

Amended Memorandum of Agreement
Between the Massachusetts Community College Council, Day and DCE Units,
and the Board of Higher Education and Massachusetts Community Colleges
On
COVID-19 Pandemic Related Employee Matters

The Massachusetts Community College Council, Day and DCE Units, (MCCC) and the Board of Higher Education (BHE) and the Massachusetts Community Colleges (Colleges) agree as follows:

1. In accordance with pertinent Massachusetts guidance and protocols established by state agencies and/or the Governor's Re-Opening Advisory Board, each College has established Return to Campus Plans (referred to as Re-Opening plans in the Higher Education Advisory Board's document entitled *Safe on Campus: A Framework for Re-opening Colleges and Universities, May 22, 2020*) that include but are not limited to, protocols and guidance on social distancing, hygiene, protective equipment, staffing operations including training, employees with Covid-19 symptoms and return to work requirements and cleaning/disinfecting. The Colleges shall make such plans available to all employees.

2. Colleges that have established their own Return to Campus Committees shall ensure that there is MCCC participation in the Committee process. To the extent that Colleges have not already published or released Return to Campus Plans as of the date of this Agreement, Colleges with or without such committees, shall provide any draft Campus Repopulation Plan(s) to their local Chapter representatives with a copy to the MCCC President for their review and comment at least five (5) days before the plan is published to the College Community. The contents of a College's final Campus Return to Campus Plan(s) shall be in the College's authority/discretion. The Colleges shall provide their MCCC Local Chapter, with a copy to the MCCC president, notice of any of the College's final Campus Return to Campus Plan(s) as well as any amendments to the Campus Return to Campus Plans.

3. The Colleges shall have at least one (1) designated administrator to monitor compliance with all College protocols regarding workplace safety, use of PPE as appropriate and proper social distancing and to receive employee concerns regarding workplace safety, use of PPE and social distancing. The College shall provide employees the name and contact information for the designated administrator(s) and shall include the same in any Return to Campus Plan. Nothing in this paragraph shall be deemed to be an amendment or repeal of the Safety procedures and processes contained in Articles 2.03 of the Day Unit and DCE collective bargaining agreements.

4. Employees who are currently permitted to telecommute for some or all of their regularly scheduled work hours shall, except for unanticipated circumstances, be provided fourteen (14) days notice of any change in their current telecommuting work schedule.

5. Employees who are required to return to campus for all or part of their work day, and who have childcare issues due to the continued restrictions on childcare facilities and/or schools, should contact their supervisor. Supervisors shall use reasonable efforts to ensure that the employee's childcare issue is accommodated, including but not limited to alternative schedules consistent with the College's return to campus plan. If after meeting with their supervisor/manager, an employee believes that their childcare issue has not been adequately addressed by their supervisor/manager, the employee may contact their College's Chief Human Resources Officer (CHRO) or their designee on the matter. The CHRO or their designee shall review the employee's issue with the supervisor/manager and offer alternative arrangements, if practicable.

6. Employees who are required to work remotely for all or part of their workday and who have technological issues or needs should contact their supervisor or manager in order to discuss possible solutions. Colleges

shall provide technology equipment, software, internet hotspots, or other items that the College believes, in its discretion, is needed for the employee to perform his/her job duties. If after meeting with their supervisor/manager, an employee believes that their technology issue or need has not been adequately addressed by their supervisor/manager, the employee may contact their College's Chief Human Resources Officer (CHRO) or their designee on the matter. The CHRO or their designee shall review the employee's request with the supervisor/manager and offer alternative arrangements, if practicable.

7. Employees who require other needed and approved supplies in order to perform their assigned duties remotely may request such approved supplies and shall go to their colleges to get the supplies. Each College shall establish procedures for employees to get needed supplies and provide the procedures to all employees.

8. No employee working remotely shall be required to share their personal contact information including telephone numbers with students or other third parties. The Colleges shall work with employees to ensure that work related telephone calls shall be accomplished by call forwarding, Google voice or other technological solutions.

9. The terms of the Agreement and Understandings between BHE/MCCC on Covid-19 Sick Leave and Travel Related Issues dated March 20, 2020, as amended June 26, 2020, remains in effect. A copy of the amended agreement is attached hereto and is incorporated herein.

10. If a College's Return to Campus Plan or applicable state protocols do not provide for a notification process to alert college employees of positive or presumptive positive cases of COVID-19 at the College, the BHE/Colleges agree to provide notice to MCCC employees at the affected College of any such cases through the College's existing notification processes (i.e., email to college email address, website postings).

11. The Colleges agree to make every effort to provide advance notice to employees of cleanings (other than those set out in the Colleges' Return to Campus Plans) except in emergencies and to provide employees with the cleaning schedule for their work area.

12. Colleges not routinely providing face masks to employees shall maintain a supply of face masks to provide to employees who either forget to bring their face mask to work or who lose or damage their own face mask while at work. Heightened PPE such as N95 masks, face shields, gowns, gloves, etc., shall be provided to employee whose job duties require such materials per state and/or federal guidance, regulations or protocols. Nothing in this Paragraph shall prohibit a College from providing employees face masks as appropriate.

13. All professional staff shall receive two (2) additional "off campus activities" days under Article 12.04 C 6 of the Day Unit Collective Bargaining Agreement not to exceed five (5) days in total for the current fiscal year. The additional days must be used by the employees no later than June 30, 2021. If the two days are not used by June 30, 2021, they shall be forfeited.

14. To the extent that students and college operations and services are not adversely impacted, the Colleges shall endeavor to continue offering telework arrangements to professional staff unit members through the end of the Spring 2021 semester. Notwithstanding the above, the parties understand that the Colleges may continue to assign professional staff members to work on campus. Such assignments may include staggered workdays or hours consistent with the College's Return to Campus Plan(s). Employees who have requests for reasonable accommodations under the ADA and/or FMLA requests shall direct such requests to the Human Resources Office at their respective Community College.

15. To the extent that student and college operations and services are not adversely impacted, it is anticipated that the Colleges shall continue to provide student services remotely to the greatest extent practicable through the end of the Spring 2021 semester. If student services are provided on the College's campus, the Colleges shall, to the extent practicable, provide such services on an appointment basis. In all instances of on campus services, proper social distancing and cleaning protocols shall be maintained.

16. To the extent Colleges are offering training or professional development to employees on remote work practices, professional staff shall be eligible to attend such training during their regularly scheduled work hours with advance request by the employee to their supervisors of their desire to attend the scheduled training.

17. Notwithstanding the language in the Day Unit Collective Bargaining Agreement at Article 12.04 C 4 a, the parties agree that until June 15, 2021 no individual member shall accumulate more than forty (40) hours of compensatory time. All employee compensatory time balances in excess of forty (40) hours shall be paid to the professional staff member at his/her regular rate of pay no later than March 1, 2021. Thereafter, the colleges shall pay professional staff employees for any compensatory time they earn in excess of forty (40) hours between March 1, 2021 and June 15, 2021 no less frequently than once a month.

18. The parties shall meet the first week of April 2021 to discuss issues related to Article IX F 3 in the Day Unit Collective Bargaining Agreement.

Signed and Executed this ____ day of _____ 2021

For the BHE:

For the MCCC:

Michael J. Murray, Esq.
Director of Employee and Labor Relations
Massachusetts Department of Higher Education

Claudine E. Barnes
Day Negotiations Chair

DeAnna Putnam
DCE Negotiations Chair