School Building Reopening and Educator Rights

**Personal concerns**

I have an underlying health condition 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 the Vermont Fair Employment Practices Act (FEPA) 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 Vermont-NEA 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).

**Workplace concerns**

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 decision-making. 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 Vermont labor law.

Locals should seek legal counsel from Vermont-NEA before engaging in any type of coordinated work stoppage.

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

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 mask-wearing.
- 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 Vermont Health & Safety Guidance for Reopening Schools, https://education.vermont.gov/sites/aoe/files/documents/edu-vdh-guidance-strong-healthy-start-school-health-rev-20200617.pdf 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 Vermont Department of Health requirements or recommendations.

Document and attempt to discuss concern with building administrator or COVID-19 coordinator and seek clarity on what the building or district policy is, copy your local president.

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

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.

You may be eligible for expanded unemployment benefits under the Pandemic Emergency Unemployment Compensation (PEUC), which was a component of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Seek counsel from Vermont-NEA before resigning your employment.

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If no change, request support from local or Vermont-NEA UniServ 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 Vermont's Occupational and Health Administration (VOSHA) by filling out a safety complaint form at: https://labor.vermont.gov/form/safety-complaint-form.
- 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.
- Vermont-NEA 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.

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