



MEMO

TO: Richard Honeycutt, District 3 Vice President

FROM: Robert M. Weaver, District 3 Counsel

RE: Updated COVID Vaccine Mandate Information

DATE: December 21, 2021

This is to confirm our discussion regarding recent guidance distributed by AT&T about enforcement of its COVID vaccine mandate in light of recent court rulings. On Friday, December 17 the Sixth U.S. Circuit Court of Appeals *lifted* the previous order that stopped enforcement of the OSHA vaccine mandate. Recall that the OSHA mandate requires all private sector employers with more than 100 employees to require vaccines or periodic testing. Another federal court had stayed enforcement of the OSHA mandate, but the action by the Sixth Circuit last week means that the *OSHA mandate can now be enforced.*

As we now know, AT&T's position is that enforcement of the federal OSHA mandate supercedes any state laws. The Company's most recent statement is that "all employees who come into a work location, temporarily work from home or attend a company event – **regardless of state laws** – must be fully vaccinated or have an approved job accommodation by Feb. 1, 2022." In other words, the Company's position is that because the OSHA vaccine mandate is now back in force, it is required to enforce its vaccine mandate policy, despite the bills passed in Tennessee (restricting enforcement of vaccine mandates), or Alabama and Florida (providing more exemptions and/or opt-out from vaccination).

The District has received questions about the meaning of this recent order, and about the Company's position that the OSHA mandate overrides state laws. Many of the questions relate to the conflict between the federal law OSHA mandate and the state laws.

As a general legal principle, federal laws and regulations adopted at the federal government level preempt state laws that conflict with the federal policy. Whether the OSHA COVID vaccine mandate preempts state laws such as those adopted in Tennessee, Florida and Alabama is an issue that has not yet been addressed in the pending cases over the OSHA vaccine mandate. That issue will be raised in continuing litigation over the OSHA vaccine mandate and will be decided by the courts. As of this date, however, that issue has not been decided.

While CWA cannot predict the outcome of pending litigation over the OSHA vaccine mandate, Locals and members seeking guidance on this issue should assume that the Company will enforce its vaccine policy in order to comply with the OSHA mandate.

**The Company has advised that it is in the process of revising the accommodation process to *remove the expanded accommodations/opt out* that was adopted by the *Florida* legislature.

**We should assume that the Company will likewise *not grant accommodation requests* based on the expanded accommodations adopted by the *Alabama* legislature.

**Because the Company has stated that it intends to comply with the federal OSHA mandate, it will not comply with the *Tennessee* state law that prohibits it from asking employees about their vaccination status.

It is possible that the OSHA mandate is stayed again; there is a request for an emergency stay pending in the U.S. Supreme Court. If the OSHA mandate is stayed again by future court action, it is possible that AT&T pauses or delays enforcement of its policy. As of this date, however, that is unknown. AT&T employees should proceed based on the current information that the Company will enforce its policy on the schedule previously announced.