

**MEMORANDUM OF UNDERSTANDING**

**Employee Vaccination Requirements  
MOU AFG-21-24, AFN-21-05, AFP-21-02**

This Memorandum of Understanding is entered into, by and between Lane County hereinafter referred to as COUNTY, and the American Federation of State, County, and Municipal Employees (AFSCME), Local 2831-General Unit, Nurses Unit and Physicians Unit, hereinafter referred to as UNION, for the purposes of addressing the impacts to employees regarding implementation of the Administrative Procedures Manual (APM) Chapter 3, Section 71 Employee Vaccination Requirement.

It is hereby agreed that:

1. Employees are required to report their COVID-19 vaccination status. Fully vaccinated means having received both doses of a two-dose COVID-19 vaccine (Pfizer or Moderna) or one dose of a single-dose COVID-19 vaccine (Johnson & Johnson) and at least 14 days have passed since the individual's final dose of the COVID-19 vaccine. Only Human Resources Staff and managers with a need to know, will be privy to this information. The County will maintain and post publicly a current list of vaccination clinics and locations available in the Lane County area.
2. Employees that do not become fully vaccinated or have an exception under paragraph 5 below by January 26, 2022, for COVID-19, will be deemed to no longer meet the minimum requirements for employment at the County and will be laid off. Employees that do not submit their vaccine status by January 19, 2022, will be assumed to be unvaccinated and will be laid off effective January 26, 2022, unless proof of full vaccination is provided. All employees who start the vaccination process within one (1) full week from the date this MOU is signed shall be given 42 days to complete the vaccination process.
3. The parties agree to the following variance from the Layoff and Recall procedures identified in each of the Collective Bargaining Agreements. If an employee who has not started the vaccination process submits that they are fully vaccinated after January 26, 2022, they will be recalled in the manner described in their applicable CBA once they have provided notice to the County that they are fully vaccinated.
4. An employee must complete vaccination requirements by July 26, 2022, to be eligible for placement on the recall list. Once an employee notifies the County that they are fully vaccinated, they will be placed on recall list for two (2) years from the date they notify the County that they are fully vaccinated. If they subsequently become fully vaccinated, they must contact Human Resources to submit vaccine verification and indicate their ability to meet minimum requirements for County employment. Employees will be recalled as indicated in paragraph 4 above.

5. An employee may apply for an exception from the vaccine due to medical/disability or sincerely held religious beliefs. The Department of Human Resources will assess exception requests and issue approvals or denials. An employee seeking an exception is encouraged to submit this request as soon as possible, but no later than January 19, 2022. No reasonable exception will be denied provided the employee submits the necessary information and engages in the interactive process. Individuals must comply with reasonable accommodations or be subject to the layoff provisions of this agreement.
6. If an employee receives an exception from getting the vaccine, the County will engage in an interactive process as required by law to determine what reasonable accommodations to provide that do not create an undue hardship or a direct threat to the health and safety of others. Depending upon the duties performed, an employee may be required to wear specific masks, undergo COVID-19 testing, and/or other reasonable accommodations consistent with OSHA safety requirements and the current guidance from public health officials. The cost of any accommodations, including testing requirements, shall be paid by the County.
7. For employees submitting to COVID-19 testing as part of their approved exception accommodations, the County will follow current national and local guidelines for determining timelines and safe return to the workplace following a positive test result and those timelines will be communicated to the employee. Employees shall be allowed paid time during their regular work schedule to submit testing samples.
8. If an employee submits an exception request, but the exception review process has not been completed, and no decision has been made by January 26, 2022, then the employee will be deemed provisionally approved until the exception process has been finalized. Requests will only be provisionally approved if an employee has submitted a request with completed provider information or a provider has indicated a specific date for a specialist to complete exception documentation. By way of an example, and not an exclusive reason for an exception review request not reaching completion by January 26, 2022, includes Human Resources not having received a timely response from the employee's health care provider to follow up/clarifying questions after initial exception request has been received.
9. Employees who are on a leave of absence and are unable to meet the County's deadlines in this MOU due to medical reasons, or have other extenuating circumstances, may provide their vaccine status, or have an exception under paragraph 5 above, by a later date to be determined by the Department of Human Resources after considering individual needs.
10. Currently the vaccine is free to employees. If this changes and/or the employee receives any charge not covered by insurance, the County will reimburse the employee.



11. Employees may use county paid time during their regular working hours to receive the vaccination using code 01 for their timecard. Employees must schedule in advance that they will be taking time off for a COVID-19 vaccination with their supervisor. No reasonable request will be denied and any denial shall be brought to the attention of the department director immediately and will alter timelines in this agreement for that individual as described in paragraph 2 above by the same number of days as the delay. The County will not incur overtime for employees to receive the vaccine.
12. If an employee suffers a medical reaction or side effect from taking a COVID-19 vaccine, that prevents the employee from performing their job duties, the employee must follow the procedures below to receive time loss compensation for the duration of the vaccine related illness. The County agrees that employees will not be required to use any accrued leave to cover a COVID-19 vaccination related reaction to or side effect of the vaccine, provided they submit any required documentation and/or have initiated a workers' compensation claim.
  - a. For the first two days of vaccine related illness, employees may contact Lane County's Workers' Compensation Analyst, Miranda Rollins, at 541-682-3690 or [wadmin@lanecountyor.gov](mailto:wadmin@lanecountyor.gov) for approval for the use of time loss code 73 for their timecard.
  - b. If vaccination related illness continues into a third day or longer, in order to be eligible for continued time loss the employee must contact Corvel at 855-972-2372 to initiate a workers' compensation claim and provide medical provider authorization. Employees may continue to use the 73 time loss code, subject to medical provider authorization, until illness is resolved or a compensability decision has been made by Corvel.
  - c. Procedures in this section are effective September 15, 2021.
13. Effective the first full pay period following January 26, 2022, all AFSCME represented employees employed on that date who have provided proof of full vaccination or have been approved for a medical or religious exception will receive a one-time payment of two hundred fifty dollars (\$250.00).
14. Nothing in this MOU shall interfere with the parties' rights to file a grievance under this MOU or under the respective AFSCME collective bargaining agreements.
15. This agreement shall be effective following signatures of both parties.

For the UNION:


For the COUNTY:

  
Jim Steiner, Council Representative  
AFSCME

12/18/2021  
Date

  
LaRece Rivera, President  
AFSCME

12/18/2021  
Date

  
Pat Dotson, Vice President  
AFSCME


12/18/2021  
Date

  
Charity Aguirre, Steward  
AFSCME

12/19/2021  
Date

  
Cynthia Schiegel, Member  
AFSCME

12/19/2021  
Date

  
Cody Risser, Member  
AFSCME

12/19/2021  
Date

  
Inga Wood  
Lane County Labor Relations Manager

12/9/2021  
Date

  
Steve Mokrohisky  
Lane County Administrator

12-9-21  
Date