



VIA EMAIL - yculler@dcas.nyc.gov - jwhitman@dcas.nyc.gov

November 7, 2025

James Whitman
Director, Classification and Compensation
New York City DCAS Administrative Services
The David N. Dinkins Municipal Building
1 Centre Street, Room 1401 North
New York, NY 10007

**Re: PROPOSED AMENDMENT TO RESOLUTION –Proposed City Personnel
Rule 6.2.8 – Reinstatement of Employees Dismiss for Noncompliance with
Covid-19 – 2ND AMENDED**

Dear Mr. Whitman:

I am Chief Legal Officer for the Women of Color for Equal Justice law center with over 20 years of complex litigation, corporate transaction and government relations experience. We represent a few City workers affected by the NYC Covid-19 Vaccine Mandate; and, we hereby submit the following proposed amendments to the above referenced resolution as redlined below. Moreover, I also request time to testify in person at the November 19, 2025 hearing.

PROPOSED AMENDMENTS

6.2.8 Reinstatement of Employees Dismissed for Noncompliance with the COVID-19 Vaccination Mandate

(a) Notwithstanding any other rule or regulation, upon written application for reinstatement by a person who was either dismissed, took early retirement, resigned or forced to leave with a waiver or any other form of separation from a competitive or labor class position due to noncompliance with the COVID-19 vaccination mandate, an agency shall may, in its discretion and with the approval of the commissioner of citywide administrative services, reinstate such person to:

1. the position from which the employee was dismissed with eligibility for tenure or title change that existed before dismissal, if vacant, or to any similar vacant position in the agency in which the employee was employed, or



~~2.~~ to a position in another agency to which the employee would have been eligible for transfer or for which the employee meets the examination requirements of the transferring agency involving essential tests or qualifications different from or higher than those required for the position held by such employee and regardless of whether the reinstatement is to the same position with same title or to another agency, the reinstatement shall be at the same salary prior to the dismissal, unless the same position, or position grade has been increased due to terms of recent Collective Bargaining Agreements, with the same benefits with retention of seniority, as such employee was receiving immediately prior to their dismissal and the years of dismissal shall be added back to their retirement years determination with reinstatement of their pension plan and tier status.

~~—provided that:~~

~~3.~~ ~~1.~~ Such application for reinstatement is submitted within ~~360~~30 calendar days of the effective date of this rule and any application submitted thereafter shall be subject to the discretion of the agency head or commissioner of citywide administrative services ;and

~~4.~~ ~~2.~~ Such reinstatement may be subject to such generally applicable investigation, medical ~~e~~Examination generally required for the position, and without requirement of any probationary term only if the probationary term has already been completed, and not subject to waivers, or qualifying tests unless required as set forth in Section 6.2.8(a)(2) herein, or other qualifying requirements applicable to the position as the commissioner of citywide administrative services shall determine;

~~5.~~ ~~3.~~ Such reinstatement shall not be subject to the terms contained in Sections: 6.2.1(b), 6.2.3, 6.2.4, 6.2.5, 6.2.6 within Section II of the Personnel Rules and Regulations of the City of New York.

(b) All dismissed due to noncompliance with the Covid-19 vaccination mandate shall receive written notice of the opportunity for reinstatement to the last known address available to the City and via electronic notice published in all electronic media channels used by the City.

(c) This section shall expire and be deemed repealed on December 31, 2028 and shall apply retroactively to previously reinstated employees eligible for reinstatement under this section.

The reasons for the above requested revisions to the proposed Section 6.2.8 are set forth in our Appellate Brief currently pending before the Second Circuit Court of Appeals and contained in this link - <https://www.woc4equaljustice.org/legal/Appellate-Brief-24-3252.pdf>



Respectfully submitted,

/s/ Jo Saint-George, Esq.

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