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Via E-mail: thechler@hollywoodfl.org

Tammie L. Hechler, Director, Human Resources
City of Hollywood, Florida
2600 Hollywood Blvd, Room 206
Hollywood, FL 33022-9045

Re: City of Hollywood Employee Voluntary Antibody Testing for COVID-19

Director Hechler,

I am sending this letter to you on behalf of my client, the Hollywood Municipal Employees, AFSCME Local 2432 (“Local 2432”), as time is of the essence for this communication. With that

Yesterday, Local 2432 learned of the City’s implementation of a voluntary program of antibody testing for the SARS-CoV-2 virus which quickly rose to global pandemic status. We appreciate the City’s effort to provide this testing service to Local 2432’s membership, as well as all other City of Hollywood employees.

As with the entire process that has resulted in the City of Hollywood Employee Voluntary Antibody Testing for COVID-19, AFSCME Local 2432 continues to be concerned that the City failed to contact and involve the union in this program which directly affect its members. We want to ensure, as we trust that City likewise shares our goals, that the health, safety and interests of our membership are optimally protected. Although we welcome the City’s interest in providing testing for our members in this time of a global pandemic, we have many concerns regarding the voluntary consent form (the “Form”) that the City is seeking to have employees sign:

Consequently, we need for the City to review and respond to the following ten items:

1. Will the Florida Department of Health be the only entity that will receive the test samples and results? If not, what other agencies, and what protections and procedures have been established to protect the confidentiality of that information?

2. On page 2 of the Form, when it asks whether the employee is “willing to have the Department contact them for follow up Covid 19 testing”, is that solely referring to the Florida Department of Health, the City of Hollywood Human Resources Department, the City of Hollywood Fire-Rescue Department, all of those agencies, some combination of those agencies, or perhaps some additional agency or agencies?

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3. How does the City (or any other relevant agency involved) intend to protect the confidential, personal information of its employees who sign the Form, as it requires the employees to provide their names, home addresses, e-mail addresses, and other demographic information that could be used to identify them?

4. How does the City (or any other relevant agency involved) intend to safeguard the employees' confidential, medical and health information required by the Form?

5. What safeguards and processes have been established to ensure that any persons or agencies who receive the test samples and results, whether the Florida Department of Health, or any of the "academic physicians and researchers" referred to on page 9 of 11, and any agency or institution that they work for, or are otherwise affiliated with, will not release any personally identifiable information pertaining to the participating employees?

6. Why is employee participation subject to their agreement to assume every potential risk related to their participation in this program, without express identification of the risks, if not at least the most foreseeable risks? And why are employees required to release the City of Hollywood, and anyone or entity working with it in connection with this program, for the litany of injuries identified in paragraph 3 on page 9?

7. That same paragraph 3 specifies that participating employees, "[i]n the event that [they] should require medical care or treatment,... agree to be financially responsible for any costs incurred as a result of such treatment. [They are] aware and understand that [they] should carry [their] own health insurance." Accordingly, we need to know and be assured that the City has written confirmation from our health insurance providers that our insurance plans cover any subsequently required or recommended medical care, treatments and procedures. Please confirm and provide a copy of such verification that has been procured by the City.

8. As was highlighted by number 6 above, why is the City conditioning employee participation in this program upon their agreement to indemnify the City of Hollywood, and anyone or entity working with it in connection with this program, from all matters identified in paragraph 4 on page 9?

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9. Why is the City offering its employees participation in this program using a test that is expressly identified as not being FDA approved, not to mention, not having yet been reviewed by the FDA as to its accuracy, safety and efficiency?

Please note that recently, the FDA publicly acknowledged that it had allowed a variety of tests to be administered publicly, by private testing companies, and in several instances, upon its review, found that several of those private testing companies had not established that their testing protocols and methodologies were necessarily generating accurate results (high levels of false positive and false negative reports).

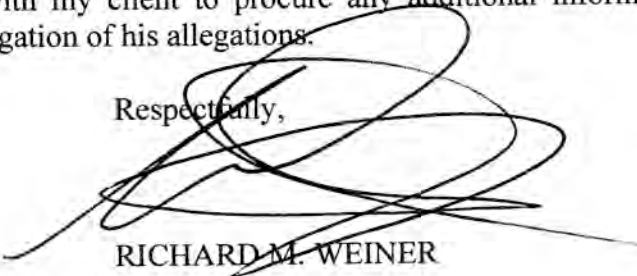
10. What steps has the City taken to ensure that the testing process contemplated by this program is safe, and provides accurate testing results, due to our concerns of false positive and false negative? Further, did or is the City reviewing testing options to identify any testing protocol or methodologies that might be more optimal for our membership, as a whole?

Local 2432 appreciates your prompt responses to the preceding items of concern, and believes that through collaborative discussions regarding these issues, having the benefit of the City's responses, we can optimize the benefit and safety of testing being offered to our membership.

Further, we would additionally appreciate the opportunity to discuss the processes and expectations that will be placed upon any of our membership who receive positive test results, even if those testing results are false positives.

I would welcome your call should you have any questions regarding any of the statements set forth above, or desire to meet with my client to procure any additional information from him in connection with your investigation of his allegations.

Respectfully,



RICHARD M. WEINER

RMW/rw

cc: Dr. Wazir A. Ishmael, Ph.D., City Manager – wishmael@hollywoodfl.org
George R. Keller, Jr., CPPT, Deputy City Manager – gkeller@hollywoodfl.org
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Local 2432