

PRESS ADVISORY: Workers at UNC System constituent institutions file a class action lawsuit against the UNC System for its failure to uphold a non-delegable duty to provide workers with a safe workplace amidst the COVID-19 pandemic

WHAT: Germany Alston et al. vs. The University of North Carolina System

WHERE: Wake County Courthouse

WHO: Workers of the UNC System; lead plaintiffs include members of the North Carolina Public Service Workers Union, UE Local 150 and members of the North Carolina American Association of University Professors

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Update (8/19): Our TRO hearing has been postponed. We have been granted class action status. For details, email Gary Shipman at gshipman@shipmanlaw.com.

Update (8/17): A hearing on our motion for a Temporary Restraining Order will occur via Zoom on Wednesday, August 19, at 10AM. For details, email Gary Shipman at gshipman@shipmanlaw.com.

Update (8/11): We will be signing on additional plaintiffs to this lawsuit until Friday, August 14. Our goal is to have plaintiff class representatives from all 16 constituent institutions of the UNC System. If you are a worker from Elizabeth City State University, Fayetteville State University, UNC Pembroke, UNC Greensboro, UNC School of the Arts, North Carolina A&T University, or Winston-Salem State University and are worried about your pandemic workplace safety, email Gary Shipman at gshipman@shipmanlaw.com.

On Monday, August 10th, UNC System workers [filed a class action complaint](#) against their employer, the University of North Carolina System, to require that the UNC System fulfill its non-delegable duty to provide conditions of employment and a place of employment free of hazards that are likely to cause serious harm, even death, to employees. The case was filed in Wake County Superior Court. Plaintiffs are represented by attorney Gary Shipman, a former UNC Wilmington Board of Trustees member, of Shipman & Wright, LLC in Wilmington.

Shipman states: "Back on March 11th, the UNC Board of Governors made a decision to terminate 'in-person' instruction and cleared out the dorms. There were approximately 100 cases and 1 reported death in NC, and today, there are more than 135,000 reported cases and more than 2,100 deaths. So much has changed (for the worse) since the UNC System began

talking about and making plans to reopen in April. The law requires that UNC and all of its universities provide employees a safe workplace, and they acknowledge, as does the Governor in his latest executive order extending Phase II, that returning students to campus increases the risk of spread, and therefore, increases the risk to employees. UNC can't force my clients to do that. Under the NC Constitution, they have the right to 'life, liberty and the pursuit of happiness' which includes the right to work and to enjoy the 'fruits of their labor', not the increased risks of COVID."

Moreover, the policy failures of our university, state, and federal institutions inevitably fall hardest on Black and Brown workers' shoulders, putting them at risk during a pandemic that disproportionately impacts their health. Essential workers across UNC System campuses continue to report to work with inadequate protective equipment to ensure their safety.

Some departments are providing employees with as few as 1-2 masks per week, and workers report limited access to face shields or gowns. These safety measures have already been proven inadequate after multiple workers have tested positive for COVID-19. Additionally, well before the majority of students returned, local health officials found COVID-19 clusters within athletics departments at (that we know of) [UNC Chapel Hill](#), [East Carolina University](#), [Western Carolina University](#), [NC A&T University](#), [UNC Charlotte](#), and [NC State University](#).

Lead plaintiff from UNC-Chapel Hill, UE150 Steward, and Housekeeper Jermany Alston elaborates: "We bring UNC the concerns and the administrators say they're going to fix it, but nothing ever comes of it. It gets swept under the rug. Workers are scared to complain and of what's going to happen to their health. UNC doesn't care about us; they just want to be here to work. How do they expect us to feel? It's wrong, to be honest. UNC doesn't care about us but we are here helping them out, and we could put our families in jeopardy. It's sad. Something needs to be done one way or another."

Despite widespread outcry, and against national and local public health guidance, in-person instruction will commence on the first day of classes at UNC-Chapel Hill and other UNC System campuses today, August 10th. Classes began on August 5th at UNC Pembroke and Fayetteville State University. Therefore, this lawsuit comes as a last-resort option that UNCW lead plaintiff Associate Professor Wendy Brenner says is "a safety net, an attempt to keep us from going over a cliff."

Indeed, the plaintiffs and the workers they represent -- both staff and faculty employees of the System -- have been organizing for months to prevent catastrophic COVID-19 outbreaks that could potentially kill UNC System community members. Below is a chronological list of the actions -- from releasing petitions to digital campaigns and campus marches -- that workers have taken to try to resolve this issue before taking their complaint to the courts.

1. [UE Local 150 Launches "Safe Jobs Save Lives" Campaign. Fights for Essential Workers' Safety](#) (May 26)

2. [NC-AAUP to NC Leaders: Protect the CORE of Our Higher Education Institutions](#) (May 29)
3. [East Carolina University Petition to Support a Safe Reopening](#) (June 2)
4. [Appalachian State University Instructors Petition Regarding Covid-19](#) (June 9)
5. [Concerns About Fall 2020 Teaching at North Carolina State University](#) (June 26)
6. [UE Campus Workers Demand Safe Jobs](#) (July 4)
 - a. [UNC-CH Petition](#), [NCSU Petition](#), [NCCU Petition](#), [UNCC Petition](#)
7. [Concerns about Fall 2020 teaching at UNC-Chapel Hill](#) (July 5)
8. [Cross-Campus UNC Faculty. UNC Must Ensure the Safety and Well-Being of Faculty, Staff, and Students During This Pandemic](#) (July 8)
9. [Dear Appalachian State University family — please stay online and stay home!](#) (July 15)
10. [University Workers COVID-19 Town Hall](#) (July 16, [coverage](#))
11. [Workers of UNC Day of Action](#) (July 17, [coverage](#))
12. [UNC-Chapel Hill Faculty Chair Letter to Board of Governors](#) (July 21, [coverage](#))
13. [UNC-Chapel Hill Housekeepers Deliver Demands](#) (July 22)
14. [Board of Governors Digital Campaign](#) (July 23)
15. NCSU #SafeJobsSaveLives Rally (July 24, [coverage](#))
16. [Open letter on COVID-19 from UNC Chapel Hill tenured faculty to undergraduates](#) (July 30, [coverage](#), [coverage](#))
17. [UNC-Chapel Hill Rally for Campus Safety](#) (August 3, [coverage](#))
18. [NCSU Housekeepers Deliver Demands](#) (August 5, [coverage](#))
19. [Memorandum to County Health Directors and Char County Commissioners](#) (August 6, [coverage](#))

These actions have been met with deliberate silence and a refusal to make strides toward fulfilling worker demands regarding pandemic workplace safety. We will continue our struggle until we successfully prevent this public disaster because **Safe Jobs Save Lives!**

For more information about our recent organizing leading up to this lawsuit and recent media coverage of the lawsuit, visit workersofunc.org/media.

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