

MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT is entered into by and between the Board of Higher Education (the “Board”) on behalf of the State Universities(State University or State Universities) and the American Federation of State and County and Municipal Employees Council 93, Local 1067 (the “Union”) (collectively, the “Parties”) on the dates written below.

WHEREAS, the Parties recognize that the global coronavirus pandemic has led to unprecedented health and safety concerns;

WHEREAS, the Parties met to discuss and resolve their COVID related health and safety concerns following the spread of highly contagious COVID variants.

NOW, THEREFORE, the Parties agree as follows:

1. At a state university that institutes a mask-wearing policy, all unit members, regardless of vaccination status, shall wear a mask or cloth face covering over their mouth and nose in non-private spaces inside campus buildings or indoor facilities or university transportation. Should circumstances change that result in an expansion or reduction of a mandatory mask requirement at a state university, that state university shall provide five (5) days’ notice of such change to the unit members and the Union,. Both parties shall retain any and all rights to address any proposed change.
2. Unit members seeking exemption from wearing a mask or cloth face covering due to medical reasons shall seek accommodation through the state university’s ADA process.
3. The state university will have available masks for people who have forgotten or lost their masks, or whose masks have been damaged, in addition employees may request heightened PPE (such as face coverings, face shields, gowns), if their job duties require such equipment in accordance with state or federal guidance or regulation.
4. Unit members shall inform students and office visitors that they are required to wear a face covering, but shall not be expected to enforce the requirement unless the unit member is addressing a subordinate or exercising the authority of their position. If a student or visitor refuses to wear a face covering after being informed of the face-covering policy by the unit member, the unit member shall instruct the student or visitor to leave the member’s work area. If the student or visitor refuses to comply, the unit member shall inform a supervisor and appropriate university personnel and remove themselves to a safe distance from the student or visitor. Student refusal to wear a mask will be treated as a student conduct violation and be addressed through the code of conduct mechanisms at the university. The university will work with the local Union Stewards to address situations in which Union members may be on campus working in

close proximity with people who have been approved for an accommodation of not wearing masks.

5. Acknowledging the importance of wearing face coverings, the Union agrees that the employer will progressively impose discipline upon a unit member who is not exempted and who does not comply with this or any other requirement to wear a face covering. An oral warning will be imposed by the supervisor in consultation with Human Resources for the first instance of a unit member being observed without a face covering. The Local Union Steward shall be informed. A written warning will be imposed for the second infraction. A one-day suspension will be imposed for the third infraction. A two-day suspension will be imposed for the fourth infraction. Upon a fifth infraction the unit member will be subject to discipline under Art. 28 of the Parties' collective bargaining agreement. The university human resources department is responsible for maintaining records of all infractions of this MOA.
6. The state universities shall endeavor to ensure ventilation in workspaces meets ASHRAE standards where practicable.

WHEREFORE the Parties hereto hereunder set their signs and seals as follows:

BOARD OF HIGHER EDUCATION

AFSCME Council 93, Local 1067

Michael J. Murray
Michael J. Murray, Esq.
Director of Employee and Labor Relations
Date: August 31, 2021

Kimberly Sylvia
Kimberly Sylvia
Coordinator Higher Education
August 31, 2021

Thomassine Corbett
Thomassine Corbett
President Local 1067
August 31, 2021