

# Ferry Union Coalition



Monday, August 30, 2021

## How are the Ferry Unions at WSF Responding to the Vaccination Mandate?

Upon learning of the Governor's COVID-19 vaccine mandate (Proclamation 21-14) which requires all State employees to be fully inoculated by October 18th, the Ferry Unions convened to review, strategize and assess possible implications as well as develop our priorities and proposals. We sent individual demand to bargain letters to the State and scheduled bargaining sessions, as a coalition, with OFM. The first meeting took place on August 20th, the second on August 26th, and a third meeting is scheduled for September 1st.

While we understand the need for vaccines, we also know this issue is serious as it pairs a very personal choice ultimately with one's employment status. While we cannot fight the mandate itself, as previously determined by \*cases at the Supreme Court and the 7th U.S. Circuit Court of Appeals, we do want to make sure the implementation and impacts are fair, well thought out, and allow for flexibility. Of note, we are also starting to see vaccine mandates in the private sector as well as amongst City and County employees.

We requested information fundamental to assessing the State's intended plan and process. Unfortunately, OFM has been largely unable to provide the necessary insight or guidance we seek.

In particular, we have focused our concerns on how the vaccine mandate could impact:

- Exemptions and accommodations (which must include a clear process and realistic timeline)
- Eligibility for unemployment benefits
- Paid leave to cover both the time needed to receive the vaccine and time needed to recover from any adverse effects
- Reasonable incentives and recognition
- Grace period to allow employees to return to WSF employment with seniority intact and/or to allow employees to retire with proper notice and benefits
- Staffing plans in the event of widespread vacancies and shortages
- Strict confidentiality and record-keeping standards given recent leaks and hacks

To date, the State has rejected all of our proposals outright and frankly shown little interest in "meeting in the middle."

Be advised, in order to comply with the October 18th deadline, the final vaccine dose must be received by Monday, October 4th, to be considered fully vaccinated two (2) weeks later. If applying for a medical exemption, the Employer will seek to determine if the employee has a disability as defined under the Americans with Disability Act (ADA), and if so, if it can be accommodated. If applying for a religious exemption, employees must hold sincerely held beliefs that are protected by Title VII of the Civil Rights Act. And, even if an exemption is approved, the State has indicated there will be little to no opportunity for reasonable accommodations for vessel crew.

Of particular concern to us, is whether the State is bargaining in good faith and whether there is sufficient time for employees to go through the exemption and accommodation process, including potential appeals. Our goal here is to bargain protections for workers getting fully vaccinated while ensuring everyone understands the process, timelines, and potential consequences.

\**Jacobson v. Massachusetts* (1905 case heard by SCOTUS)

\**Klassen, et al. v. Trustees of Indiana University* (2021 case heard by 7th U.S. Circuit Court of Appeals)