

MEMORANDUM OF UNDERSTANDING
Between Montgomery County Public Schools
And
Montgomery County Education Association

Regarding: COVID-19 Vaccination and Testing

This Memorandum of Understanding (“Agreement”) is made and entered into by and between the Board of Education of Montgomery County (“Board”), Maryland and the Montgomery County Education Association (“MCEA”), collectively (“the Parties”).

Whereas, the Parties recognize that the Centers for Disease Control and Prevention (“CDC”) advises that COVID-19 can cause serious, life-threatening complications, up to and including death, and there is no way to know with certainty in advance how COVID-19 will affect an individual. Further, an individual infected with COVID-19 could spread the virus to friends, family, co-workers and others around them, which could create a serious threat to life and safety.

Whereas, in consideration of the ongoing COVID-19 pandemic and growing concern regarding increased infections and hospitalizations from the highly contagious Delta variant, the Parties believe it is in the best interest of the employees of the Board to adopt a mandatory COVID-19 vaccination program to continue the effort of maintaining a safe workplace for our employees, students, and those who visit the public school buildings.

Therefore, the Parties agree to the following:

1. The Board may begin requiring mandatory proof of vaccination for Employees effective August 23, 2021. Satisfactory proof of vaccination shall include a state-issued Department of Health Certificate of COVID Vaccination, a vaccination verification provided by the employee’s health insurance provider, or a letter from the employee’s primary care physician attesting to the employee’s vaccine status. A handwritten vaccination card will be accepted as temporary verification only through September 22, 2021, in order to allow currently vaccinated employees time to obtain the written proof of vaccination mentioned above and will be accepted as temporary verification for thirty days after the date a currently unvaccinated employee completes the full course of the vaccination in order to allow sufficient time for the employee to obtain the written proof of vaccination mentioned above. Employees who provide adequate proof of vaccination shall not be required to undergo regular asymptomatic testing as described in paragraph 3.
2. The Board may require any eligible employee to receive a vaccination booster and provide proof of the booster vaccination. Any employee who fails to undergo the booster vaccination shall be required to undergo regular asymptomatic testing as described in paragraph 3. The vaccination card will be accepted as proof of vaccination until thirty days after the electronic certificate becomes available.
3. Effective August 23, 2021, all unvaccinated employees are required to undergo regular asymptomatic PCR testing provided once per week, and as applicable, quarantine and isolation

consistent with agreed upon protocols. Rapid COVID testing and home test kits will not satisfy the testing requirement. The parties agree to meet to discuss the asymptomatic testing program once MCPS is reasonably aware of the number of unvaccinated employees. Until the MCPS asymptomatic testing program can be implemented, unvaccinated employees shall be individually responsible for complying with the weekly testing requirement and shall electronically submit the test results to a central MCPS repository through a secure platform. An unvaccinated employee who obtains the vaccination may provide proof of completion, in accordance with paragraph 1, of the full course of the vaccination and will thereafter be relieved of the obligation to undergo regular asymptomatic testing.

4. It is highly recommended that anyone who seeks a vaccination consult with their healthcare provider regarding whether to obtain a COVID-19 vaccination if they have not already done so. Consultation with a healthcare provider is not required to satisfy the vaccination requirement under this agreement.
5. Proof of vaccination and/or booster or medical exemption will be electronically submitted directly by the Employee to a central MCPS repository through a secure platform. The Board will store any records of COVID vaccination status that it receives in a confidential, secure medical record maintained separately from personnel files, and will limit access to that information to the extent possible to health professionals, those involved in the process of contact tracing, designated IT professionals whose services are necessary to maintain the document repository, those involved in coordinating MCPS' testing and/or vaccination efforts, and those involved in the leave or pay approval process..
6. The Board may use and disclose vaccination information that it receives for its legitimate business purposes, provided appropriate confidentiality protections are in place. Legitimate business purposes may include but are not limited to: protecting the health and safety of students, employees, and community members, those in the workplace, and business partners; managing employee leave, benefits, and accommodations; ensuring compliance with Board policies; and meeting legal and regulatory requirements. The Board will obtain the employee's consent when required to do so by applicable state or federal law before disclosing vaccination records to third parties.
7. Employees who are unable to receive the vaccine and/or the vaccination booster outside of the duty day shall receive up to a maximum of two hours of unusual and imperative leave per vaccination dose if they receive the vaccine and/or booster, and up to four hours on the day immediately after the date upon which the vaccination dose is received to recover from side effects during the time the employee is scheduled to work. The Board's timekeeping policies apply to the recording of vaccination time; the record must be accurate and must include all time spent obtaining the vaccine.
8. (a) A vaccinated employee or an unvaccinated employee with an approved medical exemption who contracts COVID shall receive unusual and imperative leave for up to 80 hours during the individual's scheduled duty days, not to exceed a period of ten total days, to allow the employee to isolate as needed.

(b) Unvaccinated employees without an approved medical exemption who contract COVID, or are required to quarantine due to a direct exposure or close contact, shall be required to use sick, annual, personal, or unpaid leave.

(c) An employee who is required to care for a family member who has been ordered to isolate or placed in quarantine because they have contracted COVID or have had a direct exposure or close contact shall receive unusual and imperative leave for up to 80 hours during the individual's scheduled duty days, not to exceed a period of ten total days.

(d) An employee requesting leave to care for a family member shall be required to provide documentation that the family member is required to quarantine or isolate, which will be electronically submitted directly by the employee to a central MCPS repository through a secure platform. Acceptable documentation may include a positive COVID test result, an order from the employee's home state, or a letter from the individual's physician.

(e) "Family" for the purposes of this section shall be defined as a spouse, child, parent, adult child incapable of self-care, sibling, or anyone who regularly lives in the employee's household, for whom the employee has a durable medical or personal representative power of attorney, or who raised the employee in lieu of a parent.

9. Effective August 30, 2021, new hires or rehires must present documentation of a completed COVID-19 vaccination series to the Board prior to their orientation date prior to starting employment or submit to regular asymptomatic testing in accordance with paragraph 4 of the agreement.
10. The Board commits to continuing all COVID-19 mitigation measures as recommended by the CDC and as required by the State of Maryland, the Montgomery County Board of Health, and the Montgomery County Department of Health and Human Services, including but not limited to screening, testing, masking, distancing to the extent possible, ventilation, cleaning and disinfection, and proper implementation of quarantine/isolation policies.
11. No unit member shall be terminated due to illness or absence as a result of their own personal illness as a result of COVID-19 infection, or while caring for an immediate family member as a result of COVID-19 infection, for any reason, including but not limited to the lack of available leave. In situations where the unit member cannot return to work, procedures in place for short-term, long-term, or other qualifying available leave shall be followed.
12. Any employee who chooses not to provide proof of vaccination or submit to weekly testing will have the option to resign without prejudice. The resignation must be submitted by August 30, 2021.

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IN WITNESS WHEREOF, the Parties hereto have caused their names to be subscribed by their duly authorized officers and representatives as of the dates indicated below.


For Montgomery County Public Schools:



Monifa B. McKnight
Interim Superintendent of schools

Date: 8/23/21

For MCEA:



Jennifer Martin
President

Date: August 23, 2021



Heather Carroll-Fisher
Executive Director

Date: August 23, 2021