

Memorandum of Understanding by and between the
Federal Way Public Schools
and the
International Union of Operating Engineers, Local 302
October 19, 2021

1. Medical/Religious Accommodation Request

Timing of District Determination: The district will make every effort to issue and communicate via email a final determination on all medical/religious exemption requests within three (3) working days of the interactive process meeting.

1.a. Reasonable Accommodation Options: If the medical/religious accommodation request is granted, the District will consider all the following as reasonable accommodations:

1. Maintain 6-foot physical distancing from others to the extent feasible within your job assignment.
2. Be fitted for and wear an "N95" mask and wear the KN95 mask until fitted.
3. Staff will always wear masks during meal preparation and service, and during breaks except when actively eating or drinking.
4. While consuming food and beverages in common areas, or close quarters, you must maintain at least 6 ft physical distance away from others.
5. Submit to COVID-19 testing when directed by the district. This will include a frequency of weekly or bi-monthly testing. The administration of the testing will occur at no expense to the employee.
6. Use of the online attestation system prior to starting work each day.

2. Compliance

- **Compliance in Process:** Any employee that has notified the district that they have received at least one vaccination as of October 18, 2021, and expressed an intent to become fully vaccinated, may choose to take an unpaid leave of absence or utilize any of their available leave balances for up to 30 days to cover their absence until they are considered fully vaccinated and can return to work. If the employee has no available leave, they will be placed on an unpaid leave of absence for that period.

3. Immunization and COVID Impacts

- **Side Effects of Immunization:** The district acknowledges that Employees may suffer side effects from the COVID-19 vaccines and will accommodate those who do, with one day of paid administrative leave within 48 hours after each dose if they have any adverse reactions which cause them to be absent.
- **Staff who Test Positive for COVID-19:** Staff who test positive will receive full pay and benefits from the district through a combination of L&I benefits and supplementary administrative/COVID leave. To receive this benefit, staff must file an L & I claim under the HELSA law and will have their worker's compensation claim supplemented by the district-provided administrative/COVID leave, retroactive to

their first day of leave, until able to return to work per DOH guidance (not to exceed 10 days). Like the normal L & I process, government-issued checks received by the claimant will be endorsed back to the district.

- **Covid-19 Related Provisions:**

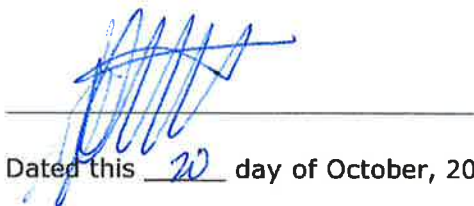
- a. Employees who are directed to quarantine or isolate due to exposure to COVID-19 on the work site or while in the course of job duties, will be placed on paid administrative leave for the duration of the quarantine or isolation period (not to exceed 10 days)

4. The Separation Process

- **Loudermill Notification and Hearing:** No earlier than October 19, 2021, the District will issue a Pre-Separation Notice ("Notice") to any employee that it intends to separate from employment because of not meeting the vaccination mandate requirement. The Notice will be provided to the employee, and the employee's Union by email and certified mail. The Notice shall identify the date and time of the Loudermill hearing.
- **Union Representation:** If the employee elects to have a Union representative present, that right shall be afforded, and the district will consider any reasonable requests to adjust the hearing date.
- **Non-Misconduct, Retention of Benefits:** Any separation of employment due to an employee's inability or unwillingness to fulfill a vaccine mandate shall not be regarded as misconduct, and the employee shall suffer no loss of leave entitlements including any entitlement to cash out such benefits.
- **Retirement or Resignation Option:** As an alternative to separation due to the employee's inability or unwillingness to fulfill the vaccine mandate, an employee may elect to resign from employment by October 18 or retire and take an unpaid leave of absence (effective June 30, 2022).
- **Right to Recall And/or Priority Placement:** Any employee who is separated due to the employee's inability or unwillingness to fulfill a vaccine mandate shall retain all rights to recall under the terms of the applicable collective bargaining agreement. To the extent that there is no position available at the time of recall or at the time that the employee seeks to return to District employment, the district agrees to enroll the employee on the priority recall list.

Federal Way Public Schools

IUOE Local 302





Dated this 20 day of October, 2021.