

WASHINGTON STATE B A R A S S O C I A T I O N

FREQUENTLY ASKED QUESTIONS

Travel by WSBA Staff and Volunteers to In-person Events during the COVID-19 Pandemic

Q: Can WSBA entities (members, volunteers) and staff travel from counties in phase 1 or 2 into counties in phase 3 or 4 to hold an in person event involving more than 5 people?

A: WSBA entities and staff may hold in person events and travel to the location of the events only if the Executive Director has determined that the event and the related travel are essential or for nonessential travel, when all counties are in Phase 3 according to the Washington State Coronavirus Response Phased Approach.

The Governor's [Safe Start Reopening Plan](#) allows essential and limited non-essential travel in Phase 1 for activities that are permitted in Phase 1 and it also allows essential and limited non-essential travel in Phase 2 for activities that are permitted in Phase 1 and 2. There is no clear definition of essential travel specifically for business activities. The Office of Financial Management (OFM) [advises](#) that state agencies limit travel and provides a list of factors to determine what essential travel is. OFM states that agencies should *"assess the need for conferences and large gatherings of 50 or more, and whether alternative accommodations can be made to mitigate exposure. Essential conferences that cannot be delayed or conducted by other means, must comply with all local health authority guidance on strategies to mitigate exposure."*

The Municipal Research and Service Center has advised that "essential" travel is that travel necessary to work at or patronize an essential business. This is supported by Proclamation 20-25 that indicates individuals should "cease leaving their homes or places of residence" except to participate in essential activities or for employment in essential business services.

The health and safety of WSBA members, volunteers and staff will always be our priority. Moving forward, many gatherings and events will likely be cancelled, postponed, [or modified in some way](#) to better protect our participants and staff. If an in-person event and the related travel is determined to be non-essential, it should be cancelled or postponed. Essential events should be modified to minimize physical contact among participants.

Q: How will the Executive Director determine whether a planned event/travel is essential or not?

A: The Executive Director will decide on a case-by-case basis, based on health and safety guidelines issued by national, state and local health authorities. The Executive Director will consider the following factors, as suggested by OFM for agency directors, to determine whether the planned event and the related travel can be considered essential or not:

- **Is the meeting/travel critical to WSBA's operation, business continuity or court-mandated functions?**

Meetings and events indispensable to the operation of WSBA and court-mandated functions of the organization are essential while social gatherings, meetings and conferences that can be postponed, canceled or organized by using alternative, remote means are not.

- **What is the destination and is it currently impacted?**

In accordance with the Governor's Safe Start Plan, different counties across Washington State are in [different phases of reopening](#), depending on the COVID-19 activity along with health care system readiness, testing capacity and availability, case and contact investigations, and ability to protect high-risk populations. Events planned in Phase 1 and 2 counties may expose participants to a greater risk than events in counties in Phase 3 or 4.

- **What is the mode of travel and does it involve movement through or to areas that are in earlier phases of reopening, or travel through or to impacted areas on the [CDC list](#)?**

COVID-19 cases and deaths have been reported in all 50 states. Travel increases the chances of getting infected and spreading COVID-19. The higher the level of community transmission in the area that the event is being held, the higher the risk of COVID-19 spreading during the event.

The Municipal Research and Service Center has provided the following additional advice on the matter:

Phase 1: allows for limited travel – only travel associated with essential activities or essential businesses. A WSBA event would not fall under an essential business or essential activity.

Phase 2: only allows for “[e]ssential travel and limited non-essential travel for Phase I & II permissible activities.” We don't think this should be read to permit the volunteer to travel outside the county for an event. Since individuals in a Phase 2 county are only allowed “essential travel and limited non-essential travel,” traveling from a Phase 2 county to hold an event in a Phase 3 county seems to go beyond the intent of the meaning of “essential” and “limited non-essential” travel. Contrast this phrasing with what is allowed in Phase 3 - individuals can resume all non-essential travel. So, once a county is Phase 3, an individual would not be restricted from traveling to another Phase 3 county.

- **What is the purpose of the travel, and does it take participants into a higher exposure situation (i.e. large conference)?**

The more people participate at a meeting or event and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 is. While virtual-only events represent no health risk to participants, the more people participate in-person at an event, the [higher the risk of infection and transmission](#) is.

- **Are there alternative methods that can still accomplish the purpose of the event (video conference, remote access, etc.)?**

Online alternatives, live-streaming, teleconferencing are a few of the many available methods of holding events effectively and without in-person attendance.

Q: I am planning to hold an in-person event, what information do I need to submit to the Executive Director for consideration?

A: Please work with your staff liaison to submit the following details to the Executive Director as soon as possible, prior to the planned date of the event:

- Detailed description of the event, including its purpose;
- Explanation why an in-person event is necessary and why the event cannot be delayed or conducted by any other, remote means;
- Planned date and place of the event;
- Planned safety measures to protect the health of participants and staff;
- Number of planned participants and number of WSBA staff needed to support the event;
- The planned mode of travel by participants and staff¹;
- The list of counties (including other states) participants and WSBA staff will be travelling from.

Q: If the Executive Director determines that the event/travel are essential, what safety measures must participants and staff follow when traveling to and conducting the event?

A: Participants and staff must follow the relevant health and safety guidelines of the [CDC](#), [Washington state](#), and [local health authorities](#) to prevent the spread of the coronavirus.

Q: If the Executive Director determines that the event/travel are non-essential, what other options do I have to hold the event?

A: Please work with WSBA staff to develop alternatives for conducting the event to minimize risk, including canceling the event or postponing it to a later date, or using a remote meeting technology. For any questions or concerns with the Open Public Meetings Act (OPMA), seek legal advice from the General Counsel based on specific factual situations.

¹ If this information is available at this point of planning. Don't collect the home address information of participants. The list of counties participants will be travelling from and information about the planned mode of travel will help the Executive Director in considering the potential risks of the planned event.