

Port of Kingston  
Kitsap County, WA

RESOLUTION 03-01-2020

A Resolution Approving Port Closure Policy

A **RESOLUTION** of the Port Commission of the Port of Kingston ("Port") adopting a Port Closure Policy.

**WHEREAS**, On February 29, 2020, Washington State Governor Jay Inslee issued Emergency Proclamation 20-05, as follows: "On January 21, 2020, the Washington State Department of Health confirmed the first case of the novel coronavirus (COVID-19) in the United States in Snohomish County, Washington...I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in all counties in the state of Washington...";

**WHEREAS**, to prevent the spread of COVID-19 and to protect the health of the public and Port employees, State or Federal authorities may order public facilities to close, or the Executive Director may determine that it is necessary to effectuate a closure of Port facilities; and

**WHEREAS**, the Port has the legal authority to fix the compensation, benefits and working conditions of Port employees.

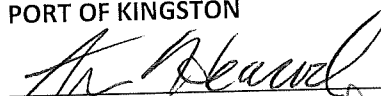
**NOW, THEREFORE, BE IT RESOLVED**, by the Port Commission of the Port of Kingston, Kingston, Washington, as follows:

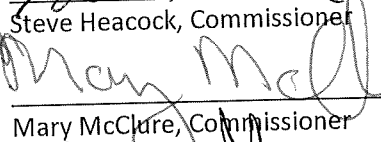
Section 1. That the Port Closure Pay Policy attached hereto as **Exhibit A** is hereby approved and adopted, effective immediately.

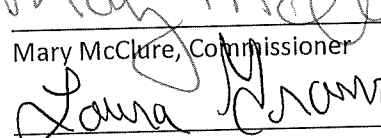
Section 2. To the extent that Port facilities have been closed prior to the date of this Resolution, the Commission hereby ratifies the Policy retroactively to the date that Port facilities were closed.

DATED this 20th day of March 2020.

PORT OF KINGSTON

  
Steve Heacock, Commissioner

  
Mary McClure, Commissioner

  
Laura Gronnvoll, Commissioner

Attest:   
Greg Englin, Executive Director

**EXHIBIT A**  
**PORT CLOSURE PAY POLICY**

**COVID-19 PORT CLOSURE PAY POLICY**

**Issue Date: March 20, 2020**

**I. Background and Purpose.**

- A. On February 29, 2020, Washington State Governor Jay Inslee issued Emergency Proclamation 20-05, as follows: "On January 21, 2020, the Washington State Department of Health confirmed the first case of the novel coronavirus (COVID-19) in the United States in Snohomish County, Washington. I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in all counties in the state of Washington... "
- B. COVID-19 is a respiratory disease caused by a new virus called SARS- CoV-2. The most common symptoms of the disease are fever, cough, and shortness of breath (the "Common Symptoms"). It is expected that most people with COVID-19 will have mild disease symptoms, but some people will get sicker and may need to be hospitalized. COVID-19 may result in death among vulnerable members of the population.
- C. Given the seriousness of COVID-19 and its rapid transmission, preemptive action may be necessary to prevent widespread transmission of COVID-19 amongst Port employees and the public by closing Port facilities, instituting remote work procedures, and providing Port Closure Pay as defined in this Policy.
- D. The Washington Attorney General has issued guidance on March 17, 2020 indicating that constitutional restrictions on use of public funds should not be an impediment to agency efforts to combat COVID-19 because expenditures being made in furtherance of this effort in this time of crisis further fundamental public purposes, such as protecting the public health and welfare.
- E. This Policy does not establish any precedent for how the Port may respond to the same or similar such event(s) in the future.
- F. The Executive Director of the Port may modify or revoke this Policy at any time and for any reason.

**II. Port Closure and Remote Work Obligations.**

- A. The Executive Director may determine that it is necessary to close all Port facilities and direct that only certain employees report to Port work sites to complete essential Port functions. During such closure, staff who are reasonably able to work remotely and are directed to do so by the Executive Director or Supervisor, shall do so. Supervisors will coordinate this directly with the subject employees. To the extent that these employees

are not able to fully or partially work remotely during such Port Closure, such employees will be provided Port Closure Pay in accordance with the provisions in this policy.

- B. Employees who are on a planned absence, such as vacation leave, and are not recalled back to work will not receive Port Closure Pay. Any employee already on sick leave shall be eligible for Port Closure Pay in lieu of continued use of sick leave once Port Closure Pay is in effect.
- C. In the event of Port Closure, FLSA Non-Exempt staff (i.e. hourly staff) will receive Port Closure Pay for their regularly scheduled work hours for which they are unable to work remotely. Port Closure Pay will only be made available to hourly staff to cover their regularly scheduled work hours.
- D. FLSA Exempt (salaried) employees shall continue to receive their normal salary during a Port Closure, regardless of whether they are able to work remotely.
- E. Staff who are directed to work by the Executive Director during a Port Closure will receive their normal compensation for such work.
- F. Port Closure Pay shall not count as hours worked for overtime purposes.
- G. Port Closure Pay is intended to avoid having employees deplete their paid leaves during the period of Port Closure. The combination of an employee's regular pay and Port Closure Pay shall be equal to the employee's normal compensation.

**III. Remote Work and Onsite Work During Port Closure.**

- A. All Employees who are able to work remotely from home shall conduct normal and assigned business during their normally scheduled work shift.
- B. All Employees are required to be available during their normally scheduled work shift and to be ready to accept work assignments from their Director or Supervisor.
- C. All Employees must be fit for duty during their normally scheduled work shift and remain at their primary residence unless required to attend to a Port facility.
- D. During the time of Port Closure, there may be a limited number of Employees required to attend Port facilities to maintain core and essential functions.

**IV. Termination of Port Closure Pay.**

- A. Port Closure Pay shall be available until the earlier of, reopening of Port facilities or the Executive Director, in his sole discretion, determines that this Policy is no longer needed.

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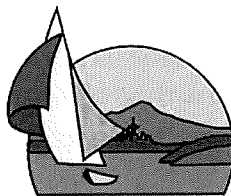
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## **PORT OF KINGSTON**

# **Policy Regarding Pandemic Flu**

### **Purpose**

The Port of Kingston strives to provide a safe and healthy workplace for all employees. This pandemic flu policy outlines our overall response to a pandemic flu outbreak and our emergency-preparedness and business continuity plan. It outlines specific steps the Port of Kingston takes to safeguard employees' health and well-being during a pandemic while ensuring the Port's ability to maintain essential operations and continue providing essential services to our customers. In addition, it provides guidance on how we intend to respond to specific operational and human resource issues in the event of a pandemic.

### **Pandemic Flu Defined**

According to the federal Centers for Disease Control, the Occupational Safety and Health Administration, and other organizations that monitor public health threats, influenza or flu is caused by a variety of influenza A viruses. These viruses can cause different diseases: avian (or bird) flu, H1N1 (swine flu), pandemic influenza COVID - 19, and seasonal flu for example.

Pandemic influenza can occur when mutating flu viruses become transmissible to humans, who generally lack any natural immunity to fight off the viruses' adverse health effects. Because infected humans are so contagious, they become the primary vehicle for pandemic influenza's spread. The more humans who become contagious, the more widespread the disease becomes and the more rapid the spread is. Generally, pandemic influenza occurs in waves, with each new group of infected people in turn infecting others. Each such wave of infection can last as long as eight weeks, resulting in steadily increasing numbers of infections, and the disease itself can take 12 months to 18 months to run its course through the population. Subsequently, the viruses sparking pandemic influenza "settle" and thereafter can cause a type of seasonal flu (also known as "human flu") that produces the symptoms and illness many of us experience during annual "flu season."

Pandemic influenza poses the most serious global threats to public health and our economy. It conceivably can cost billions of dollars in productivity losses resulting from absenteeism, payouts of sick leave or workers' compensation, and lost sales; disrupt transportation and communication services on which we all depend; and impede delivery of necessary goods and services. Inability to predict when such a disease might strike and with what severity makes it incumbent on the Port to consider how our business might be affected and to articulate what needs to be done to respond to an outbreak.

### **Identification of Essential Personnel**

The Port has identified and designated as essential personnel certain employees whose jobs are vitally important to our continued operation in emergencies. We expect only designated essential personnel to be available for work during an influenza pandemic. We acknowledge, however, that even essential personnel might become ill and unavailable to work or not be able to reach our worksite because of conditions beyond their own or our control. Consequently, the Port and its subsidiaries, affiliates, and industry partners have

devised and agreed on back-up arrangements under which designated personnel in locations outside our respective areas are trained and equipped to fulfill the duties of unavailable essential employees. In addition, we have equipped our most essential personnel with all the resources, including computers, cell phones, and back-up generators, that essential employees need to work remotely during emergencies.

Essential Personnel:

1. Executive Director
2. Controller
3. Harbormaster
4. Maintenance Lead
5. Executive Assistant

### **Remote Work Locations**

The Port acknowledges that during an influenza pandemic, local, state, or federal authorities might prohibit or severely curtail individuals' access to and use of public services and public transportation; close or prevent access to buildings or public highways; isolate or quarantine buildings' occupants; and prevent inter- or intrastate delivery of goods and services. We cannot predict and have no control over such authorities' actions and acknowledge our legal duty to comply with outside authorities' directives.

We are prepared to continue key "bare bones" operations from a number of remote work locations, including employees home offices. We have equipment available for necessary off-site telecommuting operations.

### **Infection-Control Measures**

The Port takes a number of steps to minimize to the extent practicable exposure to and spread of infection in the workplace, which is an ideal site for contagion because of workers' close proximity to one another. As appropriate, The Port recommends measures that employees can take to protect themselves outside the workplace and encourages all workers to discuss their specific needs with a family physician or other appropriate health or wellness professional.

Ill employees: The Port expects employees who contract the flu or have been exposed to infected family members or others with whom employees have been in contact to stay home and seek medical attention as necessary and appropriate. The Port expects such workers to notify us as soon as possible of exposure or illness.

Port staff regularly inspects the workplace for signs of heating, air conditioning, or other equipment in need of replacement or repair and ensures proper cleaning and waste-removal. The Port approves the installation or use wherever possible of improved equipment or cleaning methods to guard against the spread of infection in the workplace.

### **Employee Leave and Pay In the event of pandemic influenza**

Employee(s) unable to report to work will be granted the option of utilizing any accrued sick leave. If no accrued sick leave is available, the Employing Official shall have the option of approving an alternative work schedule (e.g. telecommute or flex schedules). The employee shall have the option to be on unpaid leave during periods of absence.

The Employing Official is responsible to ensure all essential services and operations are being performed and may require temporary re-assignment of duties of those employees who have reported to work or to require employees to report to work to perform reassigned duties.

Closure of Port of Kingston facilities will only be made in response to emergencies relating to pandemics and natural disaster (including but not limited to fires, earthquakes, landslides, windstorms, snow/ice storms) and related hazards (see inclement weather policy) that prevents the opening or continued operations of Port facilities and requires the suspension of services therein. In the event of a closure, employees will be paid for their entire scheduled workday and will not be required to use leave.

Leave due to pandemic flu closure will not count as time worked for purposes of overtime calculation for the week.

The Port monitors emergency conditions daily to determine how long closures must continue and, following consultation with outside authorities, advises employees when to expect to return to work. In the event that Port facilities are required to remain closed for periods in excess of one business day, the employing official may assign employees to alternative worksites or implement alternative work arrangements for the affected pay period (e.g. telecommute or flex schedules).

In the event of a pandemic, under declaration of emergency measures only, the Executive Director may make a determination to approve paid time off up to 12 weeks without any loss of accrued sick or paid time off leave to employees by written notice.

### **Emergency-Contact Information**

Announcements of delayed opening and closures will be provided on the Port's Web Site and through notification to Port Staff through Emergency Contact Information. Employees are required to notify their immediate supervisor of any change to emergency-contact information within two weeks of the change. The Port verifies employees' emergency contact information yearly. Supervisors are required to maintain in the workplace and at home an up-to-date emergency-contact list Port staff.

**Special needs and accommodations:** The Port is required by law to notify first responders about employees with medical conditions that could be compromised because of an influenza pandemic. The Port urges such employees to confidentially self-identify to their immediate supervisor so that we are aware of and can prepare for you to receive any special medical expertise you might require if you become severely ill on the job. Your immediate supervisor maintains the confidentiality of any information you provide, making it available solely on a need-to-know basis and only when needed by emergency-responders.

### **Communications**

Outside authorities: The Port and its Emergency Operations Team partner with local, state, and federal emergency-response and health agencies to ensure legal compliance with emergency-response protocols to which the Port is subject and to coordinate efforts to maintain safety and security in and outside the workplace.