

# SEIU Local 1 Agrees to Allow Mandatory Vaccination Policies for Certain Union Employees - What Do Chicago Community Associations Need To Know?

September 29, 2021



On September 27, 2021, ABOMA and the SEIU Local 1 entered into two memoranda of understanding (collectively, the "MOU") related to mandatory vaccination policies for specified condominium employees. The MOU allows for employers, including condominium associations, to require employees receive the COVID-19 vaccine as a condition of employment, provided that certain factors are met. ***Associations must adopt the MOU to receive the benefits of their terms. ABOMA has requested that authorizations be provided by October 12, 2021.***

## Which Employees Does The MOU Apply To?

The MOU applies to any employees under (1) the Agreement between ABOMA and SEIU Local 1 applicable to doormen, receiving room employees and others, or (2) the Agreements between ABOMA and SEIU Local 1 applicable to chief engineers and other janitorial and maintenance employees at Hi-

Rises or Walk-Ups. The MOU does not apply to members of the Teamsters Local 727 parking garage labor agreement.

### **What Must Be Included In A Mandatory Vaccination Policy?**

Employers, including condominium associations, may require vaccination as a condition of employment, as long as the following factors are met:

- Employees are provided at least 45 days' written notice of the requirement;
- Employers must provide reasonable accommodations for employees unable to be vaccinated due to religion, disability, or pregnancy, as required by law;
- Employers must provide up to four hours of paid time off per dose for employees to receive the vaccine; and
- Employers must provide an additional one day of paid sick leave, if necessary, for employees dealing with side effects related to the vaccine. *Note: This is in addition to paid sick leave provided in the collective bargaining agreement.*

### **What Proof May Be Required?**

Employers may require proof of vaccination,

typically a COVID-19 Vaccination Card. Once collected, COVID-19 Vaccination Cards must be kept in a separate folder from the personnel file. Employers that have reason to believe vaccination information provided by the employee is not true or accurate may require the employee to submit verification of vaccination from a state immunization information system.

### **What If An Employee Requests An Accommodation?**

Employers must go through an interactive process, as required by law, if an employee asserts that they cannot take the vaccine because of disability, pregnancy, or religion. Additional information or documentation, including information from a medical provider, may be requested if necessary to evaluate the request. Accommodation requests must be handled on a case by case basis to determine whether a reasonable accommodation exists to allow for the employee to return to work.

Potential reasonable accommodations include working from home or submitting to regular COVID-19 tests. Employers that grant regular COVID-19 testing as a reasonable accommodation may require weekly testing during regularly scheduled work hours, not to

exceed two hours. Where testing is not available during the Employee's regularly scheduled work hours, the employee may be required to get tested before or after their shift.

### **What About Our Non-Unionized Employees?**

Non-unionized employees may be required to get the vaccine, provided that the Employer grants reasonable accommodations for employees unable to be vaccinated due to religion, disability, or pregnancy, as required by law.

Chicago employers that mandate the vaccine must provide up to four hours of paid time off per dose for employees to receive the vaccine.

### **Are There Any Downsides To Adopting the MOU?**

The MOU that applies to doorstaff includes 5% hazard pay in the event that there is another stay-at-home order and doorstaff are required to come to work as essential employees. Employers that wish to require vaccination for doorstaff must therefore also

provide this hazard pay.

## **How Do Associations Adopt the MOU?**

To authorize the MOU, the Association's Board of Directors must vote during open session of a duly called Board meeting. ABOMA has set a deadline of October 12, 2021 to authorize the MOU. Associations that need additional time to adopt the MOU should communicate with ABOMA. Additional questions related to the authorization form may be directed to the Association's ABOMA representative.

LP is committed to keeping our community association clients updated, informed, and prepared to proactively navigate the COVID-19 pandemic. For questions about handling specific issues related to COVID-19 in your community association, please contact Howard Dakoff, Patricia O'Connor, Laura Marinelli, Adam Kahn, or Molly Mackey of LP's Community Association Group.

