



## **San Bernardino Teachers Association**

1997 E. Marshall Blvd. • San Bernardino, California 92404

(909) 881-6755 • Fax (909) 881-6752

### **REOPENING OF SCHOOLS SURVEY AND UPDATE 7/2/2020**

#### **WHAT IS THE PURPOSE OF THE DISTRICT'S RECENT SURVEY?**

As the District looks at the new school year, they need some sense of the number of employees who may not be able to physically return for any of the five (5) reasons listed in the cover letter. An additional condition is being 65 years of age or over, and/or with specific health conditions neither of which is appropriate for the District to ask. As stated in the letter, "We need your input as we prepare for the opening of the school year."

#### **HAS A DECISION BEEN MADE WHEN EMPLOYEES WILL PHYSICALLY RETURN TO SITES?**

No firm decision has been reached. The district is exploring a phased in approach to bringing students and staff back to campuses when it is determined to be safe to do so. The California Department of Education has issued an extensive and comprehensive checklist of health and safety concerns that must be met before districts can move forward to reopen schools. The District is committed to adhering to those guidelines in conjunction with the San Bernardino County Public Health Office and the Governor's direction.

#### **IF MEMBERS INDICATE THAT THEY HAVE A HEALTH CONDITION, ARE THEY AT RISK OF BEING LET GO BY THE DISTRICT?**

The District cannot terminate a person's employment simply because they have a health condition. They can approve leaves when presented with a doctor/health care provider's note that specifies the duration of the leave but does not indicate the cause or reason for the leave. Under HIPAA medical privacy rules, employees are given the right to withhold medical diagnoses from their employer. The District can work with the employee to create reasonable accommodations based on specified restrictions a doctor/health care provider may provide when the employee is asked to physically report to work during the pandemic.

#### **WHAT DOCUMENTATION IS REQUIRED IF THE TEACHER IS CARING FOR AN AT RISK FAMILY MEMBER, LIVING IN THE SAME HOUSE?**

The same as the individual member who has a health condition, a doctor/health care provider's note should be sufficient.

#### **WILL A MEMBER NEED TO USE THEIR SICK TIME IF, UPON RETURNING TO THE CLASSROOM, THEY CONTRACT COVID-19?**

The current MOU between SBTA and the District reflect provisions resulting from Governor Newsom's Executive Order which established there would be "no accrued leave deducted for taking time to comply with a medical professional's recommendations, including to self-quarantine, secure one's own health, or secure the health of one's household during the COVID-19 crisis." The MOU goes on to state, "All COVID-19 related leaves will be processed in accordance with the Families First Coronavirus Response Act effective April 1, 2020 through December 31, 2020."

#### **WHY IS THERE NO TIMELINE FOR WHEN SBTA WILL BE REQUIRED TO PHYSICALLY REPORT TO WORK?**

On Tuesday, June 30th, the School Board voted that school will start on August 3rd, 2020 with Distance Learning. Any physical return to school sites and departments will be impacted by current federal ([CDC](#)), state ([CDPH](#), [CDE](#), [Cal/OSHA](#)), and local county/city public health department guideline, and is subject to negotiations.

SBTA has already presented the District with a Demand to Bargain the impacts of every consideration regarding workload, work hours, and working conditions due to COVID-19. Throughout this process, SBTA will continue to survey our members as needed to provide feedback to the negotiations team.