

Municipal Labor Committee

55 Water Street, 23rd Floor / New York, NY 10041 / (212) 815-1474

September 9, 2021

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Executive Secretary

ELLEN MEDWID

Mayor Bill de Blasio
City Hall
New York, New York 10007

Re: Vax-or-Test Mandate

Dear Mayor de Blasio:

I write as Chair of the NYC Municipal Labor Committee, representing some 102 unions and 400,000 City employees, imploring you to delay the start of the testing mandate now scheduled for Monday, Sept. 13th.

To be clear, the MLC supports your administration's efforts to encourage the workforce to be vaccinated. And, as has been previously communicated to you and your administration, though discussion should have been had with the Unions before the announcement of the vaccine-or-test policy, the MLC wholeheartedly supports it (and questions why that policy was abandoned in favor of "vaccination only" for certain workforces). We write now because despite your Administration's repeated promises that City agencies were to work out with their unions the protocols for weekly testing in advance of Sept. 13th, that simply has not occurred.

At a meeting of MLC Officers with City leaders on Sept. 1st, called at my request because of the absence of discussion with the Unions over implementation of the vaccine-or-test policy, Labor Commissioner Renee Campion assured us that agency heads would have concrete plans as to testing protocols in place well prior to Sept. 13th. Commissioner Campion outlined that some agencies would provide testing at the work site and during work hours; some that would not provide on-site testing would allow workers to start their shift late or leave early to get tested; and that others which could not release their employees during the work hours would compensate them on overtime for accomplishing the required testing so long as they went to testing sites reasonable to their place of work or residence and tracked their time. We were also told that two types of tests would be allowed, PCR and antigen.

At a meeting of the MLC General Membership yesterday afternoon, in stark contrast to what had been promised, Union president after president stated either that their agency had not contacted them or that their agency told them they had no idea how the testing program was to be accomplished. Virtually no discussions have been had concerning the possibilities set out by Commissioner Campion as to where, when and how testing was to be done; nor is it clear how test results are not be communicated to the respective agencies. A list of available City testing sites was distributed but we understand even at this late date that possibilities of other sites are still being explored along with whether City health insurance would cover the employer-mandated testing at alternative sites. Further, we now understand that only one type of test would be accepted and that the one agency that has seemingly issued a policy, has taken a contrary position that additional compensation would *not* be provided to workers who would be required to get tested outside of work hours. In sum, there is rampant confusion.

Again, the MLC supports the vax-or-test policy. We want it to function properly. It is not in anyone's interest—not the Administration's, not the Unions' and certainly not the public's—for this policy to start with a train-wreck in its first week. In the face of this uncertainty, the prospect of tens of thousands of workers being sent home without pay for not being tested is daunting. Just yesterday, in the face of State unions raising similar concerns of lack of consultation, the State pushed back its vax-or-test mandate to Oct. 12th. While that much time may not be needed to bring order to this policy, Sept. 13th clearly doesn't work. We would welcome the opportunity to continue our discussions with the City and assure you that we would proceed expeditiously.

Sincerely,

Harry Nespoli

Harry Nespoli
Chair

Cc: First Deputy Mayor Dean Fuleihan
Labor Commissioner Renee Campion
First Deputy Labor Commissioner Steve Banks
Henry Garrido, MLC Co-Chairperson
Michael Mulgrew, MLC Executive Vice-Chair
Gregory Floyd, MLC Secretary
Mark Cannizzaro, MLC Treasurer