

CSUEU / SJSU Memorandum of Understanding

Santa Clara County Health Order Regarding Ascertainment of Vaccination Status. San Jose State University

1. This Agreement (“Agreement”) is entered into between the Board of Trustees of the California State University through its San Jose State campus (“SJSU”) and California State University Employees Union (CSUEU) all of whom are designated collectively as the “Parties” to this Agreement regarding the implementation at SJSU of the “Order of the Health Officer of the County of Santa Clara establishing focused safety measures to protect the community from COVID-19” (“County Order”) dated May 18, 2021. Notice was provided to CSUEU on May 20, 2021 and the Parties met and conferred on May 21, 2021. The County Order can be found at <https://covid19.sccgov.org/order-health-officer-05-18-2021-focused-safety-measures>, the FAQs can be found at <https://covid19.sccgov.org/public-health-order-faq>.
2. The Parties agree that compliance with the above-mentioned order is a legal requirement for SJSU.
3. As a result of the meet and confer, the Parties agree as follows:
 - a. As defined by the County Order, a person is “fully vaccinated” two weeks after completion of the entire recommended series of vaccination (usually one or two doses) with a vaccine authorized to prevent COVID-19 by the federal Food and Drug Administration, including by way of an emergency use authorization. For example, as of the date of issuance of this Order, an individual would be fully vaccinated at least two weeks after receiving a second dose of the Pfizer or Moderna COVID-19 vaccine or two weeks after receiving the single dose Johnson & Johnson COVID-19 vaccine.
 - b. In compliance with the County Order, SJSU must require that all employees immediately alert the University if they test positive for COVID-19 and were present in the workplace either (1) within the 48 hours prior to onset of symptoms or within 10 days after onset of symptoms if they were symptomatic; or (2) within 48 hours prior to the date on which they were tested or within 10 days after the date on which they were tested if they were asymptomatic. In the event that SJSU learns that any of its employees is a confirmed positive case of COVID-19 and was at the workplace in this timeframe, SJSU is required to report the positive case within 24 hours to the County Public Health Department at sccsafeworkplace.org. SJSU must also comply with all case investigation and contact tracing measures directed by the County, including

providing any information requested within the timeframe provided by the County, instructing employees to follow isolation and quarantine protocols specified by the County, and excluding positive cases and unvaccinated close contacts from the workplace during these isolation and quarantine periods.

- c. In compliance with the County Order, SJSU must ascertain the vaccination status of all employees. Until a person's vaccination status is ascertained, they must be treated as not fully vaccinated. Employees who decline to provide vaccination status must also be treated as unvaccinated. SJSU must request and document vaccination status for all personnel by June 1, 2021. Thereafter, they must obtain updated vaccination status for all personnel who were not fully vaccinated every 14 days. SJSU must maintain appropriate records to demonstrate compliance with this provision.
- d. All employees who perform any work at the SJSU campus and/or SJSU facility or workplace, will be required to provide their first and last name, along with their SJSU ID # as well as accurately and truthfully attest to one of the following:
 - 1) I am fully vaccinated.
 - 2) I received my second dose of the Pfizer or Moderna vaccine or my single dose of a Johnson & Johnson vaccine less than two weeks ago.
 - 3) I received my first dose of Moderna or Pfizer, and my second appointment is scheduled.
 - 4) I have not yet been vaccinated, but I have already scheduled an appointment to receive my first dose of the vaccine.
 - 5) I have not been vaccinated.
 - 6) I decline to answer whether I have been vaccinated.

Employees who do not respond will be considered unvaccinated. No employee shall be disciplined for failure to complete the form. Employees shall be notified that they are under no obligation to complete the form.

The form requesting employee information is attached and incorporated by reference in this Agreement.

- e. Information collected under the Santa Clara County Health Order 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 by the County Order. This county-ordered information shall not be used for compliance with any future CSU vaccination policy.

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- f. SJSU must require all employees who are not fully vaccinated to comply with all applicable provisions of the Health Officer's Mandatory Directive on Unvaccinated Personnel.
- g. CSUEU acknowledges that SJSU has fully satisfied its obligation to meet and confer regarding the implementation of the above referenced County Health Order.
- h. Any dispute regarding compliance with the terms of this Agreement shall be adjudicated in accordance with the grievance procedure in Article 7 of the Collective Bargaining Agreement.

For CSUEU:



[Jessica Westbay \(May 21, 2021 18:51 PDT\)](#)

Jessica Westbay
Vice President for Representation
CSUEU



[Angela McGhee \(May 21, 2021 19:15 PDT\)](#)

Angela Ortega McGhee
President Chapter 307
CSUEU



[Sarah Schraeder \(May 21, 2021 19:04 PDT\)](#)

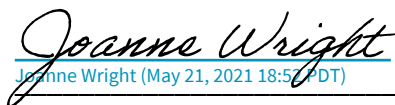
Sarah Schraeder
Chief Steward, Chapter 307
CSUEU



[Pamela Robertson \(May 21, 2021 21:20 PDT\)](#)

Pam Robertson
Bargaining Unit 2, Vice Chair
CSUEU

For SJSU:



[Joanne Wright \(May 21, 2021 18:51 PDT\)](#)

Joanne Wright
Senior Associate Vice President
SJSU, University Personnel



Steve James
Labor Advisor
CSU Chancellors Office

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Don Moreno

[Don Moreno \(May 21, 2021 19:12 PDT\)](#)

Don Moreno
Bargaining Unit 5, Vice Chair
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Brian Young

Brian Young
Senior Labor Relations Representative
CSUEU