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5. Complaint/Harm:

On October 19, 2020, NEISD Superintendent, Dr. Maika, authorized any/all students desiring to return to NEISD campuses an open invitation to return. This decision was not made in the best interests of our members or the students of North East ISD. Texas Education Code 4.001(b) and North East ISD Board Policy AE (Legal) state that school “campuses will maintain a safe and disciplined environment conducive to student learning.” The school district administration has not been able to provide a “safe” environment for our members and have directed our members to work in unsafe working conditions.

According to Texas Labor Code 411.103, an employer shall “provide and maintain employment and a place of employment that is reasonably safe and healthful for employees.” An employer shall “install, maintain and use methods, processes, devices, and safeguards, including methods of sanitation and hygiene, that are reasonably necessary to protect the life, health, and safety of the employer’s employees.” The school district has proposed ideas and put procedures in place, however, these proposed safeguards are not being effectively implemented, if at all. Some employees are provided with cleaning supplies and some are not. Employees having the most interaction with children are not provided with face shields. While some employees received disinfectant labeled hazardous, employees are not provided with disposable gloves, and paper towels. Some schools are provided with disinfectant wipes, while others are not. Social distancing and safety measures are reportedly not being enforced effectively in cafeterias, and social distancing is impossible in classrooms due to the high number of students. At best, the aspirational goals of the school district are not being implemented in a practical and safe manner for our members. Our members do not feel safe.

The school district’s mandate that our members work in an environment where they may be exposed to COVID-19 may cause a permanent or long-lasting effect upon their health and the public. The conditions that they are currently working under may pose an unacceptable risk of COVID-19 transmission. The administration’s failure to address the concerns of our members, including any omission or suppression of information about COVID-19 infections at a campus, could be construed as an egregious disregard for student and staff safety.

School Risk Level raised to high moderate on the scale on Monday, October 12, 2020. On October 9, 2020 Dr. Maika informed parents they could send their students back to school due to a decline on the School Risk Level scale, however, the sudden jump in the risk level should have prompted a delay in moving to Phase 5 of the NEISD Phase-In Plan.

On Monday, October 19, 2020 the School Risk Level scale is still in the moderate zone, while it is on the lower end, COVID-19 is still NOT stable in Bexar County, and fully opening schools goes against recommendations from Bexar County Metro Health and Bexar County Executive Order.

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Our members understand the challenges that the school district is currently facing in order to provide an education to the students of NEISD. However, the employees who actually help to provide this education to the students must be protected and/or provided with alternative ways in order to do so.

Our members could be professionally, physically and financially harmed by this decision and the current working conditions may pose an unacceptable risk of COVID-19 transmission.

6. Specific facts:
 - a. Bexar County Health Authority Amended Health Directive, dated September 3, 2020.
 - b. Bexar County Executive Order NW-15, dated September 16, 2020.
 - c. North East ISD Board Policies: AE(Legal)/DH(Exhibit)/DGBA(Local)(Legal)
 - d. North East ISD District Calendar (2020/2021)
 - e. Texas Education Code 4.001(b)
 - f. Texas Labor Code 411.103
 - g. NEISD Phase-In Plan

We reserve the right to attach additional documentation before or during the time of the level 3 grievance hearing as allowed under North East ISD Board Policy DGBA(local).

Our members have numerous concerns regarding their workplace. The NEEA President, Adonis Schurmann, has raised concerns about the safety of our members before filing this grievance. We have not yet communicated with the administration regarding all of our specific concerns or observations as a result of the decision to allow any/all students to return to school. Although the formal complaint process has been initiated by the filing of this grievance, we are willing to resolve the matter informally.

7. Remedies:
 - a. We request that NEISD provide adequate personal protective equipment for every employee at their respective campuses and in their respective departments, which includes face masks, face shields, disposable gloves and hand sanitizer on a regular basis.
 - b. We request that any of our member who express concerns to the administration regarding their working conditions not be retaliated against in any way.
 - c. We request that NEISD roll back on-campus instruction to NEISD Phase-in Plan, Phase 3.
 - e. We request that every student and employee be required to properly wear a face mask throughout the entire school day and in every activity and class, except when eating and drinking.

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- f. We request that each district building test its air ventilation system for proper air flow and that a High-Efficiency Particulate Air (HEPA) Filter be installed in every classroom, and a report be posted on the NEISD webpage with the findings of the tests per campus.
- g. We request that in-person class size be limited to no more than 12 students in order to ensure social distancing. (NEISD Phase-In Plan, Phase 3).
- h. We request that mandatory social distancing of at least 6-feet be enforced in classrooms, school cafeterias, school buses, PE classes, hallways, computer labs, and student restrooms and that adequate space be provided in faculty lunchrooms and work rooms in order to facilitate social distancing.
- i. We request that NEISD provide a deep cleaning of every campus and each classroom at least once per day.
- j. We request that school recess times allow for one class, at-a-time, and the playgrounds undergo a deep cleaning between each use.
- k. We request that disinfectant spray and paper towels be distributed in every classroom and replenished when requested and as needed.
- l. We request that every NEISD student be given a laptop or tablet and headphones to complete his/her coursework and be provided with the technological support in order to do so. (No sharing)
- m. We request that all staff be able to clock-in from their district devices or other clock-in methods so that no physical contact is necessary.
- n. We request that all staff be directed not to come to work if sick. In case a teacher is absent, the district will NOT send a class of students to join another class.
- o. We request that NEISD provide all bus drivers and monitors with masks, gloves, hand sanitizer, disinfectant spray and paper towels. We request that NEISD provide the necessary supplies to implement a deep cleaning of the school buses at least once a day.
- p. We request that NEISD students riding the bus be required to properly wear a face mask.
- q. We request that social distancing be required on buses. We request that NEISD utilize the unused buses in their fleet and hire the required personnel in order to safely transport students to and from school.
- r. Any and all other remedies available to make NEEA members whole.