



**INTERNATIONAL
BROTHERHOOD
OF ELECTRICAL
WORKERS**

900 Seventh Street, NW
Washington, DC 20001
202.833.7000
www.ibew.org

LONNIE R. STEPHENSON
International President

KENNETH W. COOPER
International
Secretary-Treasurer

October 14, 2021

VIA EMAIL

To: All Local Unions with Inside and Outside Jurisdiction in the United States

Re: Vaccination Requirements – Bargaining Obligations

Dear Sisters and Brothers:

The International Vice Presidents and my office have been receiving many questions concerning construction contractors' attempts to implement vaccination requirements.

As you know, I have made no secret about my views concerning COVID-19 vaccines: the vaccines are a major scientific achievement and provide us with our best chance of putting this pandemic behind us once and for all. Everyone who can get vaccinated, should do so.

Of course, my belief that everyone who can be vaccinated should do so does not mean that contractors can do whatever they want with respect to vaccination requirements. My position has been and will remain that a vaccination requirement is a mandatory subject of bargaining to be bargained at the local level.

The questions we have seen are: (1) what can be bargained? (2) who should the local union bargain with? and finally (3) what else, if anything should be done?

There are two parts of what can be bargained when it comes to a vaccination requirement. First, there is the question whether the decision to require vaccinations is itself subject to bargaining. That will depend on your collective bargaining agreement's language and in large part on whether the decision is a result of a requirement imposed by the government and/or owner. Second, and perhaps more important, is the question of the effects of a vaccination requirement, which are themselves a mandatory subject of bargaining. That means even if a contractor can decide to require vaccinations without bargaining, the contractor must still bargain over how that decision will be implemented. For example, the date by which employees must be vaccinated would be subject to bargaining, as would how employees will show proof of vaccination; how the employer is going to handle requests for exemptions; and a number of other issues, including whether employees will be compensated for being vaccinated. Indeed, there are too many "effects" of a vaccination requirement to outline here. The point is that even if the decision to implement a requirement is not subject to bargaining, the effects of that requirement should be negotiated.

The question of who to bargain with, turns on whether the contractor wanting to implement the policy is signed to a Letter of Assent-A. One NECA Chapter is pursuing unfair labor practices against several IBEW local unions because the local unions entered into non-economic modifications with a Letter of Assent-A holder





**INTERNATIONAL
BROTHERHOOD
OF ELECTRICAL
WORKERS®**

All Local Unions with Inside and Outside Jurisdiction in the United States
October 14, 2021
Page 2

without bargaining through the NECA Chapter. Those charges have not been withdrawn despite our complaints to NECA's national office that requiring a local union to bargain every single issue with the NECA Chapter is not practical. As a result, if a contractor that is signed to a Letter of Assent-A approaches your local union with a vaccine requirement, you should demand bargaining – perhaps over the decision, and certainly over the effects – with the NECA Chapter, even if the request is only from one contractor. If the NECA Chapter would rather that you bargain directly with the contractor, have the NECA Chapter put that in writing before bargaining with the contractor.

Finally, we have seen some contractors announce they are implementing a vaccine requirement without providing sufficient information. If you are unsure whether an owner has implemented a requirement, you should request a copy of that requirement from the NECA Chapter and contractor. You should also request any additional information necessary to bargain these issues.

I realize that vaccine requirements are controversial. As I stated, I believe that it is critical that members who can be vaccinated get the vaccine to protect their families and their sisters and brothers on the job site. But I also believe that these requirements need to be bargained in good faith at the local union level.

If you need further assistance, please contact your international representative.

With best wishes, I am

Fraternally yours,

Lonnie R. Stephenson
International President

Copy to Kenneth W. Cooper, International Secretary-Treasurer
All International Vice Presidents in the United States
Darrin E. Golden, Chief of Staff
Mike Richard, Director, Construction and Maintenance Department

