



**COVID-19 VACCINE MANDATE
PROCESS FOR FULL-TIME AND ADJUNCT FACULTY FOR FALL 2021
SIDE LETTER**

This SIDE LETTER is entered into by and between the Mt. San Antonio Community College District (District) and the Faculty Association. This SIDE LETTER shall not be deemed precedent setting and shall not be construed as an admission of any wrong-doing or liability by either party to this SIDE LETTER.

On March 19, 2020, the State of California and the County of Los Angeles effected a “Stay at Home” order due to COVID-19, which ended January 25, 2021, and was replaced by a Regional Stay at Home Order from the LA County Department of Public Health that is in effect until further notice. The College recognizes future local, state, federal government directives may necessitate further changes in working conditions, and additional emergency actions may need to be taken by the College President in support of public and professor health.

There were many considerations in the District’s decision to return to on-campus instruction for Fall 2021. The District conducted qualitative research with hundreds of students and found the District was unable to meet the needs of the students through remote instruction and services, despite the significant efforts of faculty to transition to remote instruction and serve students. As a result, the District Full Time Equivalent Student (FTES) decreased by eight percent (8%) and the District Faculty Obligation Number (FON) is now exceeded by 47 faculty. Based on these factors and other considerations, the District has obtained a legal opinion establishing their ability to require employee vaccinations in order to return to campus for Fall 2021. The Faculty Association (FA) has confirmed with the California Teachers Association (CTA) that in existing law, vaccines may be mandated by the District, and the decision to return to on-campus instruction is held by the District.

The intent of this side letter is to begin to reach agreement through negotiations regarding the impact on professors of the District decision to return to campus in Fall 2021. Additionally, the District’s decision to mandate the COVID-19 vaccine for all employees returning to campus for Fall 2021 has implications on working conditions including but not limited to, access to vaccines, student contact and compliance, meetings, PPE requirement for students and employees, facilities, ventilation upgrades, and implementation phases to return to campus will be addressed through ongoing negotiations.

The District and Faculty Association agree the protocols to return to campus will be in compliance with the current LA County Department of Public Health Officer Orders (http://publichealth.lacounty.gov/media/coronavirus/docs/protocols/Reopening_HigherEducation.pdf).

The District and Faculty Association shall collaborate on assisting professors in their transition back to campus, including the following steps:

Step 1: Information (Now to April 1, 2021)

- Promoting and facilitating vaccination information, including updates on scientific investigation of the safety, efficacy, and impact of the vaccines available and providing professors information about vaccine distribution points.
- Preparing guidelines for return to on-campus instruction, including preparation of work areas for occupation including but not limited to, upgrading air handling systems to include both UV and ionization-based sterilization; expansion of scope and availability of cleaning and sanitation (details will be addressed in the workgroup); workstation protective equipment such as plexiglass separation panels.
- Professors begin providing proof of COVID-19 vaccinations to Human Resources.

Step 2: Information (April 1, 2021, to June 1, 2021)

- Continue promoting and facilitating vaccination information, including updates on scientific investigation of the safety, efficacy, and impact of the vaccines available and providing professors information about vaccine distribution points.
- Continue preparing guidelines for return to on-campus instruction, including preparation of work areas for occupation including but not limited to, upgrading air handling systems to include both UV and ionization-based sterilization; expansion of scope and availability of cleaning and sanitation; workstation protective equipment such as plexiglass separation panels.
- Professors continue providing proof of COVID-19 vaccinations to HR.
- Professors will initiate the interactive process for those who:
 - Have a qualified disability under either the ADA, or FEHA and cannot receive a vaccination
 - Have an established sincerely held religious belief
 - Need additional support related to vaccination (i.e., vaccination delay due to positive COVID test)
 - Have to care for a child (under 18 years of age) whose school or childcare provider is closed or unavailable for reasons related to COVID-19.

Promotion of Vaccinations and Workplace Safety Guidelines

Both the District and the Faculty Association are committed to promoting a safe working and learning environment. Professors shall be vaccinated prior to assuming any on-campus duties. To ensure the health and safety of all professors, the FA and the District will collaborate to actively promote vaccination as part of the process for the return to campus. The District and the Faculty Association shall create a workgroup to disseminate information to their professors

and refer any negotiable working conditions to negotiations. When required to be on campus, professors shall follow Mt. SAC's Return to Work Guide (See Employee Procedures Before Coming to Campus - <https://www.mtsac.edu/health/safety.html>).

Joint Faculty Association and District Workgroup

The Faculty Association and District shall establish a workgroup to address items related to transition back to campus for Fall 2021. The parties agree to meet as soon as possible to negotiate the impacts and effects of any changes to mandatory subjects of bargaining.

Leaves Related to COVID-19 Vaccinations

Upon notification to the manager, professors shall be granted release time, as necessary, to attend COVID-19 vaccination appointments. Professors who have already received vaccinations and used any accrued leave shall have their leave restored. Release time includes the vaccination appointment, travel time, and any immediate reactions to the vaccine. Professors shall also be granted additional District paid time for any continuing reactions from the vaccine that impacts the professor's work (such as a reaction to the vaccine), up to three (3) scheduled working days that may be used in hourly increments. Professors who are out longer than three (3) scheduled consecutive working days due to any reaction of the COVID-19 vaccine shall also qualify for District paid time until cleared to return to work by a medical provider. Professors shall be reimbursed for any medical expenses incurred from immediate reactions to the vaccine. Receipts for medical expenses incurred must be submitted for reimbursement through Human Resources as part of COVID-19 funding. Professors shall be reimbursed for any transportation services (i.e., Uber, Lyft, Taxi) incurred to and from their vaccination appointments. Receipts for transportation must be submitted for reimbursement through their division office as part of COVID-19 funding.

Confidentiality, Proof of Vaccination, and Alternative Assignment

A professor's vaccination and/or infection status related to COVID-19 is protected under HIPAA and may only be requested by Human Resources. The division shall be made aware by Human Resources when a professor is cleared to return to campus. Professors are required to provide proof of vaccination for COVID-19 to Human Resources. Any such documentation is confidential and will be included in the professor's medical file, which is maintained by Human Resources and kept separate from the personnel file.

Professors who choose not to vaccinate shall initiate an interactive process with Human Resources. This process may include providing appropriate documentation from a medical provider for qualified medical exemptions or an affidavit signed by the professor affirming a sincerely held religious belief. Any documentation that is part of the interactive process is confidential and will be included in the professor's medical file. The outcome of the interactive process may include remote instruction, remote work, and/or an alternative assignment, as designated by the District. An alternative assignment shall be work that is within the professor's performance expectancies or other administrative duties as assigned by the District. The District will work with the professor to provide required training, as necessary.

Professors who have to care for a child (under 18 years of age) whose school or childcare provider is closed or unavailable for reasons related to COVID-19, shall initiate an interactive process with Human Resources, which may include providing appropriate documentation of school closure. Any such documentation is confidential and will be included in the professor's medical file. The outcome of the interactive process may include remote instruction, remote work, and/or an alternative assignment, as designated by the District. An alternative assignment shall be work that is within the professor's expectancies or other administrative duties as assigned by the District. The District will work with the professor to provide required training, as necessary.

The District is committed to avoiding any full-time or adjunct faculty lay-offs or terminations due to COVID-19 related issues in Fall 2021.

ACCEPTED AND AGREED TO:


Emily Woolery (Mar 18, 2021 17:43 PDT)
Emily Woolery
Acting President, Faculty Association

Mar 18, 2021
Date


Karelyn Hoover (Mar 18, 2021 17:50 PDT)
Karelyn Hoover
District Lead Negotiator, Mt San Antonio College

Mar 18, 2021
Date