



Memorandum of Understanding
Between
Fluor BWXT Portsmouth LLC (FBP)
and
United Steelworkers, AFL-CIO Local No. 689 (USW)
P&T Unit

The undersigned parties agree to the following provisions with regard to Mandated COVID Vaccinations.

1. Employees will be required to be Fully Vaccinated, by December 1, 2021, as defined in Company Policy FBP-HR-POL-00060.
2. Excluding employees already on approved Company leave (STD, LTD, FMLA, or military leave), there is no mechanism for an employee to take a leave of absence to avoid compliance with the vaccine mandate.
3. Employees who currently have, or have had, COVID-19 and were treated with monoclonal antibodies will receive a 90-day extension to become fully vaccinated. The 90-day period will be measured from the date of treatment. Employees who receive the monoclonal antibody treatment between October 26, 2021 and December 1, 2021 will be granted the same extension based on the recommendation of their personal health care provider. Employees who are granted this 90-day extension must begin the vaccine process within (2) working days of the end of such period, unless they have been granted a separate, legal exemption. Employees under this 90-day extension will be considered to be under accommodation until such time that they are fully vaccinated, and will be expected to adhere to the accommodation program established for them. These employees will further be required to provide documentation to the Human Resources Department as to the date when their final vaccination shot is required to be administered.
4. Employees must have submitted requests for medical/religious exemptions through the established process by October 18, 2021. Should an employee's request for exemption be denied, the employee will have a one (1) time option to appeal the decision. The appeal must be in writing and be delivered to FBP Human Resources within (2) working days of the Company's denial. Should an employee receive a Final Denial for an accommodation request, the employee will be given a choice to either be vaccinated, or be released from employment in accordance with (#6) below, or submit their resignation.
5. Employees whose exemptions are approved will generally be allowed to come to work. Employees will be required to comply with FBP's COVID-19 policies and procedures.
6. In the event an employee, not on a protected leave or legally exempt, fails to turn in proof of vaccination by November 18, 2021, the Company will place the employee on an unpaid suspension. Should the employee fail to be Fully Vaccinated by December 1, 2021, the Company will begin the release of employment process with an effective date of December 9, 2021.
7. The Company is willing to be flexible. Should an employee decide to become vaccinated prior to release from employment, the employee shall inform Human Resources as such. He/she will then be given a set period during which to become fully vaccinated. The employee will be required to remain away from work either on PTO or LWOP, or a combination thereof until the final vaccination shot. Once the final vaccination shot has been administered the employee may return to work but will be required to take COVID-19 tests each week until they are considered fully vaccinated. Said employee must present objective evidence of their vaccine by the date specified by Human Resources. If the employee fails to provide such objective evidence by the agreed date, the employee will be released from employment on that date. A release will not result in a negative employment reference and FBP will not dispute unemployment claims for those who are released. Any individuals rehired prior to June 1, 2022 with full vaccination or a valid legal exemption will retain all seniority held prior to being released from employment. However, reinstatement will not carry-over to impact eligibility for PTO accrual, severance benefits, or any other benefits.

8. Employees will be granted up to (8) hours paid leave for the following:

- To travel off site to obtain a COVID-19 vaccine
- Accompany a family member off site receiving the COVID-19 vaccine. Family members as defined in Policy FBP-HR-POL-00005.
- Employee(s) must request and receive approval prior to taking leave

9. Employees who experience side effects from receiving the COVID-19 vaccine may receive up to an additional (2) days of administrative leave.

- Must be used in the immediately following scheduled work days associated with the COVID-19 vaccine dose
- Max of (8) hours paid leave per day. Employees will have to use PTO or LWOP to make up remaining hours of scheduled shift(s)
- Employee must provide a valid doctor's note as justification of side effects. Employees whom fail to provide requested justification will not be eligible for the aforementioned paid leave and will be required to use PTO or LWOP for time missed

10. The aforementioned paid leaves are not retroactive prior to October 22, 2021 and will be paid at straight time rates. These paid leaves are not considered hours worked and do not count towards the calculation of overtime. Deductions will not be made should employees work in excess of his/her scheduled shift or forty (40) hours within the workweek. Overtime calculations will be based solely on hours worked.

11. Should the need arise to significantly change or implement new COVID-19 related policies, procedures, and protocols, the Company will notify the Union leadership and set up a meeting to discuss these changes.

12. No part of this agreement will be cited, referred to or relied upon by either party as precedent for any other matter, nor does it alter the Collective Bargaining Agreement.

13. This agreement represents the entire understanding of the parties with respect to its subject matter.