

Memorandum of Understanding
Between the Seattle Colleges District VI and AFT Seattle Local 1789

This memorandum of understanding serves to define an agreement between the parties for the Fall Quarter 2021 as a continued response to the Covid-19 pandemic and the impacts on faculty, students, and instruction.

The Seattle Colleges is regulated by Washington State Law as it applies to our higher education system. Decisions made during the pandemic are governed by relevant RCWs, temporary guidelines from the State Board of Community and Technical Colleges, the Public Employee Benefits Boards, and declarations from the federal and state governments. The collective bargaining agreement between SCD and AFT Seattle 1789 remains in force. This MOU addresses and temporarily revises provisions as stated in the points below.

SCD has elected to begin the process of returning to campus for all staff and students beginning September, 2021. This process includes the following:

1. Consistent with Governor's proclamation 21-14.1, all employees of SCD must provide evidence of being fully vaccinated against COVID-19, or be approved for an exception and accommodation for a disability or sincerely held religious belief no later than October 18, 2021.
2. Consistent with Governor's proclamation 20-12.5, the District will require students affirm their vaccination status or be approved for an exception and accommodation for a disability or sincerely held religious belief prior to November 1, 2021.
3. Consistent with Governor's proclamation 20-03.4, all students and employees will be required to wear a mask indoors.
4. Consistent with Governor's proclamation 20-03.4, all visitors to the campuses will be required to wear a mask indoors.

Faculty Assurances:

1. Faculty, in consultation with their Unit Administrator to ensure student needs are met, shall determine the most appropriate delivery mode of instruction until the campus is fully re-opened and returned to normal operations.
2. Faculty will not be subject to disciplinary actions for data breaches, including those that result in FERPA issues, arising from the shift to fully online and virtual courses caused by COVID.
3. Faculty will not be subject to disciplinary action for unintentional gaps in meeting ADA requirements when setting up courses and activities on-line. Faculty and students will receive from SCD any required support to meet documented accommodations, including questions as to whether or not an accommodation is reasonable. In the event that an

approved reasonable accommodation for a disability results in a material increase in faculty workload, SCD will comply with §6.8A and 6.8B of the CBA.

4. Faculty will not be held liable for positive COVID cases nor their effect on campus operations.
5. Faculty will not be subject to discipline for the acts in points 1, 2, and 3 above unless the act or omission is grossly negligent, willful, or intentional.
6. SCD will provide support to meet COVID safety requirements for on-site teaching and learning in the form of safety training, cleaning and disinfecting, arranging furniture, PPE availability, and safety enforcement. Faculty are not expected to perform the duties contractually performed by employees outside the faculty bargaining unit as part of their regular job duties. Faculty will offer students masks in class to the extent they are provided by SCD.

Quarterly class schedules and class caps:

1. The start and end dates for fall quarter in 2021 will be unchanged.
2. Class caps for class sections with new class modalities (e.g. “virtual” and “virtual hybrid” courses) will be set at 30 or the number set in the Master Course outline, whichever is lower.
3. SCD recognizes the duty to protect the health and safety of all members of the Seattle Colleges District community by establishing and maintaining a healthy and safe work environment and to ensure employees comply with required health and safety measures. SCD will take all feasible and reasonable precautions to protect the safety and health of its employees.
 - a. SCD will follow Labor and Industries guidance for returning to in-person instruction, including, but not limited to Division of Occupational Safety and Health Directive 1.70.
 - b. Upon request, SCD will provide faculty with alternative space to meet with students should their office provide inadequate distance or space.
 - c. HVAC systems will be reviewed for possible updates with a minimum of MERV-13 filtration and/or UVC sterilization and increased ventilation pressure per OSHA and American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) guidelines. Improvements will be made when possible as determined by SCD. SCD will provide updates.
 - d. SCD will provide basic workplace hazard education about SARS-CoV-2, the virus that causes COVID-19, and how to prevent transmission in the language best understood by the employee.

- e. SCD will maintain procedures and protocols for employees and students to report a suspected or confirmed case of COVID-19, as well as to make sure, to the extent permitted and reasonably possible, sick employees and students are not on campus.
 - f. Supervisory or management staff must be available to address conditions when necessary.
- 4. Completing a new or revised return to campus plan for each program (and/or individual course) for Fall Quarter 2021 is the responsibility of the Unit Administrator, in consultation with the impacted faculty and SCD Environmental Health and Safety Division. A return to campus plan, whether new or amended, may be submitted for review and approval at any time.
- 5. If a faculty member is concerned that the safety measures in an approved return to campus plan are inadequate to ensure faculty and student safety, the faculty member will work collaboratively with their unit administrator and SCD Environmental Health and Safety to determine additional measures (e.g. use of larger spaces that are available, less frequent in person meetings, meeting outside, etc.) that may be deployed to address the concern. Faculty will have the right to work with Unit Administrators to request other types of protection, such as but not limited to:
 - a. Physical (social) distancing to maintain a 6-foot buffer between people or an equivalent level of protection. SCD is not currently required to reduce room occupancy or class capacities to facilitate distancing;
 - b. Physical barriers; OR
 - c. Ventilation, including moving classes to outside spaces.
- 6. Prior approved return to campus plans fall into two categories. (1) Plans approved prior to June 25, 2021 and (2) plans approved after June 25, 2021.
 - a. Programs (and/or individual courses) with return to campus plans approved prior to June 25, 2021, shall remain in place and, with respect to classroom instructional activities, control the safety protocols required for operations in Fall, 2021, for those Programs (and/or individual courses), consistent with the other requirements of this MOU.
 - b. Programs (and/or individual courses) that first received an approval of a return to campus plan after June 25, 2021, are amended to include the following minimum safety standards, with respect to classroom instructional activities. These minimum safety requirements must be in place prior to any face to face instruction, regardless

of whether or not a particular course is covered by an existing, approved return to work plan.

- i. SCD will require masks or face coverings in all indoor spaces, consistent with the Governor's Proclamation 20-03.4, regardless of vaccination status.
- ii. SCD will maintain regular cleaning and sanitization of common-touch surfaces consistent with the applicable standards. Surfaces that are regularly touched by individuals will be cleaned regularly to maintain a visibly clean state (no obvious soiling, smearing, or streaks), at least daily;
- iii. SCD will encourage frequent and adequate employee handwashing and facilities;
- iv. SCD will not require any faculty members to be closer than six (6) feet to their students during instructional activities, unless consistent with an approved return to campus plan and this MOU; and
- v. Cleaning supplies will be available to faculty to do spot cleaning when faculty deem necessary.

Faculty Instructional Workload, Pay and Benefits:

1. SCD and AFT remain committed to protecting employment and maintaining health care benefits for the maximum number of faculty possible.
2. Faculty who are required to hold scheduled office hours may, in consultation with their unit administrator, fulfill the office hour requirements through a combination of asynchronous and synchronous time spent with students. Both AFT and SCD acknowledge that even in remote learning situations, many students request and need synchronous interaction with their faculty.
3. SCD will exercise the fullest amount of flexibility allowable when evaluating a faculty's leave request related to a response to Covid-19, including leave requests for high-risk employees as defined by the Centers for Disease Control and Prevention, consistent with Governor's Proclamation 20-46. Leave will be granted to accommodate vaccination appointments as well as dealing with symptoms from vaccination for fall quarter.
4. If SCD elects to close a class, program or campus due to a COVID outbreak, faculty compensation shall not be negatively impacted, consistent with the CBA.
5. In the case where an existing class section has been split into smaller sections to meet previous Covid-19 in-person regulations, a faculty member will be paid for all hours of the smaller sections at their instructional pay rate. If there is a need for 4 or more additional instructional hours per week, additional faculty may be assigned a portion of the workload at their instructional pay rate.

6. If there is a need to extend instruction for a class or program beyond the end date of a quarter, faculty and their unit administrator will collaboratively develop the workload and set the instructional schedule. Faculty will be compensated at their instructional pay rate for the extended workload.
7. Moonlight assignments for full-time faculty are described in CBA Article 4.1.B, sections 2, 3, and 4. These provisions will be fully applied. Priority Hire faculty rights will be honored as well.
8. In line with the other student facing services, faculty will work with their UA to minimize on-campus and in-person activities. Faculty are not required to participate in-person in activities typically held on-campus, such as department meetings and committee meetings, that can be performed remotely.
9. Reference desk hours for library faculty, and in-person counseling hours for counseling faculty will be collaboratively determined between the unit administrator and relevant faculty.
10. Consistent with CBA Article 11.8, no combined classes will be scheduled, as stated in Article 11.8. The colleges will not combine sections of the same class that are offered via different modes. However, that individual faculty members may elect to record, live-stream or otherwise distribute their course content to their students.
11. In the event that a positive COVID case forces an in-person class to move fully on-line for a quarantine period or for the remainder of the quarter, the faculty member will be compensated consistent with the relevant provisions of the existing CBA.

Return to in-person instruction:

SCD plans a limited return to face to face class schedule beginning Fall Quarter, 2021.

1. SCD will follow Labor and Industries guidance for returning to in-person instruction, including, but not limited to Division of Occupational Safety and Health. Under the supervised guidance of the SCD Health and Safety, program faculty and the unit administrator will create a return-to-work plan that must be approved by the SCD Health and Safety. Courses and programs will follow their approved return to campus plan. Safety and health guidelines will be kept up-to-date and available to faculty (and all employees) on the SCD website. <https://www.seattlecolleges.edu/coronavirus>
2. Unit Administrator and EHS will provide support to programs and faculty in the development of return to campus plans for fall quarter. Generally, return to campus plans will be submitted at the program level, but may be submitted at the individual class level under certain limited circumstances.
3. SCD will provide support for face-to-face teaching to meet the infection controls required by each approved return to campus plan.

4. If, after the collaborative development and SCD approval of a return to work plan, the faculty member believes that conditions are unsafe, the face-to-face classes may be suspended at the discretion of the Unit Administrator, or designee, in consultation with the faculty and the District's Health and Safety ("H&S") staff.
 - a. The H & S shall investigate and provide a written response to the concerned faculty member within 3 working days.
 - b. If it is determined that face-to-face classes will not be suspended, there may be a need to hire substitute faculty.
 - c. If it is determined that the concerned faculty member cannot continue to teach in-person, the faculty member will not suffer financial loss for the remainder of the quarter.
 - d. If it is determined by the unit administrator and District Health and Safety that the concerns of the faculty member were addressed in the approved plans, and the faculty member later decides that they will not be teaching face-to-face, then they will not be compensated.
 - e. Disputes regarding a decision made under this section of the MOU will be subject to grievance procedure in the CBA.
 - f. Faculty will not be penalized in any way for reporting unsafe working conditions and/or faculty's refusal to continue working under unsafe working conditions as determined by H&S.
5. If conditions change after the return to work has been approved, then Health and Safety will work with Faculty and Administration to adjust the plan as needed.
6. In the event of a potential COVID-19 exposure or illness event on-campus, SCD's EHS team will follow established protocols for responding to such an event. Currently, this protocol can be found here:
https://www.seattlecolleges.edu/sites/seattlecolleges.southseattle.edu/files/inline-files/CampusProceduresWhenSomeoneIsSick_v2.0_0.pdf.

Vaccination Policy/Procedure for Faculty:

The Governor's proclamation that requires Seattle Colleges' employees to be fully vaccinated against COVID-19 as a condition of employment requires that an employee's proof of vaccination be verified by the District.

The HR team will be handling vaccination verification for Seattle Colleges. This information will be kept private, like all medical information received by the District.

HR will provide various opportunities for faculty to verify their vaccination status. The primary way faculty members can meet with HR to verify their vaccination status will be through HR hosted drop-in verification sessions via Zoom. During these drop-in sessions, all employees

joining the Zoom meeting will be held in the Zoom lobby. A member of the HR team will then bring employees individually into a private Zoom breakout room where their vaccination information can be verified.

The following are acceptable forms of proof of your full vaccination status:

- CDC COVID-19 vaccination record card (or a legible photo of the card), or
- Documentation of vaccination from a health care provider or electronic health record, or \
- State immunization information system record.

Information regarding when drop-in sessions, or other opportunities for vaccination status to be verified, can be found online: <https://www.seattlecolleges.edu/administration/human-resources/covid-19-vaccination-requirement-employees>. The schedule and opportunities for verification will be updated regularly based on availability and demand.

Consistent with the Governor's proclamation, SCD will provide disability-related reasonable accommodations and sincerely held religious belief accommodations to the requirements of the proclamation. Additional information regarding how to request an accommodation can be found online: <https://www.seattlecolleges.edu/administration/human-resources/covid-19-vaccination-requirement-employees>.

In the event a faculty member's vaccination status is not verified by October 18, 2021, or they have not been approved for an exemption and reasonable accommodation for a disability or an accommodation for a sincerely held religious belief, observance or practice, they may be subject to discipline and/or termination consistent with article 10.7 and 8.1 of the CBA, and the Governor's proclamation 21-14.1, which makes the foregoing a condition of employment.

SCD abides by the Health Emergency Labor Standards Act, which prohibits the discharge, permanent replacement, or discrimination against an employee who is at high risk of contracting COVID-19 for seeking accommodation that protects them from COVID-19 exposure during a declared public health emergency.

Additional issues:

1. When assessing administrative evaluations, student evaluations, and peer observations, the unit administrator will prioritize continuous improvement in teaching and learning; however, the feedback may be maintained in the faculty's personnel file or used as grounds for disciplinary action.
2. SCD and AFT will continue to suspend normal operating procedures regarding Canvas certification. SCD and AFT will work cooperatively to establish uniform procedures regarding Canvas certification for all faculty by the end of Winter Quarter 2022.
3. SCD will provide faculty sufficient support for teaching in the remote environment from e-Learning, IT, and other sources as appropriate. SCD will establish the means for faculty to receive support and communicate the information out.

4. SCD will supply faculty with the needed equipment, subscriptions and materials to teach remotely within reasonable budgetary limits. Faculty may be reimbursed for the cost of equipment and supplies that are not available from SCD within reasonable budgetary limits. Preapproval is required except in cases where the faculty member can show there was an emergency need. SCD will establish the means for faculty to receive support and request reimbursement and will communicate the information out.
5. SCD will provide faculty sufficient support to return to on-campus instruction, library services, and counseling services. Support will include appropriate personnel incorporating COVID-19 guidance regarding water quality management, air quality management, routine cleaning and disinfection response, and appropriate activities in alignment with the applicable federal, state, and local standards.
6. SCD will offer sufficient support services, such as facilities maintenance, restroom access, etc., to make on-campus instruction safe and comfortable.
7. SCD and AFT recognize that evolving public health guidance may be such that SCD and AFT may negotiate revisions to this MOU during the course of this MOU.

AFT and SCD agree that faculty must prioritize instructional obligations.

1. AFT and SCD agree that non-instructional obligations necessary for the colleges to maintain our accreditation status must also be a priority.
2. Therefore, it is understood that faculty may opt out of some non-instructional obligations, but that they will remain engaged in non-instructional obligations set forth in their respective EEPD agreements, tied to accreditation activities (*e.g.* Program Review and Program Viability). If a faculty member is struggling to complete these accreditation-connected activities, they will notify their Unit Administrator who will work creatively with them to get the work completed.
3. Released time assignments and stipended work will continue to the extent practicable. The unit administrator and affected faculty will consult on proposed changes.
4. Faculty retain the right to negotiate a development contract (Article 13.5) to create new courses, to revise courses for the purpose of changing mode of delivery, to create

instructional materials for use by other faculty, etc. The agreement will include the scope of work to be completed, the rate of pay, and ownership rights

SCD Chancellor

Annette M. Stojen
Seattle President AFT Seattle 1789

Date

September 23, 2021
Date

Additional Resources:

- Covid Resources available on the SCD website:
<https://www.seattlecolleges.edu/coronavirus>
- SCD Infection Control Program: <https://www.seattlecolleges.edu/coronavirus/covid-19-infection-control-program-and-safety-training>
- Contact Health and Safety: healthandsafety@seattlecolleges.edu