

## NEA ISSUE GUIDANCE: COVID-19 AND EDUCATOR WORKLOAD

### Introduction

Across the nation, as COVID-19 persists, teachers are working more hours than ever. Education support professionals are performing duties, frequently under hazardous conditions with no prior experience and training or facing furloughs and cuts to wages and benefits. Exhausted and demoralized, educators are buckling under the load. Many are opting to resign or retire; too many others are on the verge of walking away from their chosen profession, rather than work under untenable conditions. See for example, ["SPS teachers say pandemic has 'doubled the workload' and many 'overwhelmed,'" Springfield News-Leader \(Oct. 7, 2020\)](#) and ["More than a third of Illinois teachers surveyed said they've considered leaving the profession amid COVID-19 stress: 'I don't know how much longer I can keep it together,'" Chicago Tribune \(Nov. 11, 2020\).](#)

The following *COVID-19 and Educator Workload Guidance* is part of NEA's ongoing effort to provide timely and relevant information during the pandemic. It describes some of the main factors driving workload in the COVID-19 environment; identifies specific workload issues and offers key considerations when addressing those issues; and reviews processes for negotiating and collaborating to address the workload crisis among educators in the United States.

### I. Workload Drivers

The workday of teachers and other educators who are exempt from overtime has always extended beyond the regular school day. Many educators routinely spend evenings and weekends grading papers, preparing lessons for class, communicating with students and parents, and completing paperwork. The pandemic, however, has pushed workloads well beyond sustainable limits. Under the stressful conditions of a global health crisis, educators also have been required to overhaul how and where they work. Without proper training to adapt to new, and often inadequate, tools and equipment, they are instinctively taking on new and additional job functions, and working with few, if any, limits to their hours.

See for example, ["Teaching in the Pandemic: 'This Is Not Sustainable,'" New York Times \(Nov. 30, 2020\).](#)

Moreover, the pandemic has exposed and worsened the systemic inequities of educational opportunities and lack of resources in historically disenfranchised and exploited communities, rural, isolated and poor communities. The lack of adequate and equitable education funding has had a disproportionate impact on our most vulnerable students. Educators, oftentimes without meaningful support from administration, are scrambling to find ways to connect with and provide quality instruction to all of their students, which further increases their workload.

### *New, Changing, and Mixed Instructional Models*

Adapting to new and often mixed instructional models, and in many cases bouncing back and forth between various virtual and in-person models as the year progresses and the pandemic rages on, continues to take an unrelenting toll on educators. See for example, "Colorado teachers are working twice — sometimes three times — as hard when their students learn both in person and online," *The Colorado Sun* (Nov. 2, 2020).

### *New and Inadequate Technology*

In addition to learning, deploying, and adapting to new instructional technology, educators are teaching students to properly engage in an online classroom setting and navigate new educational technology. Complicating matters and driving workload is inadequate technology, inaccessible to students, which increases the amount of time spent on everything from performing routine tasks to troubleshooting technology issues for students.

### *Equity Issues*

Educators' work with underserved students, especially Black, Latino, Asian and Pacific Islander and Indigenous students from under-resourced communities, has become more challenging. Lack of access to technology and Wi-Fi, combined with the inability of parents to supervise because they are required to work outside the home, increases the need for alternate and additional support for students outside of regular class time and creates challenges for educators in locating students who have not participated.

### *Health and Safety Measures*

The safe reopening of schools requires adhering to physical distancing requirements, accommodating at-risk individuals, altering the school day, staggering schedules, and providing distance learning to students who are quarantining or whose families choose not to return to in-person classes. All this directly impacts workload. Beyond managing the logistics of the day—and actually teaching students—educators also must clean and disinfect classrooms between classes, administer health screenings, and monitor hallways or lunches held in the classroom. The demands of increased cleaning, disinfecting, screening, and monitoring cut into planning time and adds to workload.

### *Educator Shortage*

COVID-19 has worsened the educator shortage. In addition to a surge in retirements and resignations, staffing levels are stretched as educators are increasingly missing work because they, or a family member, have contracted or been exposed to the virus or because their mental health is suffering to the point of incapacitation. In situations where in-person instruction is taking place, workload and staffing are impacted by accommodations for at-risk individuals, and by the quarantines required of staff and students who have been exposed. Teachers,

paraeducators, and other staff are being forced to forego planning time and breaks because of a shortage of substitute teachers.

## II. Workload Issues and Considerations

Most school district policies have workload implications and workload touches all four corners of collective bargaining agreements. To a greater or lesser extent, all job requirements impact workload. The breadth of the issue opens the door to broad discussions, leaving the parties to decide on how to address both discreet measures and comprehensive practices for managing workload.

### *Instructional Models*

- Hybrid Models – Districts have employed a variety of hybrid instructional models, including those that require educators to alternately teach in-person and remotely or concurrently teach students in both environments. These models present a host of challenges, including increased planning time and difficulty keeping students engaged in both settings. Considerations:
  - Allow teachers to select a preference for either an in-person or remote teaching assignment and require them to do only one or the other, but not both.
  - Prohibit teachers from being required to provide in-person and remote instruction concurrently.
- Fully Remote Instructional Model: Although many of these issues have been addressed during the summer and beginning of the school year, with the benefit of hindsight it is important to continue assessing educator need and work with districts to:
  - Provide employees with all necessary technology and equipment, including assistive devices for employees with disabilities.
  - Provide training, user guides, and direct support.
  - Reimburse employees for high-speed connectivity.
  - Work with vendors to modify software and platforms to make them more practical and user friendly.
  - Ensure all students have equitable access to connectivity and technological devices, including any necessary assistive devices, to fully participate in the educational program and complete assigned work. This may entail delivering hard copies of materials to students if internet connectivity is unavailable.
  - Establish a workday that specifies grade-level time requirements for synchronous and asynchronous instruction, office hours, planning time, collaboration time, and breaks.
  - Prepare and deliver meals to students.

- Conduct student wellness checks.

Moving back and forth between instructional models in response to local infection rates also impacts workload. When that is necessary, it is vital to provide educators time to transition by:

- Providing for notice and non-instructional transition time when changing instructional models.

### *Workday*

During the pandemic, the line between when work officially begins and ends has become virtually nonexistent, with the workday routinely extending late into the evening and weekends. Several practices and protections can be implemented to help restore balance to educators' lives. Key considerations for managing the workday, while reflecting the unique circumstances associated with COVID-19, are discussed in detail in *NEA Issue Guidance: COVID-19 and the Workday*. These considerations include:

- Making reasonable alterations to the structure of the school day without adding hours to the duty day.
- Allowing flexibility during the defined workday (e.g., creativity with office hours) to give educators some control over their work schedules to allow them to attend to the needs of their own families.
- Establishing reasonable expectations for grading.
- Managing communications with students and parents.
- Reducing the number of meetings.
- Handling caseloads and backlogs for special education employees and specialized instructional support personnel (SISP).
- Modifying responsibilities and schedules when workload becomes untenable.
- Providing compensation for hours worked beyond the normal workday.
- Guaranteeing individually directed planning time.

MOU Workday Language Examples:

### **Monessen Education Association (Pa.):**

During the Remote Learning option, all bargaining unit members shall receive at a minimum, the allotted 40 minutes of planning time per day as outlined in Article III.G of the Parties' CBA plus an additional 35 minutes of planning time per day so that the daily planning time will be granted in daily increments of 75 minutes. Additionally, all bargaining unit members shall receive their thirty (30) minute duty free lunch each day.

## **Bethlehem Education Association (N.H.):**

In the event the district transitions to "full remote" at any point, all employees shall maintain "office hours" with students. Office hours shall be expected for four (4) days of the work week and the remaining day of the week shall be utilized as a flex day. Staff will work with building administrators to determine the best window of time for office hours as well as the most appropriate day for "flex" within each building. Any employee who has a need to engage in work during the regular "flex" day, shall notify their building administrator. "Flex days" shall be used for catch-up on grading, assessments, planning, team meetings and professional development. Flex days are considered normal workdays and employees are expected to check their email for parent/student requests.

### *Assignments and Staffing*

Changes in instructional models and student support systems have resulted in additional job duties, new and different work assignments, and concerns relating to job security for teachers, ESPs, and SISPs. The burden placed on employees would be eased if school districts prioritized staffing and states provided schools adequate funding. Key considerations for addressing assignments and staffing include:

- Limiting the number of preparations (i.e., the number of distinct courses taught) and treating a course that is taught both online and in-person as separate preparations (i.e., two distinct courses).
- Maintaining current class sizes and caseloads or providing additional staffing and support if class sizes and caseloads change.
- Establishing terms and conditions for substitute assignments, covering classes, and assisting in the online classroom during fully remote or hybrid instruction.
- Providing additional staff such as paraeducators and teaching partners to assist in the classroom in the event concurrent instruction continues or is included in the plan to return from fully remote instruction to a hybrid model.
- Making sure temporary or alternate assignments address employee qualifications, training, and health and safety.
- Providing additional training for ESPs who take on temporary work beyond their regular duties to maintain their pay and benefits, assist students, and help to ease the workload of classroom teachers.
- Establishing procedures that prohibit or avoid involuntary assignments.
- Paying employees their regular rate of pay or the rate of pay of the higher paying jobs they are performing.
- Maintaining normally assigned hours.
- Guaranteeing job and wage protections.

- Ensuring ESPs maintain full pay and benefits if their regular work is unavailable by providing training to assist with other duties, such as assembling and distributing meals, learning packets, and technology; contacting families of students who are missing or frequently absent; assisting with small group instruction; troubleshooting technical issues; and conducting virtual or in-person home visit wellness checks.

MOU Assignments and Staffing Language Examples:

#### **Hinsdale High School Teachers Association (Il.):**

If a class is being taught remotely by a teacher, the pool of Employees chosen on an involuntary basis to monitor students as a line-of-sight substitute will be expanded to include qualified and available District Employees and not just members of the Association.

#### **Highline Education Association (Wa.):**

An employee may be temporarily assigned to provide services outside the employee's normal job description if work within the employee's job description is unavailable due to the temporary closure of school facilities.

#### **Grantham Education Association (N.H.):**

Any ESP asked to complete full days for teacher coverage shall receive an additional \$250 upon completion of five (5) cumulative full days.

### **III. Processes for Negotiating and Other Forms of Engagement**

How associations engage with employers to address workload and other issues related to COVID-19 will depend on their state's legal and regulatory environment. Locals in states where educators have collective bargaining rights will approach the issue differently from locals in meet-and-confer and non-bargaining states. See for example, "[ISTA wants right to negotiate working conditions as COVID-19 adds to teacher stress](#)," *Washington-Times Herald* (Nov. 18, 2020).

Discussions around COVID-19 working conditions will also be influenced by local labor-management relationships and practices. Irrespective of bargaining rights or status, the framework for discussions will depend on whether the association and employer use a collaborative problem-solving process or if the relationship is governed by more formal and positional practices. Moreover, many associations, have also engaged with state and local officials to advocate for laws, executive orders, and public policies to curb out-of-control educator workloads. See for example, "[Gov. Walz aims to lighten load on teachers with executive order: New guidance on live teaching, planning time, face masks, more](#)," *Twin Cities Pioneer Press* (Nov. 5, 2020).

### *Negotiate COVID-19-Specific Agreements*

Impact bargaining -- under formal or informal procedures -- plays a critical role in shaping COVID-19-specific policies. In many situations where employers refuse to engage with the association in operational decisions such as the instructional model and the safe return to in-person instruction, the association can demand to bargain the impact of those decisions on terms and conditions of employment. As the pandemic continues, many locals have reached one or more MOUs to address a host of issues, including those related to educator workload.

Whether through bargaining, meet-and-confer-opportunities, or general advocacy, locals have had success influencing everything from which instructional models are employed and how and when educators communicate with students and parents to the availability and expectations placed on school nurses and other SISPs, bus drivers, maintenance staff, and other educational support professionals (ESPs). As the school year continues, and schools revise policies and procedures -- returning to in-person instruction when circumstances permit, resuming all-virtual instruction when necessary, addressing budget shortfalls, and otherwise addressing the hardships created or exacerbated by the pandemic -- additional opportunities exist for locals to shape policy and respond to workload issues.

Locals entering full contract negotiations for expiring CBAs will need to determine which negotiated terms and conditions are specific to COVID-19 and are thus applicable for a defined period and those that will outlast the pandemic. This will help to inform whether the language is included in the body of the CBA or as a separate MOU.

### *Collect Member Data Regarding Workload*

Continuing to monitor and assess educators' working conditions is critical to effective advocacy. Member surveys completed in the spring or summer may retain some useful information; but updating those surveys and other member outreach to get critical input and feedback will allow locals to gather information on educators' current experience as initial reopening plans have been executed and, in many cases, revised, and the reality of the school year has come into focus. Ideally, survey data will be collected in a way that allows for disaggregation based on identity indicators to ensure the experiences aren't different based on those indicators. Anecdotal evidence will also help identify troubling patterns (e.g., meal and planning periods ignored; unreasonable expectations on how quickly educators must respond to parent emails; promised technology never provided). Armed with that information, locals are in the best position to build member and community support, then return to school boards, city councils, state agencies, and governors' mansions to bargain or otherwise advocate for necessary improvements.

### *Enforce Existing Rights*

It is critical to monitor compliance with, and seek enforcement of, existing workplace protections spelled out in collective bargaining agreements, individual contracts, board policies, and laws and ordinances. Formal enforcement options include filing individual or group grievances under collectively bargained procedures -- including grievances to force employers to adhere to joint labor-management committee provisions contained in existing CBAs, even where those committees have been underutilized or inactive; initiating appeal-and-relief procedures established by local school boards; filing charges with state labor boards; and filing legal complaints in court. In some instances, less formal procedures may provide a better, or in some cases the only, alternative to address workload issues. Providing members with information about their rights and encouraging them to first bring concerns directly to appropriate school administrators and association representatives, can result in quick and fruitful responses. And even when that step does not produce results, it may help the local as it seeks to bring matters to the attention of the school board or to the public.

### *Engage in Concerted Activity*

Planning and engaging in concerted activity addressing educator workload issues advances many goals. It serves as an organizing tool as we seek to engage members and build community support. It shines light on the challenges that educators face, which directly or indirectly impact students. It puts pressure on administrators and school boards to confront and answer for the unacceptable and unsustainable conditions under which educators are working. And it builds a foundation on which to engage in a progressive campaign of escalating activity until issues are addressed. Common examples of concerted activity that can be used to address workload and other issues include mass presence at board meetings, letter-writing campaigns, informational picketing, petitions, media engagement, votes of no confidence, and decisions to work to the rule.

The collective action taken to address workload will help affiliates to confront an education funding crisis in many parts of the country. Members engaged on local issues are more likely to remain engaged as state legislatures address the fallout of cratering state budgets and face pressure by right-wing groups to enact anti-labor and anti-public-education legislation. And in states with a receptive audience, member engagement can help pressure legislatures and the executive branch to enact laws or issue executive orders and rules that can address workload issues and other matters critical to educator success.



### *Thought Process to Determine How to Address Workload Issues:*

- Continue to Assess Educators' Needs: Although educators are widely experiencing workload issues -- from those working under unsustainable conditions to those who are facing the loss of hours up to and including layoffs -- it is critical to assess and monitor the precise issues educators are facing at the local level.
- Continue to Build Community Support: Regardless of the tools used to enforce existing protections or bring about new ones, it is critical to build member and community support. Shine light on workload issues/inequities. Plan escalating concerted actions: Informational campaigns, letter writing, attendance at school board meetings, and more.
- Revisit and Enforce Existing Policies/Provisions: Are there provisions in existing CBAs, school board policies, state law, or even long dormant provisions, that can be used to address workload issues?
- Push for New and Improved Policies/Provisions: Through bargaining, impact bargaining, meet-and-confer sessions, labor management collaborations, etc.
- Lobby: If there is a receptive audience, consider lobbying governor/state legislature for temporary/permanent solutions to workload issues that existed before the pandemic, have been created or exacerbated by the pandemic, and that will persist in the future.

### *Labor-Management Collaboration*

In bargaining and non-bargaining settings alike, associations and employers can use collaborative processes to tackle the myriad problems and concerns caused by COVID-19. Many local associations have negotiated COVID-19 MOUs that include language on new or repurposed labor-management committees to address ongoing workload issues. Locals that do not formally bargain have adopted collaborative, interest-based processes to address employee concerns. See for example, "Safely Reopening Schools Requires Collaboration, Education Stakeholders Agree," *NEA Today* (July 1, 2020).

Forming strong labor-management partnerships can be quite effective in helping mitigate workload challenges. For example, although Arizona does not have a collective-bargaining statute and affords public employees only limited meet-and-confer rights, the Sunnyside Education Association in Tucson, Arizona, conducted informal negotiations with district administrators to address safety concerns and how to handle in-person versus remote workload issues. The SEA and school district strengthened their relationship over the spring and summer when SEA's outreach to its members and potential members became the best source of information for the district on educator attitudes about the pandemic. These efforts helped to influence important decisions, such as educators assigned to remote instruction having no additional duties that required them to be physically on site; unlike other Arizona districts that



## COVID-19

required educators to teach both on-site and remotely in some hybrid models, a juggling act that has increased planning time and stress.

### **Closing**

Affiliates across the nation are working with school districts, as well as local and state governments, to address workload and other critical issues related to COVID-19. Utilizing collaborative processes, formal negotiations, and enforcement mechanisms, affiliates have made great strides at easing workload pressure and minimizing a worsening educator shortage. Unfortunately, as the pandemic rages on, this work will continue. We hope this guidance furthers those efforts.

### **Additional Information**

For additional information, contact:

Department of Collective Bargaining and Member Advocacy: [collectivebargaining@nea.org](mailto:collectivebargaining@nea.org)

Department of Educational Support Professional Quality: [espprogram@nea.org](mailto:espprogram@nea.org)

Department of Teacher Quality: [educatorsupports@nea.org](mailto:educatorsupports@nea.org)