

Letter of Agreement
between
Bellevue College
and
The Bellevue College Association of Higher Education (BCAHE)

It is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures. To help preserve and maintain life, health, property or the public peace, all employees of the State of Washington are now legally required to become fully vaccinated or covered by an exemption in accordance with the Governor's proclamation 21-14.1. In recognition of this requirement, Bellevue College (College) and the BCAHE (Association) agree to the following:

1. The College will adhere to all State mandates and requirements concerning the vaccination of employees. State law currently requires all College employees to be fully vaccinated against COVID-19 no later than October 18 as a condition of continued employment. Accordingly, no later than **October 4** employees must provide verification to the College of having received the first dose of a 1-shot regimen vaccine or the second dose of a 2-shot regimen vaccine by October 4 (14 days prior to when the employee will be considered fully vaccinated), or have applied for a medical or religious exemption.
2. In accordance with the State mandate, any one of the following forms of verification will be recognized as evidence of compliance:
 - a) A Centers for Disease Control (CDC) COVID-19 Vaccination Record Card,
 - b) Written verification from an appropriate health care or rehabilitation professional authorized to practice in the State of Washington attesting to the employee's COVID-19 vaccination,
 - c) Verification from the State COVID-19 immunization data base, or,
 - d) For an individual who was vaccinated outside of the United States, a reasonable equivalent of any of the above.
3. For compliance purposes, the vaccination status of employees will be maintained confidentially by the College's designated COVID-19 records staff in a secure section of College personnel records. This information will only be accessed by the College on a need-to-know basis. The College will not disclose the vaccination status of an employee except in compliance with applicable laws.
4. In accordance with the State mandate, an employee may seek a medical or religious exemption to the vaccination requirement. When determining whether to grant an exemption, the College will adhere to applicable state and federal law. Employees requesting exemptions will be required to provide appropriate documentation of a medical condition or religious objection to vaccination. Requests for exemptions will be evaluated on a case-by-case, fact specific basis. If an exemption is granted, the employee will be required to comply with reasonable accommodations, which may include, but not be limited to, periodic COVID-19 testing, utilization of additional PPE, adherence to physical distancing guidelines beyond those otherwise applicable to employees who have received the vaccine, working remotely, and/or other measures designed

to protect the health and safety of all employees and members of the college community. What constitutes an appropriate accommodation is a fact-specific determination that is subject to an interactive process between the College and the exempt employee. The College is ultimately responsible for determining what accommodations will apply and, if necessary, whether the accommodating the employee's exemption constitutes an undue hardship.

5. If an employee requests an exemption that is not granted by the College, either due to ineligibility or because reasonably accommodating the exemption would pose an undue hardship, the faculty member will have the following options:

- a) By October 4, 2021, verify that they will be fully vaccinated prior to October 18th, 2021.
- b) If the faculty member receives and verifies at least one vaccination prior to October 18, 2021, the faculty member will be placed on non-disciplinary, unpaid leave beginning October 18, 2021, until they have verified full vaccination. After December 31, 2021, if full vaccination has not been verified, the employee will be subject to non-disciplinary separation, in accordance with the Collective Bargaining Agreement (CBA) and state law.
- c) If the faculty member does not verify at least one vaccination prior to October 18, 2021, they will be subject to non-disciplinary separation in accordance with the CBA and state law.
- d) If a faculty member is not fully vaccinated by October 18, 2021, and has officially submitted retirement paperwork and notified college HR of the intention to retire no later than December 31, 2021, the employee may use accrued personal leave available pursuant to Article 18 of the CBA and/or leave without pay until their retirement date. All rights at retirement will be retained, including the Early Retirement notification stipend for Full-time faculty. This provision expires on December 31, 2021.
- e) If a faculty member has initiated their exemption request by October 4, 2021, and cooperates with the process, and the exemption is still being reviewed on October 18, 2021, the faculty member will be placed on paid administrative leave and will suffer no loss in pay until the exemption decision is provided. If the exemption request is denied or an accommodation is not available, the faculty may use personal leave and/or leave without pay for up to 45 days to become fully vaccinated. Failure to provide proof of beginning the process of becoming fully vaccinated within ten (10) calendar days of denial will result in initiating the process for non-disciplinary separation. Failure to provide proof of full vaccination within the 45-day period will result in initiating the process for non-disciplinary separation.

6. Non-Disciplinary Separation & Conditions of Employment

- a) Tenured faculty who are subject to non-disciplinary separation because of their vaccination status or due to failure to cooperate with the vaccination verification process, may request and be granted unpaid leave through June 30, 2022.. While on unpaid leave, they will retain their tenure and have the right to return provided they meet all conditions of employment in place at the time of their return, including vaccination

status. If they are unqualified to return to employment after June 30, 2022, the College will initiate formal tenure dismissal proceedings for non-disciplinary separation pursuant to Article 28 of the CBA and RCW 28B.50.

- b) Should a tenured faculty member, probationer, or temporary full-time faculty member fail to cooperate with the vaccination verification process or not request an unpaid leave in lieu of a non-disciplinary separation, the faculty member will be placed on paid administrative leave and the College proceed with the dismissal process, in accordance with Article 28 of the CBA and RCW 28B.50. Separation agreements may be negotiated concurrently with the dismissal proceedings.
- c) Adjunct Faculty who are subject to separation because of their vaccination status or due to failure to cooperate with the vaccination verification process are no longer qualified for employment and will be subject to non-disciplinary separation on October 19, 2021.

7. The College and the Association agree to utilize Labor-Management Committee to negotiate the impacts of any revision or update to the vaccination requirement, including but not limited to an addition of booster shots to the definition of “fully vaccinated.”

Susan Nightingale

10/18/2021

Sue Nightingale
President BCAHE

Date



Dennis Curran
VP of Admin Svcs

10/18/2021

Kristen Jones, Ed.D
Provost and Acting VP Human Resources

Date