



Oregon

Kate Brown, Governor

Department of Administrative Services

Chief Human Resources Office
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FAX: (503) 378-6879

January 21, 2022

****DELIVERED VIA EMAIL****

Melissa Unger, Executive Director
Michael Powers, President
SEIU Local 503, OPEU
PO Box 12159
Salem, OR 97309-0159

Dear Melissa and Michael,

Katy Coba forwarded to me your letter dated January 14, 2022, outlining several COVID-19 related concerns, and outlining several suggestions moving forward. After discussing this letter with Katy and Madilyn Zike, Chief Human Resource Officer, I am responding on their behalf and as the Labor Relations Manager for the Chief Human Resource Office. Thank you for bringing your concerns forth and opening a dialogue with us.

Before getting into the specifics, I want to highlight some of the actions the Department of Administrative Services has taken enterprise-wide to balance the health and safety of its employees, while still providing essential services to Oregonians. To date we:

- Have and continue to encourage remote work to the greatest extent possible
- Recommend a hybrid model when situations don't make full remote work possible, allowing employees to work a combination of in the office and at home when feasible
- Require all state workers in the Executive Branch to be vaccinated or have an approved exception
- Provide paid leave for employees to obtain their COVID-19 vaccines
- Provide paid leave for employees to obtain their COVID-19 booster
- Provide N-95 or KN-95 masks to any employee who requests one
- Require employees with exceptions to the vaccine mandate to wear an N-95 mask if they are working onsite
- Increased our cleaning measures in our DAS owned and leased buildings
- Installed plexiglass where appropriate to help protect our workers from visitors
- Improved our HVAC systems

To the points you've put forth in your letter, I believe it is easiest to address each bullet separately:

1. *Temporarily suspend most if not all in-person services at non-essential State Agencies. Require all other in-person services to be by appointment only, and enforce all COVID-19 safety requirements including: requiring masks, installing protective barriers around desks and welcome areas, and maintaining six feet of social distance.*

It is becoming increasingly clear that COVID-19 is not a virus that will be defeated but is a virus that we, not just as Oregonians or Americans, but as humans, will need to adapt to a mindset of coinciding with. While many of our state offices remain closed to the public, they will need to eventually reopen, as many of our field offices have. As mentioned above, to help ensure the health and safety of our employees we have done the very things you've put forth. We've required masks, social distancing, and installed plexiglass protective barriers where appropriate. If you have specific examples of where you feel this has not been done, we are open to looking into those and making an assessment as to whether additional safety measures should be taken.

2. *Acquire and distribute sufficient Personal Protective Equipment (PPE) for all state workers who are required to report in person to work. Ideally, masks rated KN95 or higher, especially when employees are required to be within less than six feet of other people during their shift.*

DAS has enough N95 or KN-95 masks, to supply any employee who requests one. They are available to all departments. If you are aware of a situation where an employee is having difficulty obtaining one, please bring that to our attention so that we can investigate it.

3. *Staffing challenges at 24-hour facilities, particularly the Oregon State Hospital, are causing burnout and increased health and safety risks. We ask that this issue be treated with the urgency it demands and any staffing resources or incentives at the State's disposal be utilized.*

We continue to take this issue very seriously. DAS Labor relations is actively working on this issue with you, including the latest Letter of Agreement regarding Staffing Differentials. Additionally, we have been working with OHA leadership on updated safe return-to-work protocols to help alleviate staffing shortages.

4. *Halt the increasingly common practice of returning more and more employees to the office for in-person work. This is unnecessary and dangerous during this current surge, and we think it contradicts the guidance you have given agencies around remote work.*

We continue to recommend remote work to the greatest extent possible and have not heard of a trend of returning employees to the office. If you could please provide some examples for us to look into, we would greatly appreciate that.

5. *Allow employees who have tested positive, but are asymptomatic, or who are quarantining due to an exposure to remote work if they can. Employees trying to do the right thing and keep COVID from spreading should not face unnecessary financial hardship.*

Similar to our response to #1, this is and has been our position. If you have specific examples where employees who have jobs suitable for remote work are not being allowed to do so, please bring those forward so we can investigate.

6. *Employees who are unable to work (in person or remotely) due to school closures or required quarantine for children in their household should have access to donated hardship leave, if needed, we ask that we sign a Letter of Agreement to ensure this right for parents until the state of emergency is over.*

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The State currently provides access to donated hardship leave for individuals who need to take time off to recover from COVID-19. We are not interested in expanding the donated hardship leave program for any other purpose. While we understand this time is not paid, parents who need to take time off due to school closures may have that time protected by the Oregon Family Leave Act, for which they have just received a fresh bank of protected time on January 1, 2022.

7. *All employees who are working in-person while the state of emergency is in effect should receive the \$1/hour essential worker differential that we bargained in the most recent negotiations. Offices across the state range from fully open to completely closed with all employees working remotely and no access for the public. We feel the essential worker differential is the appropriate way to recognize the increased risk to employees working in person, and therefore at greater risk of contracting COVID.*

When the essential worker differential was bargained, it was bargained as something that could be given to those employees who had to come into the office when offices were closed due to inclement or hazardous conditions because non-essential employees had access to a benefit, namely Inclement Weather Leave, that the essential worker could not access. The purpose of the bargained language was to create equity.

What is being proposed here falls outside of the intent of that bargained language. Non-essential workers cannot access Inclement Weather Leave because buildings are closed to the public, they either get to work from home, or if their job is not suitable for remote work, they must come into the office. Under this proposal we would be paying essential and non-essential workers who cannot work remotely the essential worker differential for reasons that fall outside of the intended bargained language. For this reason, we do not agree with implementing this recommendation.

I do thank you for bringing these concerns forward and welcome any additional information regarding specific examples related to the issues raised above. Like you, we want our workplace to be a safe workplace for our employees. This has been a long journey for everyone as we have navigated this pandemic and continue to do so. Thank you for being such good partners as we do so.

Sincerely,



Brian Light
HR Administrator, Labor Relations | Talent Acquisition
DAS Chief Human Resource Office