

<p>1. Can CSU require employees to wear a mask as a condition of employment?</p>	<p>Yes, but while in many circumstances (like interaction with the public) a blanket rule is appropriate, the Union can demand to bargain, such as permitting removal when doing physical labor if there's social distancing. Rules requiring masks in common areas, break rooms, during pre-shift meetings, and at student locations or when making deliveries are going to be upheld by an arbitrator.</p>
<p>2. Does a requirement that employees wear a mask violate an employee's constitutional rights?</p>	<p>No. The CSU has the right to establish reasonable rules for employees and students and requiring the wearing of a mask is within those rights. The Governor also recently issued a statewide order to wear masks in public and other high-risk locations.</p>
<p>3. Can employees be disciplined for refusing to wear a mask?</p>	<p>Yes. Because the CDC has recommended the use of masks or face coverings, and because they are required by many county orders, arbitrators would uphold discipline for employees who refuse (absent extraordinary circumstances). The Union will, however, bargain with the CSU and attempt to ensure that our members are not subject to discipline for failing to wear a mask if the issue is corrected.</p>
<p>4. Can an employee refuse to work if the CSU does not provide a mask, does not require employees or others to wear masks, does not provide adequate PPE, or enforce physical distancing protocols?</p>	<p>Refusal to work is insubordination and should be used as a last resort only if an employee considers the conditions life threatening. Best addressed by obeying order and grieving. If you are 65 or older or have a chronic health condition that makes you more vulnerable to the virus, see the answer to question 5 below.</p>
<p>5. What options does an employee have who is either over 65 or medically vulnerable if they do not wish to return to work?</p>	<p>CSU adopted a Temporary Leave Program (TLP) in March allowing those who are 65 or older or who have a chronic medical condition that makes them medically vulnerable to the virus according to the CDC to either telecommute or be placed on paid administrative leave if unable to telecommute. This program is currently set to expire at the end of the year. For a list of qualifying chronic conditions, view the 'People at Higher Risk for Severe Illness' FAQ on the CDC website here.</p>
<p>6. What option does an employee have who has a medically vulnerable family member at their home and they do not want to return to work?</p>	<p>The CSU Coronavirus Paid Administrative Leave (CPAL) program expiring at the end of the year allows up to 256 hours of paid administrative leave if an employee is unable to telework because a family member is sick with the virus or the employee's healthcare provider has directed the employee not to work due to COVID-19 related concerns. Meanwhile, the Federal Emergency Paid Sick Leave Act (EPSLA) under the FFCRA, which lasts through the end of the year, allows for up to 80 hours of additional paid sick leave if an employee is unable to work or telework because they are caring for someone who has been directed to self-quarantine by their healthcare provider or a Federal, state, or local order for COVID-19 related reasons. For more detail on these programs, refer to the comparison chart here.</p>

<p>7. What are employees' options if their child's school or daycare is still closed and they have no other options for childcare?</p>	<p>The CPAL and EPSLA programs described in question 6 above allow their respective leaves to be used if someone is unable to telework due to a COVID-19-related school/daycare closure (CPAL) or they are unable to work/telework because they are caring for a child(ren) because their school, place of care, or childcare provider is not available due to the virus (EPSLA). In addition, the Emergency Family and Medical Leave Expansion Act (EFMLEA), which is also under the FFCRA and runs through the end of the year, allows for 12 weeks of Family and Medical Leave (2 weeks unpaid, 10 weeks paid) for those unable to work/telework due to school/childcare closures. For more detail on these programs please refer to the comparison chart here.</p>
<p>8. Can employees provide their own Personal Protective Equipment, such as gloves and masks?</p>	<p>It depends. If someone wants to use their own mask or gloves, they should be allowed to as long as they meet the minimum safety requirements and the masks are not offensive. However, a campus may also refuse to allow employees to wear certain enhanced PPE, such as face shields, if they believe it will create a safety hazard or if it wants to impose uniform PPE (and supplies adequate PPE).</p>
<p>9. What are the implications to the Union if members report a fellow union member for being sick?</p>	<p>The Union has a duty to represent both employees. There will be members alerting management that other members are sick, and each time will be different. Contact your Union representative.</p>
<p>10. Can the CSU take temperatures of all employees prior to the start of their shift and/or require them to answer daily questions related to their recent health?</p>	<p>Yes, many employers have already implemented such a process, and some counties require it. The CDC has recommended it and the Equal Employment Opportunity Commission (EEOC) has stated that it does not violate the law. However, the Union can demand bargaining regarding any policy related to temperature checks or daily questionnaires to (1) ensure that the questions are not unnecessarily invasive, (2) the temperature checks are implemented in a safe manner with proper use of PPE and physical distancing, and (3) employees are paid for any time that they have to wait in line for the screening or filling out questionnaires.</p>
<p>11. Can CSU require employees to take their own temperature prior to going to work?</p>	<p>If it provides employees with a thermometer and pays them for that time.</p>
<p>12. Can employees be disciplined for refusing to have their temperature checked or answer the daily questions?</p>	<p>Yes, refusal to abide by a reasonable work order is insubordination. See the answer to question 10 above.</p>
<p>13. Can the CSU require an employee to text or electronically send answers to a daily health questionnaire as a condition of employment (requiring employees to have a smartphone)?</p>	<p>If it provides an alternative method for employees who do not have a smartphone or do not want to send it electronically.</p>