



AFL-CIO

# ***SYSTEM COUNCIL U-4 IBEW***

***REPRESENTING LOCAL UNIONS: 359, 622, 627, 641, 759, 820, 1042, 1066, 1191, 1263, 1908***

**Phone: 561-624-2700 Fax: 561-624-5072 • 3944 Florida Blvd., Palm Beach Gardens, FL 33410**

November 19, 2021

Brothers and Sisters:

As of today, any Company vaccine policy that requires the COVID-19 vaccination without certain exceptions is unenforceable.

First, on November 17, the Government Services Administration issued an interpretation of Executive Order #14042. The interpretation concludes that Order 14042 does not apply to the Company because it is a public utility.

Second, the OSHA rule which requires large employers like the Company to require employees to either get vaccinated or periodically test does not apply. A federal circuit court order is now in effect prohibiting the agency from enforcing its rule.

Third, a Florida law passed earlier this week and went into effect yesterday afternoon. Since Order #14042 does not apply to public utilities and since there is an injunction of the OSHA rule, this Florida law controls vaccination policy matter for now.

Here is a link to a summary of the law and the law itself:

<https://www.flsenate.gov/Session/Bill/2021B/1B>

<https://www.flsenate.gov/Session/Bill/2021B/1B/BillText/er/PDF>

The new law prohibits private employers from imposing any vaccine policy unless that policy allows for a number of exemptions. The exemptions are:

- 1) medical reasons (including, but not limited to, pregnancy or anticipated pregnancy);
- 2) religious reasons;
- 3) COVID-19 immunity;
- 4) periodic testing; and
- 5) the use of employer-provided personal protective equipment

The Company cannot implement or enforce any policy requiring that you get a vaccine unless that policy allows you to use one of the exemptions listed above. The vaccine policy that existed for most of the year, which the Company tried to replace with an absolute mandate on November 1, almost complies with the new law. Once COVID-19 immunity exemption is added to the prior policy, we believe that it will comply with the new Florida law.

Today, the Union gave notice of its demand to bargain the impact of that new Florida law with FP&L. Among other things, we will bargain over the Florida law's exemption forms. We will bargain over how the forms will be distributed, the deadline for returning them, as well as who will be able to see them.

Please also understand that laws, rules, and interpretations are changing on a daily basis. This may not be the last correspondence from us on these issues. We have been working thoroughly and will continue to work with our union legal team regardless of whether another change in the law occurs.

Any updates will be communicated through your Local Union Presidents and posted on the System Council web site.

Fraternally,

A handwritten signature in blue ink, appearing to read "Jack Wilson", with a long horizontal flourish extending to the right.

Jack Wilson