

INTERNATIONAL UNION OF OPERATING ENGINEERS

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

IUOE Unit 12 Mandated COVID Update #1 – July 27, 2021

IUOE Members,

CalHR has made the Union aware of mandatory COVID-19 testing for all non-vaccinated State employees. This will include all State employees regardless of Department, classification, or bargaining unit. The Union has consulted with various labor law firms concerning the legality of the mandate for non-vaccinated employees to participate in COVID-19 testing per the employer's request. As of this date all legal opinions have suggested that employers are operating within the law when mandating COVID-19 vaccines and/or COVID-19 testing. There have been multiple legal arguments across the United States challenging several employers who have mandated either COVID-19 testing or COVID-19 vaccination of its employees with an overwhelming majority of the cases decided in favor of the employer. The Union will continue to work with our legal partners to monitor all changes to this fluid matter. The Union will meet with several Departments in the near future to negotiate the impact this mandate will have on our represented members. Once these meetings take place, we will update our members accordingly.

Please continue to monitor the Unit 12 website for updates.

In Solidarity,

Brandy Johnson
District Representative, Local 39
State of CA Unit 12 & Unit 13 Coordinator

Travis Tweedy
Director, Local 3

Deric Barnes
Director, Local 501

Copy of notice sent to Union from CalHR:

Dear Labor Leaders,

The combination of low vaccination rates in some communities and the increased transmissibility of the Delta variant of COVID-19 has resulted in increasing case rates.

As of last week, the statewide case rate doubled from a low in May of 1.9 cases/100,000/day to at least 9.5/100,000/day. Our testing positivity was at a low of 0.7% in June, now it has risen to 5.2%. Our hospitalizations went from a low in June of under 900, and have now increased by almost 75%.

The vast majority of new cases involve unvaccinated individuals, with a 600% higher case rate among the unvaccinated compared with those who are vaccinated.

In response to this concerning increase in cases, CalHR is implementing COVID-19 testing of all unvaccinated state employees working on site as an additional health and safety standard to protect the state workforce and the public it serves, and to ensure that employees critical to the continuity of state operations will be able to perform their duties.

State departments will implement mandatory COVID-19 testing of unvaccinated state employees in addition to other precautions already required for unvaccinated employees. The testing protocol for state employees will be phased in over a period of weeks. Departments will provide notice to the designated employee representatives once the testing protocol and start date for their department is established.

Testing is a proven COVID-19 prevention strategy that will complement the other protections currently in place. Because the increase in cases is heavily concentrated in unvaccinated individuals, and consistent with guidance from the California Department of Public Health, the Centers for Disease Control, and the Emergency Temporary Standards approved by the California Occupational Safety and Health Board, fully vaccinated individuals are exempt from COVID-19 testing. Fully vaccinated individuals shall be allowed to elect to participate in COVID-19 testing.

Self-attestation of vaccine status will not be sufficient evidence of vaccination for exemption from testing or wearing a face covering in state facilities. State departments are instructed to implement procedures to collect and maintain evidence of vaccination from employees as soon as possible with full compliance by [Monday, August 2, 2021](#).

Any employee seeking to be exempt from COVID-19 testing or wearing a face covering must provide evidence of vaccination. Employees should access their Digital COVID-19 Vaccine Record to receive a link to a QR code* and digital copy of their vaccine record. If an employee cannot access their digital vaccine record, they may provide a vaccine card or other medical record establishing full vaccination.

More information will be provided in the coming days as we secure and begin to deploy testing resources.