



October 12, 2021

VIA EMAIL ONLY

All Vice Presidents
All General Chairpersons
All State Legislative Directors
SMART Transportation Division

RE: Mandatory COVID-19 Vaccination Policies

Dear Brothers and Sisters:

This letter is to help address the recent inquiries we have received from our members pertaining to employer-mandated COVID-19 vaccinations. This will also serve to apprise our members of the Transportation Division's current position on this issue, which will continue to evolve and adapt as additional information and facts become available. We encourage you to share this with the officers and members under your respective jurisdictions, and continue to forward us any comments, questions, or concerns relating thereto.

Since the onset of the COVID-19 pandemic, we have pursued every viable avenue to protect our essential members from the effects of this virus. In many cases, this involves grass-roots coordination with carriers to obtain and distribute vital personal protective equipment and cleaning supplies. In cases where carriers have been less willing to cooperate, we have fought to compel them via legislation and rulemaking, all while fending off unrealistic and draconian attendance, availability, and sick leave policies that unnecessarily place our members and their families at risk.

In every case, our collective efforts are making meaningful impacts to provide our members with the safer working conditions that we expect and deserve. However, despite the success that we have had, an alarming number of our members are continuing to succumb to the virus and pay the ultimate price. This is especially true for our bus, transit, and passenger rail members who continue to interact with the general public on a daily basis.

The Occupational Safety and Health Administration (OSHA) and the White House have respectively issued guidelines and mandates to employers which include the implementation of mandatory vaccine policies. While these guidelines suggest that regular testing may be offered as a substitute for vaccination, there is currently no requirement that this option be provided, nor that it be provided at zero cost to the employee. We are continuing to track the lawsuits opposing these policies, however, in every case to date, the courts have sided with the employers, legislators, and regulatory agencies.

Apart from the immeasurable devastation, loss, and long-term health issues that are continuing to impact our members and their families, the virus is also posing a threat to the very institutions that we have in place to help offset these hardships. Data collected from our national healthcare, life insurance, and voluntary short-term disability plans indicate that hundreds of millions of dollars will be paid out for COVID-related claims. Data also indicates that more than 98% of these expenses are related to unvaccinated claimants. This is an alarming trend that should not be downplayed or ignored, as these increased costs will inevitably impact all members who enjoy coverage, regardless of whether or not they choose to be vaccinated.

In view of these and other pertinent, undeniable facts, the leadership of SMART Transportation Division is strongly encouraging our members and their loved ones to get vaccinated, if they have not done so already.

With that being said, we also recognize that there are certain circumstances where individuals may have religious objections and/or medical conditions preventing them from being vaccinated.

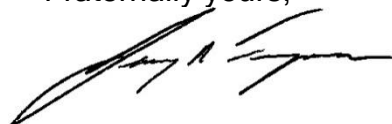
We are also aware that some employers' policies are unreasonable and/or unclear when it comes to certain issues, including deadlines, the specific consequences for refusing or failing to comply, allowing sufficient time off to get vaccinated (including potential recovery time), compensation for time off to get vaccinated or quarantine after exposure, and periodic testing guidelines (if applicable).

To this end, all General Committees of Adjustment are encouraged to schedule meetings with their respective employers to discuss the implementation of any new policies. In situations where members are wrongly disciplined or terminated, we should continue to progress their appeals in accordance with the applicable on-property agreements and the pertinent provisions of the Railway Labor Act, as amended.

Likewise, all Legislative Boards are encouraged to continue to introduce and endorse meaningful legislation and rulemaking, designed to protect our members from the effects of this pandemic. Further, we cannot overstate the importance of continuing to document unsafe and unsanitary workplace conditions, and report them to the proper authorities.

With best wishes for the health and safety of you and your loved ones, and with sincere gratitude for your continued support, I remain

Fraternally yours,



Jeremy R. Ferguson
President - Transportation Division