

TULARE/KINGS COUNTIES PERSONNEL COMMITTEE
Board Room, Education Building
Tulare County Office of Education

November 7, 2008

Minutes

The Personnel Committee meeting was called to order at 8:30 a.m. Jeanne Nava welcomed those in attendance. Introductions were made around the table.

Members in attendance were:

Jeanne Nava	Alfonso Gamino	Bernadine Landeros
Carri Williams	Dennis Martinez	Jeri Higdon
Barbara Leal	Janet Jones	Stacy Arnold
Michael Salcido	Diane Davis	Marie Macedo
David DePaoli	Melanie Ruano	Enid Brinkman

Minutes Dennis Martinez moved to approve the minutes of the October 3, 2008, Personnel Committee meeting; Janet Jones seconded the motion. The minutes were approved as prepared.

Medicare/Retirement Issues Judy Fussel, Buckman Mitchell, shared some general information pertaining to Social Security and Medicare benefits in an attempt to clarify health insurance coverage for people over the age of 65 who are working/not working and the Primary/Secondary Payer Rules. She explained that there are four parts to Medicare and provided a handout which outlined the criteria pertaining to each one. Judy stressed the importance of people who are eligible for Medicare to enroll within the time frame designated. She indicated that SISC requires that all retirees and their spouses enroll in Medicare Parts A and B if eligible. It can be a complex issue and Judy encouraged district representatives to contact her if they have questions. She can be reached by calling 559-635-3573 or 280-3144, and by email at judy@bminc.com.

Alert A copy of the Tulare COE 2009-2010 School Year Calendar was provided for informational purposes.

A registration form for the November 13th Lozano Smith Education Law Seminar on *The Impact of NCLB and GASB 45 on This Year's Collective Bargaining Negotiations* was provided.

A Lozano Smith *Client News Brief* #33 dated October 2008, summarized the changes brought about by the Amendments 2008 (ADAAA) to the Americans with Disabilities Act which take effect January 1, 2009. Under the ADAAA, the determination of whether an individual is considered disabled must be made without considering corrective or mitigating measures. The amendments also provide that an impairment only needs to substantially limit a single major life activity to be a disability and no longer applies just to those of "central importance" to an individual's life. The News Brief encouraged employers to review and update their policies regarding employee disabilities in the workplace.

Jeanne provided a handout that included proposed changes to Title 5 pertaining to *Record Retention*. Changes noted included the retention of all records for a period of 4 years after which time the records may be destroyed; personnel records shall be retained for a period of 4 years after the employee has ceased to be employed by the local educational agency; in the case of electronic messages, they shall be retained for 1 year. These changes have not been adopted by the state board as yet.

Jeanne shared some of the proposals which came out of the governor's emergency session. She indicated that the law firm of Miller Dannis will be holding workshops at various locations on mid-year cuts for those who are interested.

Jeanne provided a survey from REL West on *Trends in CA Teacher Demand: A County and Regional Perspective*. The survey estimated changes in the number of K-12 teachers needed in CA from 2005/06 to 2015/16 based on projected teacher retirements and student enrollment, by county.

Legislation

Jeanne summarized some HR-related bills that the CA legislature has sent to the governor for final action. They included:

- SB 1475 which pertained to the provision of a smooth transition for young autistic children and their families when the children change programs provided through regional centers to programs operated by public schools. This bill was vetoed.
- SB 1104 which streamlines the requirements for the preliminary designated subjects career technical education teaching credential. This bill was signed.
- SB 1105 expands the definition of “conviction” when applied to suspending or revoking educator credentials to include pleas of no contest; allows the CTC to make adverse action findings available to school districts for hiring purposes for five years; and requires the Legislature to convene a workgroup to study specified credentialing statutes and report its findings before December 1, 2009. This bill was signed.
- SB 1110 required the CTC to suspend a teaching credential when the holder’s credential has been revoked by another state; and, to revoke a teaching credential when the holder’s ability to associate with minors has been limited as a condition of probation. This bill was signed.
- SB 1186 exempts specified teacher credential candidates from the CBEST and clarifies requirements for teacher preparation and development programs. This bill was signed.
- AB 1871 provides a course work route, in addition to the existing examination route, to the authorizations that allow teachers to provide services to English language learner pupils.
- AB 2167 which would have prohibited the placement of false or unsubstantiated statements or documents in the personnel records of a classified employee of a school district or community college district and would grant the right to employees to challenge and have such statements or documents removed through the district grievance process was vetoed.
- SB 1303 narrows the conditions in which school employees who are placed on mandatory leave of absences for certain drug-related offenses and who complete a drug diversion program may be compensated for the period of leave upon their return to work. This bill was signed.
- SB 1660 authorizes a school district to expend Professional Development Block Grant funds to compensate new and existing math, science, and special education teachers in schools ranked in deciles one, two, or three of the API in a manner separate from the salary schedule, as specified. This bill was signed.

Religious Discrimination

Jeanne provided a *Castle Publications, Ltd.* handout on *New Guidelines Addressing Religious Discrimination in the Workplace* by the Equal Employment Opportunity Commission (EEOC). The new compliance guidelines were released on July 22, 2008, and pertain to employers with at least 15 employees from discriminating in employment based on race, color, religion, sex and national origin. In a PowerPoint presentation, Jeanne highlighted the significant details of the new guidelines. With respect to religion, Title VII prohibits the following: 1) treating applicants or employees differently based on their religious beliefs or practices (or lack thereof); 2) subjecting employees to harassment because of their religious beliefs or practices (or lack thereof); denying a requested reasonable accommodation of an applicant’s or employee’s sincerely held religious beliefs or practices (or lack thereof); and 4) retaliating against an applicant or employee who has engaged in protected activity. The new guidelines address the definition of “religion” with the meaning of Title VII; disparate treatment based on religion; the requirement to reasonably accommodate religious beliefs and practices; religion-based harassment; and retaliation. A handout from the EEOC on *Best Practices for Eradicating Religious Discrimination in the Workplace* was provided.

Credentials & Retirement A Press Release from CTC dated October 8, 2008, reported that they have launched a pilot program to assess a new computer-based testing option for the CBEST. Prospective educators now have the opportunity to take this exam in a computer-based format that gives immediate feedback on test scores. Official scores are mailed a few weeks later. Three testing windows are now available on a first-come, first-served basis. Registration for the computer-based testing is available on the Internet by selecting "Register Now" on the CBEST website:
<http://www.cbest.nesinc.com/>

Enid reminded those present that teachers must submit their applications for completion of staff development by the December 1, 2008, deadline. Otherwise, they will be required to complete CLAD coursework.

Teacher Recruitment Center Norma Lovelace, Intern Program Coordinator/Recruiter, indicated that Ventures for Excellence for Teacher Selection training will be held on January 14 and 15, 2009. A follow up session will be held in March. If you are interested in this training, please contact her at normal@tcoe.org or 559-740-4409.

Other **Due to a scheduling conflict, it was decided that the Personnel Committee meeting originally scheduled for March 6, 2009, be postponed to THURSDAY, MARCH 12, 2009.**

Adjourned The meeting was adjourned at 9:45 a.m. The next meeting will be held in the Board Room of the Tulare COE Building beginning at 8:30 a.m. on Friday, December 5, 2008.

Meeting Dates for 2008-09

December 5, 2008	April 3, 2009
February 6, 2009	May 1, 2009
March 6, 2009 Thursday, March 12, 2009	

Upcoming Tulare/Kings Counties' Teacher Recruitment Fairs:

- **March 21, 2009**
- **March 20, 2010**
- **March 19, 2011**
- **March 17, 2012**

Personnel Committee agendas, minutes and meeting handouts are posted on the TCOE HR Personnel Committee website . The website is as follows: <http://www.tcoe.org/HR/PersonnelCommittee>