

INTEREST ARBITRATION

FRATERNAL ORDER OF POLICE, LODGE NO. 5

and

CITY OF PHILADELPHIA

Arbitration Panel

Alan Symonette, Esq.
Neutral Arbitrator and Panel Chair

Ralph J. Teti, Esq.
Willig, Williams & Davidson
FOP Lodge 5-Appointed Arbitrator

Shannon Farmer, Esq.
Ballard Spahr LLP
City-Appointed Arbitrator

Appearances

FOR FOP Lodge 5:

Richard Poulson, Esq.
William Campbell, Esq.
Willig, Williams & Davidson

FOR THE CITY:

Catharine Lubin, Esq.
Ballard Spahr LLP

Cara E. Leheny, Esq.
City of Philadelphia Law Department

Aleena Y. Sorathia, Esq.
Ahmad Zaffarese

On February 1, 2022, the undersigned arbitrators on an arbitration panel convened pursuant to Act 111 of 1968 (“Panel”) issued an interest arbitration award (“February Award”) addressing the issue of mandatory COVID-19 vaccinations for members of the FOP Lodge 5 bargaining unit.

Among its several provisions, the February Award required the parties to provide the Panel with an updated accounting of vaccinated and unvaccinated officers, which has now been provided and updated. The Panel has reconvened to review the data and deliberate regarding potential consequences for non-compliance.

At this time, approximately 97% of the sworn members of the Police Department have either received at least a first vaccination shot or had a request for a medical or religious exemption approved. Of the remaining officers, nearly all have submitted medical or religious exemption requests that are still in the process. Only a handful of active-duty officers remain out of compliance with the City’s COVID-19 vaccination mandate policy. The Panel recognizes that this level of compliance would not have occurred without the efforts of the FOP and the Police Department to educate and communicate with employees, and the Panel commends the parties on their successful efforts.

The Panel has determined that it is now appropriate to issue a final award to address the consequences for non-compliant officers. The terms of the February Award will remain in effect, except as modified by the terms of this Award.

1. All individuals covered by this Award who have not provided the Police Department with proof that they have received at least a first dose of COVID-19 vaccination(s) or have an exemption request to the vaccination requirements submitted by **May 31, 2022** will be placed on U-Vax Leave beginning **June 6, 2022**. Employees on a leave of absence on the Effective Date of the Award must comply with this provision before being permitted to return to work.

2. Employees who are not fully vaccinated, regardless of reason, are required to follow the additional precautions provided for in the February Award or they will be considered out of compliance with this mandate. Employees who receive a first dose of a COVID-19 vaccine by May 31, 2022 will be required to complete their vaccination series within 14 days of the schedule prescribed for the vaccine they received or they will be considered out of compliance with this mandate.

3. Any employee who has an exemption request that has been denied will have 10 calendar days from the date of this Award to submit an appeal in accordance with the process described in the February Award. Employees who have exemption requests denied after the date of this Award will have 10 calendar days from the date the notice of denial is issued to file an appeal. Any employee whose request for exemption is denied must begin the vaccination process by receiving a first dose of a COVID-19 vaccine within 14 calendar days of the later of the denial of their exemption request or the denial of their appeal, if a timely appeal is filed. They must then complete their vaccination series in accordance with the schedule prescribed for the vaccine they receive. Any employee who does not complete their vaccine series within 14

calendar days of the prescribed schedule for the vaccine they received will be considered out of compliance with this mandate.

4. Employees will be placed on U-Vax Leave for a maximum of 30 calendar days following their removal from work for failure to comply with the requirements of this Award. Employees on U-Vax Leave will be required to utilize accumulated paid vacation, holiday and compensatory time. Employees who do not have paid leave available will be unpaid. Employees on U-Vax Leave shall continue to be eligible for health benefits and shall not experience a break in seniority or pension service, provided that they have sufficient paid leave available to cover the period of U-Vax Leave. If the employee does not have sufficient accumulated paid leave available, any unpaid period of U-Vax Leave beyond 15 calendar days will be considered a break in service.

5. Employees who do not come into compliance by becoming vaccinated or submitting an approved exemption request by the end of the U-Vax Leave may be separated from employment.

6. Individuals separated from employment for failure to meet the vaccination requirements in this Award are entitled to reinstatement for one year following the date of their separation, subject to their meeting all qualifications of the position, including any vaccination requirement, provided that the Department has budgeted vacancies in the position to which they seek reinstatement.

7. The Effective Date of the mandate provided for in this Award is May 31, 2022.



Alan Symonette
Neutral Arbitrator and Panel Chair

Date: April 26, 2022



Ralph J. Teti
FOP-Appointed Arbitrator

Date: April 26, 2022



Shannon Farmer
City-Appointed Arbitrator

Date: April 26, 2022