

**IUOE/CSU Memorandum of Understanding
CSU COVID-19 Vaccination Interim Policy**

On May 19, 2021, the California State University (“CSU”) provided notice to the International Union of Operating Engineers, Stationary Engineers Local 39, AFL-CIO (“IUOE” or “Union”) regarding a proposed COVID-19 Vaccination Interim Policy. On July 27, 2021, the CSU provided a new notice to IUOE regarding a proposed COVID-19 Vaccination Interim Policy, which is attached to this Memorandum of Understanding.

The CSU and the IUOE agree to the following for IUOE-represented employees:

1. The CSU may require employees to participate in COVID-19 testing. If required, the testing shall be provided at no charge to the employee. The campus, at its sole discretion, may extend free testing to employees who are not required by the campus to test. Time spent testing by employees participating in campus sponsored COVID-19 testing will be considered hours worked.
2. IUOE-represented employees who declare a valid religious or medical exemption to COVID-19 vaccination consistent with the policy, shall not face discipline but may be required to adhere to other safety measures. “Other Safety Measures” may include, but are not limited to, COVID-19 testing and wearing masks. Employees who are not vaccinated and cannot be in the workplace may, at the campus’s sole discretion, be permitted assignments which isolate them. Such assignments may include telecommuting.
3. The parties acknowledge that ECRL may be used as provided for in the ECRL agreement. This generally includes obtaining COVID-19 vaccinations and vaccine related side effects that prohibit them from working. The ECRL MOU shall be the controlling document regarding ECRL.
4. Employees who have obtained a COVID-19 vaccine as a condition of employment and suffer an adverse reaction from the vaccination shall be eligible to file a workers’ compensation claim.
5. Pursuant to this MOU, campuses may require any or all employees who report they are fully vaccinated or in the vaccination process to provide proof of vaccination.

Proof of vaccination includes:

- a) COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services, Centers for Disease Control & Prevention or World Health Organization Yellow Card) which includes name of person

vaccinated, type of vaccine provided and date last dose administered);
OR

- b) a photo of a Vaccination Record Card as a separate document; OR
- c) a photo of the Vaccination Record Card stored on a phone or electronic device; OR
- d) documentation of COVID-19 vaccination from a health care provider; OR
- e) digital record that includes a QR code that when scanned by a SMART Health Card reader displays to the reader client name, date of birth, vaccine dates and vaccine type.

6. Employees are eligible for medical or religious exemptions from COVID-19 vaccination as described in the policy.

i. Pursuant to this MOU, campuses may require any or all employees declaring a medical exemption to provide certification.

1. Certification only requires a medical provider's verification that a COVID-19 vaccine is medically inadvisable. There will be no need to identify the employee's diagnosis, disability, or other medical information.

ii. The CSU will exempt from vaccination an employee who declares a religious belief that prohibits them from being vaccinated. A religious belief means:

- 1. a sincerely held religious belief, observance, or practice, which includes any traditionally recognized religion, or
- 2. beliefs, observances, or practices which an individual sincerely holds and that occupy a place of importance in that individual's life, comparable to that of traditionally recognized religions.

The Parties agree that after an employee declares a religious exemption, a campus may ask the employee only to certify that their belief complies with this exemption. Campuses can use the attached form to complete this certification or use a campus form with the same content.

7. Employees are encouraged to complete their self-certification of vaccination status as soon as possible, however, employees who are not otherwise eligible for an exemption shall have until November 30, 2021 to self-certify their vaccination status.

Incentives for vaccinations

8. Campuses may provide bonuses, stipends, or other incentives to encourage vaccination which may include previously vaccinated employees.

Effect of Agreement

9. This Memorandum of Understanding shall supersede any conflicting provision of the CSU Vaccination Interim Policy.
10. Other safety measures not specifically identified in the CSU COVID-19 Vaccination Interim Policy will be subject to notice and an opportunity to meet and confer, if required by the Higher Education Employer-Employee Relations Act (HEERA).
11. Violation of this MOU shall be subject to Article 9, Grievance Procedure. The parties agree to attempt to informally settle disputes at the level of the campus or chancellor's office prior to filing a grievance.

For the IUOE:

For the California State University:



Stan Eichenberger
Business Representative



Joseph J. Jelincic III (Oct 5, 2021 10:41 PDT)

Joseph J. Jelincic III
Senior Director, Collective Bargaining



Steve James
Labor Relations Advisor

Final
10/05/2021

Certification of Religious Belief

Name:

Email:

Department:

Employee ID:

Name of Appropriate Administrator:

I certify that I have a **religious belief** that prohibits me from receiving a COVID-19 vaccination.

A religious belief means:

- 1) a sincerely held religious belief, observance, or practice, which includes any traditionally recognized religion, or
- 2) beliefs, observances, or practices which an individual sincerely holds and that occupy a place of importance in that individual's life, comparable to that of traditionally recognized religions.

By signing this form, I attest that this is true and accurate. I understand that making false statements could subject me to discipline, up to and including termination.

Signature:

Date: