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NYSCEF DOC. NO. 8

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**Liz Vladeck** General Counsel

Chancellor David C. Banks

April 22, 2022

## **VIA EMAIL**

Beth Norton
General Counsel
United Federation of Teachers
BNorton@uft.org

Dear Ms. Norton:

This letter is in response to your letter dated April 21, 2022 regarding the placement of certain New York City Department of Education ("DOE") employees on leave without pay with benefits ("LWOP") effective April 25, 2022.

Consistent with what was stated in the notices that were sent to these employees on April 19, 2022, the placement of these employees on LWOP is because we have received information from a law enforcement agency that they have not complied with the New York City Health Commissioner's Order requiring vaccination of all DOE staff. Compliance with that Order is a condition of DOE employment, and DOE cannot permit unvaccinated employees, absent an exemption or accommodation, to perform work for DOE.

These employees' placement on LWOP does not constitute discipline and is not related to misconduct – rather, the placement is related to the employees' eligibility status – and therefore does not implicate disciplinary procedures. The employees received adequate notice of their impending placement on LWOP, and those who have responded to DOEVaccineCompliance@schools.nyc.gov to state they were sent the notice in error have been advised that information they submitted is being reviewed.

In short, DOE is in compliance with the law and contracts.

Sincerely,

Toni Gantz

**Executive Deputy Counsel** 

Telephone: 212-374-6888 Fax: 212-374-5596