

**Date:** November 9, 2020

**Filed by:** See attached list of signatures.

**Filed at Step:** Step II Formal Grievance Submission: This is a formal request that the grievance be advanced directly to the Kenosha Unified School Board due to the urgency of the matters contained in the grievance.

**Date(s) of Safety Violations:** September 14, 2020 and continuing.

**Policies or State Law Violated:** Policy 1120, Policy 1210, Policy 3600, Policy 3643, and all other relevant sections of the handbook; The Public Employee Health and Safety Law, Wis. Stat. §101.055 and the Safe Place Statute, Wis. Stat. §101.11

**Location of Safety Violations:** District-wide

**Circumstances of Workplace Safety Grievance:**

Educators in the School District of Kenosha Unified School District file this grievance to convey critical health and safety concerns related to the District's handling of the COVID-19 pandemic.

The District has provided inadequate safety guidelines, has not enforced those guidelines, or both, which has led to schools becoming a transmission site for COVID-19. Immediate action is required by the District to protect the safety of students and staff and control the spread of COVID-19. This has resulted in people with COVID-19 entering the building and exposing employees, leading to their quarantine. Safety issues and concerns are as follows:

- The District does not have a proactive plan for when a student or staff member tests positive for COVID-19. At Strange Elementary, a teacher tested positive, but staff in the building were not notified until five days after a positive test and students remained in the building. Parent-teacher conferences were also held that week. At Lincoln Middle School, a teacher felt ill on Friday, October 16 and went home early from school and got tested. She returned to school on Monday, October 19 and later that day received word she tested positive. Students she was in direct contact with were not notified to quarantine until the evening of Wednesday, October 21 after several staff complaints. Additionally, after a number of staff were quarantined, the District sent staff from other schools to provide coverage, potentially resulting in cross-contamination of schools. At Mahone Middle School, a teacher was informed by a student that their sibling had tested positive for COVID. When this teacher attempted to report this to the

principal, the teacher was told that information cannot be shared because of HIPPA. They were informed that a positive COVID case at home, does not require students to stay home;

- The District has failed to regularly notify parents, caregivers, and staff about positive cases and quarantines in the buildings. Staff have generally reported that the District dashboard does not accurately reflect cases present in their buildings. Specifically, staff at Lance Middle School have reported that the District dashboard has reported two additional COVID confirmed cases in their building, however none of the staff in the building were informed of the additional cases. At Bullen Middle School a newsletter was sent out to staff stating, “We did have a positive COVID-19 test for a staff member at Bullen that we learned about late on Friday. The close contact people have already been notified and no students were impacted from this quarantine. Please remember that I am not allowed to identify the person testing positive and all potentially impacted staff have been notified.” At Lincoln Middle School, a student who was supposed to be quarantined and marked as such on the attendance record, came to school and went to his first class before the teacher could notice on the attendance record that he shouldn't be at school.
- At Mahone Middle School, a teacher was quarantined earlier this month for close contact with a student who tested positive, however the quarantine did not start immediately, and the teacher was only required to quarantine for 8 of the 14 days. That teacher returned to work on Friday, October 16 and on Monday, October 19. That Monday two of the students who had also been quarantined for close contact with the infected student showed symptoms. That teacher sent them to the isolation room and they were sent back to the class until parents could arrive. Those same students were present in class again that Tuesday. One of the students was very ill and fatigued but remained in school because the parents insisted that this was normal for her to feel this way at this time of year. In an abundance of caution, that teacher tested on Wednesday, October 22 and received their positive test results on Thursday, October 23.
- The District is not practicing proactive quarantine protocols when staff or students are directly exposed to infected persons. At Bradford High School, a symptomatic staff member was present in the building on Tuesday, October 13. They proceeded to get tested on Wednesday, October 14 and received positive test results on Saturday, October 17. The staff member alerted administration that same day, however as of Monday, October 19 at 7:00PM, other individuals that they were in close contact with were not notified or asked to quarantine, parents were not informed, and the District dashboard had not been updated. Also at Bradford, a staff member was recently in contact with an infected person

in the building. Despite confirming with the District that they were in close contact with that person and contact tracing being completed by the health department, no staff or students were quarantined as a result. At Lance Middle School, an education support professional found out a family member tested positive and that she was a close, primary contact. She left work upon finding out. She was told by HR that she should return to work because the health department had not yet listed her as a primary contact even though she knew she was. She was told that she should report to work as normal until the county health department notifies HR. She was also told that even if she is out, she can return with a negative test result at any time and that she would not need to wait the 14 days after having been directly exposed. This goes directly against the district's plan for primary contact exposure;

- The District is not adequately enforcing its rule for staff and students to wear masks, despite the state order and local ordinance requiring masks in all indoor locations. This is happening daily throughout schools. It has been brought to the attention of the District generally, and most frequently the leadership at Hillcrest School, where there have been 30 reported incidents of students or staff not wearing masks in the building. Staff are allowed to enter an occupied room without a mask and leave the building without a mask. At Lincoln Middle School, some staff are either not wearing masks properly in the building or not wearing masks at all. Most recently, there were four Lincoln staff members seen congregating in a room before the start of school with no masks. At Prairie Lane, a teacher who recently recovered from COVID removed her mask while teaching. She also instructed her entire class to remove their masks during MAP testing if they wanted to do so;
- The District has large class sizes and does not have adequate space in the classrooms, such that it is impossible to maintain social distancing. At Strange Elementary, one educator has 26 desks in the classroom that are only 10-12 inches apart. At Prairie Lane Elementary, it has been reported that multiple classrooms in the building are not three feet apart, and, in some cases, students are sitting four at a table to share a tablet;
- The District does not adequately clean and disinfect frequently touched surfaces. No additional custodial staff were hired to assist with increased cleaning and sanitization efforts. At Reuther High School, in an exchange with an administrator, staff were told it was optional to disinfect surfaces between classes. Disinfectant at the building is also not being regularly refilled. A teacher placed their district-issued disinfectant in the designated area for refill and it was not refilled for several days. At Indian Trail High School and Academy, cleaning towels are not being replaced. Similar reports have been made by teachers at

Bullen Middle School, who have stated they are given so few rags for cleaning most staff bought their own and then take them home at night to wash. At KTEC-West, a teacher reported that their room is not being cleaned daily and that dirty rags have been left in the room at the end of the day with no clean rags provided;

- The District does not provide adequate safety equipment and PPE. Staff were told they would receive touchless hand sanitizing stations, however none of the stations in any district buildings are touchless and are not placed outside of the classroom doors as the Facilities Director had indicated they would be;
- At Indian Trail High School and Academy, a staff member was out ill with two COVID symptoms. The building principal asked for the staff member's symptoms on Monday October 26. After reporting the symptoms, he responded, copying HR saying that they may need to follow protocols since they had two symptoms. No additional guidance or quarantine directives were issued by the principal of the District;
- A teacher was quarantined due to their father testing positive for COVID. The teacher lives with him and District HR indicated that if she hadn't been in contact with him she can still work. After explaining that they share a bathroom and kitchen the District then decided the staff members should quarantine.

Based on staff reports, the dashboard does not accurately reflect positive cases they know of in their buildings. The District has become a hub of community transmission with frequent quarantines and infections among students and staff. The District's guidelines and protocols are either inadequate, unenforced, or both.

The Public Employee Health and Safety Law, Wis. Stat. §101.055 and the Safe Place Statute, Wis. Stat. §101.11 require that employers, like the District, provide a safe work environment. To fulfill this obligation, the District must implement safeguards and adopt processes reasonably adequate to render the place of employment safe. The District must provide an environment as free from danger to the life, health, safety, or welfare of employees and frequenters (including students) as the nature of the premises will reasonably permit. Through the District's failure to implement safety precautions that are within its control, the District is shirking its core duty to provide a safe workplace.

### **Remedy:**

The grievants request the following relief:

- That the District remedy the above safety violations by:

- Immediately quarantining (within 24 hours) students and staff that have come in contact with a student or staff member that has self-reported a COVID-positive test result;
- Immediately quarantining (within 24 hours) students and staff that have been exposed to a family member that has a COVID-positive test result;
- Immediately quarantining students and staff that display one or more COVID symptoms;
- Providing building administrators with the authority to immediately quarantine students and staff and to enforce any safety measures and protocols they deem appropriate and necessary for their building;
- Notifying parents, caregivers, and staff about positive cases and quarantines in a building within 24 hours;
- Ceasing the practice of sending staff to multiple buildings to cover for understaffed locations;
- Enforcing a two-strike rule for students and staff that violate the statewide and District-wide mask mandate (violators will be fined and/or required to switch to a virtual-only environment);
- Implementing a daily disinfectant and sanitization schedule of classrooms and frequently used spaces (to be completed by custodial staff);
- Providing large containers of disposable, single-use, disinfecting wipes for classrooms;
- Providing N95 face masks for staff members;
- Providing extra large containers of hand sanitizer with 60-95% alcohol (CDC recommended; 1 per quarter);
- Providing one air purifier per classroom;
- Providing additional paper towels and rags for disinfecting;
- That the District move to virtual only instruction until it can provide staff with a safe workplace;
- Allow teachers and educational assistants, who work on computers, to work remotely from home (assuming they have adequate internet and a space to teach within the home);

- That the District make staff whole for losses they have incurred as a result of the District's failure to provide a safe workplace.

**Submitted by:** See attached list of signatures.