

MEMORANDUM OF UNDERSTANDING
Vaccine Requirement Protocol - Employees

Pursuant to the Educational Employment Relations Act, the Napa Valley Community College District (District) and the Napa Valley College Union of Classified Professionals/SEIU Local 1021 (Union) agree as follows:

I. Scope of Coverage

Effective January 1, 2022, all employees must submit proof of full vaccination against the virus that causes COVID-19 as a condition of employment with Napa Valley College and to be inside a building or office for any length of time unless they receive an approved medical exemption or religious accommodation.

People are considered fully vaccinated for COVID-19 two weeks or more after they have received the second dose in a 2-dose series (e.g. Pfizer-BioNTech or Moderna), or two weeks or more after they have received a single-dose vaccine (e.g., Johnson and Johnson J&J/Janssen). To the extent that booster dose(s) are recommended or required by public health authorities, timely receipt of additional booster dose(s) will also be required in order to be considered fully vaccinated for COVID-19. Employees, who do not comply with these procedures or falsify information may face discipline up to and including termination. In the event a booster is required, the Parties agree to reconvene to negotiate the effects of this change.

II. Authority

On October 14, 2021, the Napa Valley Community College District Board of Trustees, at a lawfully called meeting, adopted Resolution Number 21-22. This Resolution authorizes the Superintendent/President or his designee to take any action necessary to develop and implement a COVID-19 vaccine requirement including verification of proof of vaccination for all District employees at any District location. This direction included a requirement that the Vaccine Requirement be consistent with applicable legal requirements, including exceptions for certain medical conditions and sincerely held religious beliefs. The Board directed that the requirement be effective for District employees on January 1, 2022.

Finally, the Board directed that the Superintendent/President or Designee have authority to amend the Vaccine Requirement as necessary based on the evolving nature of the COVID-19 pandemic and recommendations from federal, state, and local public health authorities.

III. Proof of Vaccination

Consistent with this Operational Protocol, employees must provide the District with proof of a first dose and/or full vaccination and a Confidentiality of Medical Information Act release in order to be physically present on campus on and after January 1, 2022. The District has established an online tool for employees to upload proof of vaccination.

District employees may access and upload proof of vaccination in the Cleared4 platform. Employees will receive an invitation via their NVC email address with a personal link to create a profile with Cleared4.

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The District will accept:

- A Department of Health and Human Services (DHHS) Centers for Disease Control & Prevention (CDC) COVID-19 Vaccination Record Card (which includes name of person vaccinated, date of birth, type of vaccine provided, lot number, date last dose administered, and site where administered).
- A photo of the Holder's DHHS CDC COVID-19 Vaccination Record Card stored on a phone or other electronic device and uploaded as provided above.
- Official California Digital COVID-19 Vaccine Record, which can be obtained at <https://myvaccinerecord.cdph.ca.gov/>, the State of California's Vaccine Record website.
- Digital documentation of vaccination from a healthcare provider or other issuer.

Employees who have been fully vaccinated are required to continue to abide by all District policies, procedures, and protocols regarding COVID-19 until the District directs otherwise.

Employees who produce proof of at least one vaccine dose shall be granted an additional thirty (30) days to receive their second dose.

IV. Health or Medical Records

The District will not request any health or medical information for the purpose of enforcement of this Operational Protocol other than proof of vaccination or information submitted by an applicant in support of a medical exemption. Unless the individual consents, the District will not request or receive any medical information from employees, or vaccination providers, or give any medical information to any vaccination provider. Any proof of vaccination an employee provides to the District will be stored securely in a manner consistent with applicable law and in accordance with the District's practice for storing information for students and employees.

V. Vaccine Boosters

To the extent that this operational protocol remains in effect if and when COVID-19 vaccine boosters become necessary to prevent the contraction and transmission of the virus that causes COVID-19, it is the intention of the District that this operational protocol and the requirements and limited exemptions set forth herein shall apply to COVID-19 vaccine boosters.

Under such circumstances, the District will meet and confer with the union to discuss the impacts of the implementation of COVID-19 vaccination booster requirements if and when it becomes necessary as determined by public health authorities, including CDC, the California Department of Public Health, or the County Department of Health.

VI. Exemptions from Vaccination Requirement

District employees may be exempt from the mandatory COVID-19 vaccine requirements in this Operational Protocol only under the following circumstances:

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- A. The employee applies for, meets the legal requirements for, and is approved for a medical exemption from the District for the vaccine requirement. The application process includes both the submission of the appropriate “Medical Exemption Request Form” in Attachment 1 and a written statement from a licensed physician exempting them due to the person’s disability or serious medical condition. The physician statement must be submitted on the doctor’s office letterhead with the doctor’s printed name, license number, signature, and date the statement is issued.

District employees must submit the required Medical Exemption Request Form and related documentation in the manner identified on the district human resources webpage.

Employees are strongly encouraged to submit applications for a medical condition exemption as soon as possible, but no later than December 10, 2021, to allow time for processing and a determination by the District before vaccination effective date on January 1, 2022, as identified above.

- B. The employee applies for, meets the legal requirements for, and is approved for an exemption from the District for the vaccine requirement based on a sincerely held religious belief. The application and approval process includes the submission of the “Religious Accommodation Request Form” and any other information required by the district. The district will consider exemptions for sincerely held religious beliefs consistent with applicable legal requirements, on an individual basis, for those that are specific and narrow in scope, and limited as allowed by applicable laws.

District employees must submit the required Religious Accommodation Request Form and related documentation in the manner identified on the district human resources website.

Employees are strongly encouraged to submit applications for a religious accommodation exemption as soon as possible, but no later than December 10, 2021, to allow time for processing and a determination by the district before vaccination requirement effective date January 1, 2022, as identified above.

VII. Accommodations Process

If the District determines that an employee has not received the COVID-19 vaccination due to disability or medical condition, or a sincerely held religious belief, the District will engage in a process to determine whether a reasonable accommodation can be provided. This process will determine whether a reasonable accommodation exists to enable an employee to perform the “essential functions” of their job, including increased mitigation measures, such as enhanced mask requirements, additional personal protective equipment, and weekly COVID-19 surveillance testing. Essential functions vary by job class and therefore the process shall be case by case and may result in different outcomes in different cases. The District will follow its normal accommodations process in determining a reasonable accommodation.

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VIII. Failure To Comply

Employees who are not in compliance with the vaccine mandate will not be permitted to work until they have submitted proof of vaccination or have received an approved exemption. Employees who falsify information, refuses to comply with the vaccine requirement will face discipline up to and including termination. The Office of Human Resources will monitor compliance with the vaccine requirements and will notify employee, manager, union representative as needed of the employee non-compliance.

Employees who are not in compliance with the vaccination requirement will be placed on paid leave by using the employee's own accrued vacation leave for up to ten (10) days in order to comply with the vaccine requirement, along with a notice of intent to move to progressive discipline as described in the applicable collective bargaining agreement. This does not apply to employees who are vaccinated and fail to comply with the vaccination requirement.

If an employee is not in compliance with the accommodation provided as a result of an approved exemption, the employee will be notified to comply within 24 hours. If the employee fails to comply within 24 hours, the District will initiate progressive discipline.

IX. Prohibition of Harassment Discrimination

The District will not discriminate against any employee who receives an exemption from receiving the COVID-19 vaccine, although the District will take any legitimate business action to maintain the safety of its campuses and community. The District will not tolerate any discrimination or harassment against students or employees based on vaccination status or individuals taking mitigation measures, such as wearing a facemask. Employees found to be engaging in such discrimination or harassment may face discipline up to and including termination or expulsion.

X. Testing

In the event that testing is required for employees receiving an approved medical or religious exemption, tests shall be provided to the employee at no cost to the employee. Those employees may alternatively submit PCR testing results from a private medical provider. Home or self-test results will not be accepted. Employees with approved medical or religious exemptions required to submit weekly negative COVID-19 testing will be required to provide that information to the Office of Human Resources, Training & Development.

The District shall make available weekly opportunities for symptomatic and asymptomatic vaccinated workers to test upon request. The District shall also make available daily opportunities for asymptomatic vaccinated workers who have been exposed to COVID-19 and symptomatic workers to test upon request.

The District shall ensure the confidentiality of vaccination and testing data information.

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XI. Effective Date

This agreement shall be in effect upon signing and shall remain in effect until December 30, 2022.

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Dixie Larson, President
Napa Valley College Union of Classified Professionals/SEIU

12/10/2021 | 1:51 PM PST

Date

DocuSigned by:

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Casey Thompson, Field Representative
SEIU Local 1021

12/10/2021 | 3:29 PM PST

Date

DocuSigned by:

46E687945C4E4A6...
Charo Albarrán, Associate Vice President
Human Resources, Training & Development

12/10/2021 | 9:35 AM PST

Date