

Cincinnati Federation of Teachers

Cincinnati Federation of Office Professionals



Local 1520 | AFT | OFT | AFL-CIO

2368 Victory Parkway, Suite 100 | Cincinnati, OH 45206

Phone: 513.961.2272 | Fax: 513.961.0629

www.cft-aft.org

On Monday CPS notified CPS staff that it is requiring all employees to be tested for COVID-19 prior to August 14, 2020. Many people have contacted us with questions about the mandatory testing. We don't have answers to all the questions, but we hope this Q&A answers some of the most common ones.

1. Can CPS require employees to be tested for COVID-19 as a condition of their employment?

A: The Americans with Disabilities Act (ADA) requires that any mandatory medical test of employees be "job related and consistent with business necessity." Under the current circumstances of the COVID-19 pandemic, employers may take steps to determine if employees entering the workplace have COVID-19 because an individual with the virus will pose a direct threat to the health of others. Therefore, CPS may require employees to be tested for COVID-19 before they enter the workplace to determine if they have the virus, just as they may require employees to undergo temperature checks.

2. Why is district doing this?

A: They are following the advice of the CDC and other health care experts that as much testing of the work force as possible will help control the spread of the virus. Testing is not perfect and might not find cases of people who get infected after they are tested. But testing can identify some employees who are infected the time of the test and get them isolated until they are no longer infected. That will help protect the rest of the school community, including teachers. So, while no testing is perfect, it certainly is better than welcoming everyone back without testing and hoping for the best.

3. Will there be regular testing going forward on members' own time at their expense?

A: We have asked the district about whether they have plans for future testing but have not received a clear answer. Quite frankly, we hope there is more testing going forward, not less. Hopefully better testing with quicker turn around will make that possible. The testing the district is offering is free. There are other opportunities for free testing in the community, routinely announced via social media. We will urge the district to make sure that any future testing occurs at schools during school hours to reduce inconvenience for teachers and staff.

4. What if someone tests positive?

A: It is highly likely that some of us will test positive for COVID. Under those circumstances employees who have COVID will be expected to stay home until there is a full recovery and a negative test result. The Quarantine period is typically 14 days. There may also be contact tracing to assure that those you have been in contact with are tested. Federal law allows an employee who is quarantined, or who is sick or recovering from COVID, to up to 10 days of paid leave without using sick days. (We have posted explanations of this and other leave

options on the CFT website and in our past weekly updates.) If your quarantine or recovery period extends beyond those days, you will have to use your sick days.

5. Will my COVID-19 test results remain private?

A: The ADA requires that all medical information about a particular employee be stored separately from the employee's personnel file, thus limiting access to this confidential information. An employer may store all medical information related to COVID-19, including the results of taking an employee's temperature, in existing medical files. This includes an employee's statement that he has the disease or suspects he has the disease, or the employer's notes or other documentation from questioning an employee about symptoms. Any positive test results will likely be shared with the local Health Department to allow for contact tracing.

As always, CFT is working diligently to ensure that you understand your rights, and that your working conditions are as safe as possible. If you have additional questions about testing or COVID-related leave, please contact Karen Imbus (kimbus@cft-aft.org) or Don Mooney (dmooney@cft-aft.org).