

Memorandum of Understanding Regarding COVID-19

MOU #2021- 02
COVID-19

The Los Angeles Community College District (the "District") and the Los Angeles City and County School Employees Union Local 99, S.E.I.U. (the "Union") agree to the following for the 2020-2021 academic year:

Physically Returning to Work

Unit members who have been designated as essential workers ("Essential Workers") returned to their original work locations and work schedules on January 16, 2021 to provide clean, safe and sanitary conditions for campus operations. Staff who are 65 years of age or older, have an existing chronic health condition or do not have childcare supervision for children under age 16, or are in close contact with older individuals or individuals with preexisting conditions due to stay at home orders may submit a written request for accommodations and shall have the right to request a reasonable accommodation (*see attached A*). Employees who request an exemption will be required to provide verification with their request.

The District will follow any state or federal expansion of employee leave rights due to the COVID-19 pandemic which may exist during the effective period of this MOU.

Employee Safety and PPE

All employees will be provided with the appropriate Personal Protective Equipment (PPE) to perform their jobs. Any member who reports to a work site and is not provided the appropriate PPE will be excused from reporting to work that day and will receive full pay for that day. Per the guidance of the Los Angeles County, Department of Public Health, the colleges will provide appropriate social distancing guidelines that will be implemented and enforced by LACCD supervisors, managers, directors and administrators. All assignments will follow the LA County Health Orders/Advisories and District Safety Advisories. EOC Safety advisories will be reviewed at the college safety meetings [Article 11, A, B, G].

COVID-19 Testing and Vaccination

Employees who wish to take a COVID-19 test shall have the right to do so during their work time, as often as once every 14 days. Paid leave is available for employees who are recovering from any illness, injury or condition related to such vaccine (side effects) and for employees who are unable to work because they are seeking or waiting for the results of a diagnostic test or awaiting a medical diagnosis as stipulated under the Emergency Paid Sick Leave.

From March 31, 2021 through September 30, 2021, the District will provide up to two weeks (up to 80 hours) of emergency paid sick leave ("EPSL") described in this MOU under the "Leaves of Absence" section for employees who are recovering from any side effects from taking the COVID-19 vaccine or who are unable to work pending the results of a COVID-19 test taken post-exposure to COVID-19.

Fees for COVID-19 testing will be reimbursed if not covered by District medical insurance, if free testing is not available. Employees who wish to take the COVID-19 vaccine shall have the right to do so during their work time. Written verification of test or vaccine will be required and shall be provided to the supervisor.

Remote Work/Professional Development

Local 99 members that are 65 years of age or older, have an existing chronic health condition or do not have childcare supervision for children under 16 due to stay at home orders impacting local or district area K-12 schools, or are in close contact with older individuals or individuals with preexisting conditions due to stay at home orders, may go through the District’s accommodation process and adjustments may be made through that forum. Chromebooks, IT support, and in-person and/or remote training will be provided, as necessary.

District Provided Chromebooks and IT Support

Employees must return the Chromebooks to the District.

Sick Leave, Telecommute and Training

Employees who stay at home because they are 65 years of age or older, have an existing chronic health condition or do not have childcare supervision for children under 16 due to stay at home orders impacting local or district area K-12 schools, or are in close contact with older individuals or individuals with preexisting conditions due to stay at home orders shall have the right to request a reasonable accommodation by LACCD (*see attached B*), which may include working and training remotely until such time that social restrictions for educational institutions are lifted by the Los Angeles County Department of Public Health to resume their responsibilities at their respective work locations.

Leaves of Absence

From January 1, 2021 through September 30, 2021, Essential Workers shall be provided with paid FFCRA, EPSLA, and EFMLA leaves for specific COVID-19 related situations as authorized by law. Employees will be required to provide verification for the leaves of absence.

From March 31, 2021 through September 30, 2021, the District will provide up to two weeks (up to 80 hours) of EPSL if: (a) the employee is caring for is subject to a government quarantine order or has been advised by a health care provider to self-quarantine; (b) the employee is experiencing COVID-19 symptoms and is seeking medical attention; or (c) the employee is caring for his or her son or daughter whose school or place of care is closed or whose child care provider is unavailable for reasons related to COVID-19. During this period, the District will continue to offer emergency family and medical leave (“EFMLA”) to eligible employees if the employee is caring for his or her son or daughter whose school or place of care is closed or whose child care provider is unavailable for reasons related to COVID-19. This provision is intended to be applied consistent with the terms of the federal laws which expired on December 31, 2020.

Employees will be required to provide verification for the leaves of absence as listed above. For District directed self-quarantine cases, the District will cover the employee’s time for up to 14 days.

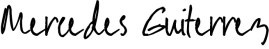
Compensation

The issue of any potential compensation for unit members who are required to report to their work locations will be addressed by Chancellor and the Joint Labor Caucus. If any bargaining unit employees believe that they are performing duties of a distasteful, dangerous, or unique nature that justifies differential compensation under California Education Code 88182, the Board of Trustees will give fair consideration to any findings and recommendations received from the Personnel Commission upon Local 99’s request to provide differential compensation to such employees.

Duration

Both parties agree to begin negotiations on a successor MOU no later than May 1, 2021, unless the parties mutually agree that a successor MOU is not necessary. SEIU Local 99 and LACCD (the Parties) agree that the on-going pandemic is dynamic and fluid, and that current directives from LACDPH, and other governmental entities, are subject to change. The Parties agree to continue on-going discussions and commit that they will mutually adhere to all health orders and District EOC safety advisories. The terms of this MOU may be extended by mutual agreement, and will expire June 30, 2021.

For the District/ Human Resources Division:

DocuSigned by:

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Dr. Mercedes Gutierrez, Ed.D.
Interim Vice Chancellor, Human Resources

4/20/2021 | 9:00:08 AM PDT

Date

For the SEIU LOCAL 99

DocuSigned by:

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Manuel Rangel
Public Affairs Manager

4/21/2021 | 9:15:34 AM PDT

Date

Attachment A

Workplace Accommodation and/or Adjustment Help Sheet

Steps for Employees Who Have a Request for an Accommodation Based on a Qualifying Disability

1. Contact your direct supervisor.
2. Ask your direct supervisor for the contact information for the [site ADA Coordinator](#).
3. Meet with the site ADA Coordinator for assistance with your disability request.
4. Complete all required forms provided by the site ADA Coordinator.
5. Participate in the Interactive Process. Additional medical documentation may be required.
6. Remember: Requests for disability-related accommodations are considered according to [District policy](#).

Steps for Employees Who Have a Request to Adjust Their Work Schedule, Duties, or Request to Work from Home Due to a COVID-Related Concern (Not a Disability)

1. Contact your direct supervisor.
2. Ask your direct supervisor for the Request for Work Schedule/Duties Adjustment form.
3. Once the form is completed, meet with your direct supervisor to discuss your request.
4. Remember: Requests are subject to review by the college and/or District administration.

Steps for Employees Who Choose to Remain at Home Due to COVID-19 Related Precautions

1. Contact your direct supervisor.
2. Complete all attendance certification reports (ACR) for absences. ACRs must be completed and processed through your direct supervisor and home campus.
3. Absences over 5 days must be accompanied by a formal leave of absence.
4. Employees are able to use their illness and vacation quotas for this purpose.
5. Caution: Extended absences can result in what is called “exhaustion of leave” status for the employee. Employees should review quota statements regularly.

Attachment B

LOS ANGELES COMMUNITY COLLEGE DISTRICT Work Schedule, Duties or Work from Home Due to a COVID-Related Concern Request Form

Form for Employees Who Have a Request to Adjust Their Work Schedule, or Duties, or Request to Work from Home Due to a COVID-Related Concern (Not a Disability). This form should **NOT** be used to request a disability accommodation. For requesting an accommodation resulting from a qualifying disability, please contact the ADA Coordinator at your worksite.

Employee Information

Name: _____ Phone Number: _____

E-mail: _____ Shift: _____

Current Position: _____

Department: _____ Campus: _____

Name of Immediate Supervisor: _____

Schedule, Work Duties or Work from Home

- Temporary change in arrival from _____AM/PM to _____AM/PM
- Temporary change in departure from _____AM/PM to _____AM/PM
- Temporary change in building/facility
- Temporary change to work from home. New duties will be assigned and can include assisting other campus departments with remote student services. Remote professional development is not being offered under this MOU.

Please describe how this temporary adjustment will assist you:

Please state the day this request needs to begin:

If you are not sure what kind of schedule and/or work assignment change is needed, what suggestions would you like your campus to consider? Please be specific.

Please describe the nature of your COVID-Related concern.

If you are currently under the care of a licensed medical/health professional, please attach documentation that supports this request.

Signature _____ Date: _____

All medical information shared with the District through this process will be maintained separately from personnel files and in accordance with all federal and state requirements. Requests for alternate formats can be made by contacting the ADA Compliance Administrator.

For District Use Only: <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	
_____ Signature of Acknowledgement	_____ Date
_____ Printed Name	_____ Title