

K-12 School Food Service Professionals UPDATE



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Overview

When President Harry Truman signed the National School Lunch Act into law, he said: “The well-nourished school child is a better student. He is healthier and more alert.” Many times the meal students receive at school is the best or only meal they will get each day. Our schools serve more meals each day than all the restaurants in New York state. However, it’s the people in the kitchens who really make these food programs work.

NYSUT represents approximately 3,000 school food service professionals. Our school cafeterias, food preparation centers, and the caring employees who work in them all play a critical role in the educational process by providing nutritious meals for children. Cooks, servers, clerks and delivery drivers all work hard to cut costs and maintain efficient, safe, and healthy food service programs. Food service professionals prepare meals for thousands of students,

serve them and clean up afterward — all while ensuring everything meets nutritional guidelines, are savory, and presentable. They are in charge of keeping the cafeteria, kitchen, cooking equipment and utensils clean and in orderly condition.

According to the University at Albany School of Public Health, children eat 30 to 50 percent of their daily calories at school. The goal is to make those the healthiest calories possible. The 2010 Child Nutrition Reauthorization: Healthy Hunger-Free Act (S.3307)

<https://www.govtrack.us/congress/bills/111/s3307/text> updated school lunch and breakfast meal patterns; updated standards for vending, a la carte and fundraisers; technical assistance/training; increased funding for school lunches; improved commodity foods;

Table of Contents

Overview	1
The Work of Food Service Professionals	2
Bargaining in the Public Sector	3
The Local Contract	3
Need to be Vigilant	4
Public Sector Employees and Civil Service	4
Bottom Line	4
Health & Safety Concerns	4
Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Act of 2010	5
Professional development	8
Privatization	8
NYS recognition dates	9
Looking ahead to 2015: Child nutrition reauthorization	10
Resources:	10

and improved compliance and accountability. These new nutrition standards require school lunches to have less unhealthy fats, less salt, fewer calories, include low and nonfat dairy, double the fruit and vegetable servings, and add more whole grains and protein.

School breakfast programs have been growing in New York state schools. The University at Albany School of Public Health also states that one in five New York students eats breakfast in school and that one in three students qualifies for free or reduced price school breakfast. Many districts are making breakfast part of the school day for all students. Some have breakfast in the classroom, supply a grab-and-go, or even have breakfast after first period. These programs may require food service professionals to make adjustments in their daily routines and work hours.

The Work of Food Service Professionals

Good personal hygiene is a must for all food service workers. Workers should have clean hands and nails, have hair pulled back so it will not interfere with food preparation, and wear a clean uniform as designated by the school district and collective bargaining agreement.

School food service professionals' duties consist of:

- Purchasing, receiving and storing.
 - Obtain wholesome, safe foods to meet menu requirements.
 - Choose vendors wisely.
 - Ensure that all food deliveries are received fresh and safe. Transfer food to proper storage as quickly as possible.
 - Handle ready-to-eat foods with gloved hands.
 - Ensure fresh meat, fish and poultry products are stored at 41°F and milk is stored at 45°F.
 - Store food properly to maintain quality and safety. Food stored improperly will lose its quality, spoil more rapidly and can cause a foodborne illness when harmful microorganisms are allowed to grow.
- Preparing and cooking.
 - During the preparation step, be on alert to prevent contamination of food, avoid time in the temperature danger zone, and use safe handling practices.
 - Wash hands and arms to the elbow with soap and water for at least 20 seconds before and after coming into contact with food.
 - Avoid cross-contamination.
 - Cook food to proper temperature to ensure that it is safe to eat. Know the proper temperatures for cooking food, monitor end-point cooking and record cooking temperatures.

- Holding and serving.
 - Hold and serve foods at safe temperatures, either above or below the temperature danger zone. Keep hot foods hot and cold foods cold.
- Cooling and reheating.
 - Cool food to the appropriate temperature within the appropriate time. During the cooling process, food goes through the temperature danger zone. Bacteria grow rapidly in the temperature danger zone so the amount of time that food can be at that temperature has to be minimized.
 - While reheating, use precautions to prevent contamination and to keep food out of the temperature danger zone. Failure to reheat a previously cooked food to the required temperature within the time limit can result in a foodborne outbreak.
- Cleaning and prepping for the next day
 - Wash, rinse and sanitize cutting boards, knives, equipment, utensils and other food contact surfaces.
 - Store all foods at the correct temperatures.

Bargaining in the Public Sector

Public employee unions are covered by the Public Employees' Fair Employment Act (Taylor Law). Section 200 of the law (Statement of Policy) states:

“. . . it is the public policy of the state and the purpose of the act to promote harmonious and cooperative relationships between government and its employees and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government.”

The Taylor Law guarantees public employees the “right of organization and representation.”

NYSUT assists local unions with organization and representation through its Regional Services department. The work of the local is supported by NYSUT labor relations specialists (LRSs) and other regional and headquarters staff as needed.

The Local Contract

A local collective bargaining agreement (CBA) is an important and necessary document for the members of the union. In addition to delineating the employee's wages and benefits, the CBA can be used to set procedures for discipline and termination, establish safety and health procedures — including an expedited grievance procedure for violations, rights of the union, days and hours of work, evaluation procedures, etc. These non-wage/benefit issues may be just as important as the wages and benefits that are negotiated.

Under the provisions of the Taylor Law there are “mandatory” and “non-mandatory” subjects of bargaining. Mandatory subjects are ones that must be bargained upon demand by either party, such as: salaries, hours, benefits, and terms and conditions of employment. Non-mandatory subjects are topics that parties may negotiate voluntarily, such as: job and shift

assignments, budget cuts, qualifications for appointment, etc. Local leaders should discuss bargaining demands and contract enforcement with their LRS.

Need to be Vigilant

It is imperative that local members and leaders are vigilant to any unilateral (one-sided) changes that the employer attempts to make to the working conditions of the employees in the bargaining unit (those covered under your CBA). Such changes may come without any warning, while others may be made by the employer after consultation, but without agreement on how the changes should be implemented.

Public Sector Employees and Civil Service

Many of the positions (titles) that are held by food service employees are covered by civil service laws, rules and regulations — state, county or local.

Locals need to consider how and when to use the civil service regulations to their advantage as support to the CBA.

Bottom Line

Local leaders need to be in constant contact with their LRS. Together, they should evaluate the needs of the members and the local, and determine how to go about reaching the established goals and educating the members about changes and the role of the union in protecting member's rights.

Health & Safety Concerns

Working in food service can be hectic and stressful. Kitchen work involves tasks that include lifting and carrying heavy loads, repetitive hand and arm movements, bending, reaching and twisting, working at hot ovens and stoves, using sharp knives and equipment, cleaning with caustic chemicals, and working on wet and slippery floors. Aches and pains of the lower back, shoulder, wrist and arm (musculoskeletal problems) and cuts and burns are the most common kinds of injuries for food service workers.

If you are a cafeteria aide, you face hazards of high noise levels, slippery and wet floors and aggressive student behavior, including bullying and fighting.

Too many food service workers experience injuries at work and risk long-term physical problems because of them. It is important to be aware of hazards and learn how to prevent injuries. Suggestions on hazard prevention can come from you — you know your job better than anyone. Trust your ability to come up with solutions to problems you face. Examples of simple fixes to avoid musculoskeletal problems include maintaining wheels on rolling carts, promptly cleaning up spills and storing frequently used products at waist-height.

Where to go:

There are many resources for more information about health and safety on the job, including your rights under the law.

- The American Federation of Teachers (www.aft.org) has developed health and safety training specifically for food service workers that NYSUT can deliver.
- NYSUT's Health and Safety Specialist is also available to assist locals in maintaining a safe and healthy workplace. (www.nysut.org)
- Your local leader may also call your NYSUT regional office for assistance.

Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Act of 2010

On March 2, 2015 the USDA's Food and Nutrition Service (FNS) issued its final "Professional Standards Rule" – the regulations implementing the education and training requirements of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA). These new regulations become effective as of **July 1, 2015**.



School nutrition staff are defined in three groups:

1. School nutrition program directors – the school district's nutrition or food service director
2. School nutrition program managers – “those individuals directly responsible for the management of the day-to-day operations of school food service for a participating school(s)”
3. School nutrition program staff – “those individuals, without managerial responsibilities, involved in day-to-day operations of school food service for a participating school(s).”

NYSUT's food service members are in the second and third groups. Though there are education prerequisites for new nutrition program director hires, which vary according to the size of the school district, there are **no education prerequisites** for managers and staff. This

means that food service SRPs are automatically grandfathered into their positions. However, they will be required to obtain ongoing annual training detailed below.

Who is covered by the training requirements:

All school food authorities (generally school districts) that operate the National School Lunch Program or the School Breakfast Program must implement these professional standards for school nutrition program directors, managers, and staff. The standards apply equally to employees of private food service contractors. They also apply to all staff in the school nutrition program, including clerical staff, delivery drivers, etc. (see the section on training topics below).

Required annual training hours:

The regulations require that all school nutrition program managers receive **10 hours** of training per year, and school nutrition program staff receive **6 hours** of training per year. For nutrition program staff who work less than 20 hours per week these requirements are reduced to 4 hours per year. The training hour requirement is being phased in for the period July 1, 2015 to June 30, 2016, with 6 hours required for managers and 4 hours for staff during this first year.

Training topics:

For school nutrition managers, the annual training must include, but is not limited to:

1. Administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures);
2. The identification of reimbursable meals at the point of service;
3. Nutrition;
4. Health and safety standards;
5. Any specific topics identified by FNS, as needed, to address program integrity or other critical issues.

For school nutrition staff, the annual training must include, but is not limited to:

1. Free and reduced price eligibility;
2. Application, certification, and verification procedures;
3. The identification of reimbursable meals at the point of service;
4. Nutrition;
5. Health and safety standards;
6. Any specific topics identified by FNS, as needed, to address program integrity or other critical issues.

Training should be relevant to the person's job. For instance, application, certification and verification procedures are relevant for someone in a clerical position in the nutrition program, while food safety is relevant to a truck driver delivering food to schools from a central location.

Training format, sources and timing:

Training may be delivered in a variety of formats (virtual / web-based and in-person -- including free or low-cost options), and from a variety of sources:

- USDA Food and Nutrition Service (FNS)
- National Food Service Management Institute (NFSMI)
- Professional associations and organizations (e.g. School Nutrition Association)
- In-house
- States
- Commercial vendors

USDA has created an extensive on-line database of available trainings at <http://professionalstandards.nal.usda.gov/>. Training that is delivered in intervals as short as 15 minutes can count towards the annual hourly total. When a supervisor delivers training, this may count as training time for both the trainees and the trainer.

The professional standards rule does not contain any requirement that training be delivered during the regular work day, or that time spent in training be paid.

Funding:

School food authorities (SFA) may pay for annual training from food service funds. There is no additional funding being provided to all SFAs for training. However, NSFMI is receiving an additional \$2 million for training, and \$4 million in grants is being provided to states (up to \$150,000 per state) to provide online and/or in-person trainings for school nutrition personnel.

Recordkeeping:

School districts are required to keep three years of records to demonstrate compliance with the professional standards. USDA FNS is developing a downloadable tool, which school districts can use to track each employee's training.

This is only a summary of the major provisions of the Professional Standards Rule. The full text of the rule can be read, and a PDF downloaded at:

<http://www.regulations.gov/#!documentDetail;D=FNS-2011-0030-0241>

Professional development

Food service professionals have specialized training needs ranging from equipment usage, safety issues and food handling, to student management.

In addition to the new USDA required training, several of NYSUT's locals that represent food service professionals also have provisions in their contracts that address training requirements. Language deals with duration, training topics, compensation, district and/or manager approvals, timing and certification.

Keep a record of your past trainings as well as all future training you receive. This will keep you prepared for any future regulated requirements.

What to do:

Local leaders should survey their members to see what types of training they feel would help them in their jobs. Topics like sensitivity training, communication skills, dealing with difficult students, bullying, ergonomics, safe food handling may be very beneficial to members.

Where to go:

- First, speak to your local union leadership who will in turn contact your local's NYSUT LRS about training needs. There are excellent workshops offered through the NYSUT Education and Learning Trust (ELT) on several of the topics mentioned above.
- The New York School Nutrition Association website at www.nyschoolnutrition.org/ is an excellent source for fulfilling training needs.
- Your local union leadership can work with your NYSUT LRS to access the statewide union's department of Research and Educational Services to perform a contract search for language about training, as well as other topics such as uniform allowance, discipline, extra work, overtime and labor-management committees. This may be helpful when bargaining your next contract.

Privatization

Privatization, contracting out and outsourcing — these words all mean the same thing; transferring the work of public school employees to the private sector. This is a direct threat to public education for several reasons.

- Privatizing hands over control of operations and employees to a private company. The district no longer has control of costs or the delivery and quality of the work being done, but they maintain responsibility.
- Members have a vested interest in the students and community as, more often than not, the school food service workers live in the districts where they work. They care about their students' safety, well-being and the confidentiality of student information.

- Once outsourced, food service workers typically lose benefits, salary and hours. They also lose the benefits of union representation including health and safety protection and grievance procedures.

What to do:

At the first sign that your district is thinking about privatizing its food services, speak to your local union leadership who will in turn speak to your NYSUT LRS to begin the process of fighting back this threat. A campaign to fight outsourcing must be well planned out and organized and will require mobilizing your membership as well as your community. NYSUT, NEA and AFT all have excellent resources and staff to help with this effort.

Where to go:

- First, your local union leadership who will speak to the LRS.
- For an excellent source of information, In the Public Interest, a Washington DC based company, has produced a booklet called *“Making the Grade? Questions to Ask About School Services Privatization.”* It can be found at: www.InThePublicInterest.org.
- www.nea.org — Put “privatization” in the search box to bring up information.
- www.aft.org — Put “privatization” in the search box to bring up information.

NYS recognition dates

National School Lunch Week — Celebrated the second full week of October

- National School Lunch Week was created in 1962 by President John F. Kennedy, 16 years after President Harry Truman signed the National School Lunch Act into law. According to the American Food Service Association, more than 29 million children eat lunch at public schools every day. Research shows that good nutrition enables students to meet their educational and physical potential. Use this week to celebrate your school lunch program and spread the message to parents that your school is serving healthy and tasty meals.

National School Breakfast Week — Celebrated the first full week of March

- Whether it's traditional breakfast in the cafeteria, breakfast in the classroom, or grab and go, school breakfast can be a real time saver for families during those busy weekday mornings. Use this week to promote your school breakfast program by spreading the word to parents and students that school breakfast is convenient, healthy and a real time saver.

School Nutrition Employees Week — Celebrated the first full week of May

- Between preparing healthy meals for America’s students, adhering to strict nutrition standards, navigating student food allergies and offering service with a smile, school nutrition professionals are true superheroes! School Nutrition Employee Week is the perfect opportunity to recognize the hardworking professionals in school cafeterias.

For more details on state and nationwide recognitions, visit the School Nutrition Association website at www.schoolnutrition.org. The School Nutrition Association is a national, nonprofit professional organization representing professionals who provide high-quality, low-cost meals to students across the country.

Looking ahead to 2015: Child nutrition reauthorization

In 2015, the School Breakfast Program, along with other key child nutrition programs, will be up for reauthorization. Congress will review and have the opportunity to further strengthen the laws governing the child nutrition programs. A well-conceived and adequately financed reauthorization bill, focused on the right program improvements, can increase participation in school nutrition programs, support the momentum seen across the country in the School Breakfast Program, decrease hunger and provide the health and education benefits afforded by proper nutrition.

Food service professionals help make public schools great by ensuring that our students have access to safe and nutritious meals. These meals need to meet recommended dietary guidelines and help students develop lifelong healthy eating habits. They provide nutrition, a basic component of student success which influences students' behavior, energy levels, thinking, physical health and overall well-being.

Resources:

- American Federation of Teachers, www.aft.org
- National Education Association, www.nea.org
- United States Department of Agriculture, www.usda.gov
- American Food Service Association, www.asfsa.org
- School Nutrition Association, www.schoolnutrition.org
- Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010 at www.regulations.gov/
- Food Research and Action Center, www.frac.org