



August 6, 2020

United States Congress  
Washington, DC 20515-0001

Dear Senator/Representative:

The undersigned organizations representing millions of educators, healthcare professionals, and employees of state and local governments urge you to prioritize preventing the further spread of COVID-19 in any legislation relating to the pandemic, rather than offering liability protections that would release nonprofits, state and local governments, schools, campuses, healthcare institutions, and other organizations from the responsibility for providing safe and healthy conditions.

The 2020-21 school year is already underway in some school districts, and millions more students and educators will be returning to school—whether in person, online, or a hybrid—in the coming weeks. Regardless of the setting, teachers, faculty and education support professionals are dedicated to doing all they can to ensure that students have the opportunity for an education that meets their needs, inspires their curiosity, and encourages their quest for knowledge. No one wants to return to in-person learning more than educators, because remote learning makes achieving these goals much more challenging.

The nation is witnessing COVID-19 cases dramatically increase in parts of the country, and we may see significant increases as businesses and schools reopen in regions that have reduced infection and death rates, putting healthcare professionals and the patients they serve at risk. But nurses, technicians and doctors will continue to show up and risk their lives every day, as they have from the start of the pandemic. At the same time, state and local governments that have closed physical offices are taking steps to reopen them and resume operations. We understand employers' desire to return to "business as usual." The unfortunate fact, however, is that until America's leadership develops and implements a strategy for mitigating the spread of the virus, we will find ourselves on a hamster wheel of hasty reopenings followed by shutdowns that once again plunge working families and business operations into turmoil. This is a problem liability shields cannot solve. (Please see [NEA's fact sheet on this issue.](#))

Currently, few evidence-based federal or state mandates are in place to protect students, teachers, faculty, school staff, nurses, medical technicians, patients and families. Additionally, in 24 states, public employees are not covered by federal Occupational Safety and Health Administration protections (and even that standard is woefully inadequate), and most states have no real occupational safety standards for schools. Absent such mandates, liability shields could encourage some state and local governments to cut corners and reopen offices without implementing the proper protocols, undermining worker safety. Indeed, there have been reports of hospitals attempting to silence healthcare workers seeking to speak out about safety conditions that could impact staff and patients. Unprepared school districts and college campuses could resume in-person instruction, despite public health advice to the contrary, or fail to put all the necessary safety precautions in place upon reopening and/or if COVID-19

cases emerge. Hospitals—which have mostly offered lip service regarding employee safety—could simply ignore the life-threatening risks healthcare professionals take daily.

No school, university, healthcare facility, state or local government, nonprofit, or other employer should be freed of the obligation to take necessary care to ensure health and safety. In school settings, this is especially dangerous due to two factors: the absence of a Department of Education plan to help ensure the safety of students, their families and educators, and the pressure from President Trump on the Centers for Disease Control and Prevention to loosen its guidance for schools. We have seen similar disregard shown in healthcare, in the American Hospital Association’s dismissal of concerns raised by public interest groups about hospitals punishing whistleblowers, and in the Trump administration’s lackadaisical efforts to secure personal protective equipment for states and localities and refusal to implement a temporary emergency OSHA standard.

Basic public health strategies for containing the pandemic must be in place, and many issues must be addressed before schools and colleges can safely resume any in-person instruction. These include adapting facilities and school buses for social distancing, improving ventilation systems, providing personal protective equipment and hand sanitizer for students and educators, instituting appropriate cleaning protocols, and making reasonable accommodations and adjustments for staffing and scheduling as necessary. Similar measures are necessary for healthcare institutions, which must be properly prepared for the next surge of infections, and for state and local government employers.

Throughout this crisis, educators have been in constant contact with students and families, and they will continue teaching and supporting students, whether in person or not. Healthcare professionals will continue to risk their health and lives for patients, support worried and grieving families, and aid communities of color disproportionately impacted by COVID-19 and a lack of access to high-quality healthcare. Workers in state and local governments have been on the frontlines as well, helping families and communities cope with the pandemic’s many challenges; and the countless efforts and selfless dedication of these workers will proceed.

Educators, healthcare workers, and all public service employees understand that our economy cannot reopen more fully in this new normal unless public schools resume in-person instruction, healthcare institutions continue to work at capacity, and state and local government offices are fully functioning. We ask that all decisions about reopening facilities be based not on liability issues, but on protecting health and safety, with input from working people; and it is crucial that employers have the funding to reopen buildings the right way.

Sincerely,

American Federation of State, County, and Municipal Employees (AFSCME)

American Federation of Teachers (AFT)

National Education Association (NEA)

Service Employees International Union (SEIU)