



December 21, 2021

Local 342 Membership

Re: NYC Vaccine Mandate

Dear Local 342 Member:

As many of you are surely aware, Mayor Bill DeBlasio has enacted a mandatory vaccine requirement for all private sector employees that report to a “workplace” in New York City. Although the mandate does not require a private sector employee to be vaccinated, it does require that NYC employers not permit their employees to enter the “workplace” if they have not been fully vaccinated against COVID-19. Obviously, for many of you, this requirement is causing you great concern.

Although Local 342 cannot prevent your employer from obeying this mandate, Local 342 is here to protect your rights during this trying time. First of all, the NYC mandate is clear, **an employer is not required to terminate an employee for refusing to be vaccinated against Covid-19.** Instead, all the employer is required to do is exclude that employee from the workplace **except if the employee is only making a visit for a “quick and limited purpose.”**

This exception for a “quick and limited purpose” means that for some Local 342 employees (i.e. Drivers) Local 342 is taking the position that the vaccination mandate should not be applied to them at all. Local 342 intends to grieve any implementation of a requirement that an employee who only makes “quick and limited” visits into their Employer’s facility be required to show proof of vaccination. **Regardless, even if you do not think you are an employee who only makes “quick and limited” visits to their Employer’s facility, you should still apply for an accommodation before December 27, 2021 (as detailed below) if you think you are entitled to one.**

With respect to NYC employees whose jobs require their regular presence within the Employer’s facility, **at this time, the only way to ensure (without providing proof of vaccination) that you will not be excluded from your workplace as of December 27, 2021 is to apply for a medical and/or religious exemption NO LATER THAN DECEMBER 26, 2021.** As long as you apply for the exemption by this date, your Employer must continue to allow you to work without providing proof of vaccination until they have determined whether or not you are entitled to a reasonable accommodation and what that accommodation should be. Your Union representative is available to help you make your exemption request should you need assistance. Please contact the vaccine hotline immediately: (718)-356-1487. This hotline will be available throughout the holidays.

While your Union Representative will be happy to assist you in requesting a “reasonable accommodation” **DO NOT DELAY IN MAKING YOUR INITIAL REQUEST**, your Union representative can help you with additional details after you have made your initial request. If you are subsequently denied a valid request for an accommodation, the Union can grieve this denial on your behalf afterwards.

Even if you are denied or ineligible for a “reasonable accommodation” Local 342 will continue fighting for you. Local 342 intends to demand “effects bargaining” with any employer that



indicates it will exclude unvaccinated Local 342 members from its workplace in response to the NYC mandate. Again, **simply because you are excluded from the workplace does not mean your employer must terminate your employment.** As each employer (and the Employees working there) are different, Local 342's demands will be different for each Employer. If you have specific questions about the position Local 342 will take with your Employer, please feel free to contact your Union Representative.

As you are all aware, these requirements seem to be rapidly evolving and changing on a week to week basis. In fact, Mayor DeBlasio will no longer be in office as of January 1, 2022, and it is unclear what his successor's intentions are with respect to the NYC vaccine mandate. Local 342 will endeavor to keep all of you apprised as to the latest developments as they occur.

Should you have any additional questions or concerns please feel free to reach out to the vaccine hotline at: (718)-356-1487

Yours truly,

DEANA ABONDOLO-TELMANY  
President  
UFCW Local 342