

COVID-19 VACCINE MANDATE IMPACTS

BACKGROUND: On August 31, 2021, the Chabot-Las Positas CCD Board of Trustees approved a new Board Policy (BP 7330), which requires that employees working on-site be vaccinated for COVID-19. Under the Equal Employment Opportunity Commission (EEOC) guidelines, vaccination can be mandated as a term and condition of employment, subject to medical or religious exemptions.

The points below pertain to the “COVID-19 Vaccine Mandate Impacts” MOU between the District and FA, for which a tentative agreement was reached on September 27, 2021.

(*Note.* The MOU was complicated to negotiate. We’re aware there are other things we need to work on related to our current working conditions; the scope of this MOU is limited to the mandate itself.)

Section 1: The vaccine mandate will not impact your teaching in Fall ’21, but may impact your ability to work on campus in Spring ’22.

- ◆ Effective January 4, 2022, the District wants anyone who teaches or works on campus to be vaccinated for COVID-19, although exemptions will be considered on medical or religious grounds.
- ◆ Booster shots may be required in the future as the situation warrants. If that happens, the District will provide on-site vaccination services to the extent possible.

Section 2: In Spring ’22, all Full-time faculty may be eligible to teach/work up to 60% of their load online, per Article 10F.3, to the extent to which online assignments are available in the discipline.

- ◆ This is per the CBA, and doesn’t depend on whether you’re vaccinated.
- ◆ **It’s important to complete the self-attestation in ClassWeb**, even if you’re not planning to get vaccinated. (This gives you options in Spring ’22, per Section 4 below)

Section 3: Timelines and Proof (MOU)

- ◆ Initial proof of vaccination (may be your first dose) is to be submitted by October 22, via the designated platform. (The District will promulgate the logistical details soon.) Proof of second dose (if required) is due by December 7.

Section 4: Options & Limitations for Full-time faculty who are **unvaccinated**, who are not approved for a medical or religious exemption.

- ◆ FT Faculty in this category may not be able to work their full load.
- ◆ FT Faculty who are unvaccinated (and not approved for an exemption) will have three options for fulfilling their load requirement for Spring ’22. Those are: (a) remote assignment of reduced workload with prorated pay & benefits not to exceed 60% (to the extent that such assignments

are available); (b) application of banked or unbanked load; or (c) the unit member may take the semester off (*i.e.*, an unpaid leave).

- ◆ Options (a) and (b) above may be combined, and may result in pay greater than 60%.
- ◆ If you want to apply any of your banked load, you need to make the request by Oct. 22.
- ◆ The District may retract on-campus assignments Spring '22, for FT faculty who fail to provide proof that they have been vaccinated (see timeline in Section 3 above).
- ◆ If you haven't been making arrangements to fulfill a portion of your load online, and you wish to teach any online classes, *you need to start doing this now*.
- ◆ FT Faculty who are unvaccinated (and not approved for an exemption) will not be able to work overload in Spring '22, or to work **for load** in Summer '22.
- ◆ FT Faculty who are unvaccinated (and not approved for an exemption) are strongly urged to select options (a) and/or (b), or (c) above. Please note that the District may impose discipline, if there is just cause.
- ◆ FT Faculty with workload less than 100% are advised that it may impact your retirement service credit; you will need to follow up with CalSTRS (or CalPERS) with any specific questions.
- ◆ FT Faculty with workload less than 56% are advised that it may impact your advancement on the FT Salary Schedule, per Article 21E.1 in the CBA.

Section 5: Accommodations & Exemptions

- ◆ The application process for medical & religious exemptions will be coordinated by the District.
- ◆ Accommodations for vaccinated faculty members with a medical condition or disability: Even though this is not mentioned in the MOU, accommodations can still be requested in accordance with the law.
- ◆ Our understanding: employers are not required to accommodate faculty on the basis of age, in the same way they would for faculty who qualify for a medical or religious exemption.
- ◆ There is no legal requirement for the District to provide accommodations on account of someone living in the household who is at greater risk from COVID.

Sections 6 & 7: For Part-time Faculty:

- ◆ PT Faculty who are unvaccinated (and not approved for an exemption) may accept a remote workload assignment, if available per the faculty member's position on the PT Seniority List.
- ◆ Spring '22 will not count as a Break in Service for the purpose of PT Seniority. (This applies to all PT faculty, regardless of vaccination status.)

Section 9: The District will supply appropriate Personal Protective Equipment (PPE), and maintain minimum health and cleanliness standards (per county, State & Federal authorities) to maximize the safety of the workplace.