

The School Committee
of the
City of Boston

Memorandum of Agreement
City of Boston's Employee Vaccine Verification Requirement

Boston Teachers Union

February 15, 2022

Highlights

- BPS will maintain the Covid leave benefits from the MOA RE: SY21-22 Health and Wellness.
- The Parties agree that all new employees shall be vaccinated.
- The BTU shall withdraw its charge at the Department of Labor Relations.
- The Parties agree on the requirements for Non-verified employees for each Covid Surge Level, as discussed on Slide 4.
- BPS agrees not to discipline employees based on their vaccination status.
- BPS agrees to allow BTU members who resigned or retired due to their vaccination status to return to their position by March 15, 2022 if the position remains vacant.
- BPS agrees not to implement the terms of the MOA while a stay is in place in the City of Boston case before the Court of Appeals (Docket #: 2022-j-0031).
- BTU members present at the Union membership meeting on February 10, 2022 voted overwhelmingly in support of the tentative agreement.

Factors for Determining Surge Status

Three Factors (based on 7 day moving average):

- Capacity of our hospitals to care for individuals with severe illness of any type. Metric for this factor is “ICU Occupancy”, which is the percentage of beds occupied in Boston's Intensive Care Units.
- Severity of COVID-19. Metric for this factor is “Hospitalizations Per Day”, which is the average number of daily cases of adult patients with COVID-19 in Boston hospitals.
- Estimate of disease spread within Boston. Metric for this factor is “Positivity Rate”, which is the number of people who test positive for COVID-19 divided by the total number of people tested in the community.

Surge Levels

Red Zone

- **ICU Occupancy $\geq 95\%$**
- **Hospitalization Per Day ≥ 200**
- **Community Positivity Rate $\geq 5\%$**

- **Non-verified employees must either submit proof of vaccination or will be placed on unpaid leave.**

- **Non-verified employees may elect to use accumulated sick days to be paid at a rate of 40% while on leave**

Yellow Zone

- **All three metrics have fallen below these levels outlined in the red category.**

- **Non-verified employees must submit proof of two negative COVID-19 screenings per week.**

Green Zone

- **BPHC order requiring face coverings in certain indoor spaces is rescinded.**

- **Non-verified employees take no action.**

Equity Impact Statement

- **Proposal/Presentation & Impact**
 - The City of Boston's Vaccine Verification Policy aims to achieve a fully vaccinated workforce to best ensure the safety of the district's staff, students, and families during the pandemic.
 - Maintain a racially diverse team of educators at BPS given that the majority of unvaccinated employees are of Color.
- **Alignment with the Strategic Plan**
 - Hire and retain a workforce that reflects the racial, ethnic, and linguistic diversity of the students and families we serve;
 - Develop capacity to address health and social contributors to opportunity gaps,
 - Make every school a safe space for every BPS student, offering the support and protection needed to learn, grow, and thrive.
 - Increase transparency and accountability by providing new data tools, dashboards, and public reporting.
- **Analysis of Data**
 - The City has consistently analyzed data regarding ICU occupancy, hospitalization rates, and community positivity. This data led to the establishment of the metrics that will guide the City's decision-making related to surge zones.
- **Stakeholder Engagement**
 - This proposal resulted from negotiations between Mayor Wu's team and the leaders of the BTU, as well as the City's public safety unions.

Equity Impact Statement

- **Racial Equity Strategies**
 - This proposal will mitigate disproportionate departures of BPS employees of Color, while still protecting our staff, students, and families from the higher likelihood of infection from unvaccinated employees during surge periods.
- **Budget & Implementation**
 - There will likely be an impact on the budget due to the need to provide substitute coverage for BTU members on leave due to their vaccination status.
 - The primary implementation team is composed of the Boston Public Health Commission (tracking surges), Office of Human Capital (tracking compliance and securing coverage) and school leaders (enforcing compliance and addressing students' learning and other needs.)
 - These departments will bring an equity lens to their efforts.
- **Accountability & Communication**
 - As the District implements the MOA, the Office of Human Capital will be responsible for these key metrics:
 - The pandemic
 - Impacts on staffing
 - Impacts on school communities

School Committee Options

1. Vote to approve the MOA and the Boston Public Schools will move forward preparing for implementation. BPS will also begin exploring the appetite for a similar agreement with the rest of our collective bargaining units.
1. Reject the MOA and the parties will return to the bargaining table.