

Wendy L. Doromal – Health and Safety Impasse Statement, January 26, 2022

Good afternoon, School Board Chair Jacobs, Superintendent Jenkins, school board members, educators, parents and all who are watching this hearing. This public hearing is about protecting the health, safety, and lives of 14,200 teachers, 206,000 students, their families and the general public. We are appalled by the time limits and other restrictions set by this Board. Your teachers' voices should be honored, respected and heard.

We are here today because OCPS schools have unsafe and unhealthy teaching and learning conditions. **We are here today because District leaders do not want a health and safety agreement that is enforceable and teachers do not want to work unprotected in the midst of a raging pandemic without an enforceable agreement.** An enforceable Health and Safety MOU, like the two that the District previously signed, would provide educators with a sense of security, and peace of mind as they continue to sacrifice and navigate through the intense challenges of teaching during a pandemic. An enforceable MOU would spell out the specific measures that must be followed to prevent even more illness and in-school spread. **An enforceable MOU is not just a moral obligation, it is a legal right.**

Last school year we were also forced to go to impasse over health and safety issues.

Last year, the District agreed to sign an enforceable MOU when **Special Magistrate Holland found, “this unique pandemic outbreak mandates that the parties seek solutions and guidelines to ensure safety for its personnel. . . I accept the CTA’s proposals . . . The MOU must be enforceable. The MOU must be clear and meaningful for the parties to understand the plain meaning of its terms . . . Health and safety of teachers is a significant term and condition of employment.”** That MOU was renewed in the summer, with slight modification specific to summer school. To now deny an enforceable MOU is to disrespect teachers and the sacrifices they make every day.

Nevertheless, this year the District again refused to start the school year with enforceable health and safety rights for teachers. In July, the Union sent a proposal with the same language as the Health and Safety MOUs that the District had previously signed. Despite multiple pleas to meet to bargain health and safety issues, the District refused to meet until August 2nd, the day teachers returned to work. By the third bargaining session it was increasingly apparent that the District would not bargain in good faith and we declared impasse.

While District leaders insist that their COVID-19 Manual protects teachers, teachers in schools across the district have confirmed that provisions in the manual are not being followed. The Union’s Fall 2021 and January 2022 surveys attest to that. District leaders are aware that the procedures are not being enforced; I have been copied on many emails from teachers and parents to board members and the superintendent outlining their many serious concerns including: lack of cleaning, no social distancing, inadequate PPE and other supplies, lack of transparency in reporting cases, problems with the dashboard, not separating sick individuals, and others. I ask you, “What proactive steps have you taken to make sure that *every* school has adequate supplies of masks, disinfectant wipes, soap for restrooms, and hand sanitizer? What have you done to ensure that areas where positive COVID-19 cases have been identified are cleaned? What steps have you

taken to ensure transparency in reporting cases and to clarify the dashboard? Why aren't regular inventories being conducted and coordinated between worksite administrators and the warehouse to ensure that the needed PPE is in the hands of the teachers?"

The lack of an MOU is making conditions at our schools worse. Teachers have informed us that when they raise serious safety concerns, their administrators have told them there is no MOU this year that obligates them to adhere to safety protocols.

The delays and lack of consistent safety procedures have had serious consequences. Since the beginning of the school year, OCPS' positive COVID-19 cases have surged to levels not seen in similarly sized districts with enforceable agreements, where CDC-recommendations and layered prevention strategies were being followed. **OCPS positive cases this year are more than three times the number in Miami-Dade, a district with more students, more employees and higher county positivity rates.** To date, OCPS has reported over 19,337 positive cases this school year. **That is more than double the number of cases in the entire 2020-2021 school year and all of summer school 2021 combined. There have been over 10,300 positive cases reported by OCPS for the first 25 days of this month alone.** That is more than the total number of positive cases reported for the entire last school year and summer school, which was 7,329. Still, teachers and parents confirm that these numbers do not even reflect *every* positive case and daily totals are grossly underreported.

This District's failed leadership, lack of urgency and refusal to provide the same protections this year as were in place last school year have contributed to tremendous in-school-spread and thousands of cases. **Every District leader must own these numbers and the illness and suffering that each one represents.**

Not only are there serious health consequences to the District's inaction, but its decisions have contributed to learning disruptions and the exodus of teachers from OCPS schools. The high rate of in-school spread has resulted in more student and teacher absences and learning loss. Because enough substitutes are available, often students are left to work on laptops in crowded, unsafe central areas. Further, **over 52% of OCPS educators surveyed stated they were considering resigning, retiring or taking leave.** This year there have been 963 resignations and retirements. In a [Washington Post article](#) detailing how Florida teachers are leaving due to health concerns, one OCPS teacher stated: "I don't think those in power appreciate the worth of what we do. . . . Everybody is double and triple-timing it. I am having stress dreams about work, about the 17 hours a day we are routinely putting in." The District's treatment of teachers as disposable labor units rather than as the professional experts they are has been most apparent through the disrespect and lack of compassion during this pandemic.

We do not trust this District to provide needed protections without an enforceable MOU. Over 89% of teachers surveyed this month stated they do not feel supported by District leaders and the Board in providing a safe and healthy workplace during the pandemic. This same District that refuses to sign an enforceable agreement with OCCTA, signed an enforceable MOU with OESPA in July 2021.

We do not trust that the District will not make more unwise changes to the Manual that could endanger the health of teachers and students. In August 2021, the OCPS Covid-19 Manual was completely gutted by the District as 66 of 88 pages of protective measures were removed or altered without any input from the Union or any stakeholders. *Before* the revised Manual was adopted, I sent every school board member and the Superintendent a copy of the Union's detailed analysis of the dangerous revisions, appealing for you to restore the gutted protections and to reconsider the senseless changes. I ask you today, who among you had the courtesy and respect to even acknowledge receiving the report or to respond? Who among you took the time to discuss this critical matter, and who took the steps to restore any of the deleted protections? When you ignore and disrespect the Union, you ignore and disrespect every teacher and educator that we bargain for and represent.

We do not trust the District to follow the law or respect our legal right to bargain. Over and over the District's chief negotiator stated at the bargaining table that the School Board did not want an enforceable MOU – it wanted to have authority to make changes at its whim. Not only is this bad faith bargaining from the start, but District leaders should know that the legal and ethical way to make changes to an agreement is to bargain them.

We do not trust the District to add preventive measures when circumstances demand. We were told school board members needed flexibility to pivot as changes occur. I ask you, "What changes or extra measures did the District leaders take when the positivity rate sky-rocketed to over 40% for weeks in Orange County?" If anything, protective measures have been relaxed or ignored.

We do not trust the District to enforce their unilaterally written Covid-19 Health and Safety Manual. For months, the District leaders allowed participants attending board meetings to blatantly violate the district's mask policies to the detriment of the teachers, parents and others who were in compliance. To date, health and safety protocols are being violated in schools across the District.

We do not trust the District to be honest with the Union, the teachers or the public. The District has continuously misrepresented the facts and the law.

We do not trust the District to listen to the advice of medical experts. Over and over the District has ignored recommendations from their own Medical Advisory Committee.

We do not trust the District to be transparent or timely in reporting positive cases. In 2020, before we had an MOU, a court had to force District leaders, at the request of CTA, to reveal names of all worksites where anyone tested positive, critical information for teachers and parents to make real-time health decisions. **Now, again in the absence of an MOU, 74% of those surveyed know of cases at their school that were not reported.** The Union's proposal merely seeks transparency and real-time notice to employees, a necessary component to preventing outbreaks in schools and in our communities. Last year with the MOU in place the District gave weekly updates by providing responses to dashboard clarifications and questions from the Union. This year we were told to make formal record requests, for which the District is charging thousands of dollars and we are not receiving the information for weeks or months after the requests are made, when the information is no longer useful.

We must work through this crisis as partners if we are to succeed in controlling the spread of the virus and stop the exodus of teachers. The District leaders cannot be trusted to unilaterally provide the essential protections that this crisis demands.

The vast majority of surveyed OCPS educators (over 89%) stated that having an enforceable health and safety MOU is important to them. It is time for you to listen to your educators and provide security, peace of mind and clear guidelines.

I want to be very clear. I will **never** sign away or waive the health or safety of the members of my bargaining unit and the students entrusted to them. I will **never** sign any agreement that waives away the right of this Union to bargain over working conditions. I will **never** sign away my members' human rights. I will **never** sign away their labor rights.