2801-a (2)(m) District-wide Safety Plan - Protocols for a State Disaster Emergency Involving a Communicable Disease

On September 7, 2020, Governor Cuomo signed into law Chapter 168 of the Laws of 2020, as amended by Chapter 30 of the Laws of 2021 that requires public employers, including public school districts, to adopt a continuation of operations plan in the event that the governor declares a state disaster emergency involving a communicable disease. The legislation (S.8617-B/ A.10832) amends subdivision 2 of section 2801-a of New York Education Law to require that District Safety Plans include protocols for responding to a state disaster emergency involving a communicable disease that are "substantially consistent" with the provisions of section 27-c of the Labor Law. As a result of this change, the Board of Regents adopted amendments to Commissioner's Regulation §155.17 in April 2021, that were that were made permanent at the July 2021 meeting of the Board of Regents.[1]

Pursuant to the amendments to New York Education Law §2801-a and Commissioner's Regulation §155.17, the district-wide school safety team should incorporate required continuation of operations components in the District-wide School Safety Plan. Amendments to the District-wide School Safety Plan must be made available for public comment at least thirty (30) days prior to adoption and may be adopted by the school board (or governing body) only after at least one (1) public hearing that provides for the participation of school personnel, parents, students, and any other interested parties.

a.) *A list and description of the types of positions considered essential in the event of a state-ordered reduction of in-person workforce as a result of a state disaster emergencies involving public health. Such designation may be changed at any time in the sole discretion of the employer.*

Consider whether cafeteria, transportation and/or other staff may be necessary for meal preparation and delivery to homes; check-ins with students and technology delivery systems; staff providing mental health or technology services; business staff for continued operations, and other staff providing services to students.

Essential Position Type
In the event of a state-ordered reduction of in-person workforce as a result of a state disaster or emergency involving public health, all staff would immediately pivot to remote roles. All students would be issued chromebooks, and access to city provided wifi, and/or hotspots that provide adequate internet capabilities prior to the closure, and all staff are already in possession of laptops. Instruction would continue virtually, as would student support services and business operations. The only BGLIG staff members who might need to enter the building

[1] See April 2021 Regents Meeting Agenda Item: Proposed Amendment to §155.17 of the Regulations of the Commissioner of Education Relating to District-wide School Safety Plans at: https://www.regents.nysed.gov/common/regents/files/421p12a1.pdf and July 2021 Regents Meeting Item: Proposed Amendment to §155.17 of the Regulations of the Commissioner of Education Relating to District-wide School Safety Plans at: https://www.regents.nysed.gov/common/regents/files/721brca9.pdf

would be an operations or office staff member, who would enter to address a specific issue (such as picking up a package or finding a specific item) and then leave as soon as possible.

b.) *A description of protocols the employer will follow for non-essential employees to telecommute including, but not limited to, facilitating or requesting the procurement, distribution, downloading and installation of any needed technology, including software, data, and the transferring of office phone lines to work or personal cell phones as practicable or applicable to the workplace, and may include devices.*

Telecommuting Protocol: Technology
All staff are already in possession of laptops that they would be able to use for telecommuting. BGLIG maintains online collaboration software, including Zoom and Google Docs, that would continue enable business operations to continue without interruption in the event of a building closure. Office phone lines can also be accessed remotely, and parents would be advised to contact staff via cell phones or other virtual communication practices.

c.) *A description of how the employer will, to the extent possible, stagger work shifts of essential employees to reduce overcrowding on public transportation systems and at worksites.*

Work shift Modification(s)
BGLIG would adhere to state guidelines regarding the number of employees allowed in the building. All employees would work remotely to the extent possible to reduce the risk of exposure in public transportation systems and at worksites. If needed, essential employee schedules could be staggered in shifts to reduce the risk of exposure.

d.) *A description of the protocol the employer will implement, in order to procure the appropriate Personal Protective Equipment (PPE) for essential employees, based upon the various tasks and needs of such employees in a quantity sufficient to provide personal protective equipment to each essential employee during any given work shift. 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.*

Personal Protective Equipment (PPE) Protocol
BGLIG maintains a supply of appropriate Personal Protective Equipment (PPE) for essential employees, which is safely stored in a secure location. In the event of an emergency declaration, there will be a sufficient supply for the very few essential employees who would ever need to visit the building.

Plan for Storage/Access

PPE is stored in a designated area in the central storage area. It is locked and only accessible to very few staff members. In the event of an emergency declaration, the few staff members who need to enter the building would be given access to the supplies they need.

e.) *A description of the protocol, in the event an employee is exposed to a known case of the communicable disease that is the subject of the state disaster emergency, exhibits symptoms of such disease, or tests positive for such disease in order to prevent the spread or contraction of such disease in the workplace. Include actions to be taken to immediately and thoroughly disinfect the work area of any employee known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment, and employer policy on available leave to receive testing, treatment, isolation, or quarantine.*

Consider *disinfection protocols, substitute workers, testing and tracing.*

Employee Exposure Protocol

BGLIG continues to follow state law and DOE policy regarding exposure to COVID 19 and other communicable diseases. We will continue to do so. In the event of a state disaster emergency where an employee exhibits symptoms of a communicable disesase, BGLIG would follow all safety protocols including symptom monitoring, testing, isolation, quarantine, contact tracing,reporting, treatment, and cleaning.

Disinfection Protocol

BGLIG will follow all recommendations about the prevention of spreading of a communicable disease. In the event of a state emergency, we will work with the other building principals and the custodial team to ensure that exposure is minimized using rigorous cleaning and disinfection protocols using professional grade clearing supplies.

Employer Policy on Available Leave to Receive Testing, Treatment, Isolation, or Quarantine

BGLIG's policies incorporate state regulations regarding exposure to communicable diseases. In the event of exposure or a positive case, teachers will receive leave for testing, treatment, isoloation, or quarantine.

f.) *A protocol for documenting hours and work locations, including off-site visits, for essential employees. Such protocol shall be designed only to aid in tracking of the disease and to identify the population of exposed employees, to facilitate the provision of any benefits which may be available to certain employees and contractors on that basis.*

Consider *daily symptom checks, absences, and supervisor notification.*

Hours and Work Locations Protocol
In the event of a building closure, essential employees will track their hours virtually, either through our human resources provider program or another online recording format.

g.) *A protocol for how the public employer will work with such employer's locality to identify sites for emergency housing for essential employees in order 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.*

Emergency Housing Protocol
BGLIG does not believe that emergency housing will be needed for essential employees in the event of a state emergency. However, BGLIG will follow any state guidelines regarding the provision of emergency housing. Within the building, BGLIG would designate an isolation room for staff members who develop symptoms during the work day, where they can remain isolated from other individuals until they can safely exit and return to their homes.

g.) *Other requirements determined by the department of health such as contact tracing or testing, social distancing, hand hygiene and disinfectant, or mask wearing.*

Department of Health Requirements
BGLIG will continue to follow all New York state and city requirements around contact tracing, testing, social distancing, hand hygiene, disinfecting materials, and mask wearing.

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Definitions included in the legislation are provided below.

Essential worker: *is required to be physically present at a work site to perform his or her job.* ***Such designation may be changed at any time in the sole discretion of the employer.***

Non-essential worker: *is not required to be physically present at a work site to perform his or her job.* ***Such designation may be changed at any time in the sole discretion of the employer.***

Personal protective equipment: *all equipment worn to minimize exposure to hazards, including gloves, masks, face shields, foot and eye protection, protective hearing devices, respirators, hard hats, and disposable gowns and aprons.*

Communicable disease: *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].*

Retaliatory action*: the discharge, suspension, demotion, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.*