

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](#)¹. 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.

¹ <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