

Resolution to Support the Reinstatement of Nicole Conaway and Defend ADA Protections for Teachers and Staff During this Ongoing Pandemic

WHEREAS, the Covid pandemic is still an ongoing threat to public health, with schools as the leading source of community spread. New and dangerous variants are constantly evolving and bypassing vaccinations. The Covid death toll has surpassed 6 million people, and it has surpassed 1 million in the U.S. alone. Despite these very real dangers, especially to those with underlying health conditions, Covid protections in schools and communities are being lifted without adequate review and concurrence.

WHEREAS, Detroit Federation of Teachers (DFT) member Nicole Conaway is an excellent, highly effective science teacher and a committed outspoken advocate for teachers and students. Despite clear documentation from her doctor ordering her to work from home to protect her health from Covid-19 in light of her medical condition, Sister Conaway was denied Americans with Disabilities Act (ADA) accommodations by the Detroit Public Schools Community District (DPSCD). DPSCD subsequently terminated her in retaliation for asserting her rights under the law to seek ADA accommodations. Ms. Conaway and similarly situated teachers have received support from the Detroit Federation of Teachers (DFT).

WHEREAS, ADA accommodations and FMLA are protections that were won out of the labor and civil rights movement to protect the health of workers. In the middle of the historic catastrophe of the Covid-19 pandemic, the DPSCD and other school district administrations are treating these protections for workers as weapons to discipline workers and force them into unsafe working conditions. Nicole Conaway's case is one in a series of cases in which districts have tried to get away with denying ADA and Family Medical Leave (FMLA), terminating workers for not returning to work, even when their physician has said they are not clear to return to in-person work.

WHEREAS, if the Detroit school district is able to get away with this unlawful termination of Ms. Conaway, it will have dire consequences for all teachers and school support staff who are trying to stay safe from COVID-19 and apply for any accommodation or FMLA for a health condition or disability. The repercussions could spill over into school districts arbitrarily violating the rights of any staff or

student with disabilities for any reason.

WHEREAS, if Ms. Conaway and other educators are able to prevail in their struggles to keep their jobs and receive ADA accommodations, all educators' and students' rights will be affirmed and far more protected. In the middle of a continued worldwide pandemic which continues to change and requires far more intensive study, protecting our most vulnerable union members and loved ones is essential.

WHEREAS, Nationally, more than 575,000 teachers have left the workforce during the pandemic. No one should be made to choose between their livelihood and their health and safety. *None of us are disposable.*

THEREFORE BE IT RESOLVED that the Berkeley Federation of Teachers (BFT Local 1078) stands with our DFT sister, Nicole Conaway to demand her immediate reinstatement and her right to receive accommodations under ADA.

BE IT FURTHER RESOLVED that the BFT president will send a letter of support to the Detroit Public School Community District expressing our support for Ms. Conaway's reinstatement and for her and other educators' lawful right to ADA accommodations.

BE IT FINALLY RESOLVED that the BFT will bring this motion to the 2022 AFT Convention for consideration.