



# Local Union 97

## International Brotherhood of Electrical Workers

### New York State

November 17, 2021

Dear Brothers and Sisters,

**Re: *Update on Vaccine Mandate Issues***

I have heard from many of you who have questions and concerns about the COVID-19 vaccine mandates. Local 97 is working hard to sort through and understand the constantly changing information and legal requirements to make sure that our employers are abiding by the law and that our members are being treated fairly.

**Federal Contractor Mandate**

On September 9, 2021, President Biden signed Executive Order 14042, directing executive departments and agencies to incorporate a vaccine mandate into their contracts with private entities. While some utility companies in the region quickly and aggressively implemented the Federal Contractor Mandate, Local 97 successfully fended off similar attempts from our employers. However, one of our employers—National Grid—just recently announced an intention to implement the Federal Contractor Mandate. In response, I have already sent National Grid a cease-and-desist letter along with a detailed information request so we can determine if, and to what extent, National Grid is actually covered by the Federal Contractor Mandate.

A number of states have filed legal challenges to the Federal Contractor Mandate. If successful, those court challenges may result in an injunction against the enforcement of the Federal Contractor Mandate, which would apply to the whole country. We are closely monitoring those court cases and considering our options as it relates to legally opposing the Federal Contractor Mandate to the extent it negatively affects our members.

In addition, Local 97 plans to send a letter to IBEW International President Lonnie Stephenson urging him to use whatever influence he has in Washington D.C. to prevent the Federal Contractor Mandate from having adverse consequences for our membership. For example, we plan to ask the International to stand up and advocate for changes to the Federal Contractor Mandate, including the addition of a weekly testing option for unvaccinated workers and exemptions for employees who work almost exclusively outdoors or from home.

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If it is ultimately determined that the Federal Contractor Mandate is enforceable and applies to an employer, we intend to do everything we can to delay its implementation and limit any adverse impacts on the membership. We will demand bargaining over exactly how it is implemented and all the indirect affects it has on your terms and conditions of employment. If an employer unlawfully refuses to bargain over these issues, Local 97 will be prepared to pursue unfair-labor-practice charges with the National Labor Relations Board.

While we undertake these efforts in relation to the Federal Contractor Mandate, we encourage you to comply with any federally mandated company procedures and deadlines so that your employment is not negatively affected.

### **OSHA Emergency Temporary Standard/Mandate**

Apart from the Federal Contractor Mandate, on November 5, 2021, OSHA issued an Emergency Temporary Standard/Mandate requiring private employers with 100 or more employees to implement a mandatory vaccination policy. Unlike the Federal Contractor Mandate, the OSHA Mandate allows employees the option of undergoing weekly COVID-19 testing and wearing a mask instead of receiving a vaccination.

Numerous legal challenges have also been filed against the OSHA Mandate, and recently a federal appellate court temporarily halted the enforcement of that mandate. As a result, the OSHA Mandate is not currently in effect. Accordingly, we are taking a firm position with our employers that they may not unilaterally implement a vaccine requirement since the OSHA Mandate has been halted by a federal court.

The various legal challenges to the OSHA Mandate will soon be consolidated and decided by a single federal appellate court. Local 97 is closely monitoring those challenges and coordinating with other IBEW locals on a joint filing in opposition to the enforcement of the OSHA Mandate to the extent it negatively affects our members.

As I have told many of you already, Local 97 will continue to work towards a resolution for all members taking into consideration applicable laws and regulations as well as our collective bargaining agreements, while also reserving our right to pursue any legal avenues necessary to maintain a safe and healthy work environment.

In solidarity,



Theodore J. Skerpon  
President/Business Manager  
IBEW Local 97