

# ACHRO

*Association of Chief Human Resource Officers*

# EEO

*Equal Employment Officers*

## **2018 Fall Training Institute**

## **PROGRAM**

**October 9-12, 2018  
Sacramento, CA**





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## **PRE-CONFERENCE, Tuesday, October 9, 2018**

**12:00 Noon—6:00 PM - Early Bird Registration ( Regency Foyer)**

**1:00 PM—5:00 PM - Workshop (Break 2:30 pm—2:45 pm)**

**“Negotiations Cohort” (Big Sur AB)** Tom Gauthier, Partner; Michelle Cannon, Partner; Steve Ngo, Senior Counsel, all from Lozano Smith Attorneys at Law. Led by several of Lozano Smith’s experienced negotiators, this intense 4-hour workshop provides an opportunity to hone negotiations skills and develop best practices and strategies for successful negotiations. This pre-conference summit offers a comprehensive session for all attendees. Together, you will collaboratively walk through a comprehensive curriculum series that covers all aspects of negotiations and provides tips and techniques to be successful in achieving the District’s objectives.

Key Areas of Focus: Before, During and After Negotiations: 1) Understanding current politics of your district; 2) Establishing best climate for negotiations; 3) Assessing district needs and impact of CBAs: improving programs and educational quality through negotiations; 4) Building your negotiations team and preparation for bargaining; 5) At the table: what now; 6) Negotiation processes, methods and strategies (including IBB, traditional, modified IBB); 7) When you don’t reach agreement: Impasse and fact-finding; 8) Communications during negotiations: Can we say that? Can they say that?

## **DAY 1, Wednesday, October 10, 2018**

**7:30 AM—8:30 AM - Registration (Regency Foyer)  
Breakfast (Regency ABC)**

**8:30 AM—9:00 AM - Workshop**

**“How to Support Pregnant and Breast Feeding Students and Staff... Policy, Practice, and Protocols: Is your District Prepared?” (Regency ABC)** Randy Erickson, Owner/Attorney, Erickson Law Firm A.P.C.; Dr. Cindy Vyskocil, Vice Chancellor, HR, South Orange County CCD. This session will help CHROs better understand the Title IX and Title 5 requirements of supporting and accommodating pregnant and breastfeeding students and staff on our college campuses. We will discuss state and federal compliance issues as well as policies and protocols that Districts need to put in place to maintain compliance for female staff and students. **[Equity, Inclusion, EEO]**

**9:00 AM—10:30 AM - Workshop**

**“Best Practices for Conducting Workplace Investigations” (Regency ABC)** Randy Erickson, Owner/Attorney, Erickson Law Firm A.P.C.; Dr. Cindy Vyskocil, Vice Chancellor, HR, South Orange County CCD. This presentation will discuss the steps an organization must take when it receives a complaint from an employee or a student involving discrimination, harassment or retaliation complaint. Attendees will learn the legal requirements for conducting an investigation under State and Federal Laws, including Title IX requirements. Topics will include the processing of the complaint, preparing of the investigative report, taking corrective action, and maintaining confidentiality, all without violating the privacy of employees. The presentation will provide attendees with effective and appropriate interviewing techniques, especially when a reluctant witness is impairing the workplace investigation.

**10:30 AM—10:45 AM - Break**

**DAY 1, Wednesday, October 10, 2018 (continued)**

**10:45 AM—12:00 noon - Workshops**

- **“The Benefits of Diversity and the Effects of Unconscious Bias on the Hiring Process” (Regency D)** Eugene Whitlock, Vice Chancellor, HR and General Counsel, San Mateo County CCD. The California Community College System has one of the most diverse student populations in the country, but the diversity of faculty, staff and administrators lags far behind. Why does diversity matter? Are our own biases preventing us from becoming more diverse? Come learn about how human beings have evolved to become “biased” and what we can do to make sure that our decision-making is not unconsciously controlled by these biases. We will also discuss specific steps your college can take to hire equity-minded individuals who will support diversity. **[Equity, Inclusion, EEO]**
- **“Navigating the Minefield: How to Avoid Traps in Preparing Employment Agreements for Active and Retired Administrators” (Regency F)** Joshua Morrison, Senior Counsel; Guy Bryant, Partner, both from Atkinson, Andelson, Loya, Ruud & Romo. This presentation will address nuances of individual employment agreements for both active and retired high-level administrators, including: 1) prohibited forms of compensation; 2) traps for the unwary; 3) PERS/STRS implications, including limits on pensionable compensation and post-retirement employment; and 4) Board approval process. This presentation will be of interest to administrators with individual employment contracts who hope, someday, to retire with a pension, or those with responsibility for drafting or securing approval of such contracts.

This Workshop will offer MCLE Credit

- **“The Future of American Health Care Reform” (Regency E)** Jessica Frier, JD, Sr. Health and Welfare Plan Consultant, American Fidelity Administrative Services. In this presentation, we will review legislative and regulatory developments and provide insight into proposed changes. The session concludes with best practices for managing your benefits plans and outlines steps you should be taking, including preparing for the Cadillac Tax and annual IRS reporting

**12:00 noon—1:45 PM - Lunch (Regency ABC)**

**ACHRO/EEO General Membership Meeting**

**Workshop**

**“When Complaints go Viral: How do you Effectively Respond While Protecting your Students and Staff?”** Eve Fichtner, Partner, from Atkinson, Andelson, Loya, Ruud & Romo. How do you protect students and staff from media and public scrutiny during a complaint process? This presentation will assist administrators in navigating day-to-day complications. We will use a case study to cover trends in publicized and controversial complaints. Our discussion includes an overview of legal issues and practical tips regarding press statements, correcting inaccurate media, communication protocols, interim protections, confidentiality of records, continuity of services, maintaining safety, and minimizing disruption.

This Workshop will offer MCLE Credit

**1:45 PM—2:00 PM - Break**

**DAY 1, Wednesday, October 10, 2018, (continued)**

**2:00 PM—3:15 PM - Workshops**

- **“Come SAIL Away with Us: Supporting Actively Inclusive Leaders and Spaces across Your College Community” (Regency D)** Crystal Crane, Executive Director of HR and Employee/Employer Relations; Sacha Moore, District Coordinator of Equity, Inclusion, and Compliance; Crystal McCutcheon, District Employee/Employer Relations Manager, all from Coast CCD. How can you capitalize on your privilege to establish a culture of equity and inclusion for all? Prioritizing an actively inclusive environment facilitates healthy academic and professional relationships for every member of a college community. In this presentation, we will focus on a variety of strategies including but not limited to incorporating personalized ally trainings; leadership and equity training for new managers; meaningful dialogues about unconscious bias, microaggressions, and privilege; and chosen names, pronouns, and additional considerations for members of your community. Participants will leave this training with a toolkit of strategies and activities to help build, engrain, and nurture cultures of active inclusivity on their campuses. **[Equity, Inclusion, EEO]**
- **“Managing the Use of Part-Time and Temporary Employees” (Regency E)** Randy Erickson, Owner/Attorney, Erickson Law Firm; Dr. Jacques Whitfield, Consultant, Former HR Director. This presentation will guide new and experienced attendees through the differences and requirements for the use of adjunct, substitute, and temporary full-time faculty, as well as non-faculty professional experts, student workers, and short-term, substitute, and seasonal employees.
- **“Bargaining Part-Time, Temporary Faculty Reemployment Rights” (Regency F)** Eileen O’Hare Anderson, Partner, Liebert Cassidy Whitmore; Dr. Diane Fiero, Asst. Superintendent/Vice President, HR, Santa Clarita CCD. Recent legislation has changed the landscape for part-time faculty, including rehire preference. This workshop will discuss strategies to ensure compliance with the law which requires negotiating key provisions with the faculty association representing your part-time faculty.

This workshop will offer MCLE credit

**3:15 PM—3:30 PM - Break**

**3:30 PM—4:45 PM - Workshops**

- **“How to Write it right: An Advanced Course on Discipline and Performance Documentation” (Regency F)** Laura Schulkind, Partner, Liebert Cassidy Whitmore; Dorene Novotny, Vice Chancellor of HR and Equal Opportunity, Foothill-De Anza CCD. Proper documentation is essential to successful personnel management. A well written document can be the difference between winning and losing a case. Our two presenters will offer important insider tips for preparing key documents, from performance evaluations to performance improvement plans to disciplinary documents to last change agreements and at-will releases. The presenters will identify language to avoid, highlight terms and phrases to be sure to include and, importantly, explain why.

This workshop will offer MCLE credits

- **“Advanced Negotiation Roundtable” (Regency E)** Randy Erickson, Owner/Attorney, Erickson Law Firm A.P.C.; Dr. Cindy Vyskocil, Vice Chancellor of HR, South Orange County CCD. This presentation will feature an interactive discussion on common issues faced by human resources professionals at the bargaining table. Topics will include how to prepare for negotiations, building a framework for understanding the District’s budget, negotiating economic subjects, negotiating around legal mandates, packaging proposals, and how to avoid common pitfalls such as negotiating against yourself. Participants will also be invited to submit their own questions on other topics in advance of the presentation.

**DAY 1, Wednesday, October 10, 2018, (continued)**

**3:30 PM—4:45 PM - Workshops (continued)**

- **“Guided Pathways and HR: Where does HR fit on the Path?” (Regency D)** Angela Hoyt, J.D., Director of HR & Labor Relations, Cabrillo College; Dr. Diane Fiero, Asst. Superintendent/Vice President, HR, Santa Clarita CCD. This session helps you and your department become a Pathways partner and review how HR professionals can help shape the implementation of a successful Pathways Program. Specifically we will focus on: 1) Creating the capacity to support the framework when hiring and restructuring to get the work done; 2) Professional development opportunities/examples and strategic planning; 3) Supporting measures to keep students on the path and HR’s role in removing barriers to success; 4) Infusion of Equity initiatives to support Guided Pathways; and 5) Interactive discussion of best practices. HR has the unique ability to ensure involvement of the right stakeholders, get everyone on the same page, and help faculty/staff rethink how to best serve students and the college community in the Guided Pathways context.

**DAY 2, Thursday, October 11, 2018**

**7:30 AM—8:30 AM - Registration (Regency Foyer)  
Breakfast (Regency ABC)**

**8:30 AM—10:30 - Workshop**

**“A Mock Deposition of a CHRO” (Regency ABC)** Eileen O’Hare-Anderson, Partner; Pilar Morin, Partner, both from Liebert Cassidy Whitmore; Dr. Albert Roman, Vice Chancellor, HR, Los Angeles CCD. Often the biggest depositions in a case is the CHRO. This presentation will use a mock deposition format, utilizing a case study in a litigation setting with a debrief afterwards, designed to illustrate how to prepare for a deposition, challenges that can arise at such a deposition, and pitfalls to avoid as an CHRO explaining his/her actions at a deposition. The mock deposition will demonstrate how opposing counsel will try to undermine the decisions, what steps the District can take during the investigation and during the deposition to withstand harsh scrutiny, and highlight the importance of sound decisions so that your agency can avoid liability in the event of a state or federal court lawsuit or administrative proceeding.

This workshop will offer MCLE credits

**10:30 AM—10:45 AM - Break**

**10:45 AM—12:00 noon - Workshops**

- **“Don’t be the Next Headline Responding Effectively to Allegations of Sexual Harassment and Sexual Violence in the #MeTooEra.” (Regency E)** Marleen Sacks, Partner, from Atkinson, Andelson, Loya, Ruud & Romo. With new allegations of sexual harassment, sexual misconduct, and sexual assault making headlines almost daily, workplace harassment is getting more attention in the media. Combine the media attention with the growth of the #MeToo movement, and it is not surprising that employers are experiencing an uptick in complaints from employees and that harassment lawsuits are on the rise. While some of these complaints may involve recent harassment, now is the time for education professionals to review and update policies so that if an allegation ever comes across their desks, they can handle it fairly and impartially. **[Equity, Inclusion, EEO]**

This workshop will offer MCLE credit

## **DAY 2, Thursday, October 11, 2018 (continued)**

### **10:45 AM—12:00 noon - Workshops (continued)**

- **“Ban the Box: Hiring and Employing Staff and Student workers with Criminal Records” (Regency F)** Marc LeForestier, General Counsel, California Community Colleges Chancellor’s Office; Debbie Mukamal, Executive Director, Stanford Criminal Justice Center; Dr. Diane Fiero, Asst. Superintendent/Vice President, HR, Santa Clarita CCD; Dr. Cindy Vyskocil, Vice Chancellor, HR, South Orange County CCD. Hiring and employing classified and academic employees and student workers with criminal records can be challenging given the complicated nature of Education Code mandates and other relevant state and federal laws and policies, including the Fair Chance Act (also known as Ban the Box) which became effective January 2018. We all want to give qualified people an opportunity at employment, but also have a duty to protect our institutions and our campus communities. In this workshop, the Chancellor’s Office will discuss new legal and policy guidance for the colleges including highlighting model practices and effective policies.
- **“Trauma-Informed Interviewing: Using Brain Science to Conduct Better Interviews” (Regency D)** Brenda Ingram, Clinical Consultant and Trainer, Peace Over Violence and T9Mastered; Cathleen Watkins, Sr. Investigator and Trainer, Public Interest Investigations and T9Mastered. Trauma is part of the world we live in, and those who have been impacted by trauma are present in every organization. Trauma may be caused by workplace violence, an on-the-job accident, a sexual assault, or severe or pervasive harassment or bullying. Others bring trauma they experienced in their private lives to their roles as students or employees. When these vulnerable individuals become part of an investigation or other type of inquiry, the process of answering questions in a formal setting can re-traumatize them and limit fact-gathering. This session focuses on the approach known as Forensic Experiential Trauma Interviewing (FETI), which draws from research in neurobiology and the social sciences. The goal of this approach is to draw out the maximum amount of information from interviewees without causing them additional stress.

### **12:00 PM—12:15 PM - Break**

### **12:15 PM—2:00 PM - Lunch (Regency ABC)**

### **12:15-12:35 PM—A message from the State Chancellor’s Office**

#### ***Workshop***

**“Town Hall—Legal Eagles”** Laura Schulkind, Partner; Eileen O’Hare-Anderson, Partner; Pilar Morin, Partner, all from Liebert Cassidy Whitmore. Do you have questions? Well, we’ve got answers. Come get your questions answered while learning how you deal with legal issues important to your District. Community College Districts deal with a number of issues on a daily basis and it’s best to be prepared. Share your questions with others who probably have the same problems, concerns and issues. This is a great opportunity to get some great legal answers—without those pesky billable hours!

This workshop will offer MCLE credit

## **DAY 2, Thursday, October 11, 2018 (continued)**

### **2:00 PM—3:15 PM - Workshops**

- **“How to Serve as a Skelly Officer” (Regency D)** Randy Erickson, Owner/Attorney, Erickson Law Firm A.P.C.; Dr. Cindy Vyskocil, Vice Chancellor of HR, South Orange County CCD. This program will explain the District’s obligation to provide classified employees with “Skelly Rights” prior to imposing disciplinary action. In particular, the program will focus on training Human Resources professionals on how to serve as a “Skelly Officer” in disciplinary actions. Attendees will learn how to present the documents supporting discipline at a “Skelly Conference”, the legal standard for sustaining, modifying, or overruling the proposed discipline, the scope of the employee’s right to respond, the employee’s right to union representation. Following the presentation, attendees will be able to serve as “Skelly Officers” in matters where they are not personally involved, train other administrators in their District, or form partnerships with neighboring Districts to serve as “Skelly Officers” for one another.
- **“C’MON, be reasonable (Emerging Disability Issues and Unreasonable Requests under the ADA/FEHA)” (Regency F)** Darren Kameya, Partner, Lozano Smith, Attorneys at Law; Robert Unger, Esq., Acting Vice President for HR, Southwestern CCD. This workshop is for newer HR administrators and professionals and for advanced practitioners seeking a focused discussion on current ADA/FEHA disability issues. New ADA regulations focus employers on the accommodations instead of the disability. Discussion will include topics such as: newly raised disabilities, related work accommodations, and the ways in which ADA/FEHA issues intersect with leaves, performance concerns, and employee discipline. Bring your questions, share your experiences, and build your skill set as a human resources expert. **[Equity, Inclusion, EEO]**

This workshop will offer MCLE credit

- **“How to Hire Great Employees Without Asking any Forbidden Questions” (Regency E)** Anna Miller, Senior Associate; Barbara Ginsberg, Partner, both from Atkinson, Andelson, Loya, Ruud & Romo. Learn best practices for recruiting/hiring, including conducting background checks, and criminal history information, the latest on I-9’s & E-Verify, gender issues and what employers can do to avoid liability stemming from bad acts.

This workshop will offer MCLE credit

### **3:15 PM—3:30 PM - Break**

### **3:30 PM—4:45 PM - Workshops**

- **“Just Listen to Me! (Effective communication when dealing with difficult people and difficult issues).” (Regency D)** Darren Kameya, Partner, Lozano Smith, Attorneys at Law; Robert Unger, Esq., Acting Vice President for HR, Southwestern CCD. As HR/EEO professionals, we speak with employees about very sensitive subjects and have to use our best interpersonal and leadership skills to carefully discuss those topics. When our colleagues and fellow employees lack those same skills, these conversations become much more difficult. By utilizing mediation-based techniques, an HR/EEO professional can apply an interest-based approach that promotes effective communication and increases the chance of reaching a sustainable, productive, and harmonious resolution of any issue. These techniques would apply to EEO complaints, student/employee grievances, interpersonal office conflicts, and conflicting leadership perspectives on college policies and procedures.

**DAY 2, Thursday, October 11, 2018 (continued)**

**3:30—4:45 pm - Workshops (continued)**

- **“The Absent Workforce: Practical Solutions to Combat Misuse, Abuse, and Excessive Use of Leave” (Regency F)** Rachel Shaw, President/Principal Consultant, Shaw HR Consulting. Employers struggle with how to manage excessive use and abuse of leave. The forever intermittent leave users are impacting employee morale, service, and productivity. FMLA and CFRA are necessary and important leave laws that must be managed to protect employee rights and your companies bottom line. This session will show you how to strike that balance between supporting necessary and appropriate leaves and challenging excessive use, abuse or misuse of leave. In this fast-paced and solutions-oriented session, Rachel Shaw will expertly walk you through what you CAN do to address these issues. Plan to leave with tools that you can implement immediately, and a new-found confidence in how to.
- **“Building Employee Communities: Retaining Diverse Employees via Employee Affinity Groups” (Regency E)** Mellonie Richardson, Confidential HR Officer, Recruitment, Los Rios CCD; Molly Springer, Dean of Student Equity/Success, Los Rios CCD and Sacramento City College. Does your college/district harness the power of employee affinity groups? Affinity groups like Los Rios CCD’s Black Faculty & Staff Association (BFSA). The presentation will share information, how to, and successful examples of the use and power of employee affinity groups for recruitment and retention of diverse and equity-minded employees. **[Equity, Inclusion, EEO]**

**6:00 PM—10:00 PM - Cocktails, Dinner, and Entertainment (Regency ABC)**



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### **DAY 3, Friday, October 12, 2018**

**7:30 AM—8:30 AM - Breakfast and Raffle !!! (don't be late) (Regency DEF)**

**8:30 AM—9:45 AM - Workshops**

- **“My Retirement Benefits (CalSTRS)” (Regency DEF)** Tammy Gellis, Manager, West Sacramento MSC; Preston Jackson, Benefits Planning Specialists, both from CalSTRS.
- **“Retirement Benefits (CalPERS)” (Regency DEF)** Jonathan Jantz, Associated Governmental Program Analyst, CalPERS.

**10:00 AM—11:15 AM - Workshops**

- **“The Vision Resource Center: Merging local and systemwide professional development through Cornerstone” (Regency A)** Kelly Falcone, Professor, Palomar College; Christine Winterle, Interim Director, HR, Palomar College; Matt Lord, Regional Manager, Cornerstone OnDemand; Andrea Chatwood, Project Manager, Content & Training at CCC Tech Connect. The Vision Resource Center launched Fall 2018 as a major functionality update for state-level virtual professional development to support the pursuit of the Vision for Success. This included an integration of Cornerstone's LMS for professionals. Fully funded by the statewide Chancellor's Office, colleges and districts can implement the Cornerstone LMS at their institution to take full advantage of its features for faculty and staff. Come hear how Palomar College is using Cornerstone to streamline and integrate their HR and professional development activities and how your college can, too.
- **“Compliance is not the end: Driving to Equal Opportunity with data analytics” (Regency B)** Erik Mejia, Research Manager, PeopleAdmin; Tracey Burns, HR Analyst, Metropolitan Community College (located in Kansas City). Learn how to look at data differently so you can solve problems and make evidence-based decisions. In this session, you'll collectively work through a case study, while also discussing ways and strategies for developing your own scientific approach to ensure accountability for campus equal employment opportunity and diversity initiatives and activities. Attendees will leave this session feeling empowered to drive positive change. **[Equity, Inclusion, EEO]**

**11:30 AM—1:30 PM - Training Committee Meeting (Golden State AB)**

**Thank you for attending the 2018 ACHRO/EEO**

**Fall Training Institute!**

## **ACHRO/EEO TRAINING COMMITTEE**

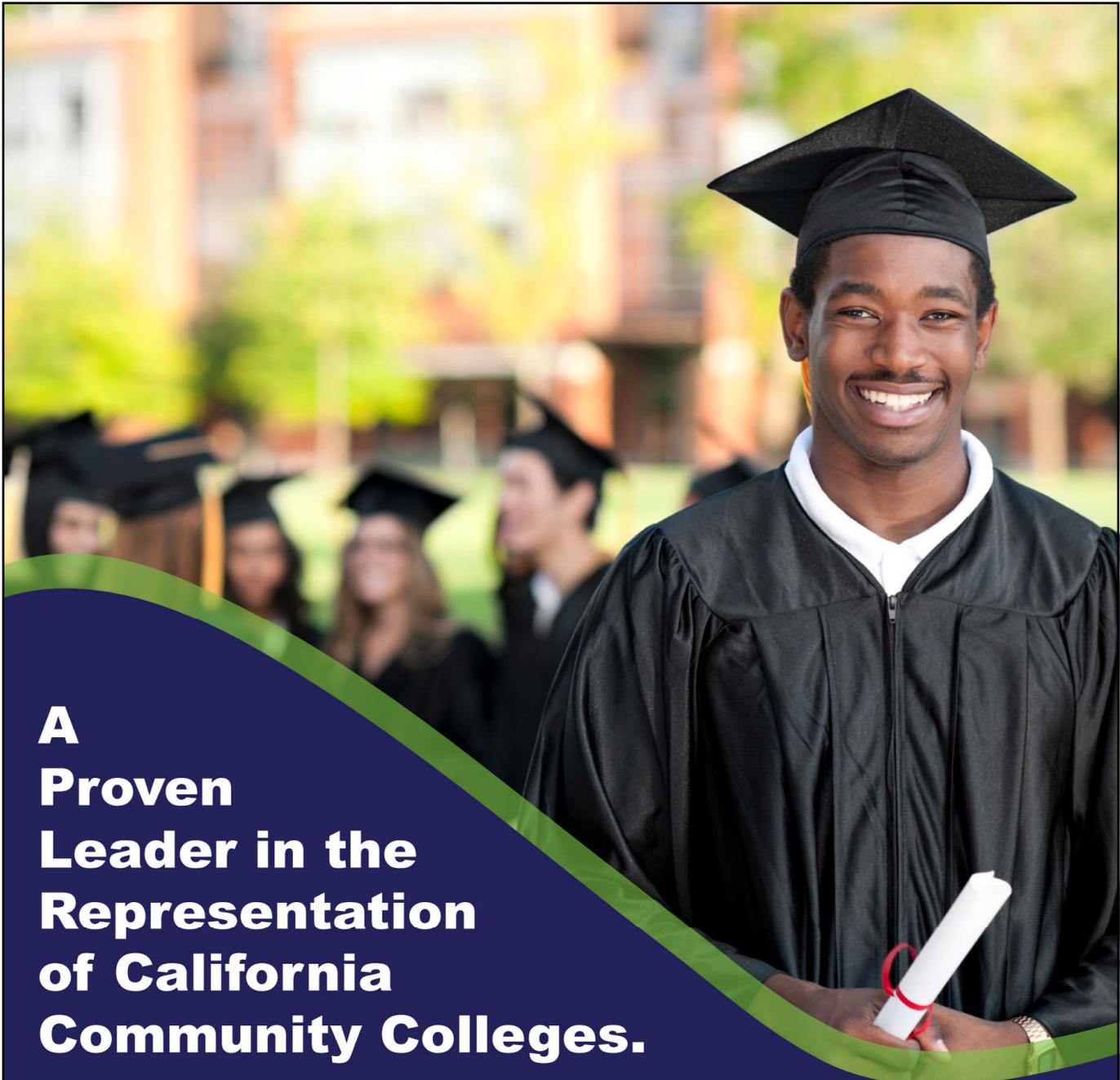
Albarran, Charo, Napa Valley College  
Ali, Abe, Mt. San Antonio College  
Bainlardi, Allison, Los Angeles CCD  
Burris, David, Feather River College  
Cataraha, Ron, ACHRO/EEO Consultant  
Cortez, Ruth, ACHRO/EEO Assistant  
Druley, Jennifer, Chabot-Las Positas CCD  
Fiero, Diane, Santa Clarita CCD  
Fong, Wyman, Chabot-Las Positas CCD  
Hansen, Shelley, Lake Tahoe CC  
Metcalf, Venesse, Retired  
Richardson, Mellonie, Los Rios CCD

### **Resources:**

Susan Bray, ACCCA  
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# HATS OFF TO ACHRO

For Bringing Community College Human Resources Professionals Together to Collaborate, Learn, and Grow Professionally

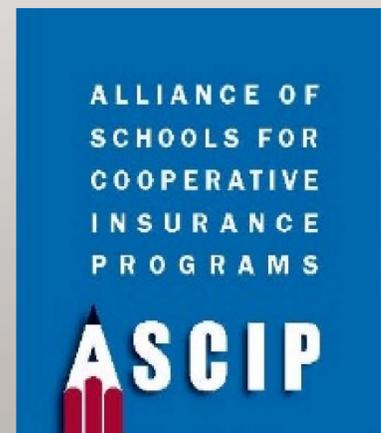


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Dr. Lisa M. Norman, VPHR  
California Regional College District

Stop by our booth at the ACHRO 2018 Fall  
Training Institute, October 9-12, 2018





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# Thinking about Succession Planning?



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*We look forward to your questions at our town hall session*

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Here's to you and us working together for the safety and success of our faculty and students.

*Lozano Smith*



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### JOIN US AT OUR CONFERENCE WORKSHOPS:

**October 9** - Negotiations and Collective Bargaining

**October 11** - Emerging Disability Issues and Unreasonable Requests Under the ADA/FEHA

**October 11** - Effective Communication When Dealing With Difficult People and Difficult Issues



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- Program is voluntary and
- Employee paid benefit

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- Reduced health screening
- Family members of employees may participate

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