

Scenario 3 – School Nurse

Learningland Education Support Professionals (LESP) - Local 2277

The Learningland Area School district staff their buildings with both Licensed Practical Nurses (LPN) and/or Registered Nurses (RN) to provide health services. In addition, a Licensed School Nurse is assigned to six buildings to oversee the health services provided and the LPNs and RNs. The LPNs and RNs are in the LESP bargaining unit.

The LPNs and RNs are implementing the protocols, testing and health services needed to support students and staff related to COVID-19 and all other health related issues. They are experiencing a number of issues that is making their work more difficult or impossible. Many of the issues are listed here:

Staff shortages

- The buildings are short staffed and do not have the necessary number of LPNs and RNs. One of the results is that there is insufficient coverage for absences and often have the LSN assigned to their building covering during absences.
- Their LSNs are aware of the situation and have been unable to provide enough additional support. Health services falls under the SPED department and SPED assistant directors have been informed of the shortages but no action has been taken other than having LSN's provide coverage. They have been told the SPED director is aware of the situation.
- LSN's are in a different bargaining unit with the licensed staff and are currently disagreeing with the district about additional compensation for the additional duties being required of them.

Lacking necessary equipment

- There are shortages in cleaning supplies, masks, COVID-19 tests, and other PPE.

Coverage of COVID room

- Kids exhibiting symptoms, testing or have testing positive are required to be isolated, separate from the area all students use for services.
- The LPNs and RNs are required to cover both their regular service delivery in the health services area. They also need to cover the COVID-19 room and are unable to do both with any effectiveness.

Situation

- The local has 724 bargaining unit members (25 RN/LPN) – 65% member density
- The district is struggling to find substitutes in all areas
- The LPNs and RNs understand the difficulties of the current situation for all involved but believe more needs to be done, specifically with the amount of resources being provided.
- The LPNs and RNs are also needing to access leave at higher levels than typical due to illness.
- The district has not agreed to provide additional sick leave for any employees this years, even though they did so throughout the 2020-21 school year.
- The district's finances are stable (not deficit spending or using reserves).
- The district has been allocated \$23,555,597.50 in ESSER funds.

Contractual Language - DEFINITIONS

Section 1. Terms and Conditions of Employment: Will mean the hours of employment, the compensation therefore, including fringe benefits, except retirement contributions or benefits, and the employer's personnel policies affecting the working conditions of the employees, but does not mean educational policies of the School District. The terms in both cases are subject to the provisions of state law.

Section 2. Registered Nurses and Licensed Practical Nurses: Will mean persons employed by the School Board in a capacity exclusively associated with the School District's health services program. The term employee as used herein will not include confidential employees, supervisory employees, essential employees, part time employees whose service does not exceed the lesser of fourteen (14) hours per week or thirty-five (35) percent of the normal work week in the bargaining unit, employees whose positions are basically temporary or seasonal in character and are not for more than sixty-seven (67) working days in any calendar year, and emergency employees.

Subd. 1. Registered Nurse: Will mean all persons employed by the School District in a position for which the person must be licensed as a Registered Nurse.

Subd. 2. Licensed Practical Nurse I: Will mean all persons employed by the School District in a position for which the person must be licensed as a Licensed Practical Nurse.

Subd. 3. Licensed Practical Nurse II: Will mean all persons employed by the School District in a position for which the person must be licensed as a Licensed Practical Nurse by the State who are specifically responsible for providing for the 1:1 health care needs of individual students who require frequent care throughout the school day in order to attend school.

Contractual Language - SCHOOL DISTRICT RIGHTS

Section 1. Inherent Managerial Rights: The employees recognize that the School District is not required to meet and negotiate on matters of inherent managerial policy, which include, but are not limited to, such areas of discretion or policy as the functions and programs of the School District, its overall budget, utilization of technology, the organizational structure and selection and direction and number of personnel.

Section 2. Management Responsibilities: The employees recognize the right and obligation of the School District to efficiently manage and conduct the operation of the School District within its legal limitations and with its primary obligation to provide educational opportunity for the students of the School District.

Section 3. Effect of Laws, Rules and Regulations: The exclusive representative recognizes that all employees covered by this Agreement will perform the services prescribed by the School District and will be governed by School Board policies, rules, regulations, directives and orders which are not inconsistent with the terms and conditions of employment set forth in this Agreement and which are issued by properly designated officials of the School District. Any provision of this Agreement found in violation of any law, rule or regulation there under, will be without force or effect.

Section 4. Reservation of Managerial Rights: The foregoing enumeration of School District rights and duties will not be deemed to exclude other inherent management rights and management functions not expressly reserved herein, and all management rights and management functions not expressly delegated in this Agreement are reserved to the School District.

Contractual Language - EMPLOYEE RIGHTS

Section 1. Right to Views: Pursuant to state law, nothing contained in this Agreement will be construed to limit, impair or affect the right of any employee, or their representative, to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, so long as the same is not designed to and does not interfere with the full faithful and proper performance of the duties of employment or circumvent the rights of the employees; nor will it be construed to require any employee to perform labor or services against their will.

Other than the above language the contract is silent on safety, resources and work load

Learningland School District Policy

454 Policy: Health and Safety

I. **PURPOSE:** The purpose of this policy is to assist the school district in promoting health and safety, reducing injuries, and complying with federal, state and local health and safety laws and regulations.

II. **GENERAL STATEMENT OF POLICY:** It is the policy of Learningland Area Schools to provide a safe and healthy environment for its staff and students. Safety and health protection will be an integral part of all operations.

A. The District will establish a health and safety program with the following goals:

1. Promote employee involvement in safety and health;
2. Reduce the number of lost time injuries at each school; and
3. Comply with occupational safety and health regulations.

B. The District will implement a Health and Safety Program that includes plans and procedures to protect employees and students. The objectives of the Health and Safety Program will be to:

1. Assign responsibilities for implementing and maintaining the program;
2. Establish joint labor/management safety committees at each school;
3. Establish procedures for identifying, analyzing, and controlling hazards;
4. Establish procedures for investigating accidents and near misses to prevent reoccurrence;
5. Establish procedures for communicating hazards and controls to employees;
6. Establish procedures for training employees on safe work practices;
7. Establish procedures for enforcement of workplace safety rules; and
8. Establish procedures for maintaining compliance with federal, state, and local requirements.

454 Procedure: Health and Safety

I. Administration

For the purpose of implementing Policy 454 – Health and Safety, the District has assigned the following responsibilities:

A. Employees

Employees will:

1. Comply with the safety rules and procedures associated with their duties;
2. Use all required safety devices and personal protective equipment;
3. Participate in required safety training, safety committees, and safety inspections;
4. Report unsafe acts and hazardous conditions to their supervisor immediately; and
5. Notify their supervisor of accidents, injuries and near misses.

B. Supervisors/Department Chairs

Supervisors will:

1. Promote safety among employees and to train them in safe work practices;
2. Provide employees with personal protective equipment and ensure its use; and
3. Report unsafe acts, careless operation, and inappropriate behavior.

C. Safety Committees

Safety Committees will:

1. Conduct quarterly safety inspections to identify hazards in the workplace;
2. Review all accident reports and make recommendations to prevent reoccurrence; and
3. Review Hazard Identification/Safety Suggestion forms submitted by staff members and make recommendations to the principal.

D. Principals

Principals will:

1. Take all reasonable steps necessary to protect the life, safety and health of staff and students;
2. Correct unsafe or unhealthy conditions at the work site;

3. Establish and coordinate the activities of a joint labor-management safety committee in the building; and
4. Ensure that employees attend required safety training and employ safe work practices.

E. Health and Safety Department

The Health and Safety Department will:

1. Coordinate the District's Health and Safety program;
2. Develop, implement, and maintain written plans required by the applicable regulatory agencies including Occupational Safety and Health Administration, (OSHA), State Department of Health (SDH), State Pollution Control Agency (SPCA), and Environmental Protection Agency (EPA).
3. Develop safety training materials for staff; and
4. Conduct workplace evaluations to identify hazards.

F. Assistant Superintendents/Directors Management personnel will:

Promote safety and assign responsibility as necessary to ensure compliance.

II. Programs

For the purpose of implementing Policy 454 – The District will implement a Health & Safety Program that includes the specific plan requirements listed below. The District will identify a contact person to oversee compliance, monitor regulatory changes and respond to agency correspondence for each program.

B. Bloodborne Pathogens

C. Community Right to Know

F. Crisis Management

H. Employee Right to Know (ERK)

1. Survey the facility for chemical, heat, noise, radiation and infectious agent hazards.
2. Develop and implement a written Employee Right-To-Know Plan
3. Train affected employees on proper methods and procedures.
4. Provide and ensure the use of personal protective equipment.
5. Develop and implement recordkeeping procedures.

I. Fall Protection

J. Fire Prevention

K. First Aid/Cardio Pulmonary Resuscitation (CPR)/Automated External Defibrillator (AED)

O. Hazardous Waste

P. Hearing Conservation

R. Indoor Air Quality (IAQ)

X. Personal Protective Equipment (PPE)

1. Develop and implement a written Personal Protective Equipment Plan.
2. Train affected employees on proper methods and procedures.
3. Provide and ensure the use of personal protective equipment as needed.
4. Monitor equipment usage, storage and maintenance practices.
5. Develop and implement recordkeeping procedures.

Y. Respiratory Protection

1. Survey and document work practices that require respiratory protection.
2. Evaluate and quantify when necessary the exposure potential of work practices.
3. Develop and implement a written Respiratory Protection Plan.
4. Establish respiratory protection practices and procedures.
5. Train affected employees on proper methods and procedures.
6. Provide respirator medical evaluations and fit tests as needed.
7. Develop and implement recordkeeping procedures.