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Education Minnesota statement on schools refusing to provide remote work options

Since the early days of the COVID-19 pandemic, the Centers for Disease Control and Prevention and other public health agencies have told us that being over the age of 65 or having [certain health conditions](#) increases the risk of severe illness or death if exposed to the virus. All educators have concerns about their health and safety during the pandemic, but for educators with at-risk conditions or family members with at-risk conditions, these concerns are immense and they are justified.

That's why Education Minnesota was heartened to see the following language in Gov. Tim Walz's [Executive Order 20-82](#) for the 2020-21 school year: "[d]istricts and charter schools must also provide accommodations to staff as required by applicable laws and must allow school staff whose health is at risk or who have members of their household whose health is at risk to work from home to the extent possible." (Para. 13.) Unfortunately, it has become clear in recent weeks that not all school districts have taken this mandate seriously.

Education Minnesota is deeply troubled by the following ways some school districts have dealt with these requests and other employee health concerns:

- Several districts have asserted that they have no remote teaching assignments at all, despite the fact that all districts are required to provide distance learning as an option to all students.
- At least one district updated its teacher job description to include instruction "in the classroom" as an essential job function for the first time.
- Several districts have asserted that remote instruction in a distance learning model must be taught from the school building despite the ability to do so remotely.
- One school requested that employees sign a liability waiver giving up their right to bring legal claims of any kind if they contract COVID-19 at work.
- Several districts have required employees to sign a release allowing their medical provider to release private health records directly to the school district in order to receive accommodations.

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*Education Minnesota is an affiliate of the American Federation of Teachers,
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Some of these practices and requests are plainly illegal. Our staff has already begun to advise members about their rights to file grievances or discrimination complaints with state and federal agencies. Where appropriate, Education Minnesota will use all available legal tools to defend our members' rights.

At the same time, no educator should have to file a grievance, discrimination complaint or lawsuit in order to be treated with respect. When employers fail to consider remote work or other accommodation requests individually or fairly, they risk much more than legal action. In the short run, their stubbornness could result in the deaths of educators. In the long run, they will permanently damage employee morale, drive talented educators out of the profession and further worsen our state's teacher retention crisis.

We can and must do better. Education Minnesota calls on all school districts in this state to be model employers—not simply by doing the bare minimum required by law, but by acknowledging that staff health is a critical factor in determining how to educate students safely this year. If large numbers of staff are unable to teach in-person due to at risk conditions, or family members with at-risk conditions, then, simply put, in-person learning isn't safe.

Our local unions will continue to try to collaborate with administrators in finding solutions to these and other challenges posed by this pandemic, but we stand ready to partner with state agencies and the courts if those efforts fail. We will continue to press for safe learning plans in every school that account for everyone's safety.

Together,

A handwritten signature in black ink that reads "Denise". The signature is written in a cursive, flowing style.

Denise