



Rutgers Council of AAUP Chapters

American Association of University Professors • American Federation of Teachers

Rutgers AAUP-AFT

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Via Email Only

Vivian Fernandez, Sn. VP, HR and Organizational Effectiveness

Rutgers University

ASB II, 57 US Hwy. 1

New Brunswick, NJ 08901

Re: The Closure of all University Libraries and other Non-essential Facilities and Operations

Dear Vivian:

We are writing to express the deep concerns of the AAUP-AFT and URA-AFT on behalf of our members, who are being required to report to work during this statewide and national health emergency, including staff, library faculty, faculty who serve as principal investigators in charge of grants and labs, post-docs and grad workers employed in labs, as well as other unit employees.

Unless employees are providing absolutely essential services – services critical to ensuring the health, welfare and safety of others – requiring our members to physically report to work, places them and others at risk and is contrary to the unprecedented global efforts to contain the COVID-19 pandemic.

The unfortunate reality is that without adequate testing – which simply does not exist – and the ability to ensure that all persons who are infected with the virus are quarantined, there are no measures that the University can take to guarantee the health and safety of employees who report to work. And without vaccinations or any approved medical treatments, and without assurances that the healthcare system in the State will not be overloaded with COVID-19 cases in the coming days and weeks, an employee who contracts the virus is at extreme risk and there is no certainty that employee will have access to necessary treatment.

As you are well aware, our collective negotiations agreement provides that our members cannot be required to work under conditions that pose “an imminent danger to health and safety.” In addition, the New Jersey Public Employee’s Occupational Safety and Health Act (PEOSHA) provides that it is the responsibility of all public employers to provide a place of employment “free from recognized hazards which may cause serious injury,

physical harm or death” to employees. In addition, there are likely violations of the OSHA general duty clause section (5)a1.

The University’s libraries are open to students, but all students can access services remotely. The University has no ability to screen persons entering a library to determine whether they pose a health risk because they are infected with COVID-19. For that matter, the University has no ability to screen employees who are working in our libraries, research labs or other University facilities to determine whether they are infected. Accordingly, employees reporting to work at the University place themselves in danger of contracting the virus.

This is a time that calls for the most aggressive measures to flatten the curve and prevent the transmission of COVID-19. Epidemiologists throughout the world agree that avoiding all non-essential social interaction, including requiring persons to be quarantined in their homes, is necessary to avoid the catastrophic overloading of national healthcare systems. Presumably, epidemiologists employed by the University are in agreement with their colleagues from around the globe.

The functions provided by University librarians and library staff are non-essential. Access to research materials is available online. Librarians can be available remotely to assist students and faculty with their research needs. If students need access to computers, there are better and safer alternatives than keeping the libraries open. Similarly, very few, if any, of the University’s laboratories are providing essential services, with the possible exception of labs that may be assisting in the development of a COVID-19 vaccine or other COVID-19 treatments.

If San Francisco, Italy and other countries and cities can implement lockdown measures to effectively deal with this healthcare emergency, Rutgers can close its libraries and all other non-essential operations. Where possible, staff, librarians, researchers, post-docs and other faculty can work remotely.

Finally, if as a result of the University’s refusal to close libraries and other non-essential facilities and operations an employee contracts COVID-19 and tragically dies from the illness, the University will be unnecessarily exposing itself to a lawsuit claiming that the University committed an “intentional wrong” and/or acted with “gross negligence” when it failed to implement measures that would have prevented an employee’s death or serious illness.

Rutgers AAUP-AFT and URA-AFT have a duty to enforce our members’ contractual right not to work under conditions that pose an imminent danger to their health and safety. We prefer to work cooperatively with the University to keep the entire University community safe during this crisis. However, we will not hesitate to take all necessary measures to protect the health of our members and the greater Rutgers community. We would like this situation resolved today. Please let us know when you are available today to discuss the closure of the University’s libraries and all other non-essential operations where our members work. Again, we expect these issues to be resolved in a matter of hours not days.

Very truly yours,

Todd Wolfson, President, AAUP-AFT

Christine O’Connell, President, URA