

Memorandum of Agreement
between Montclair State University (the University)
And
AFT Adjunct Unit Local 6025 (Local 6025)
on Impacts of COVID-19 Vaccination Requirements

The University Administration has implemented an Employee COVID-19 Vax Check and Vaccination Policy (Policy), including, among other provisions, requiring that University adjunct faculty represented by Local 6025 (employee or adjunct faculty) must report their vaccination status to the University and be vaccinated against COVID-19, subject to certain exemptions as provided for under law. Some impacts and procedures related to implementation of such Policy are subject to negotiation with Local 6025 as collective negotiations agent.

Therefore, in the interest of the health and safety of the entire Campus community, **the University and the Local 6025 agree to the following:**

1. Reporting and Verification of Vaccination Status

- a. Adjunct faculty are subject to the Policy and must complete Vax Check and provide proof of complete vaccination (as defined below).
- b. All employees must report their vaccination status via the University's Vax Check Web portal (Vax Check). For academic term commencing September 1, 2021 (Fall 2021), the University required all employees must complete this report no later than September 10, 2021, at 5 pm. Adjunct faculty may update their vaccination status or related materials at any time via Vax Check.
- c. University-email accounts are provided to all employees as the official University email communication method with employees; adjunct faculty are responsible to establish, maintain and monitor their University-email account.
- d. Adjunct faculty 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.
- e. For Fall 2021, adjunct faculty that have not reported their vaccination status by October 1, 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 (2) 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 1b.
 - 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.

- 1 iii. An adjunct faculty member's compensation will be forfeited for any/all sections the employee is assigned to
2 teach (irrespective of teaching mode) while on an unpaid leave of absence. An adjunct faculty member that
3 has taught 0 to 12 semesters will forfeit \$163.00 for each 3-TCH course that meets twice a week or \$326.00
4 for each 3-TCH course that meets once a week for failing to adhere to the Policy. An adjunct faculty member
5 that has taught 13 or more semesters will forfeit \$168.00 for each 3-TCH course that meets twice a week or
6 \$336.00 for each 3-TCH course that meets once a week for failing to adhere to the Policy.

7 2. *Vaccination Requirement*

- 8 a. Adjunct faculty shall obtain a completed course of vaccination for COVID-19 as approved for such purpose by
9 the US FDA (complete vaccination), including approval under Emergency Use Authorization, and upload proof
0 of vaccination, as specified in 1d. For Fall 2021 the deadline to obtain a completed course of vaccination for
1 COVID-19 is no later than December 15, 2021 at 5 pm. Complete vaccination means having received two doses
2 of the Pfizer or Moderna vaccine or one dose of the Johnson & Johnson (J&J/Janssen) vaccine, or as otherwise
3 specified by standard medical-practice guidelines. Adjunct faculty teaching fully online and who are not required
4 to be on campus are not required to be vaccinated.
- 5 b. The University will notify an employee via email within five business days of submission if the proof of
6 vaccination is deemed to be inadequate or incomplete, including any specific defect in the material submitted.
- 7 c. In order to request an exemption from the vaccination requirement for religious reasons protected by Title VII of
8 the Civil Rights Act, or due to a health condition protected by the Americans with Disabilities Act, an employee
9 must complete and upload a COVID-19 Vaccination Waiver Form via Vax Check. For Fall 2021, adjunct faculty
0 must complete and upload the COVID-19 Vaccination Waiver Form no later than October 1, 2021, at 5 pm.
- 1 i. For Fall 2021, no new applications for exemption will be accepted after October 1, 2021 at 5 pm.
2 ii. The University will review each application and will contact the employee within five business days of
3 receipt to request any supporting documentation, or to provide notice that the application is complete as
4 submitted.
5 iii. An application will be deemed to be complete the earlier of: the University providing notification to the
6 employee that the application is complete; or, upon receipt and review of the supporting documents by the
7 University, ten business days following the initial request from the University for supporting documentation.
8 iv. The University will provide a response to the employee within five business days of receipt of a completed
9 application, including supporting materials.
0 v. If the University denies a request for exemption, the denial will include a written specification of defects in
1 the application. Upon receipt of notice that an application for exemption has been denied, an employee may
2 submit an amended application within ten business days. No more than one amended version of an
3 application for exemption may be submitted.
4 vi. The term of approval for an exemption is up to 180 days.
5 vii. No less than 30 days from the expiration date of an exemption, the University will provide notice via
6 University e-mail of the upcoming expiration. An employee may apply for a new term of exemption by
7 submitting a new complete application within 30 days of the receipt of notice of the upcoming expiration.
8 viii. The application form and documentation requirements shall be agreed to by the Parties.
- 9 d. For Fall 2021, effective Friday, October 1, 2021, adjunct faculty who are not completely vaccinated, including
0 employees with an approved exemption from the vaccination requirement, shall comply with University health
1 and safety protocols for unvaccinated employees (including Coronavirus Testing), or be subject to progressive
2 discipline up to, but not including, termination.
- 3 e. For Fall 2021 adjunct faculty that do not submit proof of completed vaccination using Vax Check by December
4 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 1d) 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. For Fall 2021, 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. *Reporting and Verification of Vaccination Status – Academic Terms Commencing January 1, 2022*

- a. All adjunct faculty offered an adjunct contract for any academic term commencing January 1, 2022, and thereafter, must comply with Section 1, Reporting and Verification of Vaccination Status and Section 2, Vaccination Requirement no later than ten (10) business days prior to the first day of the academic term.
- b. Upon submitting proof of completed vaccination according to Section 2a and 2b, Adjunct Faculty shall not be required to resubmit proof of completed vaccination in order to be eligible to teach in subsequent academic terms.
- c. Failure by an adjunct faculty employee to comply with paragraph 3a, above, will result in cancellation of their contract and forfeiture of any course cancellation compensation as provided in Article XIII.2.D. & E. of the collective negotiations agreement between the State of New Jersey and the Council of New Jersey State College Locals.

4. *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.

5. *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 5d and, therefore, employees are not required to inform others, including neither their supervisor nor co-workers, that they have tested positive for coronavirus.

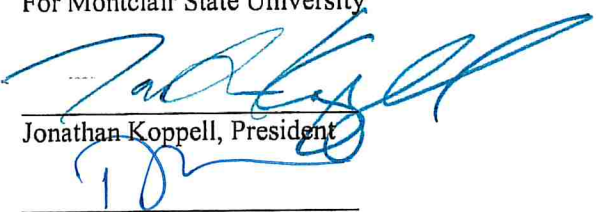
6. *Self-Isolation*

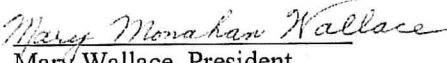
- a. If an employee is required to self-isolate according to University protocol at the direction of the Occupational Health Department, the supervisor will be informed that the employee has been instructed to self-isolate without disclosing the underlying reason.
- b. During self-isolation directed 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.
7. 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 6025 of such revisions or amendments before such notification is disseminated to the campus community.
8. 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 Local 6025, including the Local Selected Procedures Agreement.

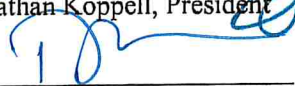
In WITNESS HEREOF, the University and Local 6025 have acknowledged their understanding of this Memorandum of Agreement and affix their signatures below effective September 28, 2021.

For Montclair State University

For AFT Local 6025


Jonathan Koppell, President


Mary Wallace, President


David Vernon, VP for Human Resources