

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

DEBRA ANN LIVINGSTON
CHIEF JUDGE

Date: November 09, 2021

Docket #: 21-2800

Short Title: Service Employees Internationa v. Occupational
Safety and Health

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

Agency #: OSHA-2021-0007

Agency: OCCUPATIONAL

SAFETY & HEALTH REVIEW

SERVICE FOR PETITION FOR REVIEW

Pursuant to FRAP 15(c) you are hereby served with the enclosed petition for review of the Occupational Safety and Health Administration order in the above-entitled case that was filed in this court on November 9, 2021.

A copy of the petition is enclosed herewith.

Inquiries regarding this case may be directed to 212-857-8546.

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United States Court of Appeals
for the
Second Circuit

SERVICE EMPLOYEES INTERNATIONAL UNION,

Petitioner,

– v. –

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION,
UNITED STATES DEPARTMENT OF LABOR,

Respondents.

PURSUANT TO § 6(f) OF THE OCCUPATIONAL SAFETY AND HEALTH ACT,
29 U.S.C. § 655(f) AND FEDERAL RULE OF APPELLATE PROCEDURE 15

PETITION FOR REVIEW

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**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

-----X
SEIU, Local 32BJ

Petitioner,

PETITION FOR REVIEW

-against-

Occupational Safety and Health Administration,

United States Department of Labor

Respondents.

-----X

Pursuant to § 6(f) of the Occupational Safety and Health Act, 29 U.S.C. § 655(f), and Federal Rule of Appellate Procedure 15, SEIU, Local 32BJ (“Local 32BJ”) hereby petitions the court for review of the Emergency Temporary Standard (ETS) addressing COVID-19 vaccination and testing issued by the Occupational Safety and Health Administration, United States Department of Labor, and published in the Federal Register on November 5, 2021, at Volume 86, pages 61402 through 61555.

Local 32BJ is a labor organization as defined by the National Labor Relations Act, 29 U.S.C. § 152. It represents approximately 175,000 public and private sector employees, including employees in New York and Connecticut. Local 32BJ is a local union affiliated with the Service Employees International Union. It seeks to protect and defend workers’ welfare and security, and to elevate its members and their families by improving wages, benefits and working conditions.

Local 32BJ hereby petitions for review on the grounds that the ETS, which seeks to protect employees from occupational exposure to COVID-19, fails to adequately protect all workers who face a grave danger from COVID-19 exposure in the workplace.

A copy of the Emergency Temporary Standard is attached to this petition as Exhibit A.

Dated: November 9, 2021
New York, New York



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Counsel for Petitioner 32BJ, SEIU

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November 2021, I caused a copy of this Petition for Review to be served on Respondent by email and first-class mail to:

Seema Nanda
Solicitor of Labor
United States Department of Labor
200 Constitution Ave. NW
Washington, DC 20210
Nanda.Seema@dol.gov

Edmund C. Baird
Associate Solicitor of Labor for
Occupational Safety and Health
Office of the Solicitor
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/s/ Allyson L. Belovin
Allyson L. Belovin

DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 Petitioner the Local 32BJ, SEIU (“Local 32BJ”) hereby makes the following disclosures: Local 32BJ is an unincorporated labor organization as defined by the National Labor Relations Act, 29 U.S.C. § 152. It has no parent corporation and no publicly-traded corporation has an ownership interest in it.

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/s/ Allyson L. Belovin
Allyson L. Belovin