

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

On May 19, 2021, the CSU provided notice to the Academic Professionals of California regarding a proposed COVID-19 Vaccination Interim Policy. On July 27, 2021, the CSU provided a new notice to APC regarding a proposed COVID-19 Vaccination Interim Policy, which is attached to this Memorandum of Understanding

The California State University (“CSU” or “University”), and the Academic Professional of California (“APC” or “Union”), agree to the following for APC-represented employees:

1. In accordance with HEERA, the University shall not infringe on the ability of APC’s Officers, Staff, or Agents to access any campus.
2. The University shall inform employees if they are being subjected to “Other Safety Measures”, as used in the policy. The administration of “Other Safety Measures” shall not place an unreasonable burden upon employees (e.g., employees shall not be required to travel excessive distances for testing).
3. Until the affected employee either receives an approved vaccine or declares a recognized exemption they will be presumed to be unvaccinated.
4. Employees who declare an exemption may request to work remotely, they may request to be moved to a private office, and/or they may request a workspace in which they will be able to socially distance. Such request(s) may be granted at the sole discretion of the University.
5. An employee’s vaccination status will only be shared with those who have a specific business need to know. Generally, and solely for the purpose of administering Other Safety Measures, the only information provided to an employee’s Appropriate Administrator will be whether an employee is vaccinated or not.

Misuse or inappropriately accessing an employee’s personal health information may result in discipline.

Employees’ Appropriate Administrators shall not ask employees for their vaccination status.

6. Employees who have an adverse effect from the vaccine shall be allowed to use SPSL pursuant to the terms of the Agreement reached by the Parties on April 9, 2022. Nothing in this agreement limits an employee’s ability to file a workers compensation claim.
7. “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).

8. Employees are encouraged to complete their certification of vaccination status as soon as possible. However, employees who are not otherwise entitled to an exemption shall have until May 13, 2022 to certify their vaccination status. This period may be extended by the CSU for unforeseen or extenuating circumstance (e.g., a CDC guideline prescribing the frequency and timing of receiving vaccinations/boosters).

During this period employees who are not COVID-19 vaccinated will not be denied access to the campus, however, they may be subject to other safety measures or at the university's sole discretion, they may work remotely.

9. The CSU COVID-19 Vaccination Interim Policy shall be reviewed periodically by written request of either Party the CSU and APC. Should the CSU seek any changes to the policy that are within the scope of representation, the CSU will notice and provide an opportunity to meet and confer as required by HEERA.
10. 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.
11. 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.

12. Employees with a medical or religious exemption are entitled to continued employment, but may be subject to other safety measures.
13. Campuses may provide bonuses and/or other incentives to encourage employee vaccination. Previously vaccinated employees shall be eligible for any such program(s).
14. If the CDC recommends additional COVID-19 vaccination(s) and/or booster(s), and the CSU requires employees to obtain these vaccination(s) and/or booster(s) after December 31, 2022, the CSU will provide notice to and afford APC an opportunity to request to bargain pursuant to HEERA. No employee will either be subject to disciplinary action or denied employment while the Parties are engaged in bargaining, through impasse if necessary. Employees may be subject to other safety measures during this period.
15. The University will provide training and/or information to Unit 4 employees necessary to fulfill any duties as a result of the COVID-19 Vaccination Interim Policy.
16. Employee discipline shall be administered in accordance with the terms of the applicable CBA and the California Education Code.

For APC:

<u><i>Edie Brown</i></u> <small>Edie Brown (Apr 26, 2022 13:37 PDT)</small>	Apr 26, 2022
<hr/>	
Edie Brown, APC President	
<u><i>Dagoberto Argueta</i></u> <small>dagoberto argueta (Apr 28, 2022 11:26 PDT)</small>	Apr 28, 2022
<hr/>	
Dagoberto Argueta, APC Vice President	
<u><i>Christine McCarthy</i></u> <small>Christine McCarthy (Apr 19, 2022 13:06 PDT)</small>	Apr 19, 2022
<hr/>	
Christine McCarthy, APC Treasurer	
<u><i>Rose Duran</i></u> <small>Rose Duran (Apr 19, 2022 17:14 PDT)</small>	Apr 19, 2022
<hr/>	
Rose Duran, APC Secretary	

For the California State University:

<u><i>Christina Checél</i></u> <small>Christina Checél (Apr 19, 2022 13:05 PDT)</small>	Apr 19, 2022
<hr/>	
Christina Checél, Associate Vice Chancellor	
<u><i>Joseph J. Jelincic III</i></u> <small>Joseph J. Jelincic III (Apr 19, 2022 13:10 PDT)</small>	Apr 19, 2022
<hr/>	
Joseph J. Jelincic III, Assistant Vice Chancellor	
<u><i>Hector Fernandez</i></u> <small>Hector Fernandez (Apr 20, 2022 13:06 PDT)</small>	Apr 20, 2022
<hr/>	
Hector Fernandez, Manager Systemwide Labor Relations	

Mario Baeza
Mario Baeza (Apr 29, 2022 16:23 PDT)

Apr 29, 2022

Mario Baeza,
APC Council Member at Large
CSU San Bernardino

Daryl Evans

Apr 29, 2022

Daryl Evans,
CSU Dominguez Hills

Sam Tran
Sam Tran (Apr 19, 2022 13:07 PDT)

Apr 19, 2022

Sam Tran,
CSU East Bay

Tammy Worthington
Tammy Worthington (Apr 20, 2022 08:06 PDT)

Apr 20, 2022

Tammy Worthington,
CSU Stanislaus