

Akron-Fairgrove Schools

Adopted 11/17/2020

Temporary Remote Work Policy for Michigan Occupational Safety and Health Administration (MIOSHA) Compliance

Pursuant to MIOSHA Emergency Rule 5(8), dated October 14, 2020, “The employer shall create a policy prohibiting in-person work for employees to the extent that their work activities can feasibly be completed remotely.” Based upon this obligation, the District establishes the following:

- A. “Feasibly” may consider the practicality of remote work based on:
 - 1. The reliability and effectiveness of internet access at the person’s residence or location;
 - 2. The duties of the position and the ability to fully perform the work remotely;
 - 3. The need to protect and access confidential student, personnel, and financial information;
 - 4. The need to supervise, direct, or evaluate students or personnel;
 - 5. The need to provide direct, physical services to students such as speech, physical, or occupational therapy;
 - 6. Working conditions outlined in the applicable collective bargaining agreement; and
 - 7. Other relevant factors as determined by the Superintendent or designee.
- B. If the District is providing in-person instruction, the following employees may not work remotely, unless required pursuant to Paragraph E below:
 - 1. Professional Staff;
 - 2. Administrators/Supervisors;
 - 3. Bus drivers;
 - 4. Secretaries;
 - 5. Food service employees;
 - 6. Custodians;
 - 7. School nurses;
 - 8. Daycare workers; and
 - 9. Paraprofessionals.

- C. If the District is providing only online instruction, the Superintendent or designee may determine which employee groups can feasibly work remotely to effectively and efficiently perform their job duties and responsibilities, as permitted by law. An employee who is permitted to work remotely by the District may be recalled to in-person work if the District subsequently determines that the employee's work cannot feasibly be performed remotely.
- D. The District may consider the use of remote and on-site duties, when feasible and for short terms (up to ten work days), for teachers who provide the following types of instruction:
1. Physical Education;
 2. Shop;
 3. Music;
 4. Band;
 5. Art;
 6. Pre-School; and
 7. Great Start Readiness Program.
- E. Notwithstanding anything to the contrary in this Policy, a person with a disability may request remote work as a reasonable accommodation for a disability that has been confirmed by a medical practitioner. In such cases, the employer and employee will engage in the interactive process consistent with the Americans with Disabilities Act (ADA) of 1990.
- Granting of remote work as a reasonable accommodation during the COVID-19 pandemic shall be temporary, and does not obligate the District to grant remote work as a continuing reasonable accommodation after the expiration of Emergency Rule 5(8). The determination of whether remote work is a permanent reasonable accommodation for an employee with a disability will be made on a case-by-case basis.
- F. This Policy shall not limit the District's ability to determine the method of instruction to students or to provide instruction in the best interest of its students. The Board has the authority to determine whether students will receive instruction in-person, remotely, or through an alternative method.
- G. This Policy will expire April 14, 2021, unless Emergency Rule 5(8) is otherwise extended, or unless expressly extended by the Board.

Legal authority: MCL 380.11a(3); MIOASHA Emergency Rule 5(8); 42 USC § 12101 et seq.

Date adopted:

Date revised: