

**MEMORANDUM OF UNDERSTANDING**  
**between**  
**El Camino Community College District**  
**and the**  
**El Camino Classified Employees, Local 6142**

This Memorandum of Understanding (MOU) dated November 1, 2021, is entered into to address the effects on working conditions from the Board of Trustees' adopted Resolution Number 2021-09-07 requiring all employees be fully vaccinated against the COVID-19 virus or seek an exemption from the mandate for medical or religious reasons. In consideration of mutual agreements set forth herein, the parties agree as follows:

- 1. Employees covered by this MOU:** This MOU applies to all classified staff within the scope of representation set forth in the ECCE collective bargaining agreement between the parties.
- 2. Term of this MOU:** This MOU shall remain in full force and effect during the duration of the Board of Trustees' COVID-19 resolution or December 31, 2022, whichever comes first.
- 3. Proof of vaccination:** Classified employees are required to be fully vaccinated, and if not fully vaccinated, become fully vaccinated and provide evidence of full vaccination no later than Monday, January 3, 2022. Detailed instructions on how to upload a photo of a completed vaccination card can be found at <https://www.elcamino.edu/wbtw/entry-process.aspx> or by asking staff working the World-Back-To-Work (WBTW) screening tents for assistance.

Employee vaccination information collected by WBTW and/or the District shall be used only as necessary to implement and secure program compliance.

All employees are expected to adhere to the Institutional Code of Ethics (AP 3050) and work with people without prejudice or discriminating unjustly against individuals who choose not to be vaccinated.

- 4. Lead Time:** In light of the campus being closed between December 23, 2021 and January 2, 2022, all employees should submit their proof of vaccination or submit their requests for exemption/deferral no later than December 3, 2021 in order to allow the District sufficient lead time to process the information. ECCE will emphasize to its members the importance of the December 3, 2021 date.
- 5. COVID-19 vaccinations and Classified staff who require time off from work:** Classified staff can make an appointment at the Student Health Center to receive the COVID-19 vaccine or booster on campus during their work hours.

Classified staff who are working remotely/hybrid and require time off from work to attend an appointment to receive the COVID-19 vaccination or booster shall be approved by their supervisor to use no more than two (2) hours of paid administrative leave time.

Classified staff who require time off from work due to an adverse reaction to the COVID-19 vaccination or booster shall be approved by their supervisor to use up to two (2) days of paid administrative leave time. Classified staff should contact Risk Management for information about workers compensation benefits due to prolonged adverse reactions to the COVID-19 vaccination that may negatively impact ability to work.

6. **Exemptions and deferrals from the District's COVID-19 Vaccination Mandate:** The Board resolution allows a process for employees to seek an exemption and deferrals (e.g., pregnancy) from the COVID-19 vaccination mandate for medical and religious reasons through an interactive process with the District's ADA Compliance Officer, Dr. Leo Barrera ([lbarrera@elcamino.edu](mailto:lbarrera@elcamino.edu)). Exemptions and deferrals should be filed with the District's ADA Compliance Officer by December 3, 2021, to allow for sufficient lead time as stated in item #4.

Classified staff meeting with the District's ADA Compliance Officer to discuss their exemption or deferral request have the right to have a union representative present. When making the request for representation, the Classified staff will need to provide the ADA Compliance Officer with the name and email address of the representative so that Zoom information can be sent to both the Classified staff and the representative. It is understood that it is the Classified staff who will need to respond to questions posed by the ADA Compliance Officer.

7. **Exemption/deferral requests that are approved:** Employees approved for exemption/deferral are subject to COVID-19 testing two times per week. Classified staff who are required to test may do so during their work hours. Whenever the District requires that an employee be tested for COVID-19, either as part of an approved exemption or reasonable accommodation, testing shall be provided at no cost to the employee.
8. **Exemption/deferral requests that are denied:** Classified staff who request an exemption/deferral that is not approved by the ADA Compliance Officer shall receive written notice. Written notice shall include the reason for denied exemption. Classified staff who are not approved for an exemption may choose to:
  - a. Get vaccinated – Classified staff who are denied an exemption/deferral will be given 5 calendar days to make an appointment for vaccination. Classified staff who choose to get vaccinated will continue to work while in the process of getting fully vaccinated and to upload their vaccination card into the WBTW online portal. See item #3.
  - b. Request vacation leave if accrued time available.
  - c. Request unpaid (personal) leave – Classified staff on unpaid leave will be entitled to continue health coverage for one additional month. After one additional month, direct billing will be required if the employee continues in an unpaid leave status.
  - d. Apply for FMLA leave or other leaves, if qualified.
  - e. Apply for the other exemption, i.e., either Medical or Religious exemption.Classified staff who are denied an exemption will be given 5 calendar days to file

for the other exemption type. Classified staff who believe they may qualify for the other exemption will continue to work and may utilize the 5 calendar days, if needed, while participating in the interactive process with the ADA Compliance Officer.

- 9. Classified Staff who have uploaded their vaccination card and are waiting for WBTW to verify their status or are waiting for a decision on their exemption/deferral request by close of business day on January 3, 2022:** Such employees shall be subject to COVID-19 testing per item #7 until fully vaccinated or a decision has been reached on their exemption/deferral request.
- 10. Classified Staff who refuse to seek an exemption/deferral by December 3, 2021 or refuse to get vaccinated or refuse to provide and/or upload proof of vaccination by January 3, 2022:** Such employees shall be required to either use accrued vacation, take compensatory time, or be on unpaid leave until they are fully vaccinated. Staff may elect unpaid leave for a period of up to one year in increments of 6 months or less if the Board of Trustees' vaccination mandate is still in place. Staff shall retain their seniority prior to the unpaid leave and shall be entitled to return to work in their former position upon providing proof of vaccination or termination of the Board of Trustees' mandate.
- 11. Workloads:** If the number of Classified staff in a department who take a leave of absence due to the vaccination program impacts the workload of the remaining Classified staff, the supervisor and the remaining Classified staff will meet to discuss workloads and adjust and/or reprioritize work assignments. Classified Staff may request in written form at any time to set up a meeting with the supervisor and have a union representative present to discuss impacted workloads. Staff who are required to work out-of-class shall be compensated in accordance with the current ECCE collective bargaining agreement.
- 12. Sunset of the Board Resolution:** When the District determines that the circumstances of the COVID-19 pandemic have changed such that the presence of an unvaccinated employee in the workplace no longer poses a direct threat to the health and safety of others or to the employee, the District will notify ECCE and employees who have an exemption, reasonable accommodation, or are excluded from the workplace due to non-vaccination that the Board Resolution has sunset.

It is agreed on this day, November 1, 2021, by the following representatives:

El Camino Classified Employees,  
Local 6142, CFT, AFT, AFL-CIO

*Roy Dietz*

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Roy Dietz - President

El Camino Community  
College District

*Jane Miyashiro*

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Jane Miyashiro