

Phelps-Clifton Springs Central School District Public Health Emergency Communicable Disease Protocols

Introduction

In accordance with New York Education Law § 2801-a(2)(m) and New York Labor Law § 27-c, the Phelps-Clifton Springs Central School District (the “District”) drafts the instant Public Health Emergency Communicable Disease Protocols (the “Protocols”) to guide District employees and the community in preparation for and in response to a declared public health emergency involving a communicable disease (a “Disease”).

These Protocols will be presented to all certified representatives of the District’s employees, who will be provided an opportunity to review the plan and make recommendations in accordance with the law. The District will consider and respond to recommendations in writing within a reasonable timeframe. The District will not take any retaliatory action or otherwise discriminate against any employee for making suggestions or recommendations regarding the content of these Protocols. A copy of the final version of these Protocols must be published in a clear and conspicuous location and in a location accessible on either the District’s website or on the Internet accessible by employees.

The District publishes these Protocols based on the requirements in place at the time of its publication but recognizes it must be flexible in the time of response to a Disease. Accordingly, the Protocols may be updated over time. The District will comply with all applicable local, State, and federal orders, rules, laws, and regulations (collectively, the “Authority”). To the extent the Authority conflicts with any provisions of these Protocols, the District will comply with the Authority.

Nothing in these Protocols or their implementation shall be deemed to impede, infringe, diminish, or impair the rights of a District employee or the District under any law, rule, regulation or collectively negotiated agreement, or the rights and benefits which accrue to employees through collective bargaining agreements, or otherwise diminish the integrity of the existing collective bargaining relationship.

For purposes of these Protocols, the District will use the following definitions:

1. “CDC” shall refer to the Centers for Disease Control and Prevention.
2. “Communicable disease” means an illness caused by an infectious agent or its toxins that occurs through the direct or indirect transmission of the infectious agent or its products from an infected individual or via an animal, vector or the inanimate environment to a susceptible animal or human host.
3. “Essential” means a designation made that a public employee or contractor is required to be physically present at a worksite to perform their job.
4. “Non-essential” means a designation made that a public employee or contractor is not required to be physically present at a worksite to perform their job.
5. “OSHA” shall refer to the U.S. Department of Labor Occupational Safety and Health Administration.

The Superintendent of Schools is responsible for the oversight of the implementation of these Protocols and may designate one (1) or more employees to assist in such oversight. The Superintendent will consult legal counsel for guidance regarding any executive orders, rules, laws, or regulations, as needed.

These Protocols contain the following sections:

Section A: Essential Employees

Section B: Telecommuting Protocols

Section C: Work Schedules/Locations

Section D: Documenting Hours and Work Locations

Section E: Personal Protective Equipment

Section F: Exposure to Employee or Contractor

Section G: Emergency Housing

Addendum A: Log of Inspection of PPE Materials

Addendum B: Legal Requirements

Section A: Essential Employees

The following employees are considered “essential” in the event of a State-ordered reduction of in-person workforce. The justification for their categorization as such is included below.

Title/Position of Essential Employee	Description of position/title	Justification of consideration for position/title being essential
Custodian	Performs a variety of tasks to maintain building operating systems, supervise and assist with cleaning, maintenance, and repairs.	Ensures proper functioning of vital operating systems, cleaning and disinfecting, distribution of PPE, building security, loading of meals for delivery, and building access for first responders.
Laborer	Performs a variety of tasks to assist with building operating systems, cleaning, maintenance, and repairs.	Ensures proper functioning of vital operating systems, cleaning and disinfecting, distribution of PPE, building security, loading of meals for delivery, and building access for first responders.
Cleaner	Performs routine cleaning, deep cleaning, and disinfecting. Assists with other tasks necessary for necessary building operations.	Ensures buildings are clean and appropriately disinfected. Assists with fundamental building operations and food delivery.
Building Maintenance Mechanic	Maintains and repairs building infrastructure, including heating and cooling systems, domestic hot and cold-water systems, and sanitary systems.	Maintains vital operating systems to ensure buildings can be occupied and support essential functions.

Groundskeeper	Maintains grounds and access to district roads and facilities.	Maintains landscaping to allow for proper operation of air handling units, maintains campus access for first responders, maintains safe conditions in all outdoor areas of campus, and assists with other essential functions as needed.
Director of Facilities	Oversees and supervises all Facilities operations, systems, and personnel; coordinates purchasing of PPE and cleaning supplies; collaborates with outside contractors; coordinates operational assignments in communication with Building Custodians; monitors and adjusts the allocation of resources in response to changing circumstances.	Monitors, evaluates, and adjusts all Facilities operations, systems, and personnel to promote health and safety in response to changing circumstances, including emergencies.
School Bus Driver	Drives district buses and vans.	Transports students as appropriate based on district operations or as necessary in response to emergency circumstances. Assists with the delivery of meals to student homes, as appropriate based on governmental directives and/or Board of Education decisions regarding family services.
Automotive Mechanic – School Bus Driver	Maintains and repairs school buses. Drives district buses as needed.	Maintains school vehicles to ensure safe and efficient transportation operations. Transports students as needed.
Bus Dispatcher	Provides support for the operations of student transportation.	Responsible for answering phones, two-way radios, and dispatching buses and drivers. Responds to bus-related emergencies and takes appropriate actions.
School Bus Monitor	Oversees the loading and unloading of student passengers and administering to their needs.	Acts as student monitor when students with needs are to be transported. Assists with the delivery of meals to remote students.
School Lunch Manager	Performs management of the food service department.	Responsible for ordering, purchasing, and maintaining

		food and supply inventory. Prepares and submits federal and state reports for meal reimbursements. Assists in the planning, preparation and serving of meals. Direct supervision of Cook Managers and general supervision of food service workers.
Cook Manager	Performs management of the food service operations in each building kitchen.	Assists in the planning, preparation and serving of meals. Direct supervision of food service workers. Responsible for preparing delivered meals to remote students.
Assistant Cook Manager	Assists cook manager in routine duties of preparation and operation of kitchen.	Responsible for keeping an inventory of food and supplies for kitchen operations. Assists in the planning, preparation and serving of meals. Immediate supervision of food service helpers.
Food Service Helper	Performs routine work in connection with the preparation and servicing of food. May perform cooking duties as needed.	Receives and stores food and supplies. Prepares food for delivery. Cleaning of kitchen dishes. Sweeps, mops, cleans kitchen area.
Director of Technology	Responsible for directing the operations of the technology department.	Coordinates the acquisition, distribution, installation, and upgrading of hard and software for students/staff to provide and support educational services on-site or remotely. Ensures the District has functional and adequate communication systems including telephone, internet, and email.
Computer Services Assistant I & II	Provides district-wide technical support.	Supports the maintenance and installation of software and hardware. Assists students in a remote learning environment to troubleshoot

		access to software or to resolve hardware issues.
School Nurse (4 RNs, 1 LPN)	Monitors, evaluates, and manages the health and medical needs of students and staff on campus.	When school is open for any level of student attendance, school nurses are necessary for student and staff health evaluations and treatments.

Section B: Telecommuting Protocols

The following is intended to be a specific description of protocols the District will follow to enable all non-essential employees and contractors to telecommute to the extent possible including, but not limited to, facilitating or requesting the procurement, distribution, downloading and installation of any needed devices or technology, including software, data, office laptops or cell phones, and the transferring of office phone lines to work or personal cell phones as practicable or applicable to the workplace.

Procurement

The District will abide by all State requirements for the procurement of any supplies or items required to facilitate telecommuting for employees and contractors.

Distribution and Installation of Devices or Technology (including downloading and installation of any software, data, office laptops or cell phones)

Instructional Staff (Teachers and Teaching Assistants):

1. All instructional staff are routinely provided with a personal computing device (iPad, iPad Pro, and/or a laptop), and advised to bring the device home on a nightly basis in case of emergency. The Building Principals and Assistant Principals will work with the Director of Technology to distribute devices to staff members in need of a replacement device. Distribution protocols will include outdoor pick-up with social distancing and minimal contact, as per NYSDOH protocols specific to the communicable disease emergency.
2. The Informational Technology Department will work with the Building Principals and Assistant Principals to identify and prioritize staff members for distribution of instructional technology. The Director of Technology, the Director of Professional Development and Innovation, and the Building Principals and Assistant Principals will work collaboratively to identify specific software and subscription needs and coordinate the installation/downloading of software, subscriptions, and apps on the devices of specific instructional staff members.
3. The Director of Technology will use spreadsheets to document and track the distribution of hardware, software, and downloaded apps to staff members.
4. Purchasing records are maintained by the Business Office. Records of requests and pending items will be kept by the Director of Technology in a consolidated document.
5. The Director of Technology, in consultation with the Human Resources Department and the Building Principals, will ensure that new staff are informed of instructional technology protocols and appropriately equipped with instructional technology during the onboarding process. Documentation confirming the receipt of such information and instructional technology will be included with other onboarding paperwork and included in the personnel file.

Administrative Staff:

1. All administrators are routinely provided with a personal computing device (iPad, iPad Pro, and/or a laptop), and advised to bring the device home on a nightly basis in case of emergency. The Superintendent and/or Business Administrator will work with the Director of Technology to distribute devices to building and district administrators in need of a replacement device. Distribution protocols will include outdoor pick-up with social distancing and minimal contact, as per NYSDOH protocols specific to the communicable disease emergency.
2. The Informational Technology Department will work with the Superintendent and/or Business Administrator to identify and prioritize building and district administrators for distribution of instructional technology.
3. The Director of Technology will use spreadsheets to document and track the distribution of hardware, software, and downloaded apps to staff members.
4. Purchasing records are maintained by the Business Office. Records of requests and pending items will be kept by the Director of Technology in a consolidated document.
5. The Director of Technology, in consultation with the Superintendent and the Human Resources Department, will ensure that new administrators are informed of instructional technology protocols and appropriately equipped with instructional technology during the onboarding process. Documentation confirming the receipt of such information and instructional technology will be included with other onboarding paperwork and included in the personnel file.

Clerical Staff:

1. All clerical staff are routinely provided with a personal computing device (iPad, iPad Pro, and/or a laptop), and advised to bring the device home on a nightly basis in case of emergency. The Building Principals and Assistant Principals will work with the Director of Technology to distribute devices to clerical staff members in need of a replacement. Distribution protocols will include outdoor pick-up with social distancing and minimal contact, as per NYSDOH protocols specific to the communicable disease emergency.
2. The Informational Technology Department will work with the Building Principals and Assistant Principals to identify and prioritize staff members for distribution of instructional technology.
3. The Director of Technology will use spreadsheets to document and track the distribution of hardware, software, and downloaded apps to staff members.
4. Purchasing records are maintained by the Business Office. Records of requests and pending items will be kept by the Director of Technology in a consolidated document.
5. The Director of Technology, in consultation with the Human Resources Department and the building principals, will ensure that new staff are informed of instructional technology protocols and appropriately equipped with instructional technology during the onboarding process. Documentation confirming the receipt of such information and instructional technology will be included with other onboarding paperwork and included in the personnel file.

Educational Aides:

1. At the onset of a communicable disease emergency, educational aides will be identified for telework by the Director of Special Programs and the Building Principals based on IEPs and other educational factors. Educational aides who are identified for telework will be provided with personal computing devices. The Building Principals and Assistant Principals will work with the Director of Technology to distribute devices to educational

aides under their supervision. Distribution protocols will include outdoor pick-up with social distancing and minimal contact, as per NYSDOH protocols specific to the communicable disease emergency.

2. The Informational Technology Department will work with the Director of Special Programs, Building Principals and Assistant Principals to identify and prioritize educational aides for distribution of instructional technology.
3. The Director of Technology will use spreadsheets to document and track the distribution of hardware, software, and downloaded apps to staff members.
4. Purchasing records are maintained by the Business Office. Records of requests and pending items will be kept by the Director of Technology in a consolidated document.
5. The Director of Technology, in consultation with the Human Resources Department and the building principals, will ensure that new staff are informed of instructional technology protocols and appropriately equipped with instructional technology during the onboarding process. Documentation confirming the receipt of such information and instructional technology will be included with other onboarding paperwork and included in the personnel file.

Office phone lines

As practicable, the District shall transfer office phone lines to non-essential employees' cell phones. To the extent any employee has an administrative support to answer phone lines, this will be maintained through the use of transferring lines as well.

Should any non-essential employee lack a cell phone, the District will troubleshoot the issue to attempt to transfer phone lines in another manner.

Additional Retrieval of Belongings

The District will coordinate limited, by appointment access to school buildings to retrieve additional instructional or necessary work materials during a "closure."

Section C: Work Schedules/Locations

The District recognizes that, although employees and contractors labeled as essential must be physically present at the worksite to perform their duties, the hours in which they must be at the worksite will not be identical. Below is a description of how the District will, to the extent possible, stagger work shifts of essential employees and contractors to reduce overcrowding on public transportation systems and at worksites.

Upon designation of a Disease under these Protocols, within two (2) business days, the immediate supervisor of each essential employee and contractor shall determine the hours during which each essential employee and contractor must be present at the worksite and the worksite at which the employee or contractor is to be present. To the extent possible, the supervisor shall identify flexibility within these hours and locations. Following this identification for all employees and contractors, the supervisor must submit the list of hours and locations required to the Superintendent of Schools (or their identified designee) for their review.

Upon receipt of the list of hours and locations for each employee and contractor, the Superintendent or their designee will, in turn, review the list and promulgate precise hours for each employee and contractor, adjusting hours as possible to reduce an influx of employees and contractors arriving at similar times to similar locations. The goal of the Superintendent or their

designee's oversight is to stagger work shifts and locations to reduce overcrowding on public transportation systems and at worksites. The Superintendent or their designee must not adjust any hours contractually agreed upon within a collective bargaining agreement or employment contract, unless agreed to through a Memorandum of Understanding with all applicable parties. Upon any adjustment or approval of the hours and locations provided to the Superintendent/their designee, the Superintendent or their designee will provide a list of approved information to the immediate supervisor of each essential worker or contractor and will keep such list at District Office with the District Clerk, for purposes of implementation of the remainder of these Protocols, including disinfection and contact tracing.

Section D: Documenting Hours and Work Locations

Below is a protocol to document precise hours and work locations, including off-site visits, for essential employees and contractors.

In accordance with Section C, above, the list of the precise hours and locations of each employee and contractor will be finalized by the Superintendent or their designee and stored with the District Clerk. The list will be used as the basis (1) to perform contact tracing for exposed employees and contractors, (2) to outline the provision of any benefits which may be available to certain employees and contractors because of potential exposure.

When an employee or contractor performs tasks off-site, the employee or contractor must report such activity to their immediate supervisor. The immediate supervisor shall, in turn, communicate the off-site activity to the Superintendent of Schools for recording pursuant to this section. If the Superintendent of Schools has designated another individual to document hours and work locations, they will thereafter forward the information to such designee.

Section E: Personal Protective Equipment

What follows is a description of the protocol the District will implement to procure the appropriate personal protective equipment (PPE) for essential employees and contractors. In addition, the plan for storage of such equipment to prevent degradation and permit immediate access in the event of an emergency declaration follows.

Identification of PPE Required

The identification of PPE shall be determined based on the nature of the Disease and may include disposable gloves, face masks (i.e., disposable surgical masks), respirator masks (N-95) that are fit tested, face shields, eye protection such as goggles and protective gowns or scrubs. The District will heed guidance from the CDC and OSHA regarding PPE.

The immediate supervisor of each essential employee and contractor shall determine, within one (1) business day of the announcement of a Disease covered by these Protocols, the required PPE per essential employee and contractor based on the various tasks and needs of the employees and contractors. Upon determination of the required PPE, the supervisor shall communicate the requirements to the Business Administrator, who shall work with administration to identify existing supplies of the required PPE or procure additional supplies, as necessary. Required PPE shall be obtained in a quantity sufficient to provide at least two (2) pieces of each type of PPE to each essential employee and contractor during any given work shift over at least six (6) months.

Procurement of PPE

The District will abide by all applicable State requirements for competitive bidding for the procurement of any PPE supplies. In addition, the District will balance the need to obtain PPE in a timely fashion with responsible financial action. The District may consult its BOCES for assistance with procurement.

The District may consult its records for suppliers of PPE during the COVID-19 pandemic, which may be a starting point from which to obtain additional PPE during a Disease. No past procurement binds the District from pursuing alternatives during any subsequent Disease or continuation of the COVID-19 pandemic response.

Requests for procurement of PPE will be made directly to the Business Administrator via email. Once the request has been approved the requestor will immediately enter a Purchase Requisition into Nvision for approval. The Business Administrator will advise the Central Business Office Accounts Payable to process the Requisition immediately.

Storage and Monitoring of PPE

The District will store the necessary PPE in temperature and humidity-controlled storage spaces in each building and examine it regularly but no less often than monthly to monitor potential degradation. The PPE supply will be climate controlled.

The Building Custodian will monitor the PPE supply and log each check in a log to be stored in the District Office and forwarded to the Superintendent of Schools upon each check. A copy of the form of the log is at the end of this plan at Addendum "A".

In the event the Building Custodian is unavailable for this duty, this responsibility will be held by the Building Laborer. To ensure the supply is monitored as required, the Building Custodian shall send a copy of the log to the Building Laborer upon each check. Should the Building Laborer not receive a copy of the log in the time required, they shall correspond with the Superintendent of Schools and the Director of Facilities to determine if they should perform the check.

Access of PPE

In the event the Superintendent of Schools or Board of Education deems it necessary to permit immediate access to the PPE supply, they will direct the Director of Facilities to permit such access. The Director of Facilities will keep a record of the distribution of PPE materials.

Section F: Exposure to Employee or Contractor

This section outlines the protocols the District will follow in the event an employee or contractor (1) is exposed to a known case of the communicable disease that is the subject of the public health emergency; (2) exhibits symptoms of such Disease; or (3) tests positive for such Disease. These protocols are aimed to prevent the spread or contraction of the Disease in the workplace. They specifically detail the actions to be taken to immediately and thoroughly disinfect the work area of any employee or contractor known or suspected to be infected with the Disease as well as any common area surface and shared equipment such employee or contractor may have touched, and the employer policy on available leave in the event of the need of an employee to receive testing, treatment, isolation, or quarantine.

The District's protocols will not violate any existing federal, state, or local law, including those regarding sick leave or health information privacy.

Protocols

If an employee or contractor is exposed to a known case of the Disease or tests positive for the Disease, they shall, as soon as practicable, notify their immediate supervisor regarding such exposure. They shall not be present at the worksite after their notification of exposure or receipt of positive test results until cleared by a medical professional in accordance with any CDC or State Department of Health guidelines. To the extent they can continue to effectively work remotely in the interim, they should.

If an employee or contractor exhibits symptoms of the Disease, they shall not be present at the worksite. If the onset of symptoms occurs while the employee or contractor is at the worksite, they must disclose they are experiencing one (1) or more symptoms immediately to their supervisor, remove themselves (or be removed with assistance from medical personnel, if necessary) from any area in which they may encounter another individual, and return to their home or to the office of a medical provider.

The District will work with the local and State Health Department, as applicable, and their school physician to determine necessary contact tracing for those other employees, contractors and individuals who may have had contact with an individual who was exposed or tested positive, along with that individual's exclusion from the worksite. Employees or contractors excluded from the worksite should not return to the worksite until they have been cleared by their immediate supervisor to do so. To the extent they can continue to effectively work remotely in the interim, they should.

Disinfection

The Superintendent of Schools shall assemble a disinfection team to be charged with directing the disinfection of worksites and common areas during the time covered under these Protocols. The disinfection team will be comprised of the following individuals: Custodians, Building Maintenance Mechanic, Laborers, and Cleaners. In the event members of the disinfection team are the individuals for whom disinfection of workspaces is necessary, the Superintendent of Schools shall designate Custodians, Building Maintenance Mechanic, Laborers, and Cleaners as charged with disinfecting pursuant to these Protocols. Members of the disinfection team shall wear PPE to protect themselves during disinfection, as determined by the Superintendent of Schools. Should a member of the disinfection team request additional protective material, the Superintendent of Schools should endeavor to honor such requests so long as they are not unreasonable or inappropriate considering the circumstances.

The disinfection team will be charged with:

1. Routine disinfection of all worksites in the District;
2. Routine disinfection of common areas in the District, targeting high-traffic areas; and
3. Targeted cleanings of workspaces belonging to individuals who were exposed or tested positive to the Disease.

Immediately after an employee or contractor who is known or suspected to be infected with the Disease notifies their supervisor of such suspicion or infection, the supervisor shall notify the disinfection team to disinfect the following: (1) the worksite of the employee or contractor; (2) any common area surface the employee/contractor may have touched; (3) any shared equipment

the employee/contractor may have touched; and any other particular areas the employee or contractor or their supervisor identifies.

Disinfection will occur in accordance with any current guidance promulgated by the CDC and State Department of Health. If such guidance is not available or provided specific to the Disease, the disinfection shall, at a minimum, involve: initial disinfection using cleaning agents approved by the CDC and/or State Department of Health to kill the disease which are suitable for the surface(s) in question, and preventing access to these areas until such disinfection has occurred.

During the COVID-19 pandemic, the CDC and New York State Department of Health recommended the following, which the District incorporates into these Protocols unless updated by forthcoming guidance:

1. Closing off areas used by a sick person and not using these areas until after cleaning and disinfection has occurred;
2. Opening outside doors and windows to increase air circulation in the area.
3. Waiting at least twenty-four (24) hours before cleaning and disinfection. If waiting twenty-four (24) hours is not feasible, waiting as long as possible;
4. Cleaning and disinfecting all areas used by the person suspected or confirmed to have the Disease, such as offices, classrooms, bathrooms, lockers, and common areas.
5. Individuals without close or proximate contact with the person suspected or confirmed to have the Disease can return to the area and resume school activities immediately after cleaning and disinfection.

Leave Policy

With respect to leave from District employment, The District will comply with federal, State, and local statutes, regulations, executive orders, and rules, along with the District's applicable collective bargaining agreements.

Because contractors are not employees of the District, they are not entitled to any paid leave time funded by the District.

Section G: Emergency Housing

It is not anticipated the District will need emergency housing for any essential employees or contractors. However, in the event such housing is required to the extent applicable to the needs of the workplace, the District will work with its locality to identify sites for emergency housing for essential employees to further contain the spread of the communicable disease that is the subject of the declared emergency.

In the event of a need for emergency housing, the District preliminary identifies hotel and motel rooms as options. The District will identify specific entities based on location, price, and availability. The District Clerk shall be charged with coordinating such housing. To assist in such coordination, the District preliminarily identifies the following area accommodations as entities with which the District may explore for the provision of housing:

Name	Address	Phone Number	Distance from Clifton Springs
Econo Lodge Inn & Suites	4232 Eastern Blvd. Canandaigua, NY 14424	585-394-4140	~ 7.20 miles southwest
Holiday Inn Express	330 Eastern Blvd. Canandaigua, NY 14424	585-396-3669	~ 7.44 miles southwest
Super 8	4450 Eastern Blvd. Canandaigua, NY 14424	585-412-2277	~ 7.51 miles southwest
Hotel Canandaigua	205 Lakeshore Drive Canandaigua, NY 14424	585-577-3500	~ 7.97 miles southwest
Best Western Palmyra Inn & Suites	955 Canandaigua Road Palmyra, NY 14522	315-597-8888	~ 8.36 miles northwest
The Lake House	770 South Main Street Canandaigua, NY 14424	585-394-7800	~ 8.39 miles southwest
Holiday Inn Express & Suites	530 Hamilton Street Geneva, NY 14456	315-787-0530	~ 8.90 miles southeast
Microtel Inn & Suites	550 Hamilton Street Geneva, NY 14456	315-878-8055	~ 8.92 miles southeast
Days Inn	485 Hamilton Street Geneva, NY 14456	315-878-8092	~ 9.07 miles southeast
Fairfield Inn	383 Hamilton Street Geneva, NY 14456	315-789-2900	~ 9.34 miles southeast
Hampton Inn	43 Lake Street Geneva, NY 14456	315-781-2035	~ 9.51 miles southeast
Ramada Geneva Lakefront	41 Lakefront Drive Geneva, NY 14456	315-789-0400	~ 9.64 miles southeast
Comfort Inn & Suites	6026 Route 96 Farmington, NY 14425	585-742-0180	~ 11.15 miles west
Travelodge	6108 Loomis Road Farmington, NY 14425	585-398-7693	~ 11.75 miles west
Lux Hotel	2468 State Route 414 Waterloo, NY 13165	315-577-6068	~ 15.43 miles east

Addendum “A”: Log of Inspection of PPE Materials

PPE Supply will be monitored monthly by the Building Custodian. A log of the inspection is below. In the event the Building Custodian is unavailable, this responsibility will be held by the Building Laborer.

Date of Inspection (month/day/year)	Time of Inspection (include AM/PM)	Name of Inspector (print name)	Insert “✓” for Adequate Condition	Any Notes

Addendum “B”: References

Below is a comparison of New York Labor Law section 27 to the December 3 State Education Department (SED) Memorandum. Portions of requirements in the Labor Law but not SED guidance are identified below in **bold**. Portions of requirements in the SED guidance but not the Labor Law are identified below in *italics*.

The locations of the requirements within the Protocols are identified in the third column.

Labor Law requirements	SED explanations	Reference in plan
A list and description of positions and titles considered essential in the event of a state-ordered reduction of in-person workforce, and a justification of such consideration for each position and title included.	A list and description of positions and titles considered essential in the event of a state-ordered reduction of in-person workforce, as well as a justification for such consideration for each position and title. <i>Note that per NYS Department of Health COVID-19 toolkit guidance, school staff are not essential workers. However, as you are developing the list of essential and non-essential staff functions, you should anticipate how certain positions/titles may be necessary to assist in response to a pandemic or communicable disease outbreak. For example, if schools are directed to provide meals to students and families that are eligible to receive free and/or reduced lunch or to provide childcare for children of first responders or health care workers, you may need to designate certain positions/titles as essential for this purpose.</i>	Section A
A specific description of protocols the employer will follow to enable all non-essential employees and contractors to telecommute including, but not limited to, facilitating or requesting the procurement, distribution, downloading and installation of any needed devices or technology, including software, data, office laptops or cell phones, and the transferring of office phone lines to work or personal cell phones as practicable or applicable to the workplace.	A specific description of protocols the employer will follow to enable all non-essential employees and contractors to telecommute including, but not limited to, facilitating or requesting the procurement, distribution, downloading and installation of any needed devices or technology, including software, data, office laptops or cell phones, and the transferring of office phone lines to work or personal cell phones as practicable or applicable.	Section B

A description of how the employer will, to the extent possible, stagger work shifts of essential employees and contractors to reduce overcrowding on public transportation systems and at worksites.	A description of how the employer will, to the extent possible, stagger work shifts of essential employees and contractors to reduce overcrowding on public transportation and at worksites.	Section C
A description of the protocol the employer will implement to procure the appropriate personal protective equipment for essential employees and contractors, based upon the various tasks and needs of such employees and contractors in a quantity sufficient to provide at least two pieces of each type of personal protective equipment to each essential employee and contractor during any given work shift over at least six months. Such description shall also include a plan for storage of such equipment to prevent degradation and permit immediate access in the event of an emergency declaration.	Protocols the employer will implement to procure personal protective equipment (PPE) for essential employees and contractors, based upon tasks and needs in a quantity sufficient to provide at least two pieces of each type of PPE to each essential employee and contractor during any given work shift over at least six months. A plan for storage of equipment and access to equipment must be included.	Section E
A description of the protocol in the event an employee or contractor is exposed to a known case of the communicable disease that is the subject of the public health emergency, exhibits symptoms of such disease, or tests positive for such disease to prevent the spread or contraction of such disease in the workplace. Such protocol shall also detail actions to be taken to immediately and thoroughly disinfect the work area of any employee or contractor known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment such employee or contractor may have touched, and the employer policy on available leave in the event of the need of an employee to receive testing, treatment, isolation, or quarantine. Such protocol shall not involve any action that would violate any existing federal, state, or	Protocols in the event an employee or contractor is exposed to a known case of the disease, exhibits symptoms of the disease, or tests positive for the disease to prevent the spread or contraction in the workplace. The protocols shall not violate any existing federal, state, or local law, regarding sick leave or health information privacy, and must include: -Detailed actions to immediately and thoroughly disinfect the work area, common area surface and shared equipment; and -The employer policy on available leave in the event of the need of an employee to receive testing, treatment, isolation, or quarantine.	Section F

local law, including regarding sick leave or health information privacy.		
A protocol for documenting precise hours and work locations, including off-site visits, for essential employees and contractors. Such protocol shall be designed only to aid in tracking of the disease and to identify the population of exposed employees and contractors to facilitate the provision of any benefits which may be available to certain employees and contractors on that basis.	Protocol for documenting precise hours and work locations, including off-site visits, for essential employees and contractors. The protocol shall be designed only to aid in tracking of the disease and to identify exposed employees and contractors to facilitate the provision of any benefits which may be available.	Section D
A protocol for how the public employer will work with such employer's locality to identify sites for emergency housing for essential employees to further contain the spread of the communicable disease that is the subject of the declared emergency, to the extent applicable to the needs of the workplace.	Protocol for working with the employer's locality to identify sites for emergency housing for essential employees to further contain the spread of the communicable disease to the extent applicable to the needs of the workplace.	Section G