

[Date]

[Name]
[Title]
[Address]
[Address]

Re: Request for Information— COVID-19 Vaccination Mandate

Dear [Name]:

In accordance with 5 U.S.C. §7114(b)(4), which obligates the [Name of Agency] (“the Agency”) “to furnish to the exclusive representative involved, AFGE [Local/Council #] (the “Union”), or its authorized representative, upon request... data which is reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining,” the Union furnishes this request.

The Union, in its representational responsibilities under the Statute, is seeking to bargain the terms and conditions of employment flowing from the impending COVID-19 Vaccination mandate, COVID-19 Vaccination exempt, or the option of a testing requirement. The Union must have the specific information requested in this correspondence to ensure that AFGE bargaining unit employees are treated fairly and equitably and their rights under the Agreement, law, rule and/or regulation are not diminished because of the negotiation and implementation of any memorandum of agreement regarding any COVID-19 vaccinations, COVID-19 vaccination exceptions, or testing requirements.

In respect to the current term bargaining negotiations, the Union believes our bargaining establishes our right to the requested information. This request is consistent with the guidance established by FLRA General Counsel guidelines. The Council has shown the necessity for this

information and has established the right to such information to fulfill its representational duties towards bargaining unit employees.

The standard adopted by the Federal Labor Relations Authority requires a union requesting information under 5 U.S.C. §7114 (b)(4) to establish a particularized need for the information by articulating with specificity why it needs the requested information including the uses to which the union will put the information and connection between those uses and the union's representational responsibilities under the statute. This information is specifically necessary for the Union to be able to formulate proposals in impacted bargaining. Further, this information is necessary for the Union to evaluate the legitimacy of the constraints asserted by the Agency.

The Union will use this information to furnish proposals which respond to those limitations balanced with the Union's obligation to adequately and aggressively represent the interest of its members to ensure the Agency can continue the mission while ensuring employees safety in the COVID-19 pandemic. In accordance with 5 USC 7114(b)(4), a request is hereby made for the following:

- 1. What will be the timeline to submit exemption request and what is the timeline for the agency to approve/deny exemptions?**
- 2. What type of COVID-19 test will be used? Who will be administering the test? In what pay status are employees while they wait for results of COVID-19 test?**
- 3. For those who are unwilling to get vaccinated, when is 1st COVID test result due?**

- 4. If a vaccinated employee has been exposed at work to another employee who tested positive for the virus (through mandatory testing), will they be required/allowed to quarantine for a subscribed amount of time (as recommended by the CDC)? On what type of leave will they be using during the quarantined period?**
- 5. If an employee tests positive, what type of documentation will be required before they are permitted to return to work?**
- 6. If an employee contracts COVID-19 or its variant from exposure and work, what type of leave will the employee be afforded?**
- 7. If an employee becomes ill after vaccination, under what type of leave and/or workmen's comp will they be covered?**
- 8. Who will have access to the health/vaccination records from the Agency COVID-19 testing?**
- 9. If they choose, will employees be permitted to get tested for COVID from their private physicians and submit negative results to their Agency?**
- 10. What enforcement policy, if any is the Agency considering?**
- 11. At what frequency is the Agency requiring COVID-19 testing be conducted? Weekly?**
- 12. Will the COVID-19 Vaccination mandate, COVID-19 vaccination exceptions, or COVID-19 testing requirements apply to teleworkers? Or Remote workers?**

The requested information will further enable the Union to fulfill its representational duties under the statute and negotiated agreement. If the Agency is unable to fulfill any request in full, please fulfill it in any non-objectionable part, and explain any denial in detail. Please provide the information requested within the [Insert time] days. Please notify me within [Insert time] days if you require additional time to process this request. Should you not completely satisfy this information request under the authority cited above, please provide me with the name and title of the person denying this request along with a written statement of the authority and reason(s) relied upon for not releasing each specific item denied. In the event you deny any portion of the request, please provide the remaining information. We also reserve the right to make any necessary supplemental requests for information. This request is consistent with the established guidance by the FLRA General Counsel guidelines. The Union has shown the necessity for the information and has established the right to such information to fulfill its representational duties towards bargaining unit employees. If you have any questions, please contact me.

Signature

Sincerely,

[Name]
[Title]
AFGE [Local/Council #]