



# Fact Sheet

## COVID-19 Vaccine Mandate for PS&T Members at Hospitals and Nursing/Veterans' Homes

- Q. Which PS&T members are subject to the NYS hospital and nursing home COVID-19 vaccine mandate?**
- A.** All employees at SUNY Upstate Hospital, SUNY Downstate Medical Center, Stony Brook University Hospital, the Helen Hayes Hospital, the Roswell Park Cancer Institute and SUNY and DOH Veterans' Homes.
- Q. Is there an option to be tested instead of being vaccinated?**
- A.** No, employees subject to this mandate do not have a testing option. However, employees granted an exemption by their employer will be required to be tested.
- Q. What is the deadline for vaccination?**
- A.** In accordance with the mandate, employees of the above-referenced hospitals and veterans' homes must have their first COVID-19 vaccine by September 27, 2021 or have an approved medical or religious exemption.
- Q. Did PEF agree to the vaccine mandate?**
- A.** No, the mandate was required by regulations issued by the NYS Department of Health. In fact, PEF demanded bargaining over the impact of the mandate, filed for impasse, and staved off the State's attempts to bypass PEF members' contractually negotiated due process rights. While not agreeing to the mandate, PEF has and continues to encourage its members to get vaccinated as it is the best way to keep ourselves, our families and our communities safe.
- Q. If I am not vaccinated, what should I expect?**
- A.** We have been advised that the State entities described above will suspend employees who are not vaccinated or do not have an approved exemption starting on September 28 and will follow that with a notice of discipline in accordance with the disciplinary procedures required by Article 33 of the PEF/State Agreement.
- Q. What if I am a probationary employee?**
- A.** Probationary employees are not entitled to Article 33 protections and can be terminated without the contractual protections of the PEF/State Agreement. This means that a probationary employee subject to the vaccine mandate who has not been vaccinated

by September 27, 2021 and has not been granted an exemption could be terminated without a disciplinary arbitration.

**Q. If I am suspended, can I charge accruals?**

**A.** Yes.

**Q. What should I do when I receive suspension papers and/or a notice of discipline?**

**A.** Please contact PEF as soon as possible on 518-785-1900 x425. Please leave a message with your name, phone number, and work location and staff will return your call within 24 hours. **A grievance must be filed within 14 calendar days of being served with a notice of discipline.** If a grievance is not timely filed, the State will impose the sought penalty (including termination) without your being able to exercise your arbitration rights. We will not be able to assist you if you do not contact us promptly. If you do not receive a NOD within five days of your suspension without pay, please contact us at 518-785-1900 x425. Do not ignore any certified mail notifications! Notices can be served by certified mail, and if they are not picked up and you do not contact us to file a grievance, you may end up terminated without further recourse.

**Q. How long after my suspension does the employer have to serve me with a notice of discipline?**

**A.** Five days. If the notice of discipline is not served within five days, then the employee is not considered suspended and the employer would ultimately be responsible for any pay or restoration of accruals due to the employee until the time that the notice of discipline was served. However, it is imperative that you contact us immediately upon being suspended without pay. Do not wait until you receive a notice of discipline.

**Q. Does PEF provide representation to PS&T members in these (Article 33) disciplinary proceedings?**

**A.** PEF provides representation free of charge to dues paying PEF members who continue to pay dues throughout the pendency of their disciplinary matter.

**Q. What if I requested a medical or religious exemption and have not received a response?**

**A.** Contact your HR Department to request guidance pending the determination of the request.

**Q. What if I receive a notice for an interrogation?**

**A.** Contact PEF as soon as possible at 518-785-1900 x425. PEF members are entitled to representation at interrogations.

**Q. Should I resign?**

**A.** You have no obligation to resign. If you are thinking about resigning because you are not vaccinated and do not have an exemption, please contact your PEF Field Representative to discuss your options at 518-785-1900 x425.

**Q. What will happen to my pension if I resign or am terminated?**

**A.** Contact the NYS Retirement System for any questions about your pension, vesting or to request any refund of your contributions.

**Q. What happens to my health insurance if I am suspended or terminated?**

**A.** The employer continues to pay the employer share of the health insurance premium and the employee is responsible for continuing to pay the employee share of the health insurance premium during a period of a disciplinary suspension. Once separated from State service, health insurance coverage will continue for 28 days. After that, there is a 60 day period in which to sign up for COBRA if needed.

**Q. Will I receive unemployment insurance benefits as a hospital or veterans' home employee if I am terminated or suspended due to not being vaccinated?**

**A.** Each unemployment insurance case is analyzed on its own facts. However, the NYS Department of Labor has stated as follows: "Workers in a healthcare facility, nursing home, or school who voluntarily quit or are terminated for refusing an employer-mandated vaccination will be ineligible for UI absent a valid request for accommodation because these are workplaces where an employer has a compelling interest in such a mandate, especially if they already require other immunizations." If you have any questions, you can contact the NYS Department of Labor.