



**Terry J. Dade**  
Superintendent of Schools  
Rochester City School District  
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[www.rcsdk12.org](http://www.rcsdk12.org)

March 23, 2020

Mr. DiClemente,

I am writing in response to your Open Letter to the Superintendent and Board of Education, dated March 21, 2020.

I assure that I too am incredibly mindful of the hard work and sacrifice that members of your unit are giving to support the children of this community. We are working extremely hard to balance the requirements for continued food service mandated by the government, with the health and safety of our employees.

With respect to your specific points raised, I offer the following responses, recognizing that the legal or operational directives from the various government officials may change at any moment:

1. I issued a statement on Sunday, March 22, via email to all employees, ensuring them that they will continue to be paid throughout this mandated school closure.
2. I sent another email on Sunday to all employees clarifying that no personnel should report to work unless directed to by their supervisors. I am working with the senior management team to ensure that only essential personnel report. I cannot commit to limiting any category of employees at this time (*e.g.* clerical, as you suggested), as the requirements from Governor Cuomo and NYSED are rapidly changing. It is possible that as time progresses we may be required to provide much more comprehensive on-line learning, which could require additional support. Employees are being asked to work remotely whenever feasible, but I cannot control all the variables that may require an in-person office appearance in the future.
3. Consistent with the above statement, wherever possible we are allowing people to work remotely. However, in the case of food service workers, security, cleaners, custodians, and some transportation, this is not an option. If the employee is unable to work due to illness, the laws have changed to allow for greater leave allowances. They need to contact the benefits department immediately for further information and to coordinate leave.
4. The law has also changed with respect to some circumstances in which employees may be allowed to stay home to care for a child. We will offer whatever benefits are permitted by law and your CBA. However, we are also a public institution governed by the NYS Constitution's prohibition on gifts of public funds. To the extent that payment is not authorized by law or the CBA, we cannot pay an employee for time not worked. That said, rest assured that unpaid leave time will not affect an employee's ability to return to work in the future.

5. As we have discussed, and you have discussed with our legal and labor relations team, there is no legal basis for extra pay to employees for reporting to work in the current circumstance. Your CBA does not provide for extra pay for non-weather related closures. As stated above, without a legal or contractual basis for extra pay, we are legally prohibited from making additional payments.
6. I know that Mike Schmidt and his team have been working tirelessly to ensure that your members have the safety equipment that they need to perform their jobs. If there are specific concerns about unsafe conditions, I implore you to raise these to Mike immediately. If you do not feel that your specific concerns are being met, then please raise them to me immediately.
7. Finally, I can assure you that we are in constant communication with both the County Health Department and our legal team to ensure that our practices are responsive to the ever-changing government mandates. Again, should you have any specific concerns about our failing to meet a requirement, please reach out to Mike or me.

Thank you for your tireless advocacy for the crucial men and women working to ensure that our children are safe and fed. Please know that we are fully committed to working with you to ensure the health and safety of our dedicated BENTE employees.

A handwritten signature in black ink that reads "Terry Dade". The signature is written in a cursive style with a long horizontal line extending to the right.

Terry J. Dade  
Superintendent of Schools