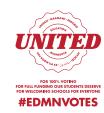


School Building Reopening and Educator Rights



Personal concerns

I am unable or do not feel comfortable returning to school or campus because...

Workplace concerns

I have an <u>underlying health</u> <u>condition</u> that puts me at greater risk for infection, serious illness or death if I contract COVID-19.

You may be entitled to work from home as a reasonable accommodation under the ADA or MN Human Rights Act, which will depend on the nature of your work and other factors.

Seek a doctor's note or medical documentation of your condition(s).

Seek local or Education Minnesota support in requesting work from home or other accommodations.

If you are sick with COVID-19 or COVID-19 symptoms, you will likely be eligible for paid leave in accordance with your contract, as well as up to 10 days (80 hours) of paid leave under the Families First Coronavirus Response Act (FFCRA).

Someone in my household has a health condition that puts them at greater risk for infection or serious illness/death if they contract COVID-19.

While there is no clear legal right to work from home in these cases, you would be entitled to use paid sick leave and/or FMLA to care for an immediate family member who is sick with COVID-19 or has been advised to guarantine.

Locals may be able to <u>negotiate</u> flexible work arrangements for employees in this situation.

If you are unable to work because of a need to provide care for a family member who is sick or subject to quarantine due to COVID-19, you are likely eligible for paid leave under your contract as well as up to 10 days (80 hours) of paid leave under the Families First Coronavirus Response Act (FFCRA).

I don't have child care because my child's daycare or school is completely or partially closed due to COVID-19.

Local negotiations could address paid leave or remote work arrangements for employees in these categories.

Expanded unemployment benefits pursuant to Executive Order 20-05. Seek counsel from Education Minnesota before resigning your employment.

The Families First Coronavirus
Response Act (FFCRA) also
provides up to 12 weeks of paid
leave up to 2/3 of an employee's
daily rate of pay (capped at \$200/
day) for employees who are
unable to work due to a need
to provide child care for a child
whose school or child care provider
is closed due to COVID-19.

I have one of the following concerns about conditions in my classroom or school building:

- Lack of social distancing or impossible to social distance at planned capacity.
- Insufficient number of cloth masks to students who do not have them
 or is not requiring or is not following applicable requirements for maskwearing.
- Inadequate or non-existent hygiene procedures.
- Inadequate or non-existent screening procedures.
- Inadequate or non-existent cleaning supplies.
- Other deficiencies in building reopening and safety.

See MN Dept. of Health school reopening guidance regarding what is required and recommended on each of these topics, which differs depending on whether the building is in an in-person, hybrid or distance learning model.

My district or building is not following MN Dept. of Health requirements or recommendations.

Document and attempt to discuss concern with building administrator or COVID coordinator and seek clarity on what the building or district policy is, copy local president.

The number of positive COVID-19 cases in my community is too high, but my school district or building is still going forward with in-person or hybrid instruction.

Work with your local to decide on a strategy for influencing the building or district's decisionmaking. Discussions with principals and/or superintendent should be the first step.

Most local statements to the district or the public regarding safety would be protected under MN whistleblower and/or labor law.

Locals should seek legal counsel from Education Minnesota before engaging in any type of coordinated work stoppage.

If no change, request support from local or Education Minnesota field staff. Possible options:

- Organizing by the local to address concern, including engaging school board and/or parents.
- Report violations of safety requirements that employer refused to address to Minnesota OSHA: osha.compliance@state.mn.us.
- Demand to bargain over safety concerns; unfair labor practice for refusal to bargain by district.
- Refuse to report to a building or worksite if situation poses a serious threat of infection.
- Education Minnesota will provide representation to members and locals in accordance with our legal services policy, but success in a disciplinary proceeding will depend on facts of each case.

Last updated: July 23, 2020

www.educationminnesota.org

Education Minnesota is an affiliate of the American Federation of Teachers, the National Education Association and AFL-CIO.