

Memorandum of Understanding
Between the Rio Hondo College Faculty Association (“RHCFA”)
and the Rio Hondo Community College District (“District”)
September 8, 2021

This Memorandum of Understanding (“MOU”) is made between the RHCFA and the District in order to address safety concerns for the District’s employees and students during the ongoing District responses to COVID-19. More specifically as set out below, the Rio Hondo Board of Trustees has mandated vaccinations for staff and students. This MOU will become effective upon ratification of the RHCFA unit members and signatures by each party.

RHCFA and the District have reached prior agreements on May 20, 2020, July 9, 2020, March 19, 2021, and July 1, 2021 that cover issues related to the Covid-19 pandemic, so the parties intend that those agreements are valid, and therefore unnecessary to be repeated in this agreement.

May 20, 2020 Agreement

<https://www.riohondo.edu/hr/wp-content/uploads/sites/4/2020/08/MOU-between-RHCFA-and-RHC-Temporary-Modifications-During-Response-to-Novel-Coronavirus-May-20-2020.pdf>

July 9, 2020 Agreement

<https://www.riohondo.edu/hr/wp-content/uploads/sites/4/2020/08/MOU-between-RHCFA-and-RHC-Temporary-Modifications-During-Response-to-Novel-Coronavirus-July-9-2020.pdf>

March 19, 2021 Agreement

https://www.riohondo.edu/hr/wp-content/uploads/sites/4/2021/03/MOU_RHCFA_03.19.21.pdf

July 1, 2021 Agreement

https://www.riohondo.edu/hr/wp-content/uploads/sites/4/2021/08/RHCFA-and-RHC-MOU-Fall-Term-2021_Signed.pdf

I. Overview

- a. On July 26, 2021, Governor Newsom announced a new initiative for state employees, “implementing a first-in-the-nation standard to require all state workers and workers in health care and high-risk congregate settings to either show proof of full vaccination or be tested at least once per week, and encourage all local government and other employers to adopt a similar protocol.”
<https://www.gov.ca.gov/2021/07/26/california-implements-first-in-the-nation-measures-to-encourage-state-employees-and-health-care-workers-to-get-vaccinated/>
- b. The Rio Hondo College Community College District (“District”) and the Rio Hondo College Faculty Association (“RHCFA”) recognize the importance of

maintaining safe facilities and operations for the benefit of the students and communities served by the District and for the safety of District employees. Therefore, and in response to the Governor's initiative on vaccinations, the Rio Hondo Board of Trustees issued this statement: "Due to the escalating crisis with the current COVID-19 Delta variant affecting public health, vaccination is the most viable approach to reduce the spread of the virus and to protect the health and safety of students, employees and our community. Daisy Gonzales, the Acting Chancellor of the California Community Colleges urged each California Community College District Board of Trustees to mandate vaccinations for their District employees and students" (BOT Agenda August 18, 2021). At the August 18, 2021, special study session of the Board during which informative presentations and discussion ensued, the Board of Trustees voted unanimously to "approve mandating vaccinations for all Rio Hondo College employees and students, and authorize the Superintendent/President to initiate a mandate vaccination resolution, negotiate with the Faculty Association the effects of the mandate of vaccination, develop a board policy and an administrative procedure (BOT Minutes August 18, 2021).

II. Vaccinations

- a. Effective Date: Vaccination verification of at least the first dose (if not Johnson and Johnson) must be submitted to Human Resources by October 16, 2021. Unit members who have not been accommodated as set out II. D below and continue to refuse vaccination may be subject to discipline.
- b. Verification: Each full-time and part-time unit member employed by the District must provide proof of full vaccination(s) by November 19, 2021.
- c. Vaccination Records: Proof of vaccination status may be provided by unit members through any one of the following methods:
 1. COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers of Disease Control & Prevention or WHO Yellow Card), which includes name of person vaccinated, type of vaccine provided, and date of last administered dose);
 2. Photo of a Vaccination Record Card as a separate document;
 3. Documentation of COVID-19 vaccination from a health care provider;
or
 4. 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 record as an official record of the state of California. Unit members may retrieve digital vaccination records through CDPH at the following site: <http://myvaccinerecord.cdph.ca.gov/>

5. All vaccination records will be maintained in a separate medical file, outside of the employee's personnel file.
- d. Accommodations: The District will comply with all required exemptions to vaccination mandates for unit members with legitimate medical or a strongly held religious belief objections to the vaccine as per Equal Employment Opportunities Commission (EEOC) and will enter into the Americans with Disabilities Act (ADA) accommodations process for any such unit member upon request.
- e. Negative Reaction: Should a unit member have a negative reaction to the vaccine, the unit member shall be eligible for District/state/federal emergency paid leave subject to the provisions under the collective bargaining agreement.
- f. Quarantine: Should a unit member be required to quarantine due to personal contact with someone infected with Covid-19, or is found to be infected with Covid-19, the unit member shall not be charged any accrued leave(s), but be given District paid quarantine leave.
- g. Covid-19 Testing: In circumstances where a vaccination cannot be taken, or while waiting for completion of the vaccination process, the unit member will complete an employer provided Covid-19 test, at least once a week, or as required by the District until vaccine can be taken.
- h. Alternative Assignments: Alternative assignments for those who have been granted an exemption will be determined on a case-by-case basis with Human Resources and Faculty Association representation, in consultation with the faculty member. The District will consider the necessity for an accommodation based upon all existing ADA and EEOC criteria.
- i. Contact Tracing: The District will maintain specific contact tracing protocols and send information of exposure to all faculty as soon as a positive COVID case is identified, with a full explanation of all quarantine options available.

Additionally, the District will inform the Faculty Association as soon as possible when a confirmed active on-campus COVID infection occurs from anyone using District facilities. All parties recognize this information is private and falls under HIPPA and CMIA status and will not be shared outside of the Faculty Association elected leadership.

III. **Ratification of the MOU**

- a. Notice of ratification shall be distributed by email to all RHCFA unit members in good standing, informing them that they are entitled to vote by secret ballot on ratification or rejection of the MOU.

- b. Notice of ratification by online poll shall be sent at least five (5) working days in advance of the date set for online balloting to close.
- c. Voting will occur via online poll or balloting service during such period.
- d. Affirming signature by the RHCFA will occur upon ratification of the MOU.

This Memorandum of Understanding (“Memorandum”) is made between the RHCFA and the District in order to address the safety concerns invoked by the vaccination status of unit members. This will become effective upon signing by each party after the faculty have ratified this MOU.

Marie Eckstrom

Marie Eckstrom (Sep 22, 2021 16:41 PDT)

Marie Eckstrom
RHCFA, Chief Negotiator

Jackson Parham

Jackson Parham (Sep 16, 2021 14:36 PDT)

Jackson Parham, AALRR

Teresa Dreyfuss

Teresa Dreyfuss

Don Miller

Don Miller

Eric Dixon-Peters

Eric Dixon-Peters (Sep 17, 2021 14:08 PDT)

Eric Dixon-Peters

Kibui Steven

Stephen Kibui

Cynthia Nuñez

Cynthia Nuñez

Adam Wetsman

Adam Wetsman