

Every UFT represented employee has the right to file a step 1 grievance. However, the Union, not the employee, files the step 2 grievance with the Chancellor and the Union, not the employee, files salary and leave grievances with the Executive Director of Human Resources. The Union only pursues these grievances if they have merit.

Your grievance claims a contractual violation for being placed on an unpaid leave of absence.

The New York City Department of Health ordered that all Department of Education staff must be vaccinated. After a Municipal Labor Committee lawsuit joined by the UFT failed to stop the mandate, the UFT filed for impact bargaining. The resulting arbitration decision modifies the CBA. If the DOE is complying with the award there is nothing to grieve.

Subsequently, the arbitration decision was modified by a court order pertaining to those who appealed DoE's decision not to grant religious exemptions. Those people now have the right to appeal to a city panel. The order stated that those on unpaid leave that are granted a religious exemption will be awarded backpay for the entire time on unpaid leave.

In reference to having absences occurring on October 4 through October 14, 2021 coded as unauthorized on payroll portal, those absences are coded in EIS (the DOE payroll system) as Vaccine Non-Compliance. According to the arbitration they cannot be cited for disciplinary purposes.

Based on the above, being placed on an unpaid leave due to vaccine non-compliance is not a contractual violation. Therefore, the Union will not be taking the case to the Chancellor's level or to the Executive Director of Human Resources at this time.

You have the right to appeal the Union's decision but we want to make sure you understand the Union's rationale for not pursuing your grievance.