



# New York State School Safety Group 491

## Safe Schools Agenda

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**Route to:**  
\_\_ Superintendent  
\_\_ School Business Off.  
\_\_ Athletic Director  
\_\_ Supt. Bldgs/Grounds  
\_\_ Site Administrators  
\_\_ Transportation Dir.  
\_\_ Lunch Director  
\_\_ Classroom Teachers  
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*A monthly service provided to help you with your efforts to make your school safe for students, staff and the public*

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### Study Shows Respiratory Illnesses Associated with Water-Damaged Building

The National Institute for Occupational Safety and Health has published the results of a study of respiratory morbidity in office workers in a water-damaged building. The investigation focused on building-related respiratory health in the employees of a large 20-story office building where moisture had leaked through the roof, around windows, and through sliding doors since the mid-1990's. The study found that two-thirds of the adult-onset asthma arose after building occupancy by the workers. The incidence rate after building occupancy was about 7 times greater. Respiratory health problems accounted for one-third of sick leave, and respiratory cases with work-related symptoms had more respiratory sick days than those without work-related symptoms.

In summary, occupancy of the water-damaged building was associated with onset and exacerbation of respiratory conditions, confirmed by objective medical tests. "The morbidity and lost work time burdened both employees and employers."

In year 2000, major constructions were initiated in the building to repair roof copings, clean cubicle partitions and carpets, remove wetted carpeted and stained wallboard, wallpaper and underlying mold. Upgrades to the air handling system were made, windows caulked, repairs were made to the building exterior, and the roof was replaced.

The report illustrates the significant human and financial costs of failing to maintain roofs and exterior surfaces of the building in good condition. See *Environmental Health Perspectives Volume 113, Number 4, April 2005.*

### Managing the Risks of June Activities

June is a hectic time for school administrators, with a variety of special events including field trips, musical performances and graduation exercises. The potential for accidents increases, calling for careful planning for each special event. Some considerations that should be included in your planning checklist for each event:

- Make sure that an adequate number of supervisors are assigned to each event, and that each supervisor has been given and understands written instructions on his/her duties.
- Take note of the size of the group being supervised, the age range involved, and the facilities and activities involved in assigning and briefing supervisors.
- Make sure that supervisors are trained in first aid and emergency care, and that procedures for dealing with accidents and emergencies have been established.
- For field trips especially, make sure that pertinent medical data on students is available to supervisors, that parents have been notified and their permission to participate has been received on a district approved form.
- Pay special attention to the communication needs of each special function – cell telephones, emergency numbers, and the familiarization of the supervisors.
- Require Use of Facilities forms for all outside groups using district buildings or grounds.
- Transfer risk of outside groups through insurance purchased by the user, and hold harmless agreements.

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- ☑ Pre-inspect facilities, parking lots, etc. for hazards before each special event.
- ☑ Put appropriate safety rule signs in place, especially for pools, playgrounds and traffic areas.

### **Discrimination Is a Risky Activity**

The U.S. Equal Employment Opportunity Commission (EEOC) has reported that employers in the private and public sectors paid out a record \$420 million to thousands of people filing charges of employment discrimination last year. Aggrieved parties alleged 79,432 cases of discrimination, most often involving race, sex and retaliation in their claims.

EEOC also filed 378 direct lawsuits, interventions or conciliation enforcement actions, and 8,086 successful mediations.

Even more claims of discrimination are coming. Two recent U.S. Supreme Court decisions have broadened the application of existing anti-discrimination statutes. In the first, the Court ruled that older workers can sue for discrimination even without clear evidence that the employer intended to discriminate against older workers. The ruling allows older workers to use the same kind of proof as victims of race or sex discrimination.

The federal Age Discrimination in Employment Act (ADEA) authorizes workers 40 and over to sue employers for decisions that have a discriminatory impact on them. Up until now, lower courts have interpreted the statute narrowly, requiring the equivalent of a “smoking gun” in order to win an age discrimination suit. This ruling has the effect of judging the effects, not the intentions, of workplace policies.

Just to confuse the situation, the Court rejected the claim that brought about the decision. Officers in Jackson, Mississippi had challenged the city’s decision to give proportionately more generous raises to officers with less than five years of service on the force. The Court found that the city’s rationale for differential raises was “unquestionably reasonable.” Under ADEA, employers can defend themselves by showing that their actions stemmed from “reasonable” factors other than age. How that will affect further lawsuits is unclear.

Two things are clear, however. One, it will be easier to bring suit based on age discrimination. Two, workers over the age of 40 make up nearly half of the workforce. School administrators are well advised to re-evaluate, with the assistance of their attorneys, their treatment of older workers in things like promotions and layoffs.

In the other pertinent decision, the Supreme Court ruled that when an institution covered by Title IX retaliates against a person because he complains about sex discrimination, that retaliation constitutes intentional discrimination under Title IX. The effect of the ruling is to give teachers and coaches who suffer reprisals for complaining about illegal sex discrimination against their students the right to sue their school districts for damages. In the case before the court, the coach of a girl’s basketball team alleged that he lost his job after repeatedly complaining that the facilities provided to the girls’ team were not as good as those provided to the boys’ team.

The ruling establishes the private right to sue under Title IX, even if the plaintiffs are not the direct victims of sex discrimination.