

# **EXHIBIT K**



**Department of  
Education**

Chancellor David C. Banks

**Liz Vladeck**  
*General Counsel*

May 10, 2022

**VIA EMAIL**

Martin F. Scheinman, Esq.

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Dear Arbitrator Scheinman,

I am writing on behalf of the New York City Department of Education (the “Department”) and in response to the letter dated May 6, 2022 from the United Federation of Teachers (“UFT”). As discussed at length during the telephone conference May 4, 2022, the instant dispute between the Department and UFT—i.e., whether the Department may place certain employees on a leave without pay—is not within the scope of the September 10, 2021 Arbitration Award (“Award”) and any additional or supplemental award would be a substantial alteration of the Award.

The UFT claims that the Department’s decision to place the employees at issue on a leave without pay is predicated on the Award and therefore subject to your retained jurisdiction. The Award, however, provides for limited retention of jurisdiction only over claims regarding the “administrative process for the review and determination of requests for religious and medical exemptions to the mandatory vaccination policy and accommodation requests where the requested accommodation is the employee not appear at school.” The parties do not dispute that the claim here is not regarding the exemption and accommodation process. It also cannot be disputed that the underlying issue—namely, the inability of the Department to rely on the proof of vaccination that these employees have submitted, based on information the Department received from a law enforcement agency—falls squarely outside the scope of the Award.

The UFT continues to ignore the critical issue of jurisdiction and seeks a new ruling that the Department cannot place an employee on a leave without pay without “an appropriate process.” The Department notes that the UFT has also filed a Notice of Claim, as well as several grievances, seeking the same relief. The Department requests that you reject the UFT’s request as beyond the scope of the Award.

Sincerely,

A handwritten signature in black ink, appearing to read "Liz Vladeck", written in a cursive style.

Liz Vladeck

cc: Beth Norton, General Counsel, United Federation of Teachers