



Vermont State Employees' Association

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April 2, 2021

BY ELECTRONIC MAIL

To: VSEA members at Vermont Veterans' Home

From: Tim Belcher, VSEA General Counsel

Re: COVID Vaccines

Dear VSEA members,

A number of you have reached out to VSEA to complain about management's actions towards employees who have declined to be vaccinated against COVID. We hear reports of an aggressive campaign to confront employees about the consequences of these decisions, general disclosures by management about unnamed employees having tested positive, and harassment by family members directed at staff. By separate letter, I am writing to Melissa Jackson to tell her that this campaign has crossed the line, and asking her to stop.

At the same time, I want to make perfectly clear to all VSEA members that this situation is extremely serious, and that management has the right to take strong action to ensure the safety and health of residents and staff. This virus can be deadly, especially to seniors, and no single measure is completely effective at preventing transmission. Every refusal to take available preventive measures creates a threat to co-workers, your families, your community, and the residents and their families.

VVH has the legal authority to inform staff of the consequences of declining to be vaccinated. That includes messages that may be explicit, personal, and cause discomfort. They should not be identifying individuals by name, but can inform others about the existence of a positive test, or related information that would shed light on the efficacy of the VVH's preventive measures. Every member of this broader community has a vital interest in knowing what is going on, and a right to share their opinions about your collective safety and health.

As of this date, management has not mandated vaccinations for staff. We believe any such mandate will be unlawful until one or more of the vaccines are fully FDA approved, but we expect that to occur shortly. Generally, we believe that any vaccination mandate would be negotiable. At VVH, however, management will have broader

authority to act unilaterally based on the emergency provisions of the management rights clause. There is also some risk that the legislature will impose a statutory mandate on nursing home workers if this matter is not resolved. If this matter isn't resolved, we should expect that vaccinations will be mandated one way or another.

As noted above, we will remind VVH management that every employee is entitled to a workplace that is respectful and free of harassment. At this time, employees have the right to choose whether or not to be vaccinated. We cannot, however, stop management from exercising their right and obligation to strongly encourage all staff to be vaccinated, including confronting staff about the consequences of their actions.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'Timothy Belcher', with a stylized flourish at the end.

Timothy Belcher, Esq.
VSEA General Counsel

cc: Thomas Waldman, Esq.