

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

December 3, 2009

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:

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| Jeanne Nava | Norma Lovelace | Tom Addington |
| Enid Brinkman | Jeanette McDonald | Cathy Martin |
| Carri Williams | Alfonso Gamino | Jeri Higdon |
| Christine Griesbach | David DePaoli | Patti Ernsberger |
| Sue Peterson | Janet Jones | Cindy Gist |
| Barbara Zaino | Stacy Robb | |
| Fernie Marroquin | Traci Fullerton | |

CalState TEACH Jeanne introduced Shawn Carey and Dr. Chiero of CalStateTEACH who took the opportunity to give a brief description of their California State University teacher education program for prospective teachers desiring a multiple subject credential. The program is a minimum of 16 months on the year-round calendar and is done via the Internet, CD-ROM, video and print materials, concurrent with field work. The basic requirements are a Bachelor's degree, CBEST, CSET, two letters of recommendation, 2.75 GPA in last 60 semester units or 2.67 cumulative GPA. For more information, please contact Shawn Carey at 559-431-4509 or shca0904@calstateteach.net.

Alert The IRS retirement earnings limit is \$16,500; the catch up is \$5,500.

Jeanne noted that the Lozano Smith Legal Seminar #3 will be held on February 11, 2010. The topic will be *Overview of Employee Long-Term Leaves and Workers' Compensation*. To register, go to <http://tulare.k12oms.org/eventdetail.php?gid=144&id=29012>.

A handout reflecting the sunseting on December 31, 2010, of CalSTRS Benefits was provided. Affected benefits include: the Longevity Bonus, the Defined Benefit Supplement Program, and the Partial Lump Sum distribution. For more information, go to www.calstrs.com.

A *Fiscal Report #23* dated November 13, 2009, addressed the impact of layoffs on disability accommodations. School are being expected to provide the same services with fewer employees. It is likely that an employee who is eligible for accommodation under the ADA and FEHA will experience a material change in duties due to there being fewer employees available to get the same amount of work done. A disability accommodation for an employee made a year ago, may now impose undue hardship. If there is a sudden and uncharacteristic change in an employee's behavior or conduct, employers can protect against disability discrimination claims by engaging in the interactive process to determine if the employee is, or is not, disabled.

A *Fiscal Report #23* dated November 13, 2009, relating to legislation introduced by Joe Sestak to extend Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) benefits was provided. The Resolution 3930 would extend the eligibility period and maximum assistance period for COBRA premium assistance under ARRA and the COBRA premium assistance would be extended to individuals who are involuntarily terminated between January 1, 2010, and June 30, 2010. It is not known when, or if, the bill will be heard and move forward.

A *Fiscal Report #23* dated November 13, 2009, reported that there are two nearly identical versions of a proposed statewide ballot measure that would reduce pension benefits and limit retiree health care benefits for newly-hired public employees that have been submitted to California's Attorney General for preparation of title and summary. The only difference between the two measures submitted is in the vote threshold that would be required to increase the Act's specified pension benefit formula for new hires. The measure would generally not affect existing defined benefit pension plans, defined contribution plans, vested retiree health care plans, disability benefits, or death benefits for current public employees or retirees and their families.

A *Fagen Friedman & Fulfroast F3 NewsFlash* dated October 2009, featured a court case S.A. v. Tulare County Office of Ed. And California Dept. Of Ed. where the U.S. District Court for the Eastern District of California recently held that an email is not an education record subject to the relevant provisions of the Education Code or the Family Education Right to Privacy Act unless it contains information related to the student and is "maintained" by the agency.

A *Fagen Friedman & Fulfroast F3 NewsFlash* dated November 2009, related that on November 21, 2009, the Genetic Information Nondiscrimination Act ("GINA") took effect, making it illegal for an employer to discriminate, harass, or retaliate against employees or applicants based on genetic information. The law was passed to address concerns that individuals may be at risk of losing access to health coverage or employment as a result of insurers or employers having their genetic information.

A *Fagen Friedman & Fulfroast F3 NewsFlash* dated November 2009, highlighted a case (Gelson's Markets v. WCAB) where the California Court of Appeal overturned a decision by the Workers' Compensation Appeals Board finding an employer liable for discrimination against an injured employee. The Court held that the employee failed to show he was subjected to disadvantageous treatment by his employer as a result of his industrial injury.

An *Atkinson, Andelson, Loya, Ruud & Romo Alert* dated October 2009, indicated that the duty is upon employers to remain consistent in implementing disability accommodations. A recent Court of Appeal decision reminds employers that duties regarding disability accommodations do not end once those accommodations have been agreed upon and arranged. An employer may be held liable for the failure to implement an accommodation on a single occasion, despite a long history of successful implementation and despite the employee's failure to notify a different manager of the prearranged accommodations.

A *Lozano Smith Client News Brief #47* dated November 2009, indicated that AB 506 was signed on October 11, 2009, extending several current exemptions from post-retirement earnings limitations and imposes a new limitation on CalSTRS members who retire below the normal retirement age. The latter change could have an effect on mid-year retirement incentive programs used by school districts.

A *Lozano Smith Client News Brief #49* dated November 2009, related that in Norse v. City of Santa Cruz, the United States Court of Appeals for the Ninth Circuit held that government officials do not violate the First Amendment when they limit speech at a public meeting according to subject matter and duration, and order the removal of a member of the public engaging in disruptive conduct.

A *Fiscal Report #24* dated November 25, 2009, listed things for educational LEA's to do now to prepare for the 2010-2011 and beyond school years. It indicated that getting an early start on developing enrollment, staffing, budget, and cash projections is important.

Credentials & Retirement Enid Brinkman covered a CTC Coded Correspondence #01-19 dated December 2, 2009, and *Fiscal Report #23* dated November 13, 2009, which addressed the Expanded Activity Supervisor Clearance Certificate Requirements from the Commission on Teacher Credentialing prior to assuming a paid or voluntary position. Although the law becomes effective January 1, 2010, the effective date for the Activity Supervisor Clearance Certificate is July 1, 2010. The fees are estimated to be \$106 per applicant based on a \$55 fee for the permit and \$51 in fees for the fingerprint check by the DOJ and FBI. Current employees will be expected to get fingerprinted as well as any new hires; however, assistant coaches will not be expected to get fingerprinted since they are under the supervision of a coach. **A Webinar to address implementation questions will be held in the Video-Conference Room at Tulare County Office of Education on Burrel Avenue on Tuesday, February 9th from 9:30 a.m. to 11:30 a.m.** Seating is limited. Please e-mail jeannec@tcoe.org to reserve a seat.

2010 Teacher Recruitment Fair Districts present were polled to determine if there is a need to plan the annual Tulare/Kings Teacher Recruitment Fair. After much discussion, it was determined that the annual event will be cancelled for the March 20, 2010, date; however, a scaled-down version of the Fair will be planned for late in April which will focus on single-subject and special education credential holders and will include single subject intern-eligible candidates who can provide proof of eligibility at the time of the Fair. More information will follow once the date and location have been determined.

Teacher Recruitment Center Norma Lovelace, Intern Program Coordinator/Recruiter, updated those present on the activities of the Teacher Recruitment Center. A Mentoring Matters teaching/coaching training will be set once districts respond to a survey which will be sent in this regard. Please email your responses to normal@tcoe.org.

Adjourned The meeting was adjourned at 9:50 a.m. The next meeting will be held in the Board Room of the Tulare COE Building beginning at 8:30 a.m. on **Wednesday, February 3, 2010.**

Meeting Dates for 2009-10

~~February 5, 2010, date changed to February 3rd~~
March 5, 2010, Friday
April 9, 2010, Friday
May 14, 2010, Friday

Upcoming Tulare/Kings Counties' Teacher Recruitment Fairs:

- ~~March 20, 2010 cancelled~~
- **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>