

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE STATE OF WASHINGTON
AND
THE ASSOCIATION OF WASHINGTON ASSISTANT ATTORNEYS GENERAL
AFSCME COUNCIL 28 AFL-CIO**

**Temporary Layoffs (Furloughs) Through the ESD SharedWork Program to
Address Budget Issues**

Section 1 - Scope of application and employee considerations

The parties agree that to address the serious budget shortfall facing Washington State, the employer will use the process set out below to temporarily furlough bargaining unit employees.

Furloughed employees who participate in the ESD SharedWork Program up through July 25, 2020, may qualify to receive additional unemployment assistance for each week they are in temporary layoff status and are receiving unemployment compensation. To assist employees who are subject to the temporary layoffs outlined in this MOU, the employer agrees to work with the Employment Security Department to arrange for educational guidance and customer service assistance with the application process for the SharedWork program and customer service assistance with applying for unemployment benefits for which they may be eligible. During the term of this MOU some employee performance measures may require consideration for an adjustment proportionate to the number of work days spent in temporary layoff status.

Section 2 – Employer-directed furloughs through July 25, 2020

The employer will require 8 hours per week of furlough for eligible full-time employees beginning June 28, 2020 and continuing through July 25, 2020, unless the employee is excluded through the below process. Employees working part-time will be required to take furlough hours in proportion (20%) to their workweek. These employees should work with their supervisor to determine an appropriate plan.

This initial requirement for each eligible employee to be furloughed one day per week will cease on July 25, 2020.

Process for designation of furloughs for each week:

- Supervisors will work with employees to determine a furlough plan for the June 29 through July 2 period. Plans should be approved by the supervisor prior to the furlough hours being taken.
- No later than each Tuesday, beginning June 29th, employees will submit to their supervisor their plan for 8 hours of furlough leave for the following week, or

provide reasons why an exclusion from furlough is necessary for that week. The furlough plan will be developed in a collaborative manner with the employee's work team. This plan will be presumed approved.

- Supervisors will communicate plans for their teams to the division chief or designee. If the Division Chief/designee does not approve the plan, they will respond in writing to the employee by the close of business on the Thursday prior to the week of the furlough. The Division Chief/designee and supervisor will work with the employee to find an alternative arrangement.
- If there is a change in circumstances such that the basis for an exclusion no longer exists, or a critical and time-sensitive court deadline or other urgent workload need arises to require an exclusion, the furlough plan can/will be revised, with division chief approval, to take into account the change in circumstances.
- Employees, in collaboration with their supervisor and professional staff supervisor, may make a proposal that encompasses all four (4) furlough weeks beginning June 29, 2020, to eliminate the need to make a plan each week. If deadlines change, the employer recognizes that the employee and supervisor may need to revisit the plan.
- Any pre-approved vacation scheduled during this time may be converted to a furlough day, but a vacation day cannot be taken in lieu of a furlough.
- For ease of ESD administering the SharedWork program based on no more than a 40 hour workweek, all full-time employees will convert to a five (5) day a week, eight (8)hour a day schedule during furlough weeks. Employees with a flex schedule, who would experience a hardship as a result of this temporary schedule change, may seek an exception to this provision through consultation with AGO Labor Relations. Employees will automatically revert to their previously approved flex schedules on July 26, 2020.

Section 3—Additional voluntary furlough hours

The Employer encourages employees who are able to take additional furloughs above 8 hours a week to do so. Such employees may submit a plan to furlough for up to an additional 12 hours per week. Such plans should be submitted separately from the furlough plan in Section 2, and are subject to business needs and Division Chief or designee approval.

Section 4

Any employee who is furloughed shall not work beyond their non-furloughed hours in a given week, unless the Employer approves overtime. The hours shown on the employee's timesheet shall accurately reflect the hours the employee worked and all leave for the month will be accurately submitted in My Portal. An employee shall not be expected to make up furloughed hours in subsequent non-furloughed weeks. However, the parties acknowledge there may be situations where work might have been done during the furlough will need to be completed after return from furlough.

Section 5

In administering Employer-directed furloughs, the employer will strive to identify the largest employee pool possible in order to spread the burden of salary reductions over the widest population while also taking into consideration the operational and service delivery requirements of the agencies.

The parties agree that - should additional furloughs beyond the dates set out above be required - the Employer shall provide notice of its intent to do so and will satisfy its bargaining obligations. In addition to the provisions outlined above, the parties agree to continued discussions on or after July 1, 2020, to identify supplemental options to address budget issues during FY2021 and the next biennium.

Section 6

The Employer shall consider any employee furloughed under this MOU to be a full-time employee for certification of the Federal Public Service Loan Forgiveness program, and shall sign any necessary certification.

Dated: June 26, 2020

For the Employer:

For the Union:

/s/Jason Holland

Jason Holland, Labor Advocate
WFSE/AFSCME Council 28

/s/John Jaquish

John Jaquish, AWAAG
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