



LOCAL UNION 6

International Brotherhood of Electrical Workers

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Date: August 23, 2021

To: IBEW 6 Members employed by City & County of San Francisco and SFMTA

From: John J. Doherty, BM/FS IBEW Local 6

RE: Mandatory Vaccination Policy

This morning, the Food & Drug Administration (FDA) approved the Pfizer-BioNTech COVID-19 Vaccine for the prevention of COVID-19 disease in individuals 16 years of age and older. The vaccine will be marketed under the name Comirnaty. At this time the FDA has not granted full approval for the Moderna and Johnson & Johnson vaccines, but we would expect them to receive final approval in short order.

Although we have not completed the meet and confer process, we can expect the City and the SFMTA to take the position that the ten (10) week window has now been triggered.

As we have previously noted, guidance from both federal and state Occupational Health & Safety Administrations and the Equal Employment Opportunity Commission have stressed the Employer's responsibility to provide a safe work environment for its employees. COVID vaccines address the safety of the work environment, and the EEOC has stated that restrictions tied to vaccinations do not trigger EEO review unless tied to a protected status.

To date, in numerous legal challenges to COVID-19 vaccination policies, both state and federal courts have upheld the Employer's right to impose a vaccination requirement. Notably, Supreme Court Justice Amy Coney Barrett refused to move the appeal of Indiana University's COVID-19 vaccination policy to the full court for review.

As I have repeatedly noted, both in my monthly article and these updates, we are heading to a collision of Property Rights vs. Personal Freedoms. The City & SFMTA have the right to control their property and set safety policy. We do not know what will ultimately come out of this proposed policy, but those who choose to not get vaccinated may face certain restrictions in the near future.

To be perfectly clear, we still do not believe threatening to terminate employment is an appropriate measure, and we have communicated that repeatedly to the City/SFMTA. Again, we will provide updates as they become available.

IBEW Local 6 also understands that some members remain reluctant to get vaccinated for religious, medical, or other strongly held beliefs. IBEW Local 6 has advocated for vaccination access and still believe that it is the safest option for our members in the current health crisis. We strongly encourage you all to get vaccinated to protect you and your families, friends, and our community-at-large as the COVID variants circulate in the population.

We are hopeful that with this full FDA approval of the Pfizer-BioNTech vaccine Comirnaty, more members will now choose to get vaccinated.