

# **Bargaining Tips for the Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees**

## ***A Guide for IFPTE Federal Locals***

It's time to start negotiating impact and implementation of the Executive Order requiring COVID-19 Vaccination for federal executive branch employees! As you know, the administration and the task force charged with implementation of this Executive Order have made clear that **they invite and expect unions to negotiate impact and implementation as soon as possible**. The goal is for individual agencies to be able to implement the requirement in a way that makes sense for their particular workforces and that reaches as many employees as soon as possible.

### **First, a refresher on some relevant mandatory subjects of bargaining:**

1. Discipline and job security
2. Safety
3. Personal protective equipment (PPE)
4. Health benefits
5. Costs of vaccination
6. Leave for obtaining vaccination
7. Leave for side effects of vaccination
8. Frequency of testing the unvaccinated
9. Medical privacy issues, both as to vaccination verification and testing for the unvaccinated
10. Procedures for proof of vaccination
11. Procedures for testing the unvaccinated
12. Incentives to get vaccinated
13. Scheduling impacts on staffing and safety
14. Working conditions for the unvaccinated

### **Here are specific issues for local unions to negotiate with their agencies and reduce to writing:**

1. Timeline for employees to be vaccinated; this must match up with the timelines for full vaccination by November 22, 2021 (see detailed timelines here).
2. Any religious or medical deferrals, how and who will establish the forms, and the department for requests to be filed (medical exemptions will generally go through existing ADA processes but you want to be clear). Also, timeline for agency response to employees on approval or denial of request.
3. Request that any deferral and any vaccination information be submitted to a qualified Medical representative who has the license, skills and knowledge to interpret test results

and correspondence from other medical professionals (often, they are already housed within the ADA framework in an agency).

4. Where possible, establish locations for on-site vaccinations to be administered to employees, with time off to receive vaccinations. All vaccination(s) must be placed on an approved CDC Vaccination Card and provided to employees. Also negotiate times and locations for employees on telework to be vaccinated where possible.
5. Employees shall be granted time off for adverse reactions to vaccine. There is current guidance allowing time off, however, having it in your local agreement will be stronger if you have an issue later.
6. For those unable to be vaccinated, will weekly or more frequent testing be conducted? Employees shall be granted time without loss of pay to be tested, and process for submitting test results should be outlined in the agreement.
7. Discuss how the union will be notified of any non-compliance by a contractor. In many locations, contractors work next to our members, and we need to know of any possible exposure to COVID-19. The union should demand notification should a contractor become infected or is being removed for this reason.
8. For those Locals with return-to-work plans already in place: those plans cannot be altered without notification by the agency and I & I bargaining. This EO does not affect any local return-to-work plan.
9. We recommend using your current Negotiated Grievance Procedure to address any disputes if the agency attempts to create a different policy.
10. An MOU should require the Agency to immediately inform the Union President or other designated individual of any changes to Policy, Directives etc. We recommend requesting a standing order that the Union retains the right to conduct I & I bargaining along with no change in the negotiated COVID vaccination requirement MOU until all negotiations have been fully adjudicated, including, but not limited to mediation, arbitration or other authority.
11. How, and when will employees from your location on TDY or other Temporary assignment be vaccinated?
12. The Local may want to get status updates as to the number of members vaccinated, deferred, and refusing to comply.

### **IMPORTANT DOs and DON'Ts:**

**DO request to bargain ASAP!** The union has an important role in helping ensure safety in the workplace and agencies are looking for guidance on these issues from you, the representatives of their workforce!

**DO NOT attempt to hold up the negotiation process** - the clock is ticking and there is a hard deadline of November 22 for all employees to be vaccinated, which means November 8 for employees to receive their last dose. In other words, the deadline is non-negotiable, as we are facing a public health threat. If local unions fail to step up to be part of the solution, those who stall will be doing so at their own peril and may lose valuable resources and protections for their membership.

**DO NOT allow management to reopen any articles of your current CBA** - this is a separate negotiation, so management should not raise contract articles in these negotiations.