

**Memorandum of Agreement**  
**between Montclair State University (the University) and AFT Local 1904 (the Local)**  
**on Impacts of COVID-19 Vaccination Requirements**

In the event that the University Administration imposes policies on COVID-19 vaccination (vaccination), including, among other provisions, requiring that University employees in the Unit represented by the Local (employees) must be vaccinated against COVID-19, subject to certain exemptions as provided for under law, some impacts and procedures related to implementation of such policies are subject to negotiation with AFT Local 1904 as collective negotiations agent.

Therefore, in the interest of the health and safety of the entire Campus community, **the University and the Local agree to the following:**

1. *Reporting and Verification of Vaccination Status*

- a. Employees shall report their vaccination status via the University's Vax Check Web portal (Vax Check) no later than September 10, 2021, at 5 pm. Employees may update their vaccination status or related materials at any time via Vax Check.
- b. Employees reporting that they have been vaccinated shall upload proof of vaccination via Vax Check. All proof of vaccination submissions are subject to review, verification, and approval by the University. Consistent with NJ Executive Order 253 (2021), a true image of any one of the following shall constitute proof of vaccination:
  - i. The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site;
  - ii. Official record from the New Jersey Immunization Information System or other State immunization registry;
  - iii. A record from a healthcare provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist;
  - iv. A military immunization or health record from the United States Armed Forces; or
  - v. Docket mobile phone application record or any state specific application that produces a digital health record.
- c. Employees that have not reported their vaccination status by September 10, 2021, at 5 pm will receive notification via their University e-mail that the University does not have a record of the employee's vaccination status.
  - i. Such notice will constitute a written warning, and will advise the employee that failure to complete self-reporting of vaccination status using Vax Check within two business days from receipt of the notice will result in the employee being placed on unpaid leave of absence until such time as they complete self-reporting via Vax Check, as delineated in 1cii .
  - ii. Any employee placed on unpaid leave of absence due to failure to report vaccination status will be returned to pay status the next business day following their completion of self-reporting and approval of the submission by the University. Any employee placed on unpaid leave of absence due to failure to report vaccination status will be subject to progressive discipline.

2. *Vaccination Requirement*

- a. Employees shall obtain a completed course of vaccination for COVID-19 as approved for such purpose by the US FDA (complete vaccination), including approval under Emergency Use Authorization, and upload proof of vaccination, as specified in 1b, no later than December 15, 2021 at 5 pm. Complete vaccination means having received two doses of the Pfizer or Moderna vaccine or one dose of the Johnson & Johnson (J&J/Janssen) vaccine, or as otherwise specified by standard medical-practice guidelines.
- b. The University will notify an employee via email within five business days of submission if the proof of 09032021\_AFT\_MOA-COVID-vaccination is deemed to be inadequate or incomplete, including any specific defect in the material submitted.
- c. In order to request an exemption from the vaccination requirement for religious reasons protected by Title VII of the Civil Rights Act, or due to a health condition protected by the Americans with Disabilities Act, an employee

must complete and upload a COVID-19 Vaccination Waiver Form via Vax Check no later than October 1, 2021, at 5 pm.

- i. No new applications for exemption will be accepted after October 1, 2021 at 5 pm.
  - ii. The University will review each application and will contact the employee within five business days of receipt to request any supporting documentation, or to provide notice that the application is complete as submitted.
  - iii. An application will be deemed to be complete the earlier of: the University providing notification to the employee that the application is complete; or, upon receipt and review of the supporting documents by the University, ten business days following the initial request from the University for supporting documentation.
  - iv. The University will provide a response to the employee within five business days of receipt of a completed application, including supporting materials.
  - v. If the University denies a request for exemption, the denial will include a written specification of defects in the application. Upon receipt of notice that an application for exemption has been denied, an employee may submit an amended application within ten business days. No more than one amended version of an application for exemption may be submitted.
  - vi. The term of approval for an exemption is up to 180 days.
  - vii. No less than 30 days from the expiration date of an exemption, the University will provide notice via University e-mail of the upcoming expiration. An employee may apply for a new term of exemption by submitting a new complete application within 30 days of the receipt of notice of the upcoming expiration.
  - viii. The application form and documentation requirements shall be agreed to by the Parties.
- d. Effective Monday, September 13, 2021, employees who are not completely vaccinated, including employees with an approved exemption from the vaccination requirement, shall comply with University health and safety protocols for unvaccinated employees (including Coronavirus Testing), or be subject to progressive discipline up to, but not including, termination.
- e. Employees that do not submit proof of completed vaccination using Vax Check by December 15, 2021, at 5 pm, and do not have an outstanding or approved application for exemption, will receive notification via their University e-mail that the University does not have proof that the employee has completed a course of vaccination.
- i. Such notice will constitute a written warning, and will advise the employee that failure to provide proof of vaccination (as specified in 1b) within five business days of receipt of the notice will result in the employee being placed on unpaid leave of absence until such time as they provide verified proof of vaccination via Vax Check as delineated in 2eii.
  - ii. An employee placed on unpaid leave of absence due to failure to provide proof of vaccination will be returned to pay status the next business day following verification by the University of either proof of completed vaccination or proof that the employee has received at least one dose of a vaccine and has a scheduled appointment for a second dose if indicated. The University will complete such verification within five business days of submission of materials by the employee.
  - iii. Notwithstanding any other deadlines, no notice of noncompliance with the vaccination requirement may be issued less than five business days following receipt by the employee of denial of a request for exemption.
  - iv. Employees that file a complete retirement application by December 15, 2021 with the State of New Jersey Division of Pensions and Benefits and a retirement date no later than February 1, 2022 shall be exempt from this section. However, in the event that the employee revokes their retirement application with the Division of Pensions and Benefits, the employee will be retroactively subject to this section (2e) as of December 15, 2021.

### 3. *Privacy of Vaccination Status Data*

- a. Individually identifiable information on employees' vaccination status will be maintained separately from the employee's personnel files. Access to this information shall be restricted to University employees for whom access to such information is required to maintain and enforce directly related University policies.
- b. Aggregated or de-identified data on employees' vaccination status may be distributed by the University, so long as such data cannot be reasonably connected to specific employees.

- c. The vaccination status of individual employees may be shared with public health authorities, those engaged in contact tracing, or as required by applicable law. Unless specifically prohibited by law, the University will notify any employee if their individual vaccination-status information has been shared externally to the University.

4. *Coronavirus Testing*

- a. Any employee may obtain a coronavirus test at no cost at the University testing facility at Webster Hall or other University designated testing facility. Appointments are not necessary. Employees must show their Montclair State University ID.
- b. An employee who is required by University protocol to obtain a coronavirus test, including unvaccinated employees, may do so during their work hours at a University designated testing facility and at no cost.
- c. If an employee tests positive for coronavirus by a test performed at a University designated facility, the result will be reported to the Occupational Health Department.
- d. Notwithstanding any other reporting, an employee must report, via the Hawk Check system, any positive coronavirus test result from any facility whether designated by the University or otherwise, and not return to the University Campus or other University facility, until such time that they receive further instructions from the Occupational Health Department.
- e. The University may rely on employees complying with 4d and, therefore, employees are not required to inform others, including neither their supervisor nor co-workers, that they have tested positive for coronavirus.

5. *Self-Isolation*

- a. If an employee is required to self-isolate according to University protocol at the direction of the Occupational Health Department, the supervisor will be informed that the employee has been instructed to self-isolate without disclosing the underlying reason.
- b. During self-isolation directed by the Occupational Health Department, if an employee is unable to work due to COVID-19 symptoms, they are required to use sick-leave time to cover the absence. If not prevented from doing so by COVID-19 symptoms, the employee may be required to work remotely at the discretion of their supervisor.

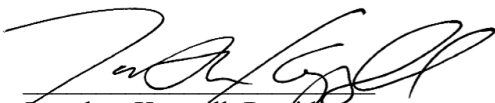
- 6. All required University health and safety protocols related to COVID-19 vaccination, including protocols for unvaccinated employees, shall be accessible and discoverable via University Policy and Procedures Web Pages, and due notice shall be provided to all employees of any changes in the same. If the University revises and/or amends these Safety Protocols, the University Administration shall notify Local 1904 of such revisions or amendments before such notification is disseminated to the campus community.

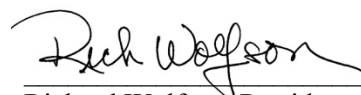
- 7. This Agreement does not otherwise alter nor supersede other agreements between the State of NJ and the Council of NJ State College Locals, nor any agreements between Montclair State University and AFT Local 1904, including the Local Selected Procedures Agreement.

In WITNESS HEREOF, the University and Local 1904 have acknowledged their understanding of this Memorandum of Agreement and affix their signatures below effective September 3, 2021.


For Montclair State University

For AFT Local 1904

  
Jonathan Koppell, President

  
Richard Wolfson, President

  
David Vernon, VP for Human Resources

  
David Trubatch, VP for Negotiation

**Memorandum of Agreement**  
**between Montclair State University (the University) and AFT Local 1904 (the Local)**  
**on Impacts of COVID-19 Vaccination Requirements - Amendment January, 2022**

The University Administration has imposed policies on COVID-19 vaccination (vaccination), including, among other provisions, requiring that University employees in the Unit represented by the Local (employees) must be vaccinated against COVID-19, subject to certain exemptions as provided for under law. Some impacts and procedures related to implementation of such are subject to negotiation with AFT Local 1904 as collective negotiations agent.

Since the execution of the Impacts of COVID-19 Vaccination Requirements Memorandum of Agreement (the "COVID-19 Vaccination MOA"; dated September 3, 2021), CDC guidelines on COVID-19 vaccination have changed, including the recommendation that most previously vaccinated individuals obtain additional 'booster' vaccinations. In response, the Administration has updated University Policies, which impacts the previously negotiated terms of implementation.

Therefore, in the continuing interest of the health and safety of the entire Campus community, **the University and the Local agree to amend the COVID-19 Vaccination MOA by adoption of the following:**

1. *Reporting and Verification of Vaccination History*

- a. Employees shall receive notice via their University e-mail -sent no later than January 13, 2022- that they must update their COVID-19 vaccination history via the University's Vax Check Web portal (Vax Check) no later than January 21, 2022, at 5 pm to indicate if they have received a complete vaccination (defined below) against COVID-19. No action will be required for employees who have previously provided verification via Vax Check that they have received complete vaccination.
- b. Employees may update their vaccination history and provide verification via Vax Check at any time.
- c. All reported updates of vaccination history are subject to review, verification, and approval by the University. Specifically, all reports of vaccinations should be supported by satisfactory documentation uploaded via Vax Check. Consistent with NJ Executive Order 253 (2021), a true image of any one of the following shall constitute proof of vaccination:
  - i. The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site;
  - ii. Official record from the New Jersey Immunization Information System or other State immunization registry;
  - iii. A record from a healthcare provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist;
  - iv. A military immunization or health record from the United States Armed Forces; or
  - v. Docket mobile phone application record or any state-specific application that produces a digital health record.
- d. The University will notify an employee via email within five (5) business days of submission if materials submitted as proof of vaccination are deemed to be inadequate or incomplete, including any specific defect.
- e. Employees that have not updated their vaccination status by January 21, 2022, at 5 pm will receive notification via their University e-mail that the University does not have a current record of the employee's vaccination status.
  - i. Such notice will constitute a written warning, and will advise the employee that failure to complete self-reporting of vaccination status using Vax Check within five (5) business days from receipt of the notice will result in the employee being placed on unpaid leave of absence until such time as they complete self-reporting via Vax Check.

- ii. Any employee placed on unpaid leave of absence due to failure to update their vaccination status will be returned to pay status the next business day following their completion of self-reporting and approval of the submission by the University. Any employee placed on unpaid leave of absence due to failure to report vaccination status will be subject to progressive discipline while on unpaid leave.

## 2. COVID-19 Vaccination Requirement

- a. For the purposes of University policies and procedures, *complete vaccination* against COVID-19 means being up-to-date with COVID-19 vaccination as recommended by the US CDC.
  - i. The relevant CDC guidance can be found on the Web Page [Stay Up to Date with Your Vaccines | CDC](#)<sup>1</sup>. The January 5, 2022 version of the Web page is incorporated into this Agreement by reference and attached hereto for reference.
  - ii. In the event that the guidance regarding COVID-19 vaccination is changed or updated in a manner that affects University Policies, the University Administration shall notify Local 1904 of such revisions or amendments before such notification is disseminated to the campus community. If further amendment of the COVID-19 Vaccination MOA is warranted, the University Administration and the Local will engage in timely negotiations to this end.
- b. All employees are required to obtain, and provide proof of, complete vaccination against COVID-19, unless they have received a medical exemption, or are on unpaid leave from the University. Procedures related to compliance with this requirement are delineated in Section 3 of this Agreement.
- c. All new hires will be required to either (i) provide proof of complete vaccination against COVID-19, or (ii) apply for a medical or religious exemption prior to their start date.
- d. Employees on unpaid leave will be required to provide proof of complete vaccination against COVID-19, or to apply for and receive approval for a medical or religious exemption, prior to the end of their leave and return to paid status.

## 3. Compliance with Vaccination Requirement

- a. Based on the data obtained via Vax Check, the University will provide notice, via their University e-mail, to all employees that have not provided proof of complete vaccination of the requirement to do so. The notices shall specify that an employee has fifteen (15) calendar days from the receipt of such notice, but not earlier than May 15, 2022, to provide proof via Vax Check of having obtained complete vaccination.
- b. Employees that have had a change in medical condition or circumstance may request an exemption from the requirement for complete vaccination on religious grounds protected by Title VII of the Civil Rights Act, or due to a health condition protected by the Americans with Disabilities Act. Employees that already have a previously approved exemption on these grounds are not required to submit a new waiver request.
  - i. Employees applying for a waiver to due a change in circumstances must complete and upload a COVID-19 Vaccination Waiver Application Form no later than fourteen (14) calendar days from receipt of notice of noncompliance as provided for in 3a.
  - ii. The University will review each application and will contact the employee within five business days of receipt to request any supporting documentation, or provide notice that the application is complete as submitted.

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<sup>1</sup> <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html>

- iii. An application will be deemed to be complete the earlier of: the University providing notification to the employee that the application is complete; or ten business days following the initial request from the University for supporting documentation.
  - iv. The University will provide a response to the employee within five business days of receipt of a completed application, including supporting materials.
  - v. If the University denies a request for exemption, the denial will include a written specification of defects in the application. Upon receipt of notice that an application for exemption has been denied, an employee may submit an amended application within ten business days. No more than one amended version of an application for exemption may be submitted.
  - vi. The term of approval for an exemption is no more than 180 days.
  - vii. No less than 30 days from the expiration date of an exemption, the University will provide notice via University e-mail of the upcoming expiration. An employee may apply for a new exemption by submitting a new complete application within 30 days of the receipt of notice of the upcoming expiration.
  - viii. The application form and documentation requirements shall be those previously agreed to by the Parties.
- c. Employees that do not submit proof of complete vaccination via Vax Check within 15 days of notice, or by May 15, 2022 (whichever is later), and do not have an outstanding or approved application for exemption, will receive notification via their University e-mail that they are not in compliance with the COVID-19 Vaccination Requirement specified in Section 2b.
- i. Such notice will constitute a written warning, and will advise the employee that failure to provide proof of complete vaccination via Vax Check within five business days of receipt of the notice will result in the employee being placed on unpaid leave of absence until such time as they do so.
  - ii. An employee placed on unpaid leave of absence due to failure to provide proof of complete vaccination will be returned to pay status the next business day following verification by the University of either proof of complete vaccination. The University will complete such verification within five business days of submission of materials by the employee.
  - iii. Notwithstanding any other deadlines, no notice of noncompliance with the vaccination requirement may be issued less than five business days following receipt by the employee of denial of a request for exemption.
4. ~~In furtherance of Article VIII ("Union-Employer Information Exchange") of the State-Wide Agreement between the Council of State College Locals and the State of New Jersey, the University Administration shall provide designated officers of Local 1904 with electronic access to continuously updated and up-to-date information on employee compliance with COVID-19 vaccination requirements as follows:~~
- ~~a. a record of whether each employee has submitted a verified record of having received an initial course of vaccination and/or additional booster vaccinations;~~
  - ~~b. a record of any notices of non-compliance with reporting and/or vaccination requirements sent to individual employees;~~
  - ~~c. a record of outstanding and approved applications for exemption from COVID-19 vaccination requirements, including the date of application and the expiration date of approved applications.~~

5. All terms in the 2021 COVID-19 Vaccination MOA shall continue in full force and effect unless specifically altered or superseded by this Agreement. In the event of a conflict between the 2021 COVID-19 Vaccination MOA and this Agreement, the terms of this January, 2022, Amendment shall govern.
6. This Agreement does not otherwise alter nor supersede other agreements between the State of NJ and the Council of NJ State College Locals, nor any agreements between Montclair State University and AFT Local 1904, including the Local Selected Procedures Agreement.

In WITNESS HEREOF, the University and Local 1904 have acknowledged their understanding of this Memorandum of Agreement and affix their signatures below effective January 11, 2022.

For Montclair State University

 01/11/2021

David Vernon, VP for Human Resources

For AFT Local 1904



A. David Trubatch, VP for Negotiations

**Memorandum of Agreement**

between Montclair State University (the University) and AFT Local 1904 (the Local)

Impacts of COVID-19 Vaccination Requirements – Provision 4 Addendum

The University and the Local agree to replace Provision 4 of the 11 January 2022 Impacts of COVID-19 Vaccination Requirements - Amendment with the following:

4. In furtherance of Article VIII (“Union-Employer Information Exchange”) of the State-Wide Agreement between the Council of State College Locals and the State of New Jersey, the University Administration shall provide designated officers of Local 1904 with information on employee compliance with COVID-19 vaccination requirements as follows:

a. An electronic spreadsheet in a standard format, updated daily (Monday to Friday), that lists all employees in the Unit represented by the Local who have not updated their COVID-19 vaccination history as per (1)(a). In the event that all employees in the Unit have updated their COVID-19 vaccination history as per (1)(a), the University Administration will notify the Local, and no further reporting shall be required.

b. An electronic spreadsheet in a standard format, updated not less frequently than each seven days, with a first version no later than, February 28, 2022, that lists all employees in the Unit who will be non-compliant with the University’s COVID-19 vaccination requirement policy if they take no further action regarding vaccination, as well as the projected date that they will be out of compliance and therefore subject to a warning notice as per Provision 3.

c. An electronic spreadsheet in standard format that lists all warning letters and disciplinary notices regarding COVID-19 vaccination policies, with entries added no less than five (5) business days before the communication is sent to an employee in the Unit. Upon request of a designated officer, the Division of Human Resources will provide an electronic copy to the officer of any letter or notice.

*Qiana Watson*  
On Behalf of the University

Print: Qiana Watson

Date: 2/23/2022

*A. David Trubatch*  
On Behalf of AFT Local 1904

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