

GEORGIA NURSES ASSOCIATION

Registered Nurses' Rights and Responsibilities Related to Work Release During a Disaster

EXECUTIVE SUMMARY: The Georgia Nurses Association, which represents over 80,000 registered nurses in Georgia, recommends that registered nurses use the following guidelines to clarify the process of release from work for the purpose of addressing a disaster. A companion position statement entitled "Work Release During a Disaster-Guidelines for Employers" offers guidance for healthcare employers in establishing work release policies and procedures during a disaster. The Georgia Nurses Association strongly believes that nurses should be released as part of organized medical response teams, However, individual nurses may still want to respond and should be given due consideration.

Background:

1. Coverage. The policy applies to all registered nurses.
2. Purpose. The purpose of the policy is to clarify the rights and responsibilities of registered nurses who desire release from the workplace for the purpose of participation in disaster relief work. The policy is designed to balance the interests of the employer, registered nurse and the patient with the national or public interest.
3. Definition of "disaster." For purposes of this policy, a "disaster" is any event, caused by natural forces, by the physical failure of machinery or infrastructure systems or by the conduct of people that results in a significant disruption to the health and safety of the community or segment thereof, or to the nation. Examples of disasters include: hurricane, tornado, train or airplane crash, power outage over a significant geographical area, terrorist attack or act of war. The definition of "disaster" may substitute or be augmented by state or federal definitions of "disaster."
4. Registered Nurse rights. At the time a registered nurse is employed by an institution, the following steps should be taken to assure that his/her employer has knowledge of and supports the release of the registered nurse:
 - A. The registered nurse should inform the employer, in writing, of any disaster/emergency preparedness education or related certification of the registered nurse and time commitment required to maintain proficiency. The registered nurse should provide the employer with notice of his/her enlistment on any state/federal medical response team, to include Federal Emergency Management Administration (FEMA), the United States Public Health Service, the American Red Cross, the Georgia Nurse Alert System (GNAS) or such other teams as identified in state or federal law.
 - B. Prior to or during employment, the employer should indicate in writing, the registered nurse should request a mechanism of approval for the employee to participate as a member of a state/federal emergency medical response team member.
 - C. The registered nurse should keep the employer regularly informed about his/her competency in disaster/emergency preparedness. The registered nurse should provide, in writing, updated course certifications, continuing education and such other information on the registered nurse's disaster/emergency preparedness education competence for his/her personnel file. The updates should be provided at least regularly.

D. The registered nurse should inform the state/federal emergency medical entity if the employer refuses to or withdraws consent for that registered nurse to participate in emergency deployment. Whenever possible, such notice should be provided in writing, and a copy of the notice should be transmitted to the employer.

5. Employer responsibilities. The employer should provide the registered nurse with the following information and activities to assure support for emergency deployment while retaining appropriate registered nursing complements in the employment setting:

A. The employer should retain a current listing of all registered nurses who have been educated in disaster and emergency preparedness. The listing should be reviewed regularly to assure accuracy. The employer should also retain a current listing of all registered nurses who are members of state/federal emergency preparedness teams. The listing should be reviewed regularly to assure accuracy.

B. The employer should retain a current listing of all registered nurses members who have been approved for state/federal emergency preparedness service. The listing should be reviewed regularly to assure accuracy. The employer should provide or publish notice of the existence of the lists; and upon notice should provide each registered nurse with the opportunity to review the lists.

6. Disaster Policy. In the event of a disaster, the following steps should be taken by the employer and registered nurse:

A. Pre-approved state/federal emergency preparedness team members should provide the employer with notice of the disaster and of the disaster deployment. Whenever possible, the registered nurse should provide the employer with written notice and a copy of their deployment. The notice should include the expected length of absence and will identify the work that he/she expects to perform as well as the location of the work (if possible). When neither time nor written communication methods exist, the registered nurse should provide verbal notice, either in person or by whatever means of electronic communication that are available. The registered nurse has an affirmative duty to produce written documentation upon return from deployment. In the event a registered nurse is called upon to serve on a state/federal medical response team, the employer will release the registered nurse in light of the special role of such a team. Re-employment should be guaranteed.

B. Registered nurses, with emergency/disaster preparedness education and documentation thereof on file, will ask permission of the employer to be released from his/her job duties for the purpose of assisting in disaster recovery. The registered nurse will identify the expected length of absence and will identify the work that he/she expects to perform, as well as the expected location of such work. The employer will give good faith consideration to the request for leave and will make every effort to grant such requests consistent with the safe operation of the employer's business and maintenance of patient safety. The employer will consider the unique nature of the registered nurse's skills and experience, and will approve leave especially in those circumstances where the extent of the disaster and/or the special quality of the registered nurse's skills and experience reveal a great need for that registered nurse's assistance in disaster recovery efforts. The employer will also consider the number of registered nurses already released to provide disaster assistance.

C. To the greatest extent possible, except when a registered nurse is paid by the federal government or other entity for his/her disaster relief work, employers should pay the registered nurse his/ her pay and benefits during his/her absence, without deduction from the registered

nurse's accrued leave balances in a manner consistent with state* and federal law. When the law is silent on registered nurse payment, the employer should provide the registered nurse with his/her pay and benefits during his/her absent, without deduction from the registered nurse's accrued leave balances for up to two months or the state/federal deployment period, whichever is greater. The employer's commitment to provide compensation, or if the registered nurse is expected to use his/her accrued leave, should be confirmed in writing.

D. The registered nurse who is granted leave should be responsible for keeping his/her employer informed about his/her plans and should seek approval for any extension of the leave period.

E. In the event the employer has an unforeseen need to call back the registered nurse from approved leave prior to the conclusion of the agreed upon leave period, the registered nurse should make every effort to comply with the request to return to work. The employer should exercise good faith and good judgment in seeking to modify an approved leave status.

F. Any other registered nurses seeking approval to provide services during a disaster should be considered only after the hospital has determined its needs during the disaster and after review of the registered nurse's roster, the patient population and acuity and the needs related to local and institutional implementation of disaster policy. Registered nurses who have not received specialized disaster/emergency education should be given special preference if state/federal medical response teams indicate needs for specialized skills and expertise of the registered nurses; and the registered nurse has been contacted to provide such services.

7. Institutional Disaster Policy. The employer should develop an internal, institutional disaster policy, which takes into consideration the number of registered nurses educated in disaster/emergency preparedness, the number of registered nurses who should be available during a national emergency, and the skills of all registered nurses members. The registered nurses should be educated in disaster preparedness and the use of the institutional disaster policy. The Institutional Disaster Policy should be placed in writing and shared with all members of registered nurses. In-service or such other education as deemed appropriate should be conducted at least regularly to assure registered nurses knowledge of the disaster policy. All registered nurses hired should receive orientation and have access to a copy of the institutional disaster policy.

8. Knowledge of State and Federal Law. Registered nurses wishing to provide emergency/disaster assistance have an affirmative obligation to review and know the law of the state of practice, including, knowledge of the state or federal disaster emergency declarations to assure knowledge of the limitations or expansions of practice during an emergency.

A. Registered nurses also have an obligation to review the state law or contact the relevant state agency on the following matters:

- i. To determine the scope of practice, the registered nurse has an affirmative obligation to contact the state board of nursing;
- ii. To determine the applicability of state emergency powers or the good Samaritan act, the registered nurse has the affirmative obligation to contact the state emergency preparedness office and the state board of nursing;
- iii. To determine the applicability of state workers' compensation laws, in the event of injury, the registered nurse has the affirmative obligation to contact the state department of labor;

- iv. To determine if the state has a registered nurse deployment plan for emergency, the registered nurse should contact the state board of nursing, the applicable constituent registered nurses association or the state red cross affiliate.

9. Ethical Responsibilities and Considerations. Registered nurses owe the same duties to self as to others, including the responsibility to preserve integrity and safety. (Canon 5, Code of Ethics for Nurses).

A. The nurse has an obligation to self to assure that he/she is competent to provide care in emergency settings, that when humanly possible, he/she has the appropriate protective gear, medical devices and other tools needed to provide care as well as protect the registered nurse.

B. For the protection of the nurse, he/she should only respond as part of an organized emergency medical response team.

Adapted from the American Nurses Association (2002). *Registered Nurses' Rights and Responsibilities Related to Work Release During a Disaster*. Position Statement adopted by the ANA Board of Directors.

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An employee of a state agency who is a certified disaster service volunteer of the American Red Cross may be granted leave from his or her work with pay for not to exceed 15 workdays in any 12 month period to participate in specialized disaster relief services for the American Red Cross, upon the request of the American Red Cross for the services of that employee and upon the approval of that employee's agency and coordinated through the director of emergency management, without loss of seniority, pay, vacation time, compensatory time, sick time, or earned overtime accumulation. The state agency shall compensate an employee granted leave under this Code section at his or her regular rate of pay for those regular hours during which the employee is absent from work. Leave under this article shall be granted only for the services related to a disaster occurring within this state or

Adopted by the 2002 Georgia Nurses Association House of Delegates as a statutory provision.