

**DANE COUNTY PROFESSIONALS, EGR 1871
DANE COUNTY JOINT COUNCIL, EGR 720**

affiliated with
**American Federation of State, County and Municipal Employees
Wisconsin Council of State, County and Municipal Employees - Council 32**

Employer: Dane County	Date of alleged infraction: 1/5/2018, 12/3/2019, 12/17/2019
Department: Public Health	Supervisor: Janel Heinrich
Employees: Shannon Meyer, Maria DeLaruelle, Renee Stodola, Lisa Juday, Jillian Mendoza	Work Location: Department-wide
Date: December 19, 2019 UPDATE	

Step 3 Grievance

Section of Civil Service Ordinance Violation

- 18.20 Discrimination Prohibited.

Section of Employee Benefit Handbook Violation

- EXISTING BENEFITS
- Any other provisions that may apply

Statement of Circumstances

Much of the circumstances and analysis related to PHMDC's policy regarding mandatory influenza vaccination of staff have been previously addressed in a Step 3 Grievance filed by EGRs 720 and 1871 on January 12, 2018. That grievance has been held in abeyance by mutual agreement between the parties. EGRs 720 and 1871 would now like to update that grievance request, based on new circumstances and analysis. Due to new relevant facts, both EGRs request a second Step 3 Hearing.

On December 3, 2019 Shannon Meyer received an e-mail from John Hausbeck indicating that her request for a flu shot declination on the basis of creed was rejected because "it does not meet the criteria for a religious exemption, and is considered to be a personal exemption / declination, which is no longer accepted."

On December 11, 2019 EGR 720 Steward Shannon Maier e-mailed Department of Administration Director Greg Brockmeyer to request a Step 3 Grievance hearing on denial of flu vaccination declination.

On December 17, Maria Delaruelle received an e-mail from Janel Heinrich stating "Your 2019 Flu Declination waiver has been denied as per policy." On the same day, similar declinations were issued to Renee Stodola and Lisa Juday.

Violations of the Civil Service Ordinance

1. Section 18.20(1) of the Dane County Civil Service Ordinance reads (emphasis added):
*(1) No person in the county service or seeking appointment thereto shall be appointed, receive a reduction in pay **or in any other way be favored** or discriminated against because of political, labor union or **religious affiliations** or activities or because of sex, race, nationality, age, sexual preference, marital status, physical appearance or disability.*

The current policy of the Madison/Dane County Public Health allows employees with a religious affiliation to decline influenza vaccinations, but does not afford the same opportunity for individuals with strongly held personal convictions of a secular nature. Each affected employee, none of whom are involved in direct patient care, have clearly articulated legitimate, secular and deeply held convictions leading them to object to this particular vaccine, ranging from:

- scientific evidence of the vaccine's inefficacy;
- philosophical and ethical objections to employer-mandated inoculations with dubious public health benefits, and;
- concerns about animal products used in the production of this particular vaccine.

Such objections are every bit as legitimate as those voiced by religious institutions.

Management's inquiries into the nature of religious affiliations also represents an unwarranted invasion of employees' privacy and raises the potential of further discrimination against those either with, or without, a religious affiliation.

MDCPH's policy clearly favors, by providing preferential treatment for, persons in the county service with particular religious affiliations, which is a clear violation of the plain language of Section 18.20(1).

Request for Settlement of Corrective Action

EGRs 1871 and 720 request that PHMDC management immediately:

1. Approve vaccine declination forms for all employees who cite a "creed" or "deeply held personal belief" as justification for their declination.
2. Clearly indicate on the current, and all future, influenza vaccine declination forms that secular "creeds" are permissible rationale for declination, and remove all questions regarding the nature of religious belief, and remove signature lines from a clergy or other religious official.
3. Communicate all of these policies to all PHMDC staff, and allow staff a reasonable opportunity to sign updated declination forms, if they so choose.
4. Going forward, Include [Influenza VIS \(Vaccine Information Sheet\)](#) (attachment ¹¹) with annual flu notices as staff education regarding risks of receiving vaccine.
5. Agree to meet and confer before proposing similar changes in the future, as required by the Existing Benefits section of the Employee Benefit Handbook.

BRIAN H. STANDING

December 19, 2019

Brian Standing
Vice-President / Chief Steward
EGR 1871

Date

SHANNON MAIER

December 19, 2019

Shannon Maier
President / Chief Steward
EGR 720

Date