

**LBCCD-LBCCFA**  
**Memorandum of Understanding**  
**COVID-19 Mandated Vaccinations/Boosters**  
**December 13, 2021**

This following Memorandum of Understanding (“Agreement”) is made by and between the Long Beach Community College District (“District”) and the Long Beach City College Faculty Association (“LBCCFA”). Where appropriate, The District and LBCCFA will collectively be referred to as “parties.” This Memorandum of Understanding shall supersede any other agreement, either oral or written, previously agreed to by the parties related to the following:

1. The LBCC Board of Trustees approved a Board Vaccine Resolution on Wednesday, October 20, 2021. As such, employees are required to be fully vaccinated against the Covid-19 virus or be exempt through a medical or religious accommodation, effective January 3, 2022.
2. All employees must also provide proof of vaccination booster doses if and when public health authorities, including the CDC, the California Department of Public Health (“CDPH”), or the County Department of Public Health, indicate that a COVID-19 vaccine booster is necessary based on the COVID-19 vaccine that the employee received and the date upon which they became fully vaccinated.
  - a. This vaccine mandate includes the requirement that employees shall receive a booster once they are eligible in accordance with recommended local, state, or federal health requirements. Employees will submit documented proof of vaccination booster, from the current date of eligibility established and recommended by local, state, or federal health department agencies that a booster dose is available.
    - i. The employee will have the option to choose which booster dose to receive from the approved list of COVID-19 vaccines at the time of need.
    - ii. No booster is required if an exemption has been submitted and approved by the District.
  - b. Religious and medical accommodation/exemption requests must be submitted to Human Resources no later than December 17, 2021.
    - i. The District is working with a third-party vendor to help review exemption requests.
    - ii. If approved, the exempt employees are required to submit to weekly Covid-19 testing and current masking rules established by local, state, or federal health department agencies.
    - iii. If denied, the employee will be informed in writing as to why they were denied, and an interactive meeting will be initiated within a timely manner to address issues related to the denial.
      1. An LBCCFA representative will be available for this meeting per contract language at the discretion of the faculty member.
      2. After the interactive meeting, if there has been no change to the original request, then progressive discipline will be initiated.
  - c. Vaccine records, demonstrating fully vaccinated status, must be uploaded to the LBCC employee portal no later December 17, 2021, unless faculty are working during winter 2022 intersession.

3. Faculty currently scheduled to work during the winter intersession (January 3 through February 5, 2022) will have a deferred vaccination compliance date of February 7, 2022.
  - a. Religious and medical accommodation/exemption requests must be submitted to Human Resources no later than January 24, 2022.
    - i. The District is working with a third-party vendor to help review exemption requests.
    - ii. If approved, the exempt employees are required to submit to weekly Covid-19 testing and current masking rules established by local, state, or federal health department agencies.
    - iii. If denied, the employee will be informed in writing as to why they were denied, and an interactive meeting will be initiated within a timely manner to address issues related to the denial.
      1. An LBCCFA representative will be available for this meeting per contract language at the discretion of the faculty member.
      2. After the interactive meeting if there has been no change to the original request, then progressive discipline will be initiated.
  - b. Vaccine records, demonstrating fully vaccinated status, must be uploaded to the LBCC employee portal no later February 1, 2022.
4. Employees experiencing side effects, caused by a vaccine or vaccine booster, will be allocated and may charge up to 40 hours of related illness through the Vaccine Recovery Leave, which is a separate leave category from personal sick leave.
5. Employees who fail to upload the vaccine/booster records demonstrating fully vaccinated status by the deadlines outlined in this document, and without any authorized exemption or accommodation will be placed on a leave without pay, and the District will initiate a progressive disciplinary process, up to and including dismissal.
  - a. Employees will be barred from working their Spring 2022 load until they comply with the requirements of the vaccine/booster as listed in this MOU per the remediation steps listed below.
  - b. After employees comply with the vaccine mandate or gain an approved exemption, they will work with their area dean/administrative supervisor to coordinate a Spring 2022 load.

**Remediation steps:**

**Benefits, due to unpaid leave status, may be affected during this process.**

**Unpaid Leave – Processed at Administrative level.**

**Suspension – Requires Board approval.**

Nature of Action Requiring Remediation	Steps Involved in Addressing Remediation Need
<ul style="list-style-type: none"> <li>• <b>1<sup>st</sup> step</b> – failure to submit vaccine/booster or exemption request by deadlines listed in 2 and 3 above.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Verbal warning</b> –               <ul style="list-style-type: none"> <li>○ <b>Step One:</b> <ul style="list-style-type: none"> <li>▪ <b>Week one</b> – Area dean/administrative supervisor meets via Zoom with employee to</li> </ul> </li> </ul> </li> </ul>

	<p>discuss the importance of following protocol and reminds employee of the process and that they cannot be at work or on campus and will be off work in unpaid status per the mandate until they comply with protocol the District has in place.</p> <ul style="list-style-type: none"> <li>▪ HR will follow up with employee.</li> </ul> <ul style="list-style-type: none"> <li>○ <b>Step Two:</b> <ul style="list-style-type: none"> <li>▪ <b>Week Two</b> – Area dean/administrative supervisor meets via Zoom with employee to discuss the importance of following protocol and reminds employee of the process and that they will continue to be excluded from campus and deemed absent without leave per Resolution No. 102121A in unpaid status until they comply with mandatory vaccination mandate requirements.</li> <li>▪ After this discussion the area dean/administrative supervisor will follow up via campus email to the employee outlining the discussion that occurred.</li> <li>▪ HR will follow up with employee.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <b>2<sup>nd</sup> step</b> – continued failure to submit vaccine /booster information or exemption requests per item 2 and 3 above for three weeks after the required policy deadline.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Written warning</b> <ul style="list-style-type: none"> <li>○ <b>Week 3</b> - Area dean/administrative supervisor meets via Zoom with employee and provides reminder of 1<sup>st</sup> and 2<sup>nd</sup> failure to submit vaccine information by the deadline as well as a reminder of the conference summary and review of written warning; submits written warning to HR with the conference summary copied to the written warning.</li> <li>○ HR will follow up with employee.</li> <li>○ <b>Unpaid leave and/or benefits:</b> <ul style="list-style-type: none"> <li>▪ Employee will be made aware of the effects to their leave and/or benefits due to their unpaid leave status.</li> </ul> </li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <b>3<sup>rd</sup> step</b> - failure to submit vaccine/booster or exemption requests information for four weeks after the required policy deadline.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Written warning in employee’s personnel file</b> <ul style="list-style-type: none"> <li>○ <b>Week 4</b> – Area dean/administrative supervisor meets with employee to review all incidents; written letter placed into employee’s personnel file, with previous documentation copied to the letter and placed in the file. <ul style="list-style-type: none"> <li>▪ Area dean/administrative supervisor clarifies the following:</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>This action affects the employee's personnel file and as a matter of discipline, the employee must be given an opportunity to submit a rebuttal in writing per Article 8.5 of the CBA. <ul style="list-style-type: none"> <li>HR will follow up with employee.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li><b>4<sup>th</sup> step</b> - failure to submit vaccine/booster or exemption request information for five weeks after the required policy deadline.</li> </ul>	<ul style="list-style-type: none"> <li><b>Suspension – 10-day suspension.</b> <ul style="list-style-type: none"> <li><b>Week 5</b> - meeting via Zoom with HR and area dean/administrative supervisor to review all previous incidents and for placement on a ten-day suspension; inform employee of due process rights and process; all information placed in employee's personnel file.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li><b>5<sup>th</sup> step</b> - failure to submit vaccine/booster information after opportunities provided above, steps 1-4.</li> </ul>	<ul style="list-style-type: none"> <li><b>Employee termination</b> – the District will inform employee of due process rights and process; all information placed in employee's file.</li> </ul>

**For the District:**

*Loy Nashua*

**Loy Nashua**  
**Vice President, Human Resources**

Date Dec 17, 2021

**For the Long Beach City College  
Faculty Association:**

*Suzanne Engelhardt*

**Suzanne Engelhardt**  
**President**

Date Dec 13, 2021