

**CSUEU/CSU Memorandum of Understanding
CSU COVID-19 Vaccination Interim Policy**

On May 19, 2021, the CSU provided notice to CSUEU regarding a proposed COVID-19 Vaccination Interim Policy. On July 27, 2021, the CSU provided a new notice to CSUEU regarding a proposed COVID-19 Vaccination Interim Policy, which is attached to this Memorandum of Understanding.

The California State University (“CSU” or “Employer”), and the California State University Employees Union (“CSUEU” or “Union”), agree to the following for CSUEU-represented employees:

COVID-19 Vaccination Interim Policy

1. The CSU COVID-19 Vaccination Interim Policy shall be reviewed periodically by the CSU and CSUEU. Should the CSU seek any changes to the policy that are within the scope of representation, the CSU will notice and provide an opportunity to meet and confer over the impacts before implementing the change.
2. CSU COVID-19 vaccination requirements may be implemented when the U.S. Food and Drug Administration (FDA) approves a vaccine under Emergency Use Authorization and it is readily available in the applicable local jurisdiction.
3. CSU may require employees to verify COVID-19 vaccination status in order to enforce health and safety rules in the workplace regarding COVID-19 and to enforce the CSU COVID-19 Vaccination Interim Policy.
 - a. Employees will self-certify their vaccination status. Employees are encouraged to complete their self-certification of vaccination status as soon as possible. However, employees who are not otherwise eligible for an exemption shall have up to eight (8) weeks from the execution of this MOU to self-certify their vaccination status.
 - b. Pursuant to this MOU, campuses may require any or all employees who report they are fully vaccinated or in the vaccination process to provide proof of vaccination.
 - i. Proof of vaccination includes:
 1. COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services, Centers for Disease Control & Prevention or World Health Organization Yellow Card) which includes name of person vaccinated, type of vaccine provided and date last dose administered);
OR
 2. a photo of a Vaccination Record Card as a separate document; OR
 3. a photo of the Vaccination Record Card stored on a phone or electronic device; OR
 4. documentation of COVID-19 vaccination from a health care provider; OR
 5. digital record that includes a QR code that when scanned by a SMART Health Card reader displays to the reader client name, date of birth, vaccine dates and vaccine type.

- c. The self-certification of vaccination status and any related documentation shall be provided to a single contact office on campus or a third-party provider, as determined by the campus.
 - i. The information gathered for purposes of this policy shall be solely maintained by the single contact office or third-party provider. Appropriate Administrators will be informed whether individual employees are permitted to access the campus, and if so, of the applicable health and safety rules in the workplace regarding COVID-19.
 - ii. An employee's Appropriate Administrator will not inquire directly with the employee about their vaccination status.
 - d. Vaccinated employees may voluntarily choose to follow health and safety rules in the workplace regarding COVID-19 for unvaccinated employees if authorized by the President. Face coverings will be provided upon request.
4. Employees shall be required to comply with the CSU COVID-19 Vaccination Interim Policy as a condition of employment.
- a. Employees who are not COVID-19 vaccinated shall be required to follow appropriate health and safety rules in the workplace, as determined by the campus, regarding COVID-19.
 - b. Employees who are not COVID-19 vaccinated and cannot be in the workplace may, at the campus's sole discretion, be permitted assignments which isolate them. Such assignments may include telecommuting.
 - c. Employees are eligible for medical or religious exemptions from COVID-19 vaccination.
 - i. Pursuant to this MOU, campuses may require any or all employees declaring a medical exemption to provide certification.
 - 1. Certification only requires a medical provider's verification that a COVID-19 vaccine is medically inadvisable. There will be no need to identify the employee's diagnosis, disability, or other medical information.
 - ii. The CSU will exempt from vaccination an employee who declares a religious belief that prohibits them from being vaccinated. A religious belief means:
 - 1. a sincerely held religious belief, observance, or practice, which includes any traditionally recognized religion, or
 - 2. beliefs, observances, or practices which an individual sincerely holds and that occupy a place of importance in that individual's life,

comparable to that of traditionally recognized religions.

The Parties agree that after an employee declares a religious exemption, a campus may ask the employee only to certify that their belief complies with this exemption. Campuses can use the attached form to complete this certification or use a campus form with the same content.

- iii. Employees with medical or religious exemptions have the right to continued employment, but may be subject to other safety measures.
 - iv. CSU shall provide copies of all forms used by campuses for certification and any forms used for supporting documentation to CSUEU within seven (7) days of the signing of this MOU.
5. Employees who have been required to receive a COVID-19 vaccine as a condition of employment and suffer an adverse reaction from the vaccination shall be eligible to file a workers' compensation claim.
 6. No employee shall be unlawfully discriminated against because of vaccination status.
 7. CSU shall provide reasonable assistance to employees who have questions about how to complete their certification and/or to those employees who do not have access to the necessary online forms.

Incentives for Vaccination

8. Campuses may provide bonuses, stipends, or other incentives to encourage vaccination which may include previously vaccinated employees.

Effect of Agreement

9. This Memorandum of Understanding and the CSU Interim Vaccination Policy shall not supersede any provision of the CSUEU/CSU Collective Bargaining Agreement.
10. This Memorandum of Understanding shall supersede any conflicting provision of the CSU Vaccination Interim Policy.
11. Other safety measures not specifically identified in the CSU COVID-19 Vaccination Interim Policy will be subject to notice and an opportunity to meet and confer, if required by the Higher Education Employer-Employee Relations Act (HEERA).
12. Violation of this MOU shall be subject to Article 7, Grievance Procedure.

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Final
08/31/2021

For the CSUEU:



[Jessica Westbay \(Aug 31, 2021 17:16 PDT\)](#)

Jessica Westbay
Vice President for Representation



[Tessy Reese \(Aug 31, 2021 17:23 PDT\)](#)

Tessy Reese
Bargaining Unit 2, Chair



[Pamela Robertson \(Aug 31, 2021 17:11 PDT\)](#)

Pam Robertson
Bargaining Unit 2, Vice Chair



[Tyree Mikes \(Aug 31, 2021 19:04 PDT\)](#)

Tyree Mikes
Bargaining Unit 5, Chair



[Don Moreno \(Aug 31, 2021 21:46 PDT\)](#)

Don Moreno
Bargaining Unit 5, Vice Chair



[Dawn McCulley \(Sep 1, 2021 05:05 PDT\)](#)

Dawn McCulley
Bargaining Unit 7, Chair

For the California State University:



[Joseph J. Jelincic \(Aug 31, 2021 16:58 PDT\)](#)

Joseph J. Jelincic III
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Steve James
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08/31/2021



[ana s \(Aug 31, 2021 20:07 PDT\)](#)

John Ciulik
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[Martin Brenner \(Aug 31, 2021 19:48 PDT\)](#)

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Bargaining Unit 9, Chair

Andrea

[Andrea Skinner \(Aug 31, 2021 17:06 PDT\)](#)

Andrea Skinner
Bargaining Unit 9, Vice Chair

Brian Young

Brian Young
Senior Labor Relations Representative

Brenda Brown

Brenda Brown
Lead Labor Relations Representative

Certification of Religious Belief

Name:

Email:

Department:

Employee ID:

Name of Appropriate Administrator:

I certify that I have a **religious belief** that prohibits me from receiving a COVID-19 vaccination.

A religious belief means:

- 1) a sincerely held religious belief, observance, or practice, which includes any traditionally recognized religion, or
- 2) beliefs, observances, or practices which an individual sincerely holds and that occupy a place of importance in that individual's life, comparable to that of traditionally recognized religions.

By signing this form, I attest that this is true and accurate. I understand that making false statements could subject me to discipline, up to and including termination.

Signature:

Date:



Origination:	7/30/2021
Last Revised:	7/29/2021
Next Review:	1/25/2022
Owner:	Joseph Castro: Chancellor
Area:	Chancellor
Codes:	

COVID-19 Vaccination Interim Policy

I. Policy Statement

The California State University (CSU) is committed to safeguarding the health and well-being of our students, faculty, staff, administrators, and the communities we serve, as well as maintaining higher education access and attainment for our students. As we work towards the safe resumption of increased on-campus learning, working and other activities, we embrace a comprehensive strategy designed to reduce the likelihood of transmission of the COVID-19 virus. This approach contributes to the overarching goal of achieving population-level immunity throughout the CSU.

As the Centers for Disease Control and Prevention noted in a recent [update](#), "[g]etting vaccinated prevents severe illness, hospitalizations, and death." In light of the evidence established to date regarding the effectiveness and safety of available COVID-19 vaccines,¹ and in the face of recent increasing infection rates due to many factors, including the Delta variant of the virus, the CSU hereby requires that, effective immediately, all individuals who access Campus/Programs² as defined below must comply with this policy. Students and Employees must have received an Approved COVID-19 vaccine subject to the terms and Exemptions described below.

II. Definitions

A. Approved Vaccine:

A COVID-19 vaccine is an Approved Vaccine if the U.S. Food & Drug Administration (FDA) has issued a [License](#) or an [Emergency Use Authorization](#) (EUA) for the vaccine; or the World Health Organization has determined that the vaccine has "[met the necessary criteria for safety and efficacy](#)."

B. Campus/Programs:

Any CSU campus, property or facility owned or operated by the University in connection with its teaching; research, scholarship, and other creative activities; public service; or other programs and services.

Any in-person program or activity (on- or off-campus) operated or controlled by the University. Examples of off-campus programs include CSU-hosted international programs and University-sponsored athletic programs.

C. Certification:

Submission of information establishing that a Student or Employee has received an Approved Vaccine or

qualifies for an Exemption from the vaccine requirement. Each campus will collect from every Student or Employee the following, as applicable: (1) declaration of current COVID-19 vaccination status (with an Approved Vaccine, the last required dose of which was administered at least 14 calendar days prior to the date of Certification); (2) declaration of Medical Exemption; (3) declaration of Religious Exemption; or (4) declaration that the individual does not plan to access Campus/Programs, and that if their plans change, they will submit a revised Certification in advance of any such access. Each Certification shall include an attestation by the Student or Employee that the information provided is accurate and truthful.

D. Contractor:

A person or entity, including an Auxiliary Organization, that performs work for the CSU as specified under the terms of a contract or agreement.

E. Employees:

Faculty, staff, volunteers, student workers and administrators of the CSU.

F. Exemptions:

A Student or Employee may be excused from the vaccine requirement in this policy as described below:

Medical Exemption: due to a medical (including mental health) condition for which an Approved Vaccine presents a significant risk of a serious adverse reaction. Any medical Exemption must be verified by a certified or licensed healthcare professional.

Religious Exemption: due to either (i) a person's sincerely held religious belief, observance, or practice, which includes any traditionally recognized religion, or (ii) beliefs, observances, or practices which an individual sincerely holds and that occupy a place of importance in that individual's life, comparable to that of traditionally recognized religions.

G. Other Safety Measures:

Any action, as determined by the CSU, other than getting an Approved Vaccine, that decreases the likelihood of COVID-19 transmission or illness and allows the core mission and activities of the campus to continue. Other Safety Measures may include but are not limited to asymptomatic (surveillance) and symptomatic testing; physical/social distancing; wearing face coverings or personal protective equipment; frequent hand hygiene and respiratory etiquette; improving ventilation of indoor spaces; and isolation or quarantine when warranted.

H. Student:

Any admitted, matriculated, or continually enrolled student participating in any CSU in-person activities.

III. Policy

- A. Every Campus (including the Chancellor's Office) shall require that each Student and Employee provide a Certification in accordance with Campus procedures and deadlines as soon as possible, and no later than September 30, 2021.
- B. Students and Employees may claim an Exemption to the Approved Vaccine requirement in accordance with Campus procedures.

- C. In order to access Campus/Programs, any person, including a visitor, who has not obtained an Approved Vaccine (even if they have an Exemption) may be subject to Other Safety Measures, as determined by the campus President.
- D. Any Student or Employee who does not provide a Certification may be denied access to Campus/Programs.
- E. Campus Presidents are responsible for implementing this policy, and may, on rare occasions, consider extenuating or individual circumstances. Any such consideration shall be in consultation with the Chancellor's Office and consistent with all applicable CSU policies including those prohibiting discrimination, harassment, and retaliation based on protected status or activity.
- F. This policy supplements and does not replace CSU policies governing Other Safety Measures.
- G. Contractors shall ensure that their agents and employees undertake applicable Other Safety Measures. In consideration of the nature of the Contractor's services (including proximity to members of the University community), duration, and extent of on-campus presence, Presidents may, at their discretion, also require that a Contractor's agents and employees receive an Approved Vaccine.

IV. General Provisions

A. Confidentiality of Information.

Campus procedures for implementing this policy (including in connection with data collection) shall be governed by applicable CSU policies regarding confidentiality, privacy, and security of health records, as well as state and federal law. Information shall be used only for the specific purpose intended and only accessible to CSU personnel who have a business need-to-know.

B. Accessibility.

Campus procedures for implementing this policy shall be governed by applicable CSU policies regarding accessibility, as well as applicable state and federal law.

C. Documentation to Support Certification.

Vaccination Status. Any person submitting a declaration of current COVID-19 vaccination status (with an Approved Vaccine) shall verify that, at the campus's request, they will promptly provide proof of vaccination.

Medical Exemption. Any person submitting a declaration of Medical Exemption shall verify that, at the campus's request, they will promptly provide documentation from a certified or licensed healthcare professional to support their declaration.

Religious Exemption. Any person submitting a declaration of Religious Exemption shall verify that, at the campus's request, they will promptly provide a statement that describes the applicable religious or other comparable belief that is the basis for their Exemption.

D. Broad Dissemination of Policy Information.

Campuses shall disseminate information about this policy, including Exemptions, using methods designed to reach diverse audiences (including individuals who may not have internet access). Such information shall provide appropriate point(s) of contact for this policy, including email and telephone numbers.

E. Access and Availability of Vaccinations and Testing.

COVID-19 testing required by the CSU shall be provided to Students and Employees at no charge.

Information about the availability of Approved Vaccines and COVID-19 testing, including those offered free-of-charge, shall be widely disseminated, using methods designed to reach diverse audiences, including individuals who may not have Internet access. Such information shall include how to schedule appointments for vaccination and testing (including location), as well as the type(s) of available COVID-19 tests.

F. Superseding Public Health Directives.

In the event that a federal, state, or local governing public health agency imposes a requirement that restrictively conflicts with this policy or a campus's implementation of this policy, the applicable public health mandate shall govern and be implemented. Campuses shall consult with the Office of General Counsel in the event of inconsistent directives issued by agencies with overlapping jurisdiction.

G. Procedures.

Campus Presidents shall establish procedures to facilitate implementation of this policy.

V. Discipline

Violations of this policy, including dishonesty, may subject Employees to discipline pursuant to California Education Code section 89535.

Violations of this policy, including dishonesty, may subject Students to discipline under CSU Executive Order 1098, Student Conduct Procedures.

VI. Authority

This policy is issued pursuant to Section II of the Standing Orders of the Board of Trustees of the California State University.

VII. Endnotes

¹<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/safety-of-vaccines.html>

²Capitalized terms are defined in the "Definitions" section of this policy.

All revision dates:

7/29/2021

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
Final Approval	Joseph Castro: Chancellor [SH]	7/29/2021
Work Group Approval	Tammy Kenber: Assoc VC, HR	7/28/2021

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