


## MEMORANDUM OF UNDERSTANDING

1. The following agreement is between the Department of Veterans Affairs (VA), Veterans Health Administration (VHA) (Employer) and the National Federation of Federal Employees (NFFE), VA Council of Consolidated Locals (Union) regarding VHA Directive 1193 .01 Coronavirus Disease 2019 Vaccination Program for Veterans Health Administration Health Care Personnel.
2. Any training regarding VHA Directive 1193 .01 will occur on duty time. The local union shall be allowed to select at least one representative at each local to receive training necessary to understand VHA Directive 1193.01 and the training should be equal to the training managers receive.
3. Consistent with Article 3, Section 16, Part G, of the NFFE-VA Council Master Agreement, bargaining unit employees have a right to privacy.
4. VA medical facility EOH staff may not identify individuals according to their vaccination status or otherwise indicate whether an individual has been vaccinated unless that individual has provided a qualifying authorization to EOH permitting the disclosure on VA Form 10-5345, Request for and Authorization to Release Health Information. Even if disclosed, information provided by the employee will be protected as required by the Privacy Act, and any other relevant statute, regulation, or VA policy.
5. VHA Employee Occupational Health (EOH) employees assigned to assist occupational health will protect the confidentiality of employee information.
6. Bargaining unit employees may request and be provided instructions on how to complete and submit all required documentation for proof of vaccination and or requesting an exemption.
7. When employees submit the required information in the designated VA system for electronic submission, currently the Light Electronic Action Framework (LEAF) system, the supervisor will process the request according to VHA Directive 1193.01.
8. Employees may submit the required information and reasonable accommodation request in the designated VA system for electronic submission, currently the LEAF system, or complete documentation on provided hard copy forms that are provided.
9. After an employee receives notice they are compliant with the vaccination, the employee may request revocation of the Release of Information(ROI).
10. Medical Reasonable Accommodation request will be processed in accordance with VA Handbook 5975.1 or its successor Handbook.
11. Employees requesting reasonable accommodation for sincerely held Religious Belief will not be required to provide any specific information regarding personal religious affiliation.
12. Supervisors will follow procedures established by VHA Directive 1193.01 and VA Handbook 5975.1.


13. The employer will comply with any applicable Federal laws, including requirements under the Privacy Act and any applicable collective bargaining obligations. The employee will be required to follow the CDC guidelines and Safer Federal Workforce Task Force COVID-19 Workplace Safety Principles.
14. The Department will provide COVID-19 vaccinations during duty hours for bargaining unit employees.
15. Employees suffering from an injury or illness following vaccinations from the VA may file a workers' compensation claim under the Federal Employees Compensation Act (FECA)
16. Bargaining unit employees will be provided the following information:
  - a. Dates when the COVID-19 vaccination is available
  - b. Procedures for receiving the COVID -19 vaccination
  - c. Procedures for submitting documentation of a COVID-19 vaccination obtained outside of VHA or from a community health provider.
    - i. The risks and benefits of COVID-19 vaccine.
    - ii. Side effects of COVID-19
17. Information on VHA Directive 1193.01 will be made available to bargaining unit employees.
18. Each employee will have access to the COVID-19 education and training share point at <https://dvagov.sharepoint.com/sites/vhacovidvaccine/SitePages/Education-and-training-Page.aspx>
19. If there is a shortage of COVID-19 vaccinations at a facility the Department will provide contingency plan information to the local union.
20. Employees whether vaccinated or unvaccinated, who believe they may have been exposed to COVID-19 or are symptomatic are eligible for COVID-19 testing on duty time without expense at their facility.
21. Employees testing positive for COVID 19 and believing it to be a workplace exposure will inform their supervisor. The employee will be informed of their right to submit an OWCP claim by their supervisor.
22. Masks will be provided by the Department. Fitted N95 respirators or other respirators are not required by this policy, but they should be used when appropriate to the task (e.g., when caring for a patient on airborne infection isolation precautions); if N95 or higher respirators are used, they also serve the purpose of being considered a face mask for this directive.
23. If employees are having symptoms of COVID-19, the Department will provide either COVID-19 PCR test (if results will be available timely), or antigen, or non-PCR NAAT testing may serve as first line rapid diagnostic tool in symptomatic employees.
24. Upon request, Management will notify the NFFE local when there are changes in community and facility infection rates which affect conditions of employment of bargaining unit employees.

- 25. The Department will meet its bargaining obligations, to the extent required by law, if new COVID-19 vaccines are mandated.
- 26. An employee in accordance with the Master Agreement Article 3, section 8, may request to have a union representative review and assist them in the completion of required documentation, and answer any questions related to VHA Directive 1193.01.
- 27. This MOU will expire at the issuance of a successor MOU related to VHA Directive 1193.01, termination of VHA Directive 1193.01, or a newly implemented Collective Bargaining Agreement. If The Department implements changes to VHA Directive 1193.01 that impact working conditions in 2 or more Locals, The Department will meet its obligations to bargain at the national level.
- 28. Copies of this MOU will be distributed by appropriate local Management official to the NFFE local president on completion. This MOU will be posted on VA LMR website.

Richard L.  Digitally signed by Richard L. Watkins 250143  
 Watkins 250143 Date: 2023.07.25 07:54:20 -07'00'

---

Richard Watkins  
 Labor Relations Specialist  
 Department of Veterans Affairs (VA)

Jeffrey J.  Digitally signed by Jeffrey J. Shapiro 535490  
 Shapiro 535490 Date: 2023.07.28 14:37:25 -04'00'

---

Jeffrey Shapiro  
 President, NFFE-IAM, VA Council

---

Date  
 RANDY  Digitally signed by RANDY SPAHOS  
 SPAHOS Date: 2023.07.25 12:03:34 -05'00'

---

Randy Spahos  
 Labor Consultant  
 Veterans Health Administration (VHA)

---

Date

---

Date