



January 7, 2020

Ed Meadows, President
Pensacola State College
1000 College Blvd.
Pensacola, FL 32504

Via Email (president@pensacolastate.edu) and Certified Mail

**RE: United Faculty of Florida
Pensacola State College Chapter
CPLS File No. 4266-1
COVID-19 Demands**

Dear Mr. Meadows:

Please be advised that I have been retained to represent the United Faculty of Florida, Pensacola State College Chapter (hereinafter UFF-PSC). It has been brought to my attention that faculty and staff members have submitted requests for reasonable accommodations, i.e., to work from home rather than on campus, due to having an illness or condition that causes an increased risk of severe illness from the virus that causes COVID-19. These illnesses and conditions have been identified by the Center for Disease Control (CDC) and include, but are not limited to: cancer, chronic kidney disease, COPD (chronic obstructive pulmonary disease), heart conditions (such as heart failure, coronary artery disease, or cardiomyopathies), immunocompromised state (weakened immune system), obesity, severe obesity, pregnancy, sickle cell disease, type 2 diabetes mellitus, asthma, cerebrovascular disease (affects blood vessels and blood supply to the brain), cystic fibrosis, hypertension, high blood pressure, neurologic conditions such as dementia, liver disease, pulmonary fibrosis, thalassemia, and type 1 diabetes mellitus.

Many, if not all, of these reasonable requests for accommodation to work remotely have been denied by the College. The denial of these requests is in direct violation of multiple federal and state laws, including the Americans with Disabilities Act (ADA) and the Florida Civil Rights Act (FCRA). Further, the denial of the opportunity for those individuals with illnesses and conditions that cause them to be at higher risk of contracting COVID-19 is contrary to guidelines from the CDC and the Equal Employment Opportunity Commission.

The College is purportedly basing these denials upon a blanket policy that no faculty or staff members be permitted to work from home. The ADA and FCRA require that employers consider requests for a reasonable accommodation on a case-by-case basis and determine whether the accommodation requested is reasonable under the particular circumstances. A blanket policy denying all requests clearly violates the statutes.

Further, we feel the requests to work remotely from those who suffer from illnesses or conditions that cause them to be a higher risk of contracting COVID-19 are facially reasonable. As you surely are aware, COVID-19 is a deadly virus and is highly contagious. The alternatives offered by the College, such as less face-to-face class time and masks, is simply not adequate.

There are other potential violations of law based upon the College's denial of the requests, as well as violations of the collective bargaining agreement. It is our intention to take all legal action necessary to protect the rights of our members, including the right to a reasonable accommodation. However, we would prefer to resolve these matters informally. To that end, we request that first, revoke or amend the blanket policy refusing to allow individuals to work remotely, and second, that you revisit the requests for accommodations from faculty and staff that are at a higher risk of contracting COVID-19 and make all reasonable accommodations requested.

Please contact me should you wish to discuss this matter further.

Sincerely,



Melissa C. Mihok, Esq.

MM/

C: File

United Faculty of Florida
United Faculty of Florida -Pensacola College Branch
Pensacola College Board of Trustees