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Metal Trades Department, AFL-CIO • 815 Black Lives Matter Plaza • Washington, DC 20006

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TO: All Metal Trades Council Presidents

FROM: James Hart, President Metal Trades Department

DATE: November 1, 2021

RE: Vaccine Mandate

Dear Council President,

As of this writing Metal Trades bargaining unit members in the direct employ of the federal government, or the employ of a contractor performing work for the federal government and/or in the employ of a company with more than 100 employees are required to be vaccinated for COVID-19 or be terminated.

Many within the House of Labor anxiously awaited the development, approval and distribution of the vaccine and felt strongly that its public dissemination would bode well for America and that public acceptance of the injection would signify the big step needed towards finally putting this dreadful pandemic behind us. Each affiliated International or National Union that comprises the Metal Trades Department, AFL-CIO, is in agreement and support of the vaccine mandate. Not only are metal trades union members subject to the Presidents Executive Order and mandate required to be vaccinated, but to my knowledge every International and National Union affiliated with the department has substantially implemented the same vaccination rules for its individual staff and employees.

Many of the discussions between people who favor vaccines and those who oppose them can be frustrating and in some cases down and out nasty. For the most part that's because those same individuals are receiving their news from different or unreliable sources. For those who remain hesitant about the quality of the approved vaccines, the department and its affiliates understand bargaining unit members concerns about long term side effects and whether or not the vaccines were rushed to market. However, it is important to realize that scientists have worked on the coronavirus vaccines for decades. Keep in mind that over 200 million Americans have been vaccinated to date with no long term effects detected (trials started well over a year ago) and no non-live or inactivated vaccine has ever been shown to cause side effects years later.

As a trade unionist, I regret that we have bargaining unit metal trades members who feel compelled to choose between the vaccine and their job. Unfortunately for those who possess that point of view, there is no legal avenue to avoid taking the vaccine unless one can prove to the employer's or government's satisfaction that a religious or health exemption exists. The United States Constitution and multiple court tests dating back to 1905, do not provide Americans with the right to object to a condition of employment that requires being vaccinated and keep their job. In case after case brought before courts throughout the country by unions and various ad hoc groups objecting to the vaccine mandate, these cases have either been declined or injunctive relief denied by both Democratic and Republican appointed judges and will continue to be so. Just this past Friday, the Supreme Court of the United States declined to block the state of Maine's

vaccination mandate for healthcare workers seeking exemption from being vaccinated due to religious grounds. This decision will set a major vaccination precedent for every healthcare facility and worker throughout the country.

This Department as a whole and its International and National affiliates as individual entities chose not to contest the Presidents Executive Order and mandate in federal court because priority one of numerous Metal Trades leaders of unions that were comprised mainly of essential workers during the pandemic shutdown, was the development and distribution of an approved, safe vaccine to protect all workers from infection. In addition, the safety and track record throughout the roll out and distribution of the vaccine has been virtually faultless and finally, although various affiliate bargaining unit members feel legally violated by the imposition of the mandate, there appears to be not a single case or judicial precedent that indicates that the law supports anything other than the theory that the President of the United States can exercise certain conditions of employment in times of a national emergency over employees of and within the perimeters of the Executive Branch of the federal government.

As a Council President and leader, it is incumbent upon you, your fellow officers, delegates and stewards to make each and every member aware that just being adverse to vaccination without validated cause is not supported by law, the nation's constitution, respective metal trades unions or a majority of fellow metal trades brothers and sisters. In fact the continuance of unsupported objections can only serve to divide us as a council and union, harming individual workers, their families, and respected union contractors whose possible failure to timely complete the mission and meet contractual obligations may very well effect their ability to perform government contract work in the future. Metal Trades craft stewards and affiliate officials should strive to make concerted efforts to communicate the results of respective council efforts in mitigating the concerns of our brothers and sisters within their particular jurisdictions that emanate from the anxiety and fear of the unknown due to potential issues deriving from Covid-19, the Delta Variant, vaccination protocols and impending economic hardship for those who object to the validity of the mandate.

It is our collective job and responsibility as a department and local council to afford all bargaining unit members impacted by the mandate the most forgiving and practical landing, whether it be protecting the health of those being vaccinated or defining the mandate, termination and effects for those refusing to be vaccinated. However, conspiracy theories, alternative facts, political threats or membership petulance cannot be allowed to become factors within the mentality and decision making process of any responsible council leader. Metal Trades leaders must perform their duties as officers and representatives without fear or favor. The department has the utmost confidence that each decision made by its local council officers, delegates and stewards is a deliberative one, based on fact and always in the best interests and greater good of the bargaining unit employees that the council represents.

Should you require further assistance with effects bargaining or need assistance on any matter, the department stands ready lend a helping hand and will continue to make its resources available upon request of any respective local council President or affiliate principal officer.

As Metal Trades Department President, I commend and thank you for your yeoman's work and strong commitment to the cause of trade unionism and the metal trades. You may rest assured that you will have the full support of the department and its affiliates in all of your official endeavors.

Should you have any questions or concerns regarding this communication, please feel free to contact me at your convenience.