

MEMORANDUM OF  
UNDERSTANDING BETWEEN  
CHAFFEY COMMUNITY COLLEGE  
DISTRICT AND  
CHAFFEY COLLEGE FACULTY ASSOCIATION

The Chaffey Community College District ("District") and Chaffey College Faculty Association ("Association") enter this Memorandum of Understanding ("MOU") as result of the negotiations of the direct and foreseeable effects of the Governing Board's COVID-19 vaccine mandate. On August 17, 2021, the Chaffey Community College District Governing Board passed a resolution regarding a COVID-19 vaccine mandate. As indicated in resolution 81721 and Board Policy 3507, Chaffey's Administration was charged with developing and implementing a vaccination plan for students, volunteers, and employees. The primary rationale for the resolution was the Board's responsibility to provide a safe and healthy work and academic environment and its obligation to take steps to minimize the spread of COVID-19 infections at the District. Further, the implementation/requirement of a mandatory COVID-19 vaccination at the workplace and at colleges has been held to be permissible in recent cases, administrative decisions, and through guidance provided by, among other agencies, the U.S. Equal Employment Opportunity Commission, DFEH, and the California Community Colleges Chancellor's Office.

As part of the effects bargaining process, the following agreements were made between the District and CCFA:

- The Association recognizes adherence to this Employee Mandatory COVID-19 Vaccination Implementation Plan is required. Failure to adhere to this Plan may result in appropriate disciplinary action, up to and including dismissal from employment.
- The District will continue to adhere to all local, state, and federal guidelines related to COVID-19 safety protocols and will engage in ongoing communication as conditions change. Mandatory face coverings will be maintained as part of the safety protocols in addition to the increased ventilation and filtration in all learning and support environments.
- Currently SB95 provides faculty with federal leave for both vaccination appointments and recovery from the side effects from the vaccine through September 30, 2021. If this provision is not extended through December 1, 2021, the District will provide paid leave for both circumstances (vaccine appointments and recovery) through December 1, 2021, so that faculty do not have to utilize their accrued sick leave.
- In the event that the Center for Disease Control updates their definition of "fully vaccinated," the District and the Association agree to bargain the effects of that change.
- Faculty in need of an exemption from this Mandatory COVID-19 Vaccine Implementation Plan due to a medical reason or because of a sincerely held religious belief, must request an accommodation through Human Resources.

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- Determinations of reasonable accommodations are made on a case-by-case basis. The District is not required to fundamentally change the nature of the program or service or remove an essential function of a job as an accommodation. A reasonable accommodation cannot create an undue hardship for the District nor can it pose a direct threat to the health or safety of the employee or others.
- As part of the interactive process, confidentiality of medical records will be maintained through Human Resources.
- The District will develop a process so that faculty who successfully upload their vaccination documentation will receive confirmation of a validated submission.
- District exemptions may not necessarily transfer to non-District affiliated work sites that have their own local policies and protocols (e.g. high schools, CDCR, clinical sites, etc.).

Chaffey College Faculty Association



Association

9.20.21

Date

Chaffey Community College District



District

9/20/2021

Date