

**MEMORANDUM OF UNDERSTANDING
BETWEEN
CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT
AND
CHABOT-LAS POSITAS FACULTY ASSOCIATION**

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September 27, 2021

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***** NOT SIGNED *****

Review & Comment Period thru 4:00 Monday, Oct. 4

COVID-19 Vaccine Mandate Impacts

This Memorandum of Understanding (“MOU”) is entered into by and between the Chabot-Las Positas Community College District and the Chabot-Las Positas Faculty Association.

On August 31, 2021, the Chabot-Las Positas Community College District Board of Trustees approved Board Policy 7330 – COMMUNICABLE DISEASE which requires the COVID-19 vaccine for all employees.

The vaccination requirement will be fully enforced as of January 4, 2022, and remain in effect until the District determines that it is no longer necessary, in accordance with guidance from the CDC, and California and Alameda County public health departments, and other criteria such as the incidence rate of COVID-19 in the community. This policy will be revisited once such emergencies conclude or the risk factors no longer present.

The Faculty Association, and the District agree as follows regarding the District Board of Trustees decision to mandate the COVID-19 vaccine:

1. Unit members working on-site during Fall Semester, 2021, are strongly urged to get vaccinated for COVID-19 as soon as possible, if they haven’t done so already.

Per Board Policy 7330, the District may require vaccine boosters or supplemental administrations of vaccines as circumstances warrant. The District will base its decision to require such boosters or supplemental administrations, in part, on recommendations by State and Federal authoritative bodies. Should the District make such requirements, the District will provide employees 30 days to obtain, and offer on-site vaccination services to the extent possible.

2. For Spring Semester, 2022, Full-time unit members will be eligible to teach up to 60% of their load in online Distance Education format in accordance with Article 10F.3 of the CBA, to the extent to which online assignments are available in their discipline. Similarly, full-time non-instructional faculty will be eligible to perform up to 60% of their primary load assignment remotely, to the extent to which remote assignments are available in their service area. Nothing in this MOU supersedes the provisions of Article 10A.(b).
3. All unit members assigned to work on-site in Spring 2022 must be fully-vaccinated for

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COVID-19 unless they are approved for a religious or medical exemption. Unit members must submit initial proof of vaccination status via the designated District platform no later than October 22, 2021 or request a medical or religious exemption.

- a. Initial proof means the unit member has submitted an official record that they have received at least the first dose of the Pfizer-BioNTech or Moderna vaccine, or that they received the Johnson & Johnson J&J/Janssen vaccine.
 - b. If the unit member receives the Pfizer or Moderna vaccine, they must submit proof that they have received the second dose no later than December 7, 2021.
 - c. Acceptable forms of proof: A facsimile of official CDC COVID-19 Vaccination Record Card, or the digital vaccine record obtained through the California Department of Public Health, which is accessible via the website:
<https://myvaccinerecord.cdph.ca.gov>
 - d. If a unit member applies for a medical or religious exemption and is denied, then they must submit initial proof of vaccination status by December 7, 2021. If the unit member receives the Pfizer or Moderna vaccine, they must submit proof that they received the second dose no later than January 4, 2022.
4. For Spring Semester, 2022, the District will not be able to guarantee full Load assignments or the ability to remedy an under load to Full-time unit members who are not vaccinated and do not qualify for a medical or religious exemption, as would otherwise be expected per the Collective Bargaining Agreement (CBA). Such unit members will use one or more of the options below to fulfill their Load Requirement.
- a. Contractual workload of remote assignment (if available) at up to 60% for Spring Semester only. Under this option, the unit member's pay and benefits for the semester will be prorated at 60%, or nine (9) CAH equivalent. If an assignment of exactly nine (9) CAH is not attainable in the unit member's discipline, they may receive an assignment below (9) CAH, but which is as close as possible to nine (9) CAH within the framework of what is workable within the discipline. In such cases pay and benefits shall be prorated and provided pursuant to the CBA.

For the purpose of this provision, if the unvaccinated Full-time unit member who has not been approved for a medical or religious exemption and has Reassign Time as part of his/her load in Spring Semester, 2022, it shall be treated as part of their remote workload, and toll against the nine (9) CAH limit described herein.

- b. Banked load, or unbanked positive carryover (if available) may be used according to the CBA to supplement the remaining load up to 100%. If the unit member has insufficient banked load or unbanked carryover to reach 100%, their pay and benefits will be prorated to the sum of the load value of the reduced assignment per paragraph (a) above, and the banked load or unbanked carryover applied.

Unit members who intend to apply Workload Banked Leave of Absence up to a full semester, or any portion thereof, must submit their Workload Banked Leave of Absence request to their immediate supervisor and the appropriate College Vice President by October 22, 2021, for Spring 2022.

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- c. Alternatively, the unit member may take Spring Semester, 2022 off, without pay or benefits. Employees are encouraged to check with CalSTRS or CalPERS regarding the impact to service credit.

Full-time unit members who are unvaccinated shall not be considered eligible to receive overload assignments in Spring Semester, 2022, or to count work assignments in the 2022 Summer Sessions to fulfill their Academic Year Load Requirements.

- 5. Unit members who are eligible for a religious or medical exemption must complete the District's process including any necessary form(s) to request the exemption and any reasonable accommodations, by October 22, 2021. The District will attempt to notify unit members as to whether their exemption is approved no later than November 30, 2021.
 - a. Unit members who request an exemption must complete the process in full. This includes, but is not limited to: providing all required documentation and obtaining District approval in order to qualify as exempt.
 - b. Unit members who obtain a religious or medical exemption may be subject to other safety measures beyond what is required for vaccinated individuals, including but not limited to: asymptomatic (public health surveillance) testing and symptomatic testing; physical/social distancing; avoiding large gatherings; wearing acceptable facial coverings and/or other personal protective equipment; frequent handwashing and cleaning; practicing respiratory etiquette; and/or quarantining (with no loss of accumulated leave) when warranted.
 - c. The District will engage in reasonable accommodations in accordance with the law.
- 6. For Spring Semester, 2022, Part-time unit members who are not vaccinated and do not qualify for a medical or religious exemption may be permitted one of the following options:
 - a. Remote workload assignment, if available in accordance with the faculty member's position on the Part-time Seniority List.
 - b. If the above is not possible, then the unit member will be provided an unpaid leave.
- 7. **Break in Service (Part-time Unit Members)**

As a continuation of the provision in the MOU dated April 16, 2020, 'Article 18B.1b(1): Break in Service', it is agreed that if a Part-time unit member does not work in Spring Semester, 2022 for any reason, regardless of vaccination status, the semester shall not count towards any Break in Service for the purpose of Part-time Seniority.
- 8. **Future Assignments—Vaccination compliance only**

After Spring 2022 all unit members with an on-site assignment must abide by the vaccination mandate or have an approved exemption on file at least twenty (20) business days prior to the beginning of the assignment.

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9. **Personal Protective Equipment (PPE)**

CLPCCD shall provide personal protective equipment (“PPE”) to all employees performing their duties on-site for the duration of the pandemic; At all times, the District will maintain the minimum standards required by or recommended by county, State or Federal authorities. The District shall continue to take steps to maximize the safety of the workplace and employees during this time including, but not limited to, make accessible N-95 masks upon employee request, provide gloves, supplying hand sanitizer and hand washing supplies in all work locations where staff work, and safety training in light of COVID-19. Employees will not be required to perform functions and duties for which the District does not have the appropriate PPE to provide to the employee. Rather, the employee will either be assigned alternative duties to perform, duties consistent with faculty assignments, for which the district does have the appropriate PPE to assign or employee may be provided the ability to participate in professional development opportunities from a remote location.

10. This MOU does not set a precedent for any purpose except as described herein.

11. In the event that working conditions change, or if any Federal, State or Local agency issues new guidance that necessitates a revision to the provisions herein, the parties agree to meet and confer for the purpose of making mutually agreeable revisions to the provisions herein.

Signed and entered this ____ day of October, 2021

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David D. Fouquet
President, Chabot-Las Positas
Faculty Association

Ronald P. Gerhard
Chancellor, Chabot-Las Positas
Community College District

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