



SPALC AND TALC CONTRACT NEGOTIATIONS FY21 (2020-2021 SCHOOL YEAR) JOINT COMMUNICATION

September 11, 2020 – 10:00 a.m. - Joint Communication #13

SPALC, TALC, and the District met to negotiate the impact of changes to terms and conditions of employment resulting from the coronavirus pandemic (COVID-19). Using the interest-based process, the parties identified items for discussion and negotiation. The parties established norms for bargaining sessions to ensure civility, decorum, and fidelity to the interest-based process. Emergency implementation began immediately after tentative agreement was reached. Below is a recap of the decisions made and the processes that were followed upon implementation of the agreement.

Update and Timelines

The following recommended timelines were put in place based upon the District's ability to respond to an uncertain workload associated with emergency implementation of Memorandums of Understanding (MOUs) related to Covid-19.

- August 5, 2020:** HR Return to Work Intent and Instructional Model Preference form and ADA Accommodation forms sent to instructional staff; ADA Accommodation forms available online for support staff
- August 9, 2020:** Recommended timeline for submission of HR Return to Work Intent and Instructional Model Preference form
- August 11, 2020:** Recommended timeline for submission of ADA Accommodation forms; submission after this date might result in undue hardship to the District in meeting the needs of students
- August 18, 2020:** District response to ADA Accommodation requests made prior to August 11, 2020; every effort made to respond prior to August 18, 2020 to any ADA Accommodation requests made after August 11, 2020

As of August 10, 2020, approximately 99% of instructional staff had completed the HR Return to Work Intent and Instructional Model Preference form; the majority of employees requesting ADA Accommodation provided completed medical certification forms or were in the process of obtaining necessary documentation.



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As of August 21, 2020, the District reviewed and responded to more than 95% of the estimated 200+ requests for ADA Accommodations. The remaining 5% of requests were pending due to medical certification.

In an average year, the District receives fewer than 10 ADA Accommodation requests from its approximately 12,000 employees. Each request takes nearly two weeks to review and respond to under normal circumstances. The commitment of resources necessary to carry out the expedited review of ADA Accommodations requests is a direct reflection of the District's commitment to its employees' health, safety, and welfare.

SPALC, TALC, and the District will continue to provide employees with relevant information in a timely fashion. Large-scale mobilization of resources necessary to operationalize agreed upon changes, while ensuring continuity of student instruction is extremely complex and requires the involvement of a number of key stakeholders. The patience and flexibility of all employees involved is greatly appreciated.

Instructional Staff

The parties discussed story, presented options, and reached consensus on the following items impacting instructional staff. Below is a recap of the decisions made and the processes that were followed for implementation of agreements impacting instructional staff:

HR Return to Work Intent and Instructional Model Preference Form

- A form will be created by the District, to be distributed to all instructional staff
- Instructional Staff will be asked to provide basic demographic information, including but not limited to position, location, and areas of certification
- Instructional Staff will be asked to select a preference level for instructional models available to students, including face to face (F2F), Lee Home Connect (LHC), and Lee Virtual School (LVS)
- Instructional Staff will be given the opportunity to provide additional information, including if they require accommodations afforded by the American's with Disabilities Act (ADA), if they are at an Increased Risk as defined by the Centers for Disease Control (CDC), and if they are a caregiver to someone at an Increased Risk



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- Instructional Staff will be asked to indicate whether they plan to return to work, request available leave, retire, or resign

Americans with Disabilities Act (ADA) Accommodations Requests

- The District will comply with federal laws regarding accommodations for those with disabilities, defined by the ADA as a physical or mental impairment impacting one or more major life activity
- Accommodations will be provided, so long as they are reasonable in nature and do not create an undue hardship for the District
- Accommodations may be temporary in nature, in order to address direct threats to safety of students, staff, or the public resulting from COVID-19
- The District's ADA Medical Certification Form and information about the ADA accommodation request process will be attached to the HR Return to Work Intent and Instructional Model Preference Form
- In anticipation of an increase in ADA accommodation requests, recommended timelines will be established in order to ensure all employees have the opportunity to submit requests while reducing the likelihood of undue hardship on the District resulting from the start of the 2020-2021 school year for students
- Accommodating employee requests after the start of the school year may impact the District's ability to ensure that all students have qualified instructional staff for FY21 (2020-2021 school year), therefore all employees are encouraged to adhere to the recommended timelines
- The District remains committed to honoring all requests for accommodations made, including those made after the recommended timelines have passed

Assignment of Duties for Instructional Staff

- Failure to submit the HR Return to Work Intent and Instructional Model Preference form in a timely manner will result in a default preference for F2F instruction
- Assignment of duties, including work location, for FY21 (2020-2021 school year) will be based upon information submitted
- TALC and the District agree that placement of instructional staff will be made in order of priority; priority will be given to employees with



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documented medical conditions that prohibit them from returning to F2F instruction

- Priority will be given to employees in the following order:
 - Employees who qualify for accommodations under the ADA
 - Employees who are at an Increased Risk, as defined by the CDC
 - Employees who are a caregiver to someone at an Increased Risk, as defined by the CDC
 - Employee Preference
- Employees may be transferred in order to facilitate the assignment of duties at another work location, based upon need for accommodation, or preference
- Employees who are transferred due to an ADA Accommodation will have the opportunity to transfer back to their original location and assigned duties for FY22 (2021-2022 school year), or sooner, if possible

Support Staff

The parties discussed story, presented options, and reached consensus on the following items impacting support staff. Below is a recap of the decisions made and the processes that were followed for implementation of the agreement impacting support staff:

Americans with Disabilities Act (ADA) Accommodations Requests

- The District will comply with federal laws regarding accommodations for those with disabilities, defined by the ADA as a physical or mental impairment impacting one or more major life activity
- Accommodations will be provided, so long as they are reasonable in nature and do not create an undue hardship for the District
- Accommodations may be temporary in nature, in order to address direct threats to safety of students, staff, or the public resulting from COVID-19
- The District's ADA Medical Certification Form and information about the ADA accommodation request process are available on the District website
- Accommodating employee requests after the start of the school year may impact the District's ability to meet the needs of students
- The District remains committed to honoring all requests for accommodations made, including those made after the start of the school year



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Assignment of Duties for Support Staff

- Immediate Supervisors will work with Support Staff to determine appropriate assignment of duties for FY21 (2020-2021 school year)
- Assignment of duties, including work location, for FY21 (2020-2021 school year) will be based upon information communicated by employees to their immediate supervisors
- SPALC and the District agree that assignment of duties for Support Staff will be made in order of priority; priority will be given to employees with documented medical conditions that prohibit them from returning to work in person
- Priority will be given to employees in the following order:
 - Employees who qualify for accommodations under the ADA
 - Employees who are at an Increased Risk, as defined by the CDC
 - Employees who are a caregiver to someone at an Increased Risk, as defined by the CDC
 - Employee Preference
- Employees may be transferred in order to facilitate the assignment of duties at another work location, based upon need for accommodation or preference
- Employees who are transferred due to an ADA Accommodation will have the opportunity to transfer back to their original location and assigned duties for FY22 (2021-2022 school year), or sooner, if possible
- Employees in Transportation, Food and Nutrition Services, and Custodial Services may be temporarily reassigned to a different location in order to meet shifting student need; employees will be provided notice prior to any temporary reassignment

Next Steps

SPALC, TALC, and the District continue to take active measures to address employee concerns as they arise. Additional MOUs will be executed, if necessary, in order to ensure that the interests of all parties are met. Additional updates will be made available on www.leeschools.net and www.islandcoastfea.org.

Thank you again for everything that you do to support the students of Lee County!