

INTERNATIONAL UNION OF OPERATING ENGINEERS

Craft-Maintenance Division State of California Unit 12
Locals 3, 39 & 501, AFL-CIO

Can I be Fired for Refusing to Get the Coronavirus Vaccination? – December 10, 2020

In several months, the vaccination for COVID-19 will be showing up at California hospitals and various vaccination locations. The first wave of vaccinations will be for the elderly, medical professionals, and first responders.

Not far behind these groups will be “essential workers” which would be all of our IUOE Unit 12 members. The question then becomes – can my employer, the State of California, require me to get it.

This legal question has been presented to labor attorneys across the nation and including our law firm and the short answer to the question seems to be yes.

Of course, there are a couple of exceptions to the mandate which are: if a worker’s medical condition can be harmed by the vaccine and or the vaccination violates a sincerely held religious belief against vaccinations.

In the case of a medical condition, the employer would have to make a reasonable accommodation per the ADA.

If you fall into one of these two categories and your employer still insists that you get the vaccination, contact your local IUOE Business Representative.

At the end of this year, I will be retiring. I have enjoyed the challenges of dueling with the State of California and the Newsom administration, but it has come time to spend more time fishing and less time fighting with the State. IUOE Business Representative Brandy Johnson will be replacing me. Ms. Johnson has over 20 years of experience dealing with the State of California. She has been my right-hand person for the last 8 years on Unit 12 issues. She knows the job ahead of her and the challenges the State presents.

So long.

UNION STRONG!

Steve Crouch, Director of Public Employees and Chief Negotiator