



## Executive Council

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TO: ALL MTC Presidents

FROM: James Hart, President  
Metal Trades Department

DATE: November 7, 2021

RE: **Vaccine Mandate Update**

Dear Council President,

Late last week the Biden Administration announced the details of a policy change that the department maintains directly effects three segments of the Metal Trades workforce.

### **Employees in the Direct Employ of Government:**

As the language contained in the policy change appears to be ambiguous when referring to federal employees, please note that until further clarification is obtained by the department regarding vaccinating instructions and deadlines, the council is advised to observe the vaccination deadline of November 22, 2021.

Employees not on schedule to be fully vaccinated with either their second dose of Pfizer or Moderna, or single dose of Johnson & Johnson by November 22, 2021, can expect to be required to attend counseling that will lead to progressive discipline and termination.

### **Employees in the Employ of Federal Contractors:**

A new vaccination deadline of January 4, 2022, has been established in the Presidents guidelines regarding the federal contractor employee vaccination requirement. Employees of federal contractors will need to have their final vaccination dose, either their second dose of Pfizer or Moderna, or single dose of Johnson & Johnson by January 4, 2022. Please advise the department should any agency contractor express disagreement with this newly established deadline.

### **Requirement for all Employers with 100 or more Employees:**

The Occupational Safety and Health Administration (OSHA) has announced the details of a requirement for employers with 100 or more employees to ensure each of their workers is fully vaccinated or tests for COVID-19 on at least a weekly basis. The OSHA rule will also require that these employers provide paid-

time for employees to get vaccinated, and ensure all unvaccinated workers wear a face mask in the workplace. Please note that this particular provision has been recently tested in a federal appeals court and a decision was handed down by the 5<sup>th</sup> Circuit Court of Appeals temporarily halting the vaccine requirement for businesses with over 100 employees. ***The department is of the opinion that this decision has no bearing on employees of contractors doing business with the federal government.***

All council officers are encouraged to continue diligently negotiating the effects of bargaining issues until the concerns of the bargaining unit members and their affiliate local unions are addressed. As unemployment benefits are determined by the respective state Division of Unemployment Assistance it is unknown whether unemployment benefits will be provided to employees who resign because of the mandate. In the meantime the department continues to adopt the position that each and every council is accountable to its affiliated local unions and their members to continue effects bargaining with its respective agencies or signatory employers over the vaccine mandate until a successful conclusion or impasse occurs.

As you know, the department strongly supports protecting our member's health and safety in the workplace and the efforts being made to get more individuals within our ranks vaccinated.

However, the Metal Trades Department does not agree that the members of our affiliates should lose their position or be harmed due to the mandate. Although we continue bargaining at the national level over this matter, this may or may not prevent the employer from disciplining bargaining unit members not in compliance with the mandate due to predisposed or not agreed upon dates. Should council officers be faced with such a situation, please note that the department will assist bargaining units and affiliates in defending any disciplined bargaining unit member for being unlawfully penalized. In most cases, grievances should be filed by the local council on behalf of disciplined or terminated bargaining unit members. In addition, all concerned parties need to be made aware that the grievance and arbitration process shall be cumbersome and can take up to a year or more.

Should you require any further information, please feel free to contact me at your convenience. Attached for your information and use, please find a prepared document by the department of some frequently asked questions regarding the safety of the vaccine by bargaining unit members.

Each and every affiliate of the Metal Trades Department is proud of the work you are doing in representing the health, safety, rights and concerns of the hard working and dedicated members of the metal trades during these apprehensive times. Your commitment to workers and their families is both invaluable and praiseworthy.

Thank you and Godspeed to one and all!