

Communications Workers of America, AFL-CIO

District 6 Arkansas, Kansas, Missouri, Oklahoma, Texas

Claude Cummings Jr.
Vice President

District 6 Headquarters

Parkway at Oak Hill, Building One
4801 Southwest Parkway, Suite 145
Austin, Texas 78735
512-330-0871
fax: 512-330-0886

VIA EMAIL

July 31, 2020

Mr. James V. Cassidy
Assistant Vice President
AT&T Services Inc.
4544 South Lamar Blvd.
Austin, Texas 78735

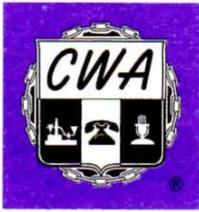
RE: Request for Information Regarding AT&T's Required Daily COVID-19 Screening Policy

Dear Jimmy:

Please provide responses to the following questions regarding the AT&T News Now notice dated Tuesday, July 28, 2020 announcing AT&T's Required Daily COVID - 19 Screening Policy:

1. Why did the Company delay this announcement from the July 20, 2020 date to August 8, 2020?
2. Please explain how AT&T's teams are continuing to monitor the COVID-19 situation around the world?
3. Please share who the AT&T's teams monitoring the COVID-19 situation around the world consist of?
4. When did the AT&T teams start monitoring the COVID-19 situation around the world?
5. Please provide by department details on any and all other measures that have been implemented to keep employees safe at their work locations.
6. Please explain the reason for the delayed deployment at other AT&T locations.
7. Why does the screening requirement not apply to AT&T employees when they are working from home?
8. Doesn't the Company have the same level of responsibility regarding keeping employees safe regardless of whether they are working from home or not?

9. Prior to the July 28 News Now announcement, have all employees been trained or covered on COVID-19 symptoms?
10. If yes, please provide date of coverage or training.
11. Who conducted the training?
12. Please provide the standards for returning to work after experiencing COVID-19 symptoms.
13. Have all managers been trained on the COVID-19 Screening Policy?
14. Please provide the difference between the online assessment tools: myWorklife or YesOkay.
15. Please provide the alternate instructions to complete the assessment for employees who do not have a COU device?
16. Please provide the locations where AT&T has hired a third-party temperature screeners.
17. Are the third-party temperature screeners medical professionals?
18. Please provide locations where AT&T is using thermal cameras.
19. Please indicate the time frame where AT&T will allow employees temporary access to a thermometer.
20. If the Company is truly concerned about their employees' health and safety, why is access to the use of a Company thermometer only on a temporary basis?
21. Will AT&T reimburse the employees the cost of purchasing their own thermometer?
22. How much work time will be provided to employees being directed to purchase their own thermometer?
23. If the Company is directing employees to have their own thermometer, why is the Company refusing to purchase individual thermometers for their employees?
24. Please identify all AT&T locations that may require periodic screenings throughout the day.
25. Please provide the reasons as to why some locations are conducting periodic screenings throughout the day?



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VIA EMAIL

July 28, 2020

Mr. James V. Cassidy
Assistant Vice President
AT&T Services Inc.
4544 South Lamar Blvd.
Austin, Texas 78735

RE: Covid-19 Workplace Entry Assessment

Dear Mr. Cassidy:

Your contention that CWA does not have the right to decisional bargaining over this matter is incorrect. The Company's proposed workplace entry assessment adds a new and mandatory condition of employment. In response to information request #1, the Company identifies no contractual provision authorizing the Company to impose this new condition of employment unilaterally. Clearly, there is none. Clearly the matter is a mandatory subject of bargaining and the duty to bargain is in effect. You might wish to consult NLRB General Counsel Memorandum 20-04, issued March 27, 2020, on the duty to bargain in light of the coronavirus pandemic.

CWA is fully aware of the threat to health and safety posed by the terrible Covid-19 pandemic. We respect the Company's objective to protect the health and safety of employees and customers. At the same time, CWA bears a responsibility to represent the employees of the bargaining unit properly in collective bargaining over matters that affect pay and other conditions of employment. We seek simply to ensure that employees are treated fairly in the Company's response to the pandemic, and will be prepared to work with you for speedy and fair resolution of all concerns.

However, please complete the Company's answers to our request for relevant information. Your response to request #4 is inadequate. Please specifically identify all external sources for the proposed assessment questions. To be able to review the specific sources, if any, of the particular screening questions the Company proposes to require employees to answer is necessary for meaningful discussions between the Union and the Company over this matter. For example, the body of your letter mentions authorization from the EEOC, but does not refer to a particular EEOC document or bulletin. If such a reference was in whole or in part a source for the proposed assessment questions, then it should be specifically identified in your answer to #4.

Further, with respect to request #5, CWA knows of no legal reason that advice from “healthcare consultants” would be privileged in the same sense as advice of legal counsel. If outside vendors (including consultants) or inside personnel were sources, they should be identified in your answer to #5. (We are not requesting information about privileged attorney-client communications.) Further, our request in #6 for copies of any literature the Company utilized as a source is proper and relevant under the National Labor Relations Act. The information we are seeking in requests 4, 5, and 6 should be easy for the Company to provide speedily and we do need it.

Sincerely,

A handwritten signature in cursive script that reads "Sylvia J. Ramos".

Sylvia J. Ramos
Assistant to the Vice President

SJR/sv
opeiu#13

c: Claude Cummings, Jr.
David Van Os

Response to letter received 7.28.20 re: Workplace Entry Assessment

1 message

CASSIDY, JAMES V (LABOR) <jc7323@att.com>

Tue, Jul 28, 2020 at 7:56 PM

To: "Sylvia J. Ramos" <sramos@cwa-union.org>

Cc: "HUGHES, THOMAS F (LABOR)" <th7481@att.com>, "Claude Cummings (ccummings@cwa-union.org)" <ccummings@cwa-union.org>

Sylvia,

Thank you for your letter. I think it makes the most sense for you and I to leave it to the lawyers to debate what to call our talks. More importantly, I have been and remain willing to discuss the daily screening policy with you, and I look forward to talking to you after your scheduled call first thing Wednesday morning.

With regard to your question Number 4, here are citations to the sources for the assessment questions:

Centers for Disease Control and Prevention

Symptoms of COVID-19: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

Return from International Travel: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/after-travel-precautions.html>

State and local orders used as sources

<https://stlcorona.com/sites/default/assets/pdfs/dph-orders/st-louis-county-dph-orders-second-amended-order-business-individual-guidelines-06262020-0.pdf>

<https://www.tuolumnecounty.ca.gov/DocumentCenter/View/14446/Health-Officer-Order-FRI-Screening-Signed?bidId=>

<https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/GeneralRetailSummaryGuidance.pdf>

https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-531123--,00.html

Concerning question Number 5, the Testing and Screening Subcommittee of the Return to Work Task Force formulated the assessment questions. The identity of the individual members of that subcommittee are not presumptively relevant and have no bearing on the wisdom, accuracy, etc. of those assessment questions; their names will not inform the discussions that you and I have. That being said, in order to avoid any further delay, the Testing and Screening Subcommittee, led by our Benefits team, used the CDC website and the orders listed above as a guide, and consulted with an epidemiologist who serves on the CDC Task Force as well the Chief Medical Officer for CVS/Caremark.

I have no further information in response to question Number 6. There is no such literature. The subcommittee relied on the sources cited in response to Number 4.

As I mentioned, I am available when you finish your call tomorrow morning. I look forward to working with you to assure the safety and health of the employees and our customers.

Truthfully,

Jimmy Cassidy
AVP - SW Labor Relations
Austin, Texas

Office: (512) 840-6058

Cell: (512) 645-6597

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From: NEWS NOW
Sent: Tuesday, July 28, 2020 3:21 PM
Subject: New: Required daily COVID-19 screening policy

New: Required daily COVID-19 screening policy

To: All AT&T Corporate, AT&T Communications and U.S.-based AT&T Latin America employees

The work we do is critical to millions of people and companies around the world, and we're committed to being there when our customers and colleagues need us most.

Our teams continue to monitor the COVID-19 situation around the world, and it's our priority to keep you and our customers safe. That's why we have instituted a daily screening policy using an online tool called the COVID-19 Entry Assessment.

This policy is effective immediately in locations where the COVID-19 Entry Assessment is currently being used. The Assessment will be deployed to additional locations in the coming weeks. The company will notify you when the Entry Assessment is available at your location.

Please read and follow the daily screening requirements outlined below. These must be followed when reporting to an AT&T workplace and/or while performing work on behalf of AT&T. *The screening requirements do not apply to employees when they are working from home.*

Stay Home if You Are Sick or Have COVID-19

If you are experiencing COVID-19 symptoms outlined by the [CDC](#) or your local health authority, stay at home and do not report to an AT&T work location.

Common symptoms include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, unexplained muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea, but the CDC continues to update the symptom list as it learns more about the virus.

Contact your health care provider if you're sick and let your supervisor know you're not reporting to the workplace. Do not return to an AT&T work location until you have met the standards for returning. If you are not sure what those standards are, contact your supervisor.

If you are not sick or do not have COVID-19, report to work and complete the COVID-19 Entry Assessment at the start of your shift.

Process Instructions

Access one of the online assessment tools available at [myWorkLife](#) or [YesOkay](#) to complete the COVID-19 Entry Assessment daily at the start of your shift.

- Employees should access the Assessment on their COU devices, but may choose to use a personal device instead.

- Employees who do not have a COU device will be provided alternate instructions to complete the Assessment.
- Screening activities must take place during normally scheduled work time.
- AT&T may hire third-party temperature screeners or use thermal cameras at select AT&T locations. Outside of those locations, the company will strive to make thermometers accessible at work locations for employees who temporarily need access to one. However, employees are expected to get access to their own personal thermometer and be prepared to use it to complete the daily Assessment. The company will not purchase thermometers for individual employees.

Some locations may require periodic screenings throughout the day. Employees should comply with the specific Assessment mandates at their AT&T location.

Based on the answers to the Assessment, you will receive a passcard indicating that you are either cleared or not cleared to enter the AT&T work location and instructions on how to proceed.

- **Employees who are cleared may enter the work location and/or begin work in the field.**
 - Employees may be required to display their completed Assessment passcard to building security or their supervisor throughout the day.
 - Employees must follow the [workplace behavior and face covering requirements](#) in the workplace and/or while performing work on behalf of AT&T.
- **Employees who are not cleared must:**
 - Notify their supervisor that they will not be entering the work location;
 - Wear a face covering, maintain social distance from others, and exit the location immediately; and
 - Follow instructions on the Assessment passcard regarding returning to work.

This policy is in addition to any requirements under state or local law. In the event a state or local government has issued an order with more strict requirements, you must adhere to the state or local order.

Employees who refuse to complete the Assessment will be sent home without pay. Failure to follow this policy or provide truthful or accurate responses to the Assessment may result in discipline, in accordance with the Code of Business Conduct.

Always encourage and remind employees to follow these guidelines. Report any employee who is not following these guidelines to your supervisor, an Employee Relations Manager or the AT&T Hotline at [888-871-2622](tel:888-871-2622).

Exceptions

Ongoing or group exceptions (i.e., an entire retail location) must be approved by HR, Legal and the BU Officer.

For more information, click [here](#) to view frequently asked questions.

Again, thank you for your extraordinary efforts in these extraordinary times.

We'll get through this together.

26. Will employees be allowed to explain their answers to the assessment questions?
Example: I have sore muscles because I was playing basketball and pulled my back.
27. Will employees who are sent home as a result of not being cleared be paid for their time off work?
28. Will employees who are not cleared be required to take a COVID-19 test before returning to work?
29. Have all AT&T employees been properly trained on the use of Personal Protective equipment?
30. Does AT&T require the use of a face mask at all times at all work locations?
31. Does AT&T provide hand sanitizer to their employees to use prior to entering the office, to carry in their work vehicles or to use at their work location?
32. Does AT&T provide cleaning supplies for their employees to use to disinfect their work stations, computers, vehicles and equipment on a daily basis or whenever necessary?
33. How many facemasks are provided to AT&T employees?
34. Are they machine washable?
35. Does AT&T notify the work group when an employee has tested positive for COVID-19?
36. Are all City, County and State mandates being adhered to in all areas throughout District 6?

Thanking you in advance for your assistance in this important matter.

Sincerely,



Sylvia J. Ramos
Assistant to the Vice President

SJR/sv
opeiu#13

c: Claude Cummings, Jr.
David Van Os



James V. Cassidy
Assistant Vice President
Labor Relations

AT&T
4544 S. Lamar, MS4401LR
Austin, TX 78745
Phone: 512-840-6058
Email: james.v.cassidy@att.com

July 24, 2020

VIA EMAIL

Sylvia J. Ramos
Assistant to the Vice President
4801 Southeast Parkway, Suite 115
Austin, TX 78735

Dear Sylvia:

I am writing in response to your letter to Tom Hughes dated July 23, 2020, advising AT&T that the Communication Workers of America (CWA) requests to bargain over the Company's mandatory workplace entry assessment for Field Operations employees in District 6. Thank you for reaching out to us. I look forward to working with you to make this the best policy to protect the health and safety of our employees and customers.

As you know, this country continues to be impacted by COVID-19. Four months ago, the Centers for Disease Control and Prevention (CDC) and public health authorities first declared the COVID-19 pandemic a direct threat to health and safety of the workplace. Shortly thereafter, the U.S. Equal Employment Opportunity Commission authorized employers to screen employees for COVID-19 symptoms and require employees to submit to temperature checks and/or COVID-19 testing, finding that under the direct threat standard, allowing someone with COVID-19, or symptoms of it, to be present in the workplace poses a significant risk of substantial harm to others. Around the same time, the AFL-CIO filed a lawsuit demanding stronger guidance from OSHA on emergency standards that would offer stronger protection for U.S. workers. OSHA followed with directions to employers to implement control measures, as necessary, and to develop policies and procedures for prompt identification of risks relating to COVID-19.

The mandatory workplace entry assessment is essential to help protect the health and safety of your members (our employees) and our customers by keeping those employees who may have COVID-19 out of the workplace. So while I look forward to working with you to address CWA's concerns, I am sure you agree that time is of the essence and we cannot afford to delay the implementation of the policy; our employees' continued health and safety depend on it. To that end, although I disagree with your contention the Company's implementation of this safety policy requires decisional bargaining, I am ready to meet with you on an immediate basis to discuss your concerns over the effects of the mandatory assessment.



RESPONSES TO REQUESTS FOR INFORMATION

1. Please specify all collectively-bargained contractual provisions, if any, that you may believe support your authority to implement the Change without the Union's agreement.

Response: In addition to our inherent right to implement reasonable policies to protect the health and safety of our employees, our customers and the public, the unanticipated global COVID-19 pandemic and the unprecedented factors described above create exigent circumstances that warrant the Company's immediate implementation of the assessment. As you know, the Company's unprecedented responses to this pandemic have previously been praised by the CWA.

The Company is willing to discuss the terms of our screening process, as requested by CWA, but for the safety of our employees and the CWA's members, if those discussions do not conclude quickly, the Company must move forward and implement the mandatory assessment. We ask CWA District 6 to join us in supporting the rollout of the mandatory assessment and discussing possible changes in good faith while it is in place to help keep all employees safe.

2. Did you consider utilizing medically qualified persons, such as nursing professionals, to conduct the workplace entry assessments? If not, why not? If your answer relies to any extent on financial considerations please provide all cost estimates and projections.

Response: The Company has hired third-party medical screeners to facilitate efficient temperature screening at locations with large numbers of employees reporting each day.

3. Did you estimate or project the cost of providing scientifically reliable thermometers to employees at your expense? If so please provide all such estimates and projections.

Response: No.

4. Please identify any and all sources from outside the Company for the assessment questions to be asked of employees.

Response: The assessment questions are based on recommendations from the CDC and mandates from state and local health authorities.

5. Please identify any and all sources of Company personnel or vendors for the assessment questions to be asked of employees.

Response: AT&T Human Resources, with privileged advice from legal counsel and healthcare consultants, determined the assessment questions except in those areas where specific screening questions are required by state/local mandate. Information provided by the CDC also served as guidance (see <https://www.cdc.gov/coronavirus/2019-ncov/index.html>)



6. Please provide any and all literature from inside and outside the Company used as whole or partial sources for the assessment questions to be asked of employees.

Response: Please see responses to Questions 4 and 5 above.

7. Do you seek to deny pay to employees who are refused entry to work based on answers to the assessment questions? If so, please specify all reasons for denying pay.

Response: The Company is implementing the entry assessment to help protect the health and safety of employees and customers. The purpose of the assessment is not to deny pay to employees. Absences for COVID-19 related reasons will either be paid or unpaid as determined by the applicable contract provisions and existing Company policy.

8. Do you intend to ask employees to explain their “yes” responses to assessment questions? If so, do you intend to utilize professional medical advice on the weight to be given to employee responses? (Example for illustration only: employee says yes I have muscle pain from a slight back sprain from playing basketball in my driveway.) Otherwise how do you intend to evaluate conditional responses and explanatory answers?

Response: The Company does not intend to ask employees to explain their “yes” responses to assessment questions in the normal course. If an employee receives a red passcard on the assessment due to new or unexplained COVID-19 symptoms, AT&T will accept a valid return to work release from the employee’s health care provider that the symptoms are unrelated to COVID-19.

9. What criteria do you intend to utilize to determine when to cease conducting the workplace entry assessments?

Response: AT&T intends to follow CDC and state/local public health authorities’ assessment of whether COVID-19 continues to be a direct threat to the health and safety of the workforce.

10. What notations will be placed in the records of employees who are denied entry to work based on the assessments?

Response: The employee’s screening assessment answers will not be stored in personnel records.

11. Did you consider offering testing to employees whose assessment answers are deemed to present workplace entry risks? If not, why not?

Response: No. However, employees who have chosen coverage under AT&T’s health plans can receive a COVID-19 test free of charge. The Company recently provided employees with information on available testing.



12. If you did consider offering testing to employees whose assessment answers are deemed to present workplace entry risks but rejected doing so, please specify all your reasons for rejecting the idea.

Response: See above response.

As I have noted, and I'm sure you will agree, time is of the essence. I am prepared to discuss the assessment with you via telephone today at any time that is convenient for you. Please let me know your schedule or call me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "James V. Cassidy". The signature is fluid and cursive, with a large initial "J" and "C".

James V. Cassidy
AVP-Labor Relations



Via Email
July 23, 2020

Thomas Hughes (Tom)
VP-West Labor Relations
5001 Executive Parkway, Ste. 2W951
San Ramon, CA 94583
(th7481@att.com)

Dear Mr. Hughes,

Please be advised that CWA objects to the Company's unilateral decision to alter employees' working conditions by unilaterally imposing the mandatory Workplace Entry Assessment-Field Services as a new and material condition of employment without the Union's agreement. CWA hereby demands bargaining over the decision and further demands that the Company refrain from implementing any non-negotiated decision pending the outcome of such bargaining.

We suggest that such bargaining begin as soon as the Company provides meaningful and complete answers to the below request for information and a virtual negotiation meeting can be arranged.

We deem it essential to obtain answers to the following relevant inquiries. For the purpose of this request the terms "you" and "your" are intended to refer to the "Company" as defined in the 2017 Labor Agreements; the unilateral decision described in the first sentence of this letter will be referred to as the "Change".

1. Please specify all collectively-bargained contractual provisions, if any, that you may believe support your authority to implement the Change without the Union's agreement.
2. Did you consider utilizing medically qualified persons, such as nursing professionals, to conduct the workplace entry assessments? If not, why not? If your answer relies to any extent on financial considerations please provide all cost estimates and projections.
3. Did you estimate or project the cost of providing scientifically reliable thermometers to employees at your expense? If so please provide all such estimates and projections.
4. Please identify any and all sources from outside the Company for the assessment questions to be asked of employees.
5. Please identify any and all sources of Company personnel or vendors for the assessment questions to be asked of employees.
6. Please provide any and all literature from inside and outside the Company used as whole or partial sources for the assessment questions to be asked of employees.

7. Do you seek to deny pay to employees who are refused entry to work based on answers to the assessment questions? If so, please specify all reasons for denying pay.
8. Do you intend to ask employees to explain their “yes” responses to assessment questions? If so, do you intend to utilize professional medical advice on the weight to be given to employee responses? (Example for illustration only: employee says yes I have muscle pain from a slight back sprain from playing basketball in my driveway.) Otherwise how do you intend to evaluate conditional responses and explanatory answers?
9. What criteria do you intend to utilize to determine when to cease conducting the workplace entry assessments?
10. What notations will be placed in the records of employees who are denied entry to work based on the assessments?
11. Did you consider offering testing to employees whose assessment answers are deemed to present workplace entry risks? If not, why not?
12. If you did consider offering testing to employees whose assessment answers are deemed to present workplace entry risks but rejected doing so, please specify all your reasons for rejecting the idea.

Please provide your complete and truthful answers as soon as possible.

If you need further information, please feel free to contact me.

Sincerely,



Assistant to the Vice President

/at

C. Claude Cummings Jr., Vice President – D6
David Van Os, CWA General Counsel