

Dear Members:

As January 19<sup>th</sup> approaches, there has been a tremendous amount of additional activity to address members' questions and concerns. Some of the concerns deal with our collective bargaining agreement and others include vaccines, testing sites, childcare, retirement, and leave requests to name just a few. AEA supports our members who are ready and feel safe to return to in-person learning and we want to support our members who are being put into situations that do not allow for safe interactions.

With many students returning to buildings next Tuesday, many of you will have difficult decisions to make regarding your health and safety. The District's position is that they have plans in place that mitigate and minimize exposure to COVID-19. AEA is focusing on student and staff safety as we return to face-to-face learning.

AEA has filed a grievance asserting violations of Article 421B: "*A member may refuse to carry out an order that threatens health (excluding normal childhood diseases including but not limited to colds, flu, mumps, measles, chicken pox) or physical safety; or which is a violation of federal or state statutes. If the member refuses, the member shall have the burden of proof.*" Page 48 in the AEA Contract.

This grievance includes any members who refuse to carry out an order that they believe threatens their health or physical safety. The specific safety violations are in these areas:

- Classrooms are being set up that do not have six feet of distance between students.
- Student are being allowed to remove masks and eat in the classroom.
- SEL mask breaks in buildings do not comply with CDC guidelines.
- Classrooms may not meet CDC, OSHA, or other regulatory requirements for proper air circulation and filtration to minimize COVID-19 exposure.

If you decide health and safety violations are putting your safety at an unreasonable risk and you decide not to comply, AEA will advocate on your behalf. **You need to be aware that the member (Association) has the burden of proof to document and make the case supporting the safety violation(s). There may be disciplinary consequences and while we will aggressively defend, it is critical that you are aware of potential unfavorable outcome for your actions.**

**In order to provide proof, you will need to compile evidence:**

- Take photos of your classroom with a measuring device to establish the distance from student to student and yourself.
- Take videos of your class eating lunch. Try to minimize showing student faces.
- Request CO<sup>2</sup> meter from AEA for your classroom if you have a concern that the air exchange rate is not adequate. Take photo of the results. (Still being shipped.)
- Document correspondence with principal or other administrators.
- Provide any other evidence that you have to prove safety risk and undo exposure.

If you have a safety concern that is not included in the list at the top of this message that rises to the level of triggering a decision not to comply, please contact Debbie, Val, or Corey separately and we can file a separate grievance if needed.

**All evidence submissions need to be submitted in a uniform process in order for us to properly track. (Below in Red) You will need to:**

- Identify the safety violation.
- Take photos, videos, and collect any other evidence of the safety violation.
- Notify your principal or another administrator immediately to problem solve. Be solution-oriented.
- If no resolution to mitigate the safety violation can be reached, inform your principal or administrator of your rights under 421b of the AEA-ASD collective bargaining agreement.
- **Submit the evidence to your administrator and AEA.**
- In some cases, this may mean you do not show up for work on Tuesday and there will need to be a sub. If you are in the building and students are present, NEVER LEAVE STUDENTS UNATTENDED. You may move students or monitor students from the doorway or another safe location. If you have a way to mitigate the safety violation in another manner, inform your principal.
- Again, be solution-oriented. If things escalate, call Debbie, Val, or Corey.

**EVIDENCE SUBMISSION: Follow these steps in submitting evidence to AEA.**

- 1) Label each document with the date, your name, and your school site.  
(example: 01.19.21 Corey Aist\_Ed Center.type of file)
- 2) Click on this link and drop the evidence into the AEA Dropbox:

<https://www.dropbox.com/request/hSpdmpIWwGV6QgvRPEjp>

In closing, if you believe that you are being put into an unsafe situation based on the outlined concerns above, you have the right to refuse work, according to our collective bargaining agreement. This grievance is on behalf of all members who want to refuse work. We remind you that the member (Association) has the burden of proof in these cases and that although AEA will defend your right, we cannot guarantee that you won't be disciplined.

AEA continues to fight for the right for our students and staff to be safe.

Debbie, Val, and Corey