

Supplemental Memorandum of Understanding LACCD and its Exclusive Bargaining Unit Representatives

MOU 2022-01-All:
Effects of BP2900
Revised

Effects of Revised Board Policy 2900

The Los Angeles Community College District (the "District") and its Exclusive Bargaining Unit Representatives from SEIU Local 99, SEIU Local 721, AFT Guild Local 1521, AFT Guild Local 1521A, Building & Trades Council, Teamsters Local 911 (the "Collective Bargaining Units") agree to the following Supplemental Memorandum of Understanding ("Supplemental MOU") specifically regarding the negotiable effects of the District's adoption and implementation of revised Board Policy 2900 (COVID-19 Vaccination Requirement).

Recitals

1. Pursuant to Board Policy 2900, the Board of Trustees ("Board") has delegated authority to the Chancellor to create Administrative Procedures necessary for the implementation of the Board's mandatory vaccination and testing requirements. Administrative Procedure 2900 ("AP 2900") was previously created and has been utilized to implement Board Policy 2900 and to protect the campus community from further spread of the SARS-CoV-2 virus and its variants ("COVID-19").
2. Under AP 2900, District employees are required to present proof, on a District provided system, that they have been *fully vaccinated* against COVID-19. As referenced in the January 18, 2022 Memorandum of Understanding regarding Effects of BP 2800/2900 and AP 2800/2900, this system is known as the "Cleared4" platform.
3. AP 2900 permits an employee to request medical or religious exemptions to the requirement that the employee upload proof of their *fully vaccinated* status to the Cleared4 platform. An exempted employee is required to be baseline tested for COVID-19 and to submit to weekly testing for COVID-19.
4. On January 12, 2022, the District's Board of Trustees ("Board") adopted a revised version of Board Policy 2900 ("Revised BP 2900"). Revised BP 2900 includes the following modified definition of *fully vaccinated* to reflect the recommendations and requirements of local public health authorities:

"A District employee or student will be considered to have been "Fully Vaccinated" if the person receives both the initial COVID-19 Vaccine inoculation(s), and any and all "booster" inoculations, recommended by state or local health officials."

5. Under the modified definition of *fully vaccinated*, every employee will be required by AP 2900 to upload proof of booster inoculation(s) unless:
 - a. The employee has filed a request for medical or religious exemption; or
 - b. The employee has received either:
 - i. one dose of the Johnson & Johnson vaccine, or
 - ii. two doses of the Pfizer or Moderna vaccine,
 and is not yet eligible to obtain a booster dose(s) to become *fully vaccinated*.

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6. As a matter of public health and safety, the District has determined that compliance with AP 2900, as affected by Revised BP 2900, is of great urgency and will be required as of March 14, 2022.
7. Prior to the negotiation of this Supplemental MOU, the District and the Collective Bargaining Units, individually, have negotiated separate memoranda of understanding regarding the impacts of their unit members' return to on-site work during the 2021-22 academic year, and this Supplemental MOU applies to employees in addition to the terms of the return-to-work memoranda and the parties' January 18, 2022 Memorandum of Understanding with respect to employee compliance with BPs 2800 and 2900 and APs 2800 and 2900.

Terms of Agreement

1. The recitals above are acknowledged and incorporated herein as terms of agreement of this Supplemental MOU.
2. The parties reaffirm their agreement that it is paramount that each employee of the District abide by the infection mitigation strategies set forth in the District's Masking and Vaccination Requirements, and all parties agree to promote the compliance with these requirements by individual employees within their bargaining units.
3. Forms for religious or medical exemptions shall remain available through the SAP portal for submission as needed. Employees who have been denied an exemption may resubmit their request in accordance with the requirements of the policy.
4. The parties agree that employee submission of additional proof of their *fully vaccinated* status or submission of a request for a medical or religious exemption from the submission of such additional proof – as required by the Board's revision of BP 2900 – may be enforced by the District through the same progressive intervention steps that are outlined in the January 18, 2022 Memorandum of Understanding (also incorporated herein as Attachment A), except that compliance dates for the newly required additional proof or exemption will reflect an initial notice date of February 7, 2022 and a final compliance deadline of March 14, 2022.
5. The parties agree that employees who have not been vaccinated and refuse participation in the mandated testing, who have ultimately had their employment severed, shall have appeal rights as outlined in Personnel Commission Rule 735 for permanent classified employees, or California Education Code 87637 for regular academic employees. Adjunct-rate faculty members will follow rights of procedure, if any, under the Faculty Guild Agreement Article 16. H.
6. This Supplemental MOU does not supersede the January 18, 2022 Memorandum of Understanding and does not affect any discipline related to an employee's compliance with the initial compliance deadline of November 3, 2021.

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7. The parties understand that the COVID-19 pandemic continues to evolve and that there may be a need to revise Board Policies and Administrative Procedures in response to a material change in circumstances related to the COVID-19 pandemic. In such cases, the parties acknowledge the Unions' rights to bargain over the effects of such revisions to policies and procedures.
8. This MOU will be effective (in whole or in part) so long as BP 2800, BP 2900, AP 2800 and/or AP 2900 are in effect.

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For LACCD (The District):

DocuSigned by:

Francisco C. Rodriguez, Ph.D.

5C10F338DA3B49C...

Francisco C. Rodriguez, Ph.D.
Chancellor

2/28/2022 | 9:25:02 AM PST

Date

For LACCD (The District):

DocuSigned by:

Melinda Nish

60F9436BBA724D5...

Melinda Nish, Ed.D., Deputy Chancellor, on behalf
of Mercedes Gutierrez, Ed.D. Interim Vice Chancellor,
Human Resources

2/26/2022 | 7:31:18 AM PST

Date

For the AFT College Staff Guild, 1521A

DocuSigned by:

Hazel Alonzo

F86916F67EEA4B2...

Hazel Alonzo, President

2/23/2022 | 11:54:49 AM PST

Date

Los Angeles College Faculty Guild, AFT Local 1521:

DocuSigned by:

Joanne Waddell

19A782CFF8DE43D...

Joanne Waddell, President

2/15/2022 | 10:45:18 AM PST

Date

For Los Angeles City and Counties School Employees Union, SEIU Local 99:

DocuSigned by:

Manny Rangel

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Manny Rangel

2/23/2022 | 2:45:36 PM PST

Date

Los Angeles/Orange Counties Building and Construction Trades Council:

DocuSigned by:

Chad Boggio

6E7FE6E554504FB...

Chad Boggio

2/23/2022 | 3:24:08 PM PST

Date

LACCD Administrator's Unit Represented by California Teamsters Public, Professional & Medical Employees Union Local 911:

DocuSigned by:

Mary-Jo Apigo

E21040B9C73E466...

Mary-Jo Apigo, Ed.D., Acting President

2/23/2022 | 3:29:01 PM PST

Date

Supervisory Employees Union, SEIU Local 721

DocuSigned by:

Bruce Hicks

13C89172D7AB43D...

Bruce Hicks, President

2/24/2022 | 5:22:08 PM PST

Date



Supplemental Memorandum of Understanding LACCD and its Exclusive Bargaining Unit Representatives

Effects of Revised Board Policy 2900

Progressive Discipline Steps for Noncompliance With Board Policy 2900 and Administrative Procedure 2900	
Step 1 Information Notification Courtesy Emails and Notice via USPS	<ul style="list-style-type: none"> • On or about February 7, 2022, all employees received an email notification reminder of the District's revised vaccine requirement with the completion deadline. • On or about February 11, 2022, a letter will be placed in USPS Regular Mail to all employees at the last known address on file with the District similar to the email notification. • On or about February 14, 2022, all employees will receive an email notification reminder of the District's revised vaccine requirement and updated completion deadline of March 14, 2022. • On or about February 21, 2022, all employees will receive an email notification reminder of the District's revised vaccine requirement and updated completion deadline of March 14, 2022. • On or about February 28, 2022, noncompliant employees will receive an email notification reminder of the District's revised vaccine requirement and updated completion deadline of March 14, 2022. • On or about March 4, 2022, a letter will be placed in USPS Regular Mail to noncompliant employees at the last known address on file with the District similar to the email notification. • On or about March 7, 2022, noncompliant employees will receive an email notification reminder of the District's revised vaccine requirement and updated completion deadline of March 14, 2022. • On or about March 14, 2022, noncompliant employees will receive an email notification reminder of the District's revised vaccine requirement and updated completion deadline of March 14, 2022.
Step 2 Formal Notification of Noncompliance via Email and USPS Certified Mail	<ul style="list-style-type: none"> • On or about March 18, 2022, employees not in compliance with BP2900/AP2900 (as updated on January 12, 2022) [hereinafter "policy"] will receive a warning notice of the District's revised vaccine requirement with the completion deadline. • A similar letter will be placed in USPS regular mail to the last known address.
Step 3 2 nd Formal Notification and Warning via Email and USPS Certified Mail	<ul style="list-style-type: none"> • On or about April 1, 2022, employees not in compliance with policy will receive a 2nd warning notice of the District's revised vaccine requirement with the completion deadline. • A similar letter will be placed in USPS regular mail to the last known address. • College Presidents will receive a list of employees not in compliance in order that they may follow up with the employee and begin contingency planning if substitutes will be needed.

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Step 4 Final Notification Warning via Email and USPS Certified Mail	<ul style="list-style-type: none"> • On or about April 15, 2022, employees not in compliance with policy will receive a final warning notice of the District’s revised vaccine requirement with the completion deadline. • A similar letter will be placed in USPS regular mail to the last known address. • College Presidents will receive a list of employees not in compliance in order that they may follow up with the employee.
Step 5 Administrative Leave Pending Preparation of Charges	<ul style="list-style-type: none"> • On or about April 29, 2022: • Classified and Confidential employees not in compliance with policy will receive and Administrative Leave letter from their college president or the president’s designee. <ul style="list-style-type: none"> ○ Classified and Confidential employees working on site must immediately leave the premises. ○ During the administrative leave a statement of charges will be developed. <ul style="list-style-type: none"> ▪ If the employee complies with policy prior to the statement of charges being issued, the leave will be ended and the charges withheld. ▪ The designee will notify Human Resources in order to update its records. • Faculty employees will complete the semester and will not be able to begin an intersession or subsequent assignment pending discipline. <ul style="list-style-type: none"> ○ Adjunct-rate faculty will be subject to Article 16.H., removal from seniority lists or termination at the end of the semester.
Step 6a Statement of Charges	<ul style="list-style-type: none"> • The Statement of Charges; Notice of Unpaid Leave; Notice of Skelly will be issued to the employee informing them of the factual basis for discipline via Regular and Certified Mail. <ul style="list-style-type: none"> ▪ If the employee complies with policy prior to the statement of charges being issued, the leave will be ended and the charges withheld. ▪ The designee will notify Human Resources in order to update its records.
Step 6b Skelly	<ul style="list-style-type: none"> • A meeting with the College President, or Department Head will be offered to the Employee. Employee will have a right to union representation. <ul style="list-style-type: none"> ○ If the employee at this time complies with the testing requirement, the charges will be withheld. ○ The designee will notify Human Resources in order to update its records. • If the Skelly determines the discipline will upheld, the College President will inform the employee that they will be placed on an unpaid leave (within 2 days), pending Board Approval of their discipline.

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	<ul style="list-style-type: none">• The notice will inform the employee that they may submit a written response to the electronic notice to be considered by the District to determine if there is a legitimate reason to reinstate their paid status.<ul style="list-style-type: none">○ If the employee at this time complies with the testing requirement, the charges will be withheld.○ The designee will notify Human Resources in order to update its records.
Step 7 Dismissal	<ul style="list-style-type: none">• If the employee has not complied with BP/AP 2900, the employee will no longer be eligible to continue receipt of health benefits, after 30-days in unpaid status.• The notice will inform the employee that they may submit a written response to the electronic notice to be considered by the District to determine if there is a legitimate reason to reinstate their paid status.<ul style="list-style-type: none">○ If the employee at this time complies with the testing requirement, the charges will be withheld.○ The designee will notify Human Resources in order to update its records.• The District will initiate Board Action proceedings.<ul style="list-style-type: none">○ If the employee at this time complies with the testing requirement, the charges will be withheld.○ The designee will notify Human Resources in order to update its records.

Certificate Of Completion

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Status: Completed

Subject: Please DocuSign: MOU_2022-01-All_Effects_of_BP-2900_Revised.pdf

Source Envelope:

Document Pages: 7

Signatures: 8

Certificate Pages: 6

Initials: 0

AutoNav: Enabled

Envelope Stamping: Enabled

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Envelope Originator:

Gigi Chamizo-Lew

770 Wilshire Blvd

Los Angeles, CA 90017

CHAMIZG@LACCD.EDU

IP Address: 47.37.180.78

Record Tracking

Status: Original

2/10/2022 9:25:10 AM

Holder: Gigi Chamizo-Lew

CHAMIZG@LACCD.EDU

Location: DocuSign

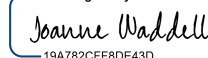
Signer Events

Joanne Waddell

jwaddell@aft1521.org

Security Level: Email, Account Authentication
(None)**Signature**

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Hazel Alonzo

halonzo@aft1521a.org

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Manny Rangel

mrangel@seiu99.org

Security Level: Email, Account Authentication
(None)

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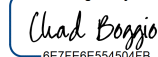
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Chad Boggio

cboggio@laocbuildingtrades.org

Security Level: Email, Account Authentication
(None)

DocuSigned by:



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Signature Adoption: Pre-selected Style

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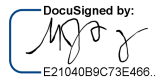
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Signer Events

Mary-Jo Apigo
 APIGOMJ@WLAC.EDU
 Security Level: Email, Account Authentication
 (None)

Signature

Signature Adoption: Drawn on Device
 Using IP Address: 204.102.252.34

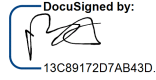
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Electronic Record and Signature Disclosure:

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Bruce Hicks
 HICKSBL@WLAC.EDU
 Security Level: Email, Account Authentication
 (None)



Signature Adoption: Drawn on Device
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 Signed using mobile

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Electronic Record and Signature Disclosure:

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Melinda Nish
 NISHMA@LACCD.EDU
 Deputy Chancellor
 LACCD
 Security Level: Email, Account Authentication
 (None)



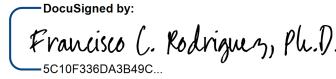
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Electronic Record and Signature Disclosure:

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Francisco C. Rodriguez, Ph.D.
 RODRIGFC@LACCD.EDU
 Chancellor
 Security Level: Email, Account Authentication
 (None)



Signature Adoption: Pre-selected Style
 Using IP Address: 108.90.157.153

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 Viewed: 2/28/2022 9:24:08 AM
 Signed: 2/28/2022 9:25:02 AM

Electronic Record and Signature Disclosure:

Accepted: 2/28/2022 9:24:08 AM
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In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp**

Carbon Copy Events	Status	Timestamp
Claudia Gallegos GALLEGC@laccd.edu Administrative Secretary (Confidential) LACCD Security Level: Email, Account Authentication (None)	COPIED	Sent: 2/28/2022 9:25:04 AM
Electronic Record and Signature Disclosure: Accepted: 6/15/2020 8:42:37 AM ID: 5203c7ba-d028-45d7-be14-6b5cd7bcf784		

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	2/10/2022 9:54:01 AM
Certified Delivered	Security Checked	2/28/2022 9:24:08 AM
Signing Complete	Security Checked	2/28/2022 9:25:02 AM
Completed	Security Checked	2/28/2022 9:25:04 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

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Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Los Angeles Community College District:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: durana@laccd.edu

To advise Los Angeles Community College District of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at durana@laccd.edu and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Los Angeles Community College District

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to durana@laccd.edu and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Los Angeles Community College District

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to durana@laccd.edu and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Los Angeles Community College District as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Los Angeles Community College District during the course of your relationship with Los Angeles Community College District.