

MTA COVID-19 Safety Campaign for Higher Ed and Pre-K-12

Reopening schools and protecting public employees and students — are community health issues. We must keep the environmental health and safety of all people at the center of any return to school plans. But we must also pay attention to schools in low income communities and communities of color.

Systemic racism such as, segregation, continuing disinvestment in schools and community resources, densely populated cities, lack of access to health care, polluted air and contaminated water are responsible for the social determinants of health that put people of color more at risk for contracting and dying from COVID-19. It is the obligation of the State to invest in each district, but particularly in districts that educate high numbers of students of color, to ensure they have sufficient resources to reopen. As children are vectors of the coronavirus, district plans must strictly adhere to public health principles. Without strict plans in place and sufficient financial resources students and school employees will be put in the position of running the risk of spreading the virus deeper into the community. This will have devastating effects and long-term consequences in communities of color.

We will all be stronger for standing together. Our society and our economy hinges on our success in reopening schools properly. The MTA and their locals will do everything in our power to keep all students, educators, and community members from being put in harm's way. We expect the same of the State and the school district.

The purpose of this document is to provide guidance to MTA locals to prepare for a safe, organized, community responsive re-entry into school buildings and onto campuses. This is a living document because new information is evolving over time and safe practices will vary according to the conditions at hand.

Legally, the health and safety of public sector employees is protected under MGL c. 149 §6 ½ which provides that public employers must provide “public employees at least the level of protection of federal OSHA of 1970”. The law is enforced by the Massachusetts Department of Labor Standards (DLS). Under the General Duty Clause, employees are entitled to a workplace that is “free from recognized hazards that are causing or are likely to cause death or serious physical harm”. PreK-12 public schools and Higher Education Institutions, working with their local Health Departments, have been empowered to issue COVID-19 guidance to their staff, students, parents and the public. It is critical for MTA local Associations to have a real seat at the table. This document was developed by the MTA Environmental Health and Safety Committee and MTA leadership. It can help Locals assess the employers COVID-19 safety plans and provide a road map for union proposals and activity.

This document is divided in three sections: Organizing, Information Gathering (including an assessment of Engineering Controls, Administrative Controls and Personal Protective Equipment, and Bargaining. Locals are advised to use the collective bargaining law (MGL 150E) as a vehicle to get information from management on their COVID-19 preparations and plans. Locals can thereafter assess the planned controls, demand to bargain and organize members to advocate for safety improvements and maintenance.

This document uses information from state, federal and scientific publications. Most are updated regularly and can be used in discussions with management. Reference documents are attached. The EH&S committee suggests that local Associations go further than inadequate politicized government agencies to help protect students and members.

Organizing

It's critical that an effective organization be developed given the urgency of the matter and the possible long-term nature of the task at hand. In order to have an effective voice, all local associations should build an organizational infrastructure and exercise their legal rights under MGL150E and OSHA. Each local can create a system that works for them. Local associations are advised to designate or elect at least one member as a district or campus wide **Association Safety Coordinator**. We also strongly advise that each building organize a **Health and Safety Building Committee** (H&S Committee). The Coordinator and H&S Committee members should stay in regular communication. A strong Health and Safety Building Committees is composed of a representative cross section of association members including, but not limited to instructors, custodians, buildings and trades employees, transportation representatives, before and after school representative's, mental health professionals, food service providers and nurses. Take the geography of the campus and skill set into consideration. Once established, the committee should ask to meet with management decision makers including administrators, school committee members, transportation director, human resources, and other technical consultants hired by management to discuss safety issues. Meet with the Department of Public Health representative because they are important players and decision makers. Parents and student's representative may also be on the committee. Keep notes of the meetings. Communicate with local association leadership and MTA field representatives. These committees can also be authorized to bargain. Each association should decide if local elected union officials are on the committee. It may improve local organizing capacity if committee members are not members of the local association's leadership. The H&S Building Committee members are the eyes and the ears of the infrastructure. They should meet regularly. These groups can receive technical and organizational support from MTA. MTA template request for information and demand to bargain form letters can be provided. We recommend that MTA consider providing information to members by hosting electronic town hall meetings.

The Association Safety Coordinator communicates with the Superintendent, the Chancellor, the local Department of Public Health officials, School Committee members, and school based and town unions (facilities, maintenance, DPW, Police and Fire, town and municipal employees).

The Safety Coordinator also communicates with the local leadership including building reps, the Local Association President, the MTA field rep and outreaches to other unions in the school district. If other schools' employees such as food service, maintenance and facilities, and transportation are not part of the local MTA association, it is important to communicate and share information with their leaders and members. All unions are stronger by forming coalitions, and shared information is important to the safety of all school employees.

MGL 150E Information Gathering

A detailed template MGL 150E information request will be provided to your local union. The information request is organized using a hazard prevention tool called the Hierarchy of Controls. The information request includes questions about how people will be protected using engineering controls (Ventilation, air and surfaces sanitation), administrative controls (changing the way people work), and personal protective equipment (PPE devices to protect people). The following is a summary of the information request.

Engineering Controls

- Provide a description and an assessment of the of (Heating Ventilation and Air Conditioning) HVAC systems in each building?
 - What cleaning, sanitizing and disinfecting methods and protocols will be put into place? Will a cleaning log be kept?
 - Will isolation space (rooms or buildings) for infected persons be provided? If so, please describe the space, location and medical resources available.
 - Will hand sanitizers be provided, do all sinks have running water, and will soap be available? Will thermometers be provided to staff for screening and what are the protocols for taking and logging temperatures?
 - Will contaminated COVID-19 waste materials (i.e.: air filters) be disposed of in accordance with a statement released by OSHA using typical engineering and administrative controls?
 - Will there be a nurse in every building? Will there be a triage room?

Administrative Controls:

- Provide any and all COVID-19 safety protocols and policies affecting staff, the students and the public, including but not limited to the Emergency Operation Plan (EOP), the Infectious Disease and Emergency Response Plan for COVID-19 and the COVID-19 Risk Assessment for the campus or district.

- Identify the CDC community transmission phase the school or campus considers itself currently falling into?
- Provide contact information and relevant documents to and from the local Department of Public Health.
- Provide information on what testing protocols are planned.
- What contact tracing protocols are planned?
- What criterion will be used for closing school or buildings on campus, and what are the actions and protocols necessary to reopen a building or system?
- In the case of a surge of COVID-19 infections in the community how will it be decided to keep the buildings open or closed?
- Describe any social distancing protocols.
- Describe any short-term dismissal standards and protocols.
- Describe any emergency outbreak protocols.
- How will the employer screen and identify employees and students for COVID-19? Provide information on any planned OSHA training for staff.
- In the case of a confirmed COVID-19 case,
 - Provide information on protocols to care for in house sick students and confirmed positive students without symptoms, in dorms and in PreK-12 schools and the protocols for sending them home or to the hospital.
 - Is there a fully equipped isolation room(s) or isolation dorm(s)?
 - How long will confirmed infected students and employees with or without symptoms, be required to quarantine?
- Will at-risk and older employees receive accommodations?
- Describe any safety administrative protocols being implemented including time for students and staff to wash their hands or use hand sanitizers during class or the school day?
 - Will dining and eating protocols be modified and how?
 - Will K-12 students be eating lunch in their classrooms?
 - What adjustments will be made to building Integrated Pest Management plans (IPM)?
 - What protocols will be put in place for food handlers?
 - Provide a description of psychosocial services that will be provided to students and staff relative to the COVID-19 pandemic?

Personal Protective Equipment

- What personal protective equipment will be provided free to staff including custodians, and food handlers?
- Will protective medical grade masks be provided free to healthcare workers (N95 or N99) and non-medical grade masks provided to all others? Will nitrile gloves, gowns and face shields be made available to staff free of charge to staff?

- Will employees be fit tested, and trained in the proper use of PPE including donning and doffing as required by OSHA?

Using Bargaining to Implement and Respond

The Association can use the template MGL 150E demand to bargain letter to secure a seat at the table. Bargaining requires well established rules of conduct for the parties in order to bargain in “good faith”. Use the information generated from managements responses to the information request to assess the district’s or higher education institutions’ safety protocols.

MTA is providing an informational resource document on subjects of bargaining for you to use during your discussions. Many of these web sites are updated often. They are links to scientific studies, as well as state and federal guidance. If the district or campus is outside of those guidelines, locals should propose improvements at the table.

Local associations may file an unfair labor practice through the field rep if an employer refuses to provide information or bargains in bad faith. Serious safety concerns that are likely to cause death or serious physical harm may also be filed as an OSHA complaint with the Department of Labor Standards (see the link at the references section). If necessary, locals may also engage in protected concerted activity.

Since it’s predicted by health officials that there may be another surge of COVID-19, it’s important to revisit policies, Emergency Operation Plans and Infectious Disease Preparedness and Response Plans with an emphasis on what worked, what didn’t, and what changes need to be made. The MTA field representatives and legal services will support the local union with advice and assistance. Technical advice may also be available from MTA.

Building a union infrastructure, regular contact with members, the employer, local departments of public health, state authorities and union coalitions will lead to a safer workplace and community. Local Associations should tailor these recommendations to their own needs. This document is intended to be a living document that is revisited and revised. All crisis management plans need to be continually reassessed in order to be effective.

References:

OSHA COVID guidance can be found at:

[h https://www.osha.gov/Publications/OSHA3990.pdf](https://www.osha.gov/Publications/OSHA3990.pdf)

Massachusetts Department of Labor Standards complaint form: <https://www.mass.gov/doc/complaint-form-for-public-sector-workplaces/download>

Interim Guidance for Administrators of US K-12 Schools and Child Care Programs to Plan, Prepare and Respond to Coronavirus Disease 2019 (COVID-19)

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools.html>

Massachusetts Department of Higher Education COVID-19 information is found at: <https://www.cdc.gov/coronavirus/2019-ncov/community/colleges-universities/index.html>
[Interim Guidance for Administrators of US Institutions of Higher Education](#)

<https://www.mass.edu/covid-19/home.asp>

Ways in which schools can help protect students, teachers, administrators, and staff and slow the spread of COVID-19.

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html>

CDC Guidance for Cleaning and Disinfecting can be found at:

<https://www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/index.html>

See OSHA's Respiratory Protection standard, 29 CFR 1910.134 at www.osha-slc.gov/regulations/standardnumber/1910/1910.134