



FIRE DEPARTMENT
9 METROTECH CENTER BROOKLYN, N.Y. 11201-3857



NICHOLAS SCOPPETTA
Fire Commissioner

March 10, 2003

Mr. Patrick Bahnken
President
Local 2507, District Council 37
47-09 30th Street, 3rd Floor
Long Island City, New York 11101

Re: Smallpox Vaccination Program

Gentlemen:

As you know, the City of New York is administering a voluntary smallpox vaccination program to emergency response and other personnel, including Fire Department Emergency Medical Service (EMS) personnel. Although the program will be conducted in accordance with Centers for Disease Control and New York City Department of Health and Mental Hygiene guidelines, there is a risk that some individuals will suffer adverse effects from the vaccine.

You have inquired about the medical and leave benefits available to EMS personnel who receive the vaccine as part of the Department's voluntary program and then suffer such adverse effects from the vaccine. The policy is presented below.

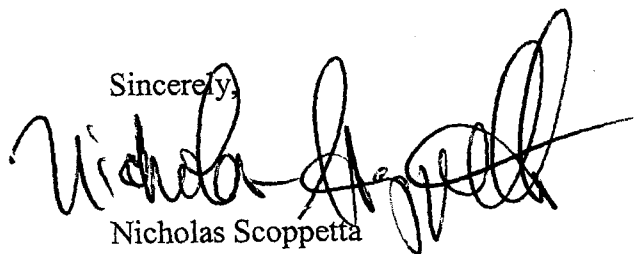
Any Fire Department EMS employee who receives the smallpox vaccination in connection with Phase One of the City's vaccination program and becomes ill as a result of adverse effects of the vaccine would be granted up to three days of non-chargeable leave. EMS employees requesting this leave for vaccine-related illness or injury must call the Fire Department's Bureau of Health Services (BHS) each of these three days to document their symptoms in order to be granted leave. EMS employees may report to BHS for an in-person medical evaluation or may be required to report for an in-person medical evaluation at BHS if BHS doctors deem it necessary. If symptoms persist beyond the three-day period, he or she must report to BHS for further evaluation. Upon a determination by a BHS physician that the illness or injury is causally related to the

smallpox vaccination, the physician will designate that illness or injury as service connected, and members would be eligible for the line of duty injury (LODI) benefits that EMS personnel receive pursuant to their collective bargaining agreement, in accordance with applicable LODI provisions and procedures. The LODI benefits that each employee will receive will, of course, correspond to the nature of his or her illness. EMS employees will be seen for follow-up visits at the Bureau of Health Services on a schedule to be determined by BHS until such time that the BHS physicians determine that they are eligible to return to full-duty. Please note that if EMS employees seek medical attention outside of BHS for vaccine-related illnesses or injuries, they will still be subject to BHS examination before becoming eligible for LODI benefits. Where applicable, EMS personnel would otherwise be eligible for Workers' Compensation benefits, in accordance with applicable laws, rules and regulations.

I trust that this letter adequately addresses your concerns, and that it will enable you to better educate your members. The Fire Department would welcome your support in implementing this critical initiative. We hope that you will convey this information to your membership as quickly as possible.

Please contact my staff or me should you have any other questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Scoppetta". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Nicholas Scoppetta
Fire Commissioner

cc:

Frank Cruthers, Chief of Department
Andy McCracken, Chief of EMS Operations
Douglas White, Deputy Commissioner for Administration
David Clinton, Deputy Commissioner for Legal Affairs
Kerry Kelly, Chief Medical Officer
Julian Bazel, Department Counsel
Lillian Rivera-Inzerillo, Director, Labor Relations
Kate Frucher, Special Assistant to the Fire Commissioner