

Meet and Confer Agreement between the District and Management Employee Group for 2021-22

Return to Campus Fall 2021

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 Public Health that is in effect until further notice. The College recognizes future local, state, and 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 employee health.

Management employees will be transitioned to return to campus by July 1, 2021 for the Fall 2021 semester. The District and Management Steering shall collaborate on assisting management employees in their transition back to campus, including the following steps:

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

- Promoting and facilitating vaccination information, including updates on scientific investigation of the safety, efficacy, and impact of the vaccines available and providing management employees information about vaccine distribution points.
- Preparing guidelines for return to onsite work, including preparation of work areas for occupation (i.e., 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).
- Management employees begin providing proof of COVID-19 vaccinations to HR.

Step 2: Transition (May 1, 2021, to July 1, 2021)

- Begin gradual transition of management employees from predominantly telecommuting to predominantly on campus.
- Management employees continue providing proof of COVID-19 vaccinations to HR.
- Continued promoting and facilitating vaccination information, including updates on scientific investigation of the safety, efficacy, and impact of the vaccines available and providing management employees information about vaccine distribution points.
- Management employees will initiate the interactive process with human resources if one of the following applies:
 - 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 child care provider is closed or unavailable for reasons related to COVID-19.

Promotion of Vaccinations and Workplace Safety Guidelines

The District is committed to promoting a safe working and learning environment. Management employees shall be vaccinated prior to assuming any on campus duties. To ensure the health and safety of all management employees, the District will actively promote vaccination as part of the process for the return to campus. When required to be on campus, management employees shall follow Mt. SAC's Return to Work Guide.

Leaves Related to COVID-19 Vaccinations

Upon notification to the immediate manager, management employees shall be granted release time, as necessary, to attend COVID-19 vaccination appointments. Management employees 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. Management employees shall also be granted additional District paid time for any continuing reactions from the vaccine that impacts the management employees work (such as a reaction to the vaccine), up to three (3) scheduled working days that may be used in hourly increments. Management employees 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. Management employees shall be reimbursed for any medical expenses incurred from immediate reactions to the vaccine. Management employees shall be reimbursed for any transportation services (i.e., Uber, Lyft, Taxi) incurred to and from their vaccination appointments. A CARES act form along with the receipt must be submitted for reimbursement through their department as part of COVID-19 funding.

The district shall also provide the following to management employees:

- management employee who has been diagnosed with COVID-19 shall be placed on district paid leave until they are cleared to return by their medical care provider.
- management employee who quarantines due to COVID-19 exposure per current L.A. County health guidelines shall have access to 80 hours of district-paid leave.
- management employee who has caregiving duties related to COVID-19 shall have access to 80 hours of district-paid leave.
- Any accrued leave used prior to the interactive process shall be converted to district paid time and the leaves used shall be restored to the manager.

Confidentiality, Proof of Vaccination, and Alternative Assignment

Management employee's vaccination and/or infection status related to COVID-19 is confidential and may only be requested by Human Resources. Departments shall be made aware by Human Resources when a management employee is cleared to return to campus. Management employees are required to provide proof of vaccination for COVID-19 to Human Resources. Any such documentation is confidential and will be included in the management employee's medical file.

Management employees 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 management employee affirming a sincerely held religious belief. Any documentation that is part of the interactive process is confidential and will be included in the management employee's medical file. The outcome of the interactive process may include telecommuting and/or an alternative assignment, as designated by the District. An alternative assignment shall be work that is within the management employee's job description or other administrative duties as assigned by the District. The District will work with the management employee to provide required training, as necessary.

Management employees who have to care for a child (under 18 years of age) whose school or child care 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 management employee's medical file. The outcome of the interactive process may include telecommuting and/or an alternative assignment, as designated by the District. An alternative assignment shall be work that is within the management employee's job description or other administrative duties as assigned by the District. The District will work with the management employee to provide required training, as necessary.

Notification to Management Employees

Beginning May 1, 2021, management employees may be required to return to campus. Prior to requiring a management employee to assume duties on campus, the District shall provide no less than fourteen (14) calendar days' notice, unless there are cases of urgent need(s).

On-Campus Stipend

Management employees shall continue to receive a \$50 stipend for work on campus until May 31, 2021. Beginning May 1, 2021, management employees shall be required to provide proof of vaccination to Human Resources in order to work on campus.

Telecommuting Accommodation

Management employees will be permitted to telecommute as a temporary measure to accommodate management employees who cannot work on campus.

- A. All existing duties, obligations, responsibilities, and conditions of employment remain unchanged. Telecommuting management employees are expected to abide by rules and regulations, Collective Bargaining Agreements, and College Board Policies and Administrative Procedures.
- B. Telecommuting management employees are required to perform their assigned work duties and be accessible as if they are working at their College worksite during the established telecommuting Work Schedule. Management employees must be accessible at all times during their temporary telecommute scheduled work times via the manner and technology

designated by their immediate manager, which may include laptop computer, mobile phone, email, messaging application, video conferencing, instant messaging and/or text messaging. Management employees will make themselves available to physically or virtually attend scheduled work meetings, trainings, and other department or unit activities as requested or required by the department or unit.

- C. While temporarily telecommuting, management employee will maintain professionalism, productivity, performance, communication, timeliness of assignments, and responsiveness standards as if management employee were not temporarily telecommuting. Management employee remains obligated to comply with all College Board Policies and Administrative Procedures.
- D. Management employee is solely responsible for the configuration of and all of the expenses associated with establishing and maintaining a telecommuting workspace and related telecommunications services, including network costs, workspace furniture, energy or data charges, unless the Department or unit expressly agrees otherwise in advance of management employee incurring the cost. Management employees may contact the help desk for assistance in setting up and/or configuring any personal technology for the purpose of telecommuting.
- E. Management employee telecommuting will be solely responsible to create and maintain a safe, ergonomically appropriate, and healthy work environment. If the management employee has concerns about the appropriateness of their workspace, then the management employee and their immediate manager will work with Human Resources through the interactive process to evaluate the needs for accommodations or adjustment of the work assignment.
- F. The College shall not be liable for damages to the management employee's personal or real property during the course of performance of official duties or while using College equipment in the management employee's residence or other property, except where required by law.
- G. The College shall not be responsible for operating expenses, home or property maintenance, or any other incidental costs (i.e., utilities) associated with telecommuting. Management employee shall continue to be entitled to reimbursement for authorized travel and expenses while conducting business as assigned by the College per the College's reimbursement policies.
- H. All injuries incurred by management employee during hours that management employee is working, and all illnesses that are job-related must be reported promptly pursuant to Administrative Procedures 7343 - Industrial Accident and Illness. Additional information concerning the College's workers compensation program and process is available can be provided to you by contacting risk management at www.mtsac.edu/risk.
- I. Management employee will continue to abide by practices, policies, and procedures for

requesting sick, vacation, and other leaves of absence.

- J. If a management employee requires access to secure on campus resources, management employee is required to utilize an IT approved and provided solution to do so. This may mean they need a campus provided device or a specific process from their home device. Any campus issued device must be returned within ten (10) business days of a request from the District.

If a management employee will use a personal mobile device or personal desktop while telecommuting, management employee must consult with their manager as well as the College's Information Technology staff to ensure appropriate set up of the personal device(s). Management employee is prohibited from tampering with any software, firmware or hardware provided by the College or loaded onto management employee's personal devices to enable management employee to perform College work. Nothing in this section shall abrogate a management employee's right to privacy regarding their personal data and/or telecommunications contained on personal devices or transmitted therein.

- K. Regardless of whether using personal or College-owned devices for College work while telecommuting, management employee is responsible at all times for the access, use and security of those devices. The management employee shall comply with all College Board Policies and Administrative Procedures and standards for safeguarding and protecting any confidential business information, personally identifiable information (PII), and any other sensitive information. The management employee shall ensure that confidential, personally-identifiable, and all other sensitive information discussed via any form of communication is conducted in a manner consistent with College policies and procedures and which protects the information from unauthorized disclosure to the maximum extent possible. All work-related correspondence sent and received must be done via a management employee's @mtsac.edu email address. The immediate manager and management employee will discuss the safeguards and protections in place to be used by the management employee. Management employee bears no liability for circumstances beyond their control so long as they are acting in good faith and following established policies and procedures related to information security.

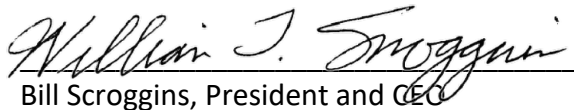
Management employee must be sure to connect mobile devices from a secured network, one that requires a username and password. Management employees unsure if their setup meets these specifications should contact the IT Help Desk for assistance. Management employee must take reasonable precautions to prevent third parties from accessing or handling sensitive and confidential information they access while telecommuting. Management employee agrees to close or secure all connections to College desktop or system resources (i.e., remote desktop, virtual private network connections) when not conducting work for the College. Approval to use non-College issued mobile devices can be revoked at any time.

- L. Management employee shall comply with all Board Policies and Administrative Procedures in connection with management employee's telecommuting arrangement, including, but not limited to (<https://www.mtsac.edu/governance/trustees/apbp/index.html>):

1. BP 3050: Institutional Code of Ethics
2. BP 3410: Nondiscrimination
3. BP 3420: Equal Opportunity
4. BP 3430: Probation of Harassment
5. BP 3720: Computer Use
6. BP 6520: Security for College Property
7. AP 3720: Computer and Network Use
8. AP 3721: Information Security
9. Ergonomics Instructions
10. Workspace Set up Instructions


ACCEPTED AND AGREED:

FOR THE DISTRICT:



Bill Scroggins, President and CEO

Date: April 14, 2021

FOR THE MANAGEMENT TEAM:


Jennifer Galbraith, Management Steering
Representative

Date: _____


Tami Pearson, Management Steering
Representative