://www.co.jefferson.wa.us/DocumentCenter/View/12518/Testing-Flowchart>.
 - c. Notify the Human Resources Manager if an employee tests positive with COVID-19.
 - d. Maintain confidentiality of an employee who is sick or exposed.
 - e. Provide written notice of potential COVID-19 exposure within one business day to all workers, and the employers of subcontracted workers, who were at the same work site as the person who tested positive, without identifying any employee who may have been the source of the exposure.
 - f. Contact Facilities to sanitize the workplace, if it is a county building for which Facilities is responsible.
 - g. Work with the Human Resources Manager to develop a plan for their department to limit additional exposure to other employees and the public. The Human Resources Manager will coordinate with the Department of Public Health before finalizing a plan.
4. Department directors and elected officials (collectively department directors) shall encourage employees that are close contacts of a person with COVID-19 to mask or work from home if their job allows for five days after the close contact.
5. Employees who have a family member at home with COVID-19 must:
- a. Notify their supervisor immediately.
 - b. Follow guidance from the Jefferson County Public Health Department regarding symptoms and testing, located on the department's web page at: <https://www.co.jefferson.wa.us/DocumentCenter/View/12518/Testing-Flowchart>
 - c. Working remotely may be authorized if approved by the employee's department director.

C. Recommendation for All Employees to Get Fully Vaccinated and Boosted. The County recommends that all employees get fully vaccinated and boosted against COVID-19.

D. Required Log of Fully Vaccinated Employees. For workplaces where vaccination is required, the Human Resources Manager shall keep a log of all fully vaccinated employees. The Human Resource Manager shall make the log available to the Washington Department of Labor & Industries upon request.

E. Required and Recommended Face Coverings:

1. Definitions.

- a. “Face covering” means a mask made of at least two layers of cloth, a surgical mask, a KF94 mask, a KN95 mask, or an N95 mask. “Face covering” does not include bandanas, face shields, gaiters with less than two layers of cloth, scarfs, or sweaters.
- b. “Highly Protective Face Covering” means a KF94 mask, a KN95 mask, or an N95 mask.

2. When Face Coverings Are Required. To help prevent the spread of COVID-19, employees must wear face coverings (as defined below):

- a. When required by applicable federal, state, or local health officer requirements, for particular workplace settings (e.g., health care providers, correctional facilities);
- b. When required by a workplace-specific written COVID-19 Prevention Program for a department adopted under Section 1.E.(4).
- c. When wearing a face covering is required:
 - i. Employees shall wear the face covering over the nose and mouth at all times to prevent transmitting droplets while working or present indoors;
 - ii. Employees may wear County-provided face coverings or face coverings made or purchased by the employee;
 - iii. Employees should consider wearing a highly protective face covering; and,
 - iv. Employees shall keep cloth face coverings clean, consistent with washing standards set by the CDC.

3. When Face Coverings Are Recommended While Working Indoors. To help prevent the spread of COVID-19, employees should wear face coverings while indoors.

4. COVID-19 Prevention Program. Because risks vary from workplace to workplace, each department director will develop and approve a workplace-specific written COVID-19 Prevention Program that addresses COVID-19 notification, reporting and prevention measures in that workplace to provide a safe and healthy workplace and to reduce risk of transmission of COVID-19 to their workers. The COVID-19 Prevention Program shall take into consideration relevant factors such as the size and ventilation of space(s) in which employees operate, the number of employees that could be assigned to work in each space and the known vaccination rate of employees. The requirements of the COVID-19 Prevention Program for prevention measures shall not be less stringent than the requirements of this policy nor less stringent than the applicable federal, state or local health officer requirements, but may be more stringent

and may include continued wearing of face coverings or respirators, physical distancing, physical barriers, maximized fresh-air and air-filtration on building and vehicle HVAC systems, improved filtration in areas with poor ventilation and other worker protections. Each department director shall continue to assess COVID-19 hazards in their workplace(s) and modify the written Program as warranted by operational needs, case rates, workplace infections or other considerations. Each department director shall consult with other department directors in departments that are co-located, to address concerns and risks in neighboring departments before adopting a COVID-19 Prevention Program.

5. Compliance with Face Covering Requirements at Other Locations. All employees operating in or on the property or retaining the onsite services of any person or business or other entity that has imposed face covering requirements on or required proof of vaccination from any worker, customer or other person must comply with the requirements of that person or business or other entity while in or on that property or while retaining the onsite services.
6. No Threats or Adverse Actions. Employees are prohibited from taking or threatening to take any adverse action against any person or business or other entity or tenant for imposing face covering requirements on or requiring proof of vaccination.
7. Face Covering Not Required for Employees While Working Outdoors, Unless required by a COVID-19 Prevention Program. Employees working outdoors will not be required to wear a face covering, unless required by a COVID-19 Prevention Program.
8. Avoid Touching Surfaces and Face While Using a Face Covering. Employees should avoid touching mouth, nose, eyes or nearby surfaces when putting on, using, and removing a face covering.
9. Exception for Courts. The judges of the District and Superior Courts have authority to modify the requirements in this Section 1.E. as necessary to meet statutory or constitutional requirements for their courtrooms.
10. Americans With Disabilities Act Compliance. Pursuant to the Americans With Disabilities Act of 1990 (42 U.S.C. §§ 12101-12213) or the Washington State Law Against Discrimination (ch. 49.60 RCW), an employee may request an accommodation to the face covering requirements in this section.

F. Frequent and Adequate Hand Washing: To help prevent the spread of COVID-19 employees must follow these workplace requirements:

1. Wash hands frequently and regularly with soap and water for at least 20 seconds as needed and including: when arriving at work, coming and going from different worksites, taking breaks, using the restroom, before and after eating, drinking or using tobacco products, after sneezing and/or coughing, and after touching surfaces or handling objects touched by others or suspected of being contaminated.

2. Use hand sanitizer (between handwashing) after touching surfaces or handling objects touched by others or suspected of being contaminated.
3. Do not touch mouth, nose or eyes with unwashed hands.

G. Education: To help prevent the spread of COVID-19 employees are provided the following information about these workplace requirements:

1. Education and information about COVID-19 is provided to employees through adopted policies, established guidelines (including departmental COVID-19 Prevention Program) and protocols, signs, posters, informational bulletins and meetings.
2. Resources for current information and additional guidance include:
 - a. Centers for Disease Control and Prevention (CDC): www.cdc.gov/coronavirus.
 - b. Washington State Department of Health: www.doh.wa.gov/coronavirus.
 - c. Washington State Department of Labor and Industries: <https://www.lni.wa.gov/agency/outreach/coronavirus/requirements-and-guidance-for-preventing-covid-19>.
 - d. Jefferson County Public Health: www.co.jefferson.wa.us/1429/COVID-19 or by telephone at (360)385-9400.

2. DELEGATION OF AUTHORITY TO COUNTY ADMINISTRATOR TO ISSUE INTERPRETATIONS AND MAKE ADJUSTMENTS TO HEALTH AND WORKPLACE SAFETY REQUIREMENTS:

During the temporary period of the public health emergency, the County Administrator is hereby delegated authority to issue interpretations as needed of how these Policies and the leave policies of the Jefferson County Personnel Administration Manual shall be administered by the County, including department directors, during the temporary period of the public health emergency to ensure efficient use of resources and compliance with federal and state law. In addition, and as necessary, the County Administrator may adjust in writing the Health and Workplace Safety Requirements in Section 1 of this Policy to be consistent with federal or state law, and report those changes to the Board of Commissioners.

- 3. TEMPORARY PAID ADMINISTRATIVE LEAVE ENHANCEMENT:** As of March 1, 2021, COVID-19 vaccines became available for the general public and Jefferson County employees according to each individual's Washington State mandated priority order. As of September 22, 2021, a single booster dose became available after completion of the primary COVID-19 vaccine series and a second booster is now recommended for those who are immunocompromised or over the age of 50. Jefferson County, in order to promote public health during this pandemic, deems it in its interests to encourage employees to become fully vaccinated and boosted. Effective January 1, 2022, using the form developed by the Human Resources Manager and in order to prevent workplace transmission of COVID-19, department directors and the Human Resources Manager may approve up to 40 hours of paid administrative leave total per employment for employees who are sick or quarantining per Jefferson County Department of Public Health directions, or if their child is sick or

quarantining. ~~For workers who cannot work remotely, up to an additional 40 hours temporary paid leave may be approved by Department Heads. Paid administrative leave shall only be used when remote work is not possible.~~ Paid Administrative Leave (pay code 223, reason code COVAX) shall be used to track this paid administrative leave. Using the form developed by the Human Resources Manager, department directors also may grant up to 8 hours total of paid administrative leave for employees to receive a vaccination or booster dose, and to recover from effects of the vaccine.

4. **MORE STRINGENT FEDERAL, STATE OR LOCAL REQUIREMENTS APPLY.** If federal, state, or local health officer requirements are more stringent than the above policies, the more stringent federal, state, or local health officer requirements shall apply. Applicable federal, state, or local health officer requirements may require face coverings in health care settings, locations required by federal law, correctional facilities and all locations, though this list is not exclusive and is subject to modification by federal, state or local officials.