This Memorandum Of Understanding (MOU) between the Agency and IFPTE Local \_\_ is the fully executed agreement related to the provisions of the Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees, dated September 9, 2021 (“Executive Order”), requiring all Federal Employees to become vaccinated or receive an appropriate exception to curb the COVID-19 virus pandemic, which has been deemed by the Centers for Disease Control (CDC) as a highly infectious disease and a public health emergency.

The parties have agreed, in an effort to stem the spread of this public health emergency and to comply with the issued Executive Order, to the following provision and processes:

 **Section A: Vaccination Protocol**

1. The Agency shall disseminate information to employees regarding locations and facilities for employees to receive vaccinations.
2. Employees shall be granted X hours of Administrative Paid Leave for the purpose of receiving vaccination(s).
3. The parties acknowledge that the cost of vaccination is borne by an employee’s applicable healthcare policy, and shall be free of charge for the individual employee.
4. Should an employee have an adverse reaction to the vaccine, the employee shall be granted up to 3 paid administrative leave days for recovery.
5. Upon returning to work, the employee shall provide a copy of their vaccine documentation to the agency in the form of a CDC vaccination card or medical health record.
6. This process shall follow for first, second (for Moderna and Pfizer vaccinations), and if required, any booster vaccinations.

 **Section B: Religious Exception**

The Executive Order allows for employees to seek an exemption to the vaccination requirement based upon sincerely held religious beliefs. The Agency and the Union agree to the following process:

1. The Agency shall designate \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (specific individual or department) to receive requests for religious exceptions.
2. The exception request, shall be submitted on a form jointly created by the Agency and the Union (attached to this MOU as Appendix 1), and shall contain all necessary information to facilitate review for exceptions.
3. An employee denied an exception shall have 3 working days to cure the issue for the denial. During this appeal period, the employee shall not be disciplined for noncompliance.
4. Should an employee be denied an exception, the employee will be granted 2 weeks to comply with the vaccination provisions established in Section A. During this period, the employee shall not be disciplined for noncompliance with the EO.
5. The Agency shall provide masks, shields, sanitizer for employee receiving exemption.
6. The employee shall disinfect their work area prior to leaving for the day with materials supplied by the Agency.
7. The employee shall be responsible for receiving required Covid testing and submitting results to the designated agency personnel in accordance with the Executive Order.
8. The exempted employee shall receive time without loss of pay or benefits to be tested. The agency shall be responsible for all expenses related to routine testing.

 **Section C: Medical Exemption**

 The Executive Order allows for employees with underlying or pre-existing health conditions be medically excepted from receiving the vaccine and/or receive appropriate accommodations.

1. The Agency shall identify and designate a qualified Medical Professional to receive and review medical exception/accommodation information.
2. Information provided shall be on a form jointly created and agreed to by the Agency and the Union, attached to this MOU as Appendix 2.
3. The Employee may grant authority to the Agency Medical Professional to correspond with their physician to facilitate exemption.
4. Should an employee be denied due to a lack of information, the agency shall inform the employee of the missing required information.
5. The employee shall have 3 business days to provide additional requested information. During this period, the employee shall not be deemed non-compliant and be subject to discipline.
6. If the employee is approved for the exception, the Agency shall provide a letter of exception to the employee.
7. The Agency shall provide to an employee who has been formally excepted from the vaccination requirement: masks, shields, sanitizer and other personal protective equipment to assist in maintaining a safe working environment.
8. An employee formally excepted from the vaccination requirement shall be required to disinfect their work area at the conclusion of the work day with Agency-provided materials.
9. The exempted employee shall receive time without loss of pay or benefits to be tested for Covid-19. The agency shall be the responsible party for all expenses related to routine testing.
10. Should an employee be denied an exception to the vaccination requirement, the employee shall be granted two weeks from the denial of the exception, or the deadline given in the Executive Order, whichever date falls later, to comply with the vaccine procedure as detailed in Section A. During this two-week period, the employee shall not be deemed non-compliant with the order nor shall they be subject to discipline for the reason of non-compliance with the vaccination Executive Order.

 **Section D: Discipline**

1. Any and all discipline related to an employee’s failure to comply with the Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees shall be corrective and progressive, with opportunities at any step for the employee to become compliant with the provisions of the Executive Order.
2. Any discipline shall be subject to the Negotiated Grievance Process or process agreed between
the parties.
3. Should an employee be found to be ineligible for exception as outlined in Section B and C and refuse to comply with the Executive Order, or refuses outright to comply with the provisions of the Executive Order, the Agency will impose the following disciplinary procedures:
4. For the first refusal to comply, the employee shall receive Five (5) days of counseling and education on the benefits of vaccination along with the directives prescribed in the Executive Order. The employee shall be subject to routine testing without loss of pay and/or benefits. The Agency shall be the responsible party for all expenses related to testing. During this period, the employee shall be required to wear all Agency-provided protective equipment and sanitize their work area.
5. The second offense may result in the employee being placed on paid administrative leave for a period of five (5) work days. The Agency shall make relevant counseling and education available to the employee during this period.
6. Upon the completion of the paid leave in (B), if an employee again refuses to comply with the Executive Order, the employee must return to work for additional counseling and education and shall then be placed on an unpaid suspension for a period of up to Five (5) work days. The Agency shall also make relevant counseling and education available to the employee during this unpaid leave period.
7. At the end of the unpaid suspension period in (C) above, the employee shall undergo Covid-19 testing and, if the employee tests negative for the disease, shall return to work. The employee shall provide the designated office with the negative test results. If the employee tests positive, they shall be placed on sick leave until such time the employee is cleared for work, i.e. a negative test result and the CDC-recommended quarantine period.
8. Following the return to work in (D), an employee will again be asked by the Agency to comply with the Executive Order. Should the employee again refuse to comply, the employee shall be required to receive counseling and education for a period of three (3) work days. The employee will be subject to Covid-19 testing at the Agency’s expense during this period. The employee shall be required to wear all Agency-provided protective equipment and to sanitize their work space during this period.
9. Following the counseling period in (E), the Agency shall ask the employee whether the employee has taken steps to comply with the Executive Order, and shall ask for documentation. Should the employee demonstrate continued refusal to comply at the end of the three (3) work day period, the Agency shall place the employee on an unpaid suspension of no more than five (5) days.
10. Following the unpaid suspension in (F), the Agency shall again ask the employee whether the employee has taken steps to become fully vaccinated and shall ask for documentation. Should the employee fail to show such documentation and demonstrate continued refusal to comply with the Executive Order, the Agency shall place the employee on an unpaid suspension of no more than five (5) days. The employee shall be required to provide a negative Covid-19 test result to the designated Agency office in order to return to work. The Agency shall be the responsible party of expenses related to testing.
11. The Agency may use its discretion in the number of consecutive days it places an employee on unpaid suspension and the number of days the employee returns to work for counseling and education following a negative Covid-19 test. However, in no case shall the total number of days that an employee is placed on an unpaid suspension for refusal to comply with the Executive Order requiring vaccination exceed fourteen (14), and in no case shall the number of consecutive days an employee returns to work for counseling and education, with appropriate masking, physical distancing, and testing protocols, exceed three (3). As such, if the maximum five-day suspension has already been exercised twice, the maximum third suspension shall be no more than four (4) days.
12. Following the exhaustion of up to 14 days unpaid suspension, the Agency shall start the removal process for an employee who continues to refuse to comply.
13. At any time during the progressive disciplinary process, the employee may start the vaccination process. In this event, discipline shall be held in abeyance for a reasonable time of up to six weeks. If the employee fails to become fully vaccinated within the established timelines following the first vaccination (for Moderna and Pfizer), the employee will be deemed to have defaulted on their compliance, at which point discipline may be reinstated.
14. If the employee becomes fully vaccinated during any step in discipline process, the employee shall be deemed to be Fully Compliant with the Executive Order.
15. Any discipline related to the Executive Order imposed on an employee who then becomes fully compliant with the requirements of the Executive Order shall be removed from the employee’s personnel record and such refusal to comply or related discipline shall not be used in any future disciplinary and/or administrative action(s) against the employee.