

**MEMORANDUM OF AGREEMENT
BETWEEN
THE BROOKLINE SCHOOL COMMITTEE**

AND

**BESA, BUILDING SERVICE EMPLOYEES, SCHOOL FOOD SERVICE EMPLOYEES,
AFSCME, COUNCIL 93, LOCAL 1358**

COVID-19 VACCINE, OCTOBER 2021

This **MEMORANDUM OF AGREEMENT** is entered into by and between the Brookline School Committee (“Committee,” “Employer” or “District”) and AFSCME Council 93, Local 1358, (“Union” or “AFSCME”), collectively referred to as the “Parties”, after having engaged in good faith negotiations regarding a COVID-19 vaccine mandate;

WHEREAS, the District has hosted multiple vaccination clinics since the 2020-2021 school year and whereas the District has continued hosting such clinics and has continued to encourage vaccination for individuals eligible to be vaccinated;

WHEREAS, the District continues to follow the directives of the local Board of Health in COVID-19 contact tracing and has continued to report positive COVID-19 cases on the District’s website;

NOW, THEREFORE, the Parties agree as follows:

1. Vaccinations:
 - a. Understanding that vaccinations are a critical health and safety precaution against COVID-19, the parties will require all employees represented by AFSCME to be fully vaccinated against COVID-19 by November 1, 2021 and to provide proof that they have done so, unless they are exempt, as discussed below.
 - b. To establish that employees have received a vaccine, they will need to submit a copy of the vaccination receipt they received when vaccinated or an equivalent document obtained from the entity administering the vaccine to the District’s Human Resources Director prior to November 1, 2021 through the District’s confidential Vaccination Disclosure Google form. The verification must identify the employee by name, the date the vaccine dose was/doses were administered, and whether the individual has completed the vaccination regimen or requires an additional dose. If the vaccination receipt provides any other information pertaining to the employee’s health condition, the employee may redact that information on a copy of the receipt.

- c. Vaccination status and exemptions will be kept confidential to the Superintendent, Director of Human Resources, building principals, Health Services Coordinator, and school nurses. Information will be stored in an employee's confidential medical file.
- d. The Employer will comply with federal and state law with respect to vaccination exemptions for medical or religious reasons. Requests for exemptions shall be submitted to the Human Resources Director.
- e. If an unvaccinated employee has tested positive for COVID-19 within the past 90 days and cannot yet receive the vaccine due to treatments or complications, the reason for the delay in vaccination must be documented with a doctor's note that includes the dates of illness. Such employees will be responsible for documenting their vaccination as soon as medically possible.
- f. If employees are granted an exemption to the vaccine mandate, as discussed above, the employer will not take retaliatory action against them. Provided, however, that it is understood that regardless of why an employee does not receive the vaccine, such employee may be required to continue adhering to safety precautions - including but not limited to mask wearing - even after those precautions are no longer in place for vaccinated individuals, and that those precautions do not constitute retaliation.
- g. All employees, including those employees who have an approved exemption from vaccination, shall comply with the Committee's Policy on Face Coverings, Policy E.4.f., and the Committee's Staff COVID-19 Vaccination Policy, Policy G.4.r.
- h. If an employee is not in compliance with the Committee's Staff COVID-19 Vaccination Policy, Policy G.4.r, the employee may be subject to progressive discipline up to and including termination.
- i. An employee who does not submit proof of vaccination by November 1, 2021 and has not submitted documentation seeking approval for a medical or religious exemption by November 1, 2021 may be subject to discipline up to and including termination from employment. If an employee is seeking medical exemption and needs additional time beyond November 1, 2021, the employee will communicate with Human Resources to request an extension.
- j. Unvaccinated employees should communicate with Human Resources as soon as possible if they plan to become vaccinated and shall provide updated information regarding their vaccine status on the Google form as required in Section 1.b. of this Agreement.

2. COVID Viral Testing

- a. Notwithstanding the Committee's policy, an employee who has an approved exemption from vaccine shall be required to provide one negative PCR test per work week (or partial work week). For an employee with an approved exemption who cannot obtain testing from one of the no cost testing sites in the state, and the employee does not have health insurance coverage for such testing, and the District

does not provide testing for the employee through the District or a partner, the Committee will reimburse the employee for the cost (or co-pay) for the required PCR test until the implementation of the pooled testing program in subsection b below.

- b. If the District implements a surveillance/pooled testing program for COVID-19 that includes employees, all employees who have an approved exemption from vaccination shall participate in the District's surveillance/pooled testing program. Such surveillance/pooled testing will satisfy the test in subsection a above.
3. In the event that the state does not extend the Massachusetts COVID-19 Temporary Emergency Paid Sick Leave Program beyond April 1, 2022 or does not establish a new sick leave benefit for employees related to COVID-19, the Committee shall extend the deadline from April 1, 2022 through June 15, 2022. The Committee will provide full pay to employees during leave taken pursuant to the Massachusetts COVID-19 Temporary Emergency Paid Sick Leave Program ("PROGRAM"). Leave taken under the PROGRAM will be retroactive to the beginning of the 2021-2022 school year. An employee requesting COVID-19 sick leave through the PROGRAM must provide documentation to the Human Resources Director substantiating one or more of the reasons listed below. COVID-19 sick leave may be used for any of the following purposes:
- a. an employee's need to:
 - i. self-isolate and care for themselves because they have been diagnosed with COVID-19;
 - ii. get a medical diagnosis, care, or treatment for COVID-19 symptoms; or
 - iii. get or recover from a COVID-19 immunization;
 - b. an employee's need to care for a family member who:
 - i. must self-isolate due to a COVID-19 diagnosis;
 - ii. needs medical diagnosis, care, or treatment for COVID-19 symptoms; or
 - iii. needs to obtain or recover from a COVID-19 immunization;
 - c. a quarantine order or similar determination regarding the employee by a local, state, or federal public official, a health authority having jurisdiction, the employee's employer, or a health care provider;
 - d. an employee's need to care for a family member due to a quarantine order or similar determination regarding the family member by a local, state, or federal public official, a health authority having jurisdiction, the family member's employer, or a health care provider.

This Memorandum of Agreement is subject to ratification by the Board of Local 1358 and approval by the Brookline School Committee.

Agreed to on the date(s) indicated below. The Parties' electronic signatures shall be deemed authentic signatures.

Agreed to by the negotiating teams for the Parties on this ____ day of October 2021.

Brookline School Committee

Building Services Employees
AFSCME Council 93, Local 1358

/s/ Suzanne Federspiel
Suzanne Federspiel, Chair

/s/ Michael Fallon
Michael Fallon, President