

Memorandum of Agreement (MOA)

On

Requiring Coronavirus Disease 2019 Vaccination for
AFMC Bargaining Unit Employees (BUEs)

1. The American Federation of Government Employees (AFGE) Council 214 and Air Force Materiel Command (AFMC), hereafter referred to as the Union and Management/Agency, hereby enter into this Memorandum of Agreement (MOA) regarding the implementation of Executive Order (EO) 14043, dated 9 September 2021 as it applies to bargaining unit employees (BUEs) covered by the Master Labor Agreement (MLA) between the parties.
2. This agreement in no way waives Management's right to take whatever action it deems necessary in an emergency. It is understood that future Air Force and DoD policy or direction may also warrant changes to the below; Management will inform the Union as soon as possible should any further policy or direction include bargainable changes and require amendment of this agreement.
3. BUEs must comply with the 22 November 21 vaccination mandate unless exempted for qualified religious or medical reasons. BUEs with an approved retirement date prior to 1 April 2022 will not be subject to disciplinary action for failure to become fully vaccinated, unless the retirement application is retracted or amended to exceed 1 April 2022, but will be required to abide by all testing, masking and distancing requirements outlined by management for entering federal facilities.
4. The Agency will inform BUEs of medical and religious exemption requirements. The Agency will comply with all applicable law in making determinations concerning exemptions.
5. BUEs who may be out on extended leave will be given the notice of mandated vaccine upon return. Consideration will be given to employees coming off of extended leave who may not have reasonably known about the requirement. Management will provide employees in this situation with a deadline in which to become fully vaccinated.
6. Management will offer to hold suspensions of BUEs in abeyance if the mandate is eliminated or the employee starts the vaccination process (receives the first dose with intent to receive the second dose if necessary) prior to completing the suspension, when failure to follow a direct order to become fully vaccinated is the only charge against the employee suspensions will only commence again should the employee fail to become fully vaccinated.
7. The Agency will ensure that employees who take the COVID-19 vaccination for employment purposes within AFMC who experience any symptoms of illness, following the date of the COVID-19 vaccination, will not suffer harm by having to use their earned sick leave, annual leave, or other leave during the recovery period. In accordance with government-wide guidance, employees will be allowed up to two work days of administrative leave should they develop an

adverse response to the vaccination. This leave will be available for each dose, to include boosters, of the vaccine.

8. Employees injured by receiving the COVID-19 vaccination in accordance with the Executive Order will be provided guidance and assistance on filing workers compensation claims in accordance with applicable law, rule and regulations.

9. Employees who have exemptions or retirement forms pending IAW item 3 above and are not fully vaccinated will be subject to a minimum of a weekly COVID-19 screening test program provided by the Agency, in lieu of receiving a vaccination for the Coronavirus 2019, (COVID-19). The Agency will provide and fund this testing program.

10. In exercising any rights granted under law, OSHA, Department of Labor and any other relevant Agency exercising regulatory authority, including Agencies producing internal policies and procedures applicable to the vaccination of employees with the COVID-19 vaccine, employees and their representatives will be free from discrimination or reprisal.

11. Individuals who have applied for an exemption from the Agency in connection with the vaccine mandate, either for medical or religious reasons, will have that associated accommodation processed if the exemption is approved. While the exemption request is pending, employees will continue to telework if in a telework status or report to work if currently reporting. Employees reporting to work will have to follow applicable health and safety protocols, such as wearing a mask, physical distancing, testing, etc. Employees may take personal leave such as annual or sick leave per normal procedures. Employees denied an exemption request will be educated on the vaccine and will be provided a reasonable amount of time to comply with the vaccination mandate, as determined by management and will be able to continue to work as long as they follow health and safety protocols (e.g. mask wear, social distancing and provide a COVID-19 negative screening test provided free of charge by the Agency as in paragraph 9 above.)

12. At no time will an employee's medical documentation for exemption be reviewed for medical sufficiency by someone without proper medical qualifications or by someone without an official need to know. Management officials such as the exemption approving officials and/or trusted agents involved in the exemption process are examples of officials/management needing access to the medical documentation included in the exemption process. Medical documentation not part of the exemption will not be part of this process.

13. The Agency will notify the employee, in writing, following the approval/disapproval of medical and/or religious exemption requests regarding COVID-19 vaccination.

14. The Agency will ensure all employees are fully informed of their rights to request an exemption regarding the COVID-19 vaccination.

15. Upon request by either party, the Agency and Union agree to meet 90 days following the date this agreement is signed regarding COVID-19 vaccinations, to discuss and review the progress of the COVID-19 vaccination mandate.

16. During the due process of removal of an employee, as determined by management, employees will be allowed to telework, be placed on admin leave or placed in a work environment and will follow all mitigation measures applicable to not fully vaccinated employees (e.g. mask wear, social distancing and a COVID-19 negative screening test).

17. If prior to the issuance of a decision during the disciplinary process, such as suspension or removal, an employee provides the Agency with appropriate documentation that the employee is now fully vaccinated, the disciplinary process, in relation to vaccination, will be terminated.

18. The Agency will comply with all applicable state rules regarding the processing of unemployment applications for individuals removed from federal service for failure to obtain a COVID-19 vaccination.

19. All remedies available under the MLA or 5 U.S.C. 71 will remain available to the parties if concerns cannot be cooperatively resolved.

FOR MANAGEMENT

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TAMMY LYONS
Chief, Personnel Support Division
HQ AFMC/A1K

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S.A.1383297202

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Date: 2022.01.24 13:41:50 -05'00'

CURTIS HETZEL
Labor Relations Specialist
HQ AFMC/A1KL

FOR THE UNION



TROY TINGEY
President
AFGE Council 214

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TUJA STUARD
Executive Assistant
AFGE Council 214