



LOCAL UNION 6

## International Brotherhood of Electrical Workers

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Date: September 27, 2021

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

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

**RE: City/SFMTA Mandatory Vaccination Policy**

In a series of communications over the last few weeks, IBEW Local 6 has communicated, as best we could with the information provided, our understanding of the City/SFMTA (Employers) Mandatory Vaccination Policies. That understanding is still in development, and we will provide updates as they become available.

To be perfectly clear, IBEW Local 6 did not participate in the drafting of the Mandatory Vaccination Policies at either the City & County or the SFMTA. IBEW Local 6 has participated in the Meet & Confer process with the Employers. We have offered what we believe are reasonable accommodations to the Employers' policies but have yet to come to agreement on the policies or their affects. IBEW Local 6 has been in regular discussions with our legal counsel since the Mandatory Vaccination Policies were first announced and have also worked with counsel to craft strategies to address the situation in the Meet & Confer process.

If the Employers move to fully implement their policies by serving a notice of 'Intent to Separate', the grievance process and/or the Public Employment Relations Board will be our next step. However, there is a growing list of legal proceedings that have upheld similar policies.

That said, this communication is provided so you can review the ramifications are depending on your decision to get, or not get, vaccinated. While I have consistently urged, and still urge, our members to become vaccinated, I am not able to 'order' anyone to get vaccinated, nor do I believe it would be appropriate for me to do so. Choosing not to get vaccinated will likely lead to being noticed of an Intent to Separate under the Employers' Mandatory Vaccination Policies.

Things to consider are:

1. Will my Healthcare, and that of my dependents, be disrupted if I find myself permanently separated? (From the City & County of San Francisco Health Benefits Guide)

The following persons are eligible to participate in San Francisco Health Service System benefits:

- All permanent employees of the City and County of San Francisco whose normal scheduled work week is not less than 20 hours.
- All regularly scheduled provisional employees of the City and County of San Francisco whose normal work week is not less than 20 hours.
- All other employees of the City and County of San Francisco, including temporary exempt or "as needed" employees, who have worked more than 1,040

hours in any consecutive 12-month period and whose normal work week is not less than 20 hours.

- All officers and employees as determined eligible by the governing bodies of the San Francisco Transportation Authority, San Francisco Parking Authority, Treasure Island Development Authority, the Superior Court of San Francisco and any other employees as determined eligible by ordinance.

If you are notified of an Intent to Separate, provided it is not for ‘gross misconduct’, you **may be eligible** for COBRA Coverage. Self-payment COBRA rates are available in the City & County of San Francisco Health Benefits Guide, or available [here](#).

Visit [https://sfhss.org/sites/default/files/2021-02/CSF\\_Guide.pdf](https://sfhss.org/sites/default/files/2021-02/CSF_Guide.pdf) to review the full current Health Benefits Guide.

2. Will I be able to qualify for unemployment if I find myself permanently separated?

California’s Employment Development Department, [EDD specifies](#) that individuals filing for unemployment benefits must be out of work through no fault of their own. If an employee is fired, the employer must prove there was misconduct, which could include violating the public health order.

**What Happens If You Quit or Get Fired** (from the EDD website)

*EDD “will schedule a phone interview to discuss your claim and circumstances. If you quit, you must prove good cause for quitting. If you are fired, your employer must prove there was misconduct\*. Either party can disagree with the decision and file an appeal.”*

**\*Misconduct could include violating the Employers’ Mandatory Vaccination policies.** (Emphasis and Asterisk added)

3. How long will it take for the grievance process to work itself out?

All grievances are different and dependent upon multiple factors, so no clear timeframe is available at this time. If we enter either the arbitration process or PERB process, that will undoubtedly delay final conclusion even further.

4. What are the ramifications if a member resigns their position (quits their job) rather than get vaccinated?

Voluntary resignation of a Permanent Civil Service will also voluntarily release your appeal rights.

Your rights to return working for either the City & County or the SFMTA are covered by Civil Service Rules in Rule 114 Article III: Reappointment (City & County) and Rule 414 Article V: Reappointment (MTA). Please read these provisions carefully.

If you are Involuntarily Separated, your Future Employment rights may be restricted, which is covered in detail by [Civil Service Memorandum CSC No. 2014-10](#).

Healthcare and Pension issues are addressed separately on this memo.

5. Will I lose my Pension if a permanent separation is upheld?

The short answer is that ‘it depends’ on the individual circumstances. From the San Francisco Employee Retirement System website:

### Leaving City Employment

If you leave employment with the City and County of San Francisco **before you are qualified for service retirement**, you have three options for your accumulated contributions: *Vesting*, *Reciprocity*, or *Refund*.

1. **Vesting:** If you earn at least five (5) years of credited service, you may “vest” and leave your contributions and interest in your retirement account, preserving your claim to a vesting allowance in the future. The vesting election is **irrevocable**. Please see your summary of key plan provisions for information on vesting requirements for your plan.
2. **Reciprocity:** Regardless of years of credited service, if you terminate employment with the City and become a member of another reciprocal California public system, or another SFERS plan within six (6) months after terminating, you may combine your City service with service earned under the reciprocal plan to qualify for retirement in each plan. You are required to leave your contributions plus interest in your SFERS retirement account.  
*SFERS does not have a reciprocal agreement with the University of California Retirement Plan, Judges Retirement System (JRS), Legislator’s Retirement System, State Teacher’s Retirement System, or Federal Employees’ Retirement System*
3. **Refund of Contributions:** You can receive a full refund of your retirement account (i.e., employee contributions plus interest). You have two (2) distribution options; a direct distribution to you, or a direct rollover to an IRA or other qualified retirement plan including the City’s 457(b) Deferred Compensation Plan (SFDCP). Please allow up to eight (8) weeks for delivery of your distribution. **If you have more than five (5) years of credited service, we strongly recommend visiting the SFERS office to speak with a retirement counselor before receiving a refund.** (Emphasis added)

To select one of the termination options listed above, log in to [mySFERS](#) secure member portal and select the “Profile” tab, then “Termination Option Request” within 90 days from your separation date. Download and submit the completed Termination Options Form by mail to: SFERS, 1145 Market Street, 5th Floor, San Francisco, CA 94103.

To learn more about SFERS termination options, select the link for your membership group below, select “Benefits”, then “Separation Benefits”.

[Miscellaneous Members](#)

I hope the above information will be helpful as you weigh getting the vaccination or not. Your decisions are yours to make, but sometimes it is useful to put down some pluses and minuses down on paper. As this is a big decision, some things you may want to consider are:

- A. Do you genuinely believe the resulting discipline, up to and including possible permanent separation from employment, outweighs getting the vaccination?
- B. Have you spoken to your personal physician about the vaccine?
- C. Does your decision take into account the fact that some of your co-workers have had severe cases of COVID, some requiring hospitalization, others requiring intubation on a ventilator, with others still having suffered a stroke shortly after contracting COVID?
- D. Are you resisting the vaccine because of peer pressure from your fellow co-workers?
- E. As this decision will have an impact on your family, have you thoroughly discussed with your husband/wife/partner?

For those seeking COVID Vaccination Exemptions, please utilize the links below for information and/or forms:

- [COVID-19 Vaccination Exemption Request Procedure](#)
- [Determination on COVID-19 Vaccination Exemption Request Form](#)
- [Declaration in Support of Employee Religious Exemption Request](#)
- [Employee Request for Reasonable Accommodation - Medical](#)
- [Employee Request for Religious Accommodation](#)
- [Health Care Provider Certification Form](#)