



United Airlines September 27 Ultimatum: Union Guidance

As you are aware, United Airlines' deadline of September 27, 2021, to be vaccinated against Covid-19 or face separation from the Carrier is fast approaching. We know that many of you have applied for religious or medical exemptions and have received notice if it has been accepted or rejected. The following concerns the next steps available for those who had their exemption request denied as well as those who were approved for an accommodation which they find to be unacceptable.

As the District Lodge 141 leadership has stated before, and bears repeating, we encourage members to get vaccinated as long as doing so is safe for each individual, but we do not believe United should accomplish vaccinations through a mandate under threat of termination. Nonetheless, the IAM's attorneys have advised us that the Carrier is within its legal rights to mandate the vaccine as a condition of employment.

For those employees who have been approved for a religious or medical accommodation, we have recently learned more details about the "accommodation" United intends to put in place. We had hoped that once those employees who applied were approved, that we could move forward from this matter, but unfortunately it now appears that United's "approval for an accommodation" places many employees in an untenable situation.

As has likely become clear to many of you who have been approved for an accommodation, United is imposing involuntary unpaid leave effective October 2, 2021. According to United, its reason for removing non-vaccinated employees from the workplace is because it cannot in "good conscience" allow them to continue to report to work and may require significant time to put safety protocols in place before they can be recalled. United has thus announced that:

- Effective October 2nd, employees approved for a religious accommodation will be placed on unpaid personal leave and employees approved for a medical accommodation will begin using their sick leave bank and then transition to EIS.
- Employees on personal leave (*i.e.*, with a religious accommodation) face the additional hardships that medical coverage does not continue during personal leave and seniority will cease accruing after three months.
- The details of the conditions United is imposing on each group can be found on United's HelpHub.

For those in customer-facing roles (Customer Service Representative), United has said that this involuntary leave will continue until the "the pandemic meaningfully recedes", which essentially leaves it indefinite at this point. For non-customer facing roles (including Fleet Service and Storekeepers) this involuntary leave will continue until safety protocols are put in place and non-vaccinated employees are recalled; no date has been set for that return, although United promises an update by mid-October.

Being placed on what essentially amounts to indefinite unpaid leave is not really an accommodation at all and is likely not what anyone thought they were signing up for when they first applied for an accommodation. We have explored the legal options available to challenge this compelled unpaid leave and we want you to know the following.

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If you wish to challenge the so-called accommodation which United has imposed (*i.e.*, open-ended unpaid leave), you have the individual right to file a charge with the U.S. Equal Employment Opportunity Commission ("EEOC"). There are no fees or costs for filing an EEOC charge and hiring an attorney is not required. Filing an EEOC charge is a right available to each individual employee and the initial steps can be accomplished online. If you decide to file a Charge, here is what you will need to know and can expect:

- The deadline for filing an EEOC charge is generally 300 days, but is only 180 days in some states, so if you decide to file, we encourage you to do so as soon as possible.
- Filing will require you to register an account with the EEOC's website and provide an email address and other personal information. Do not use your United Airlines email address.
- The Charge is filed once the needed sections of the form are complete and you have signed and dated it. Make sure you receive and save a confirmation notice that it is filed and are assigned a case number.
- The EEOC will notify United that you have filed a Charge against it. The EEOC process is not anonymous. However, federal law forbids United from retaliating against you for filing a Charge.
- After you have filed, an EEOC investigator will likely contact you for further information and may request to conduct an interview or request additional documents from you. You should timely cooperate with the EEOC investigator if you wish your case to be continued. You can request a withdrawal at any time.
- Be advised, EEOC investigations often take many months and just because several weeks may pass without communication with the EEOC does not mean your case has been closed or denied.

Instructions on the Charge filing process can be found at the following link:

<https://www.eeoc.gov/how-file-charge-employment-discrimination>

Charges can be filed online using the EEOC's Public Portal:

<https://publicportal.eeoc.gov/Portal/Login.aspx>

The District Lodge will continue in its effort under the collective bargaining agreement and Railway Labor Act to obtain fair and safe working conditions for all of our members and will keep you updated on those efforts.

Sincerely,



Michael G Klemm
President/Directing General Chairman
IAM District Lodge 141