

Memorandum of Understanding H
to the Agreement by and between
Lake Washington Institute of Technology
District No. 26
and the
International Union of Operating Engineers
Local No. 302
Effective October 4, 2021

The following is agreed to by the Lake Washington Institute of Technology and the International Union of Operating Engineers (“Union and Workers”) for the 2021-2022 academic school year in order to provide the safest work and learning environment for employees and students during the COVID-19 pandemic.

1. Public Health and Safety Requirements

The College will follow public health and safety requirements and guidelines including those established by the CDC, Department of Health (DOH) and Labor and Industry (L&I) COVID-19 Requirements for the 2021-2022 Academic Year.

2. Personal Protective Equipment

The College will provide PPE per CDC guidelines. A face shield is available upon request. The College will provide all other PPE required by DOH, L&I and/or OSHA for the employee’s job responsibilities, working conditions and circumstances. Staff may request additional PPE (goggles, non-surgical N95 masks, or other appropriate barrier, etc.) through their Supervisor based on their assignment. The college will continue to enforce masking wearing in all college facilities in accordance with the August 23, 2021 indoor mask mandate.

3. Accessing Vaccinations

In recognition of the new requirements and conditions of employment that all employees receive the COVID-19 vaccination, the parties agree to the following:

The College will release employees for 3.5 hours with pay who have scheduled vaccination appointments during their normal working hours. Employees must notify their supervisor as soon as reasonably possible. The release time will be granted with permission of the supervisor and pending coverage of employee’s duties.

Employees that become ill after receiving the COVID-19 vaccine, including the booster vaccination, will have up to two days of paid administrative leave and will not have to utilize sick time. These days must be used up to three days following the vaccination appointment. Documentation may be required.

4. Vaccination Verification Process

An executive order in the state of Washington requires employees to have a COVID-19 vaccine as a condition of employment with the College. Human Resources will accept verifications. The College will set a secure place to store the personal vaccination health information of employees and not share the information with any outside entities. The College will accept the following forms of verification noted on the Human Resources Memo dated September 1, 2021.

Proof of vaccination

- a. CDC COVID-19 Vaccination Card or photo of the card; or
- b. Documentation of vaccination from a health care provider or electronic health card; or
- c. State immunization information record; or
- d. Employees vaccinated outside the U.S. may show a reasonable equivalent of these documents

5. Vaccination Exemption Process

Medical Exemption. If approved, medical exemptions will be treated through the College established medical accommodation process and the College will determine whether an effective reasonable accommodation exists to allow the employee to perform the essential functions of their job.

Religious Exemptions. An employee who has a sincerely held religious belief that prevents them from being vaccinated against COVID-19 must request an exemption by submitting the Religious Exemption form to Human Resources. The employee must provide all information reasonably needed to evaluate the request. The employer will follow the AG guidance to evaluate the request. If approved, religious exemptions will be treated through the College established religious accommodation process and the College will determine whether an effective reasonable accommodation exists to allow the employee to perform the essential functions of their job.

Documentation of requests. Approvals or denials of the exemption and/or accommodations will be issued in writing and cannot be appealed. The information will be kept in a secure and confidential location.

6. Accommodations

The college supports accommodations that allow employees to work productively while taking into consideration the guidelines per #1 above. Both parties agree that a shift change to days/times that the campus is closed is the most logical option as a possible accommodation for a non-vaccinated classified member with a qualifying exemption. The accommodation must be sustainable for the college and job duties. No member currently working shifts on days/times that the campus is closed will be displaced by these accommodations.

If an employee is moved to a shift that pays a shift differential as part of the accommodations process, they will be paid the shift differential.

The college reserves the right to rescind the accommodation should working conditions and/or program demand change, including an increase in on-campus classes and college activities that require on-campus participation. The accommodation will be reviewed every quarter. Should the accommodation be rescinded due to changing college decisions, and if the classified member gets vaccinated, the classified member would retain reversion rights to their original or similar position on campus.

7. Labor and Industry claims

No member will be denied their right to Labor and Industry claims by Lake Washington Institute of Technology for vaccination issues.

8. Employees Without Proof of Vaccination

If an employee receives the first dose by September 24 but is not fully vaccinated by October 18, 2021, the employee will be able to work remotely (if available) to the end of day, November 1, 2021. If the employee does not provide proof of full vaccination by November 1, 2021, the employee will be separated with no reversion rights.

If an employee is not fully vaccinated by October 18, 2021, they will be placed on Leave of Absence (LOA) Without Pay. A status change effective October 19, 2021 not to exceed December 31, 2021 will be submitted to Payroll by October 18, 2021. Benefits coverage will end effective November 1, 2021. (If an employee on LOA gets fully vaccinated and returns to paid status for at least 8 hours in November, health care coverage will continue). They may choose COBRA to self-pay for benefits through the Health Care Authority. Accrued leave balances will remain in place during this time.

If the employee is not approved for an accommodation and the employee chooses to receive a vaccination, a letter of intent to receive a vaccination is due by October 18, 2021. If the employee fails to be fully vaccinated by December 31, 2021, the employee will be subject to non-disciplinary termination. Failure to submit a letter of intent by October 18, 2021 will lead to separation with no reversion rights.

If the vaccine mandate is lifted or the employee has proof of vaccination by December 31, 2021, they will have access to recall per Article 5 of the CBA if positions are available. The layoff pool for purposes of this MOU will expire August 1, 2023.

Restoration of Seniority and Benefits. Upon returning to work for the Employer under this provision, an employee on LOA shall have all previously accrued leave in place at the time of the Leave of Absence and seniority restored. The employee shall not accrue benefits or seniority while on Leave of Absence.

9. Workload Increases

If an existing employee is asked to work overtime, they will be compensated per the CBA. The unions and the college will meet following the October 18th deadline to review where workload increases have occurred due to employees not meeting the vaccine mandate timeline. Management agrees to post truly vacant positions as quickly as possible after October 18, 2021.

10. Vaccine Incentive

After October 19, 2021 and no later than December 15, 2021, eligible employees' leave accounts will be credited one (1) personal leave day. We suggest that the personal leave day be taken between December 23 through December 30; however, it may be taken with supervisor approval anytime before June 30, 2022.

11. Retirement-Eligible Employees

If an employee is not fully vaccinated by October 18, 2021 and they are qualified to retire based on state requirements, and they have officially submitted retirement paperwork to LWTech by October 18, 2021, with the intent to retire by the end of December 31, 2021, the employee may use accrued leave or leave without pay until their retirement date.

The parties will continue to monitor the situation and the impact of COVID and reconvene as necessary to discuss. The parties will use the guidance and directives from local authorities including state government officials, the Department of Health, and the State Board of Community and Technical Colleges. Subject to changes in working conditions related to the reopening of the College, the Union reserves the right to impact bargain.

INTERNATIONAL UNION OF
OPERATING ENGINEERS,
LOCAL NO. 302

LAKE WASHINGTON INSTITUTE
OF TECHNOLOGY, DISTRICT NO. 26

Dated: 10/08/2021

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By: Benjamin Hartman
Ben Hartman, Business Representative

By: Amy M. Morrison
Dr. Amy Morrison, President