



“THE COMMUNICATOR”

2020 Fall Edition

Volume XV, Issue 1

Welcome Message ACHRO/EEO President, Julianna Mosier

Inside this issue:

Articles & Topics	Page
President's Message	1, 2
Vice President's Update	2
ACHRO/EEO Officers & Support Staff	3
ACHRO/EEO Chair and Regional Represent. Positions	3
Secretary/Treasurer Update	5
Consultant Update	6
HR Changes	7
Investigations in the Time of COVID-19	10-11
Early Retirement Incentives : An HR Tool in Challenging Times	14-15
Managing ADA Reasonable Accommodation Requests in the Face of COVID-19	18-19
How Pandemic Response Mistakes Could Cost Employers Real Money	20-22
Work from Where—The Long View on WFH Arrangements	23
New Title IX Regulations: Implementation & Highlights	26-27
Building a Legacy in HR	28
Addressing Staff Needs: Balancing Life and School in	31-34

Greetings Colleagues!

I hope that the Fall semester has started off well for you, and you all remain safe and healthy. Little could we have imagined a year ago when we were together for our Fall conference, and planning our 25th Anniversary celebration this year, that instead we would be facing a worldwide pandemic, forcing us to close our campuses and rethink just about every part of how we do business

As your then Vice President, I had hoped to be working with the Training Committee to plan a huge gala celebration in Tahoe this year. Instead, we have had to postpone our 25th Anniversary celebration to next Fall and as an alternative we are hosting a series of online workshops spread out over a few weeks to allow for more flexibility in your schedules so you can participate. Thanks to our amazing partners, and the continued dedication of our consultants Ruth Cortez and Ron Cataraha, we are able to offer the workshops this Fall at no cost to our members.

They say that out of adversity comes opportunity.

This transition to a somewhat virtual conference may give us an opportunity to rethink how we structure our conferences going forward to allow for greater participation, even when facing budgets challenges.

While we had to postpone the start of our HR Leadership and Emerging CHRO academies, it has given Abe Ali and Clint Doherty time to revamp the academies to allow for a comprehensive concept to develop the skills needed for us to grow our future CHROs. As a graduate of the HR Leadership Academy, I know how the academy allowed me to broaden my knowledge base, network with my peers, and develop relationships with our partner legal firms. More often than not, I find myself reaching out to those I graduated with, many who are now CHROs, for guidance and support. I appreciate Abe and Clint for continuing to provide these valuable programs for our members.

We continue to face racism in our country and our communities. We in Human Resources, along with our partners across the state, are at the forefront of addressing these challenges within our own Districts. Under the incredible leadership of Greg Smith and Irma Ramos, who are leading our efforts on the Diversity, Equity & Inclusion Implementation Plan taskforce, and Tre'Shawn Hall-Baker, our EEO/Equity & Inclusion Chair, we are poised to make meaningful changes to break-down the barriers that are currently holding us back from realizing the diversity that is vital to the benefit of the students we serve.



Thank you to Diane Fiero who continues to provide her stellar leadership as our Past-President and representative on Consultation Council and who is guiding me in my new role as your President. I am excited to work with Charo Albarran as our Vice President/President Elect and to continue to work with Jeannine Stokes, our Secretary/Treasurer. I am also appreciative of Julie Kossick and Beatriz Chaidez for providing leadership as our Advocacy Liaisons to keep us apprised of, and ensure ACHRO has a voice in, pertinent legislation.

Finally, I want to thank all of you for what you do every day, and for what you have taken on the past few months. You have been instrumental in the changes happening on your campuses. You've worked tirelessly at the bargaining tables to ensure the smooth transition to online learning and remote work, you have worked with your employee groups to ensure safe worksites and developed comprehensive return-to-work plans (for whenever we can return to working onsite), you have implemented new leave laws and Title IX regulations, and provided amazing leadership in the face of these new challenges.

I am honored to work with you and I look forward to seeing you via Zoom in October. Thank you, again, for all that you do to support our Districts and our students. You inspire me every day!

Juliana Mosier

***Update from our ACHRO/EEO Vice President/President Elect,
Charo Albarran, MPA***

"You are muted! Unmute yourself!!! No, you are still muted! Press the unmute button. There you go.... We can hear you now." How many of us have had these discussions several times a day as we are navigating in the new world of remote working. Who would have thought we would experience in our careers an actual pandemic and social unrest at the same time! This year has been the most frightening yet enlightening year in our careers as HR professionals! We have met the challenge to provide answers, develop procedures and policies to manage the effects of the pandemic, while being encouraged to support our communities to engage in incredible dialogue in matters of diversity and equity! This is a time that we, as HR professionals, are being asked to unmute ourselves and be bold in our work and are participating in creating safe learning environments for our students. This next year for all HR professionals, we will continue the journey of battling the effects of the pandemic to support students, faculty and staff to return to our campuses (*The New Normal*), budget issues and continued focus on the areas of diversity, equity and inclusivity. It is our hope that ACHRO/EEO will continue to provide support to all of you to help make that journey smoother! **So please stay unmuted!** Speak boldly, act boldly and stay healthy as you are being the best for your Districts. Have a great year!!!!



Charo Albarran

ACHRO/EEO 2020-2021 Officers & Support Staff



Julianna Mosier
ACHRO/EEO President,
2020-2022
State Center CCD

Julianna.Mosier@scccd.edu
[mtsac.edu](mailto:Julianna.Mosier@mtsac.edu)



Charo Albarran
ACHRO/EEO Vice-
President/President Elect,
2020-2022
Napa Valley College

Calbarran



Jeannine Stokes
ACHRO/EEO Treasur-
er/Secretary, 2018-2021
Mt. San Jacinto College

jstokes@msjc.edu



Diane Fiero
ACHRO/EEO Immediate
Past President, 2020-2022
Santa Clarita CCD

Diane.fiero@canyons.edu



Ron Cataraha
ACHRO/EEO Consultant

rcatsr@aol.com



Ruth Cortez
ACHRO/EEO Assistant, Mem-
bership, Publications

klavier88@verizon.net

ACHRO/EEO 2020-2021 Chair Positions Regional Representatives

Chair Positions

Chair, EEO/Equity/Inclusion: Tre'Shawn Hall-Baker

Chair, Legislative Affairs: Beatriz Chaidez and Julie Kossick

Chair, HR Leadership Academy: Abe Ali and Clint Doherty



Regional Representatives:

North 14: Greg Smith and Charo Albarran

Bay 10: Nikki Harris and Eric Ramones

Central 14: Kelly Avila and Kayla Valentine

Southern 30: April Hebert, Flavio Medina-Martin, Will Surbrook, and Sokha Song

LCW LIEBERT CASSIDY WHITMORE

**Proudly
Supporting
California
Community
College
Districts
Since 1980.**

**California Community College
Districts turn to us for all their
legal needs:**

- Administrative Hearings
- Negotiations
- PERB Proceedings
- Investigations
- Consultation
- Faculty and Staff Discipline
- Harassment Prevention
- Conflicts of Interest
- Employment Discrimination
- Personnel Policies and Procedures
- Business and Facilities
- Title IX



OUR OFFICES
• LOS ANGELES • SACRAMENTO • SAN FRANCISCO • SAN DIEGO • FRESNO •
WWW.LCWLEGAL.COM

***Update from our ACHRO/EEO Secretary/Treasurer,
Jeannine Stokes***



ACHRO/EEO
FINANCIAL SUMMARY REPORT
10/31/18 - 11/22/19
REVISED

INCOME

2018 Registration	\$5,300.00
2019 Registration	\$54,960.00
2018 Membership	\$1,300.00
2019 Membership	\$18,520.00
2018 Dinner	\$40.00
2019 Dinner	
2018-19 Dinner Sponsorship	
2019 HR Academy	\$61,200.00
2019 Emerging CHRO	\$12,000.00
2018 Sponsor	\$11,100.00
2019 Sponsor	\$58,750.00

TOTAL INCOME**\$223,170.00****EXPENSES**

Consultant Fee R. Cataraha
Consultant Fee R. Cortez
2019 HR Leadership
2019 CHRO
2018 Conference Expenses
2019 Conference Expenses
2020 Conference Expenses
2021 Conference Expenses

TOTAL EXPENSES**EXPENSES**

\$20,000.00
\$8,000.00
\$41,596.03
\$5,321.65
\$11,652.31
\$112,751.25
\$10,500.51
\$5,000.00

\$214,821.75**BEGINNING BALANCE****\$ 36,749.42****INCOME****\$223,170.00****EXPENSES****~~-\$214,821.75~~****ENDING BALANCE****\$45,097.67**

Jeannine Stokes

Update from our ACHRO/EEO Consultant, Ron Cataraha

Greetings!

I'm saddened for having to cancel and move our North Lake Tahoe Annual Institute to October 2022 due to Covid19. We would have celebrated our 25th Anniversary. But the safety of our members is of paramount importance and thus the decision of the Executive Committee to cancel and postpone North Lake Tahoe to 2022 without penalties. Let's hope and pray this pandemic will be over by the time our October 2021 Institute comes around and we can celebrate, albeit belatedly, our 25th at the Hyatt Regency Mission Bay Spa & Marina, San Diego. In the meantime, the Executive Committee decided to replace this year's Institute with a webinar, with couple of workshops each day over a period of time in October and November. You should have received or will receive information from Ruth Cortez in the near future.

25 years--who would have thought we would be celebrating our existence as an organization. A bit of history...State Chancellor David Mertes had a 'Consultation Council' that consisted of members from various faculty organizations and other California community college's administrative organizations (CEO, CSSO, CIO, CBO). Human Resources was not a member but was allowed a representative who sat and observed the council at work--reviewing and recommending legislations, regulations, etc., many affecting human resources policies and procedures. Our human resources representative had no say and no voting rights. We approached Chancellor Mertes and expressed our concerns. He recommended we form an organization and he would add a representative from our organization to the council. And thus, our organization of ACHRO/AAO was formed in 1995.

We operated differently back in 1995 and had two co-chairs--One for Human Resources and one for Affirmative Action. One was from the south and one was from the north. The positions would alternate in subsequent years. Our first two years were individuals appointed to the two positions--Pat Mollica from Pasadena was the co-chair Human Resources and Fusako Yokotobi from Yuba was the co-chair Affirmative Action. Year 2 had Karen Furukawa from Mt. San Antonio as the co-chair Affirmative Action and Clint Hilliard (deceased) from Peralta as co-chair Human Resources. The third year we had our first election of officers and Patricia Demo from Shasta was elected co-chair Affirmative Action and yours truly as co-chair Human Resources. Looking at the first three years of our organization officers, there's no one currently working in any of the Human Resources/EEO positions since the last, Karen Furukawa from Santa Rosa, recently retired on August 1, 2020.

I, personally, as your consultant have seen many changes over the years--some good, some not so good. As an organization in the past, we were involved in many statewide issues that affected Human Resources and Equal Employment Opportunity. We were very active in voicing our opposition or support which made a lot of difference in the end. We called for special meetings with the Chancellor and several of us would fly to Sacramento to meet and to express our concerns. I can remember Chancellor Nussbaum, who replaced Chancellor Mertes following his retirement, told a staff member that I was very persistent and didn't back down. LOL. We would invite a member of the Board of Governors to our meetings to discuss and express our concerns and/or support on various regulations that were to be presented to the Board. And we did more. I'm out of the loop anymore and don't know how active we are presently. However, the organization continues to thrive of which I'm happy to see.

Here's to another 25 years of ACHRO/EEO. I'm positive I won't be around to see this happen, but it will happen nevertheless. Meanwhile, let us celebrate our first 25 years in San Diego next year. Follow the CDC guidelines by wearing a mask, washing your hands, and practicing social distancing. Be safe.

Regards,

Ron Cataraha



HR changes around our state. . .

◆ **Retirees**

Karen Furukawa-Schlereth, Vice President, HR, Santa Rosa Junior College
Susan Torres, Benefits Analyst, Cabrillo College HR



◆ **Promotions/New Hires/Assignment Changes**

Jennifer Bartz, Assistant Superintendent/VP, HR, Antelope Valley College
Samerah Campbell, District Director, Personnel Comm, & Classified Recruitment, State Center CCD
Lily Cruz-Morales, Recruiter, Merced College
Danielle Jackson, HR Specialist II, Copper Mountain College
Julie Kossick, Associate Vice Chancellor, HR, North Orange County CCD
Janene McIntyre, Director of Employee Relations & title IX, Southwestern CCD
Cynthia Nunez, Interim Executive Director, HR, Rio Hondo College
Nicole Ozburn, Interim District Director, EEO/Diversity & Prof. Development, State Center CCD
Angela Alvarez Riggs, Director, HR, Southwestern CCD
Tina Wahlund, Interim, Assistant Director, HR, College of the Redwoods
Susan Wiegman, HR Analyst, College of the Redwoods
Marrienne Williams, Interim Associate VP, HR, Shasta College
Stacy Zuniga, District Director, HR, State Center CCD



Executive Searches • Interim Assistance • Consultant Services
Accreditation, Strategic Planning, Coaching, Educational Master Planning

Providing personalized services tailored to meet your specific human resource and professional needs. Contact a PPL Professional.

Benjamin Duran, President - 209-761-0534
Guy Lease, Exec. VP Finance - 530-307-9765
Robert Griffin, Vice President - 408-616-9282
Dean Colli, Vice President - 619-517-6133
Lisa Sugimoto, Vice President - 562-972-8983
Jim Riggs, Vice President - 209-559-6550

Trusted by the leadership of California Community Colleges since 1978.
www.PPLpros.com

WORK FROM HOME REQUESTS?

Download the



COVID-19 ADA DISABILITY COMPLIANCE PROGRAM: MANAGING WORK FROM HOME REQUESTS

Shaw HRC is excited to offer this complimentary program and materials to its HR community.

Designed to offer employers an ADA-compliant framework to manage work from home requests during this unprecedented time.

The Shaw HR Consulting COVID-19 Disability Compliance Program includes:



General
Guidelines



Video Training
on the Materials



Sample
Scripts



Template Letters, Forms
and Questionnaire



Flowchart

Download the program for free at:
www.shawhrconsulting.com/covid

Please note you will be asked to join the Shaw HRC Member Portal. Membership is free.

All program materials should be considered samples and should not be acted on without legal advice. Organizations are encouraged to contact their legal counsel prior to relying on any materials in this program.



Offering Long-Term Care Insurance Benefits for Colleges

Karen Marblestone Perry, CLTC CA License #OE43572

Ph. 650.224.9204 Fax 800.851.5370 Web marblestoneinsurance.com

Why Offer Long-Term Care Insurance to your Employees?

COVID-19 is likely not going away anytime soon and a diagnosis may result in a long period of illness & recovery. A Long-Term Care insurance policy may be able to help employees with related in-home or facility care costs.

Benefits to the college district

No-cost benefit offering
Voluntary and Employee paid benefit
No need to book rooms, all workshops and enrollment meetings are 100% "Virtual"

Benefits for the employees

Premium Discounts
Policy is fully portable
Reduced Health Questions and no phone interview
Family members of employees may participate

What does the District need to do? It's easy!

- ① Decide to offer a voluntary Long-Term Care Insurance Program with limited health underwriting
- ② Distribute weekly emails to employees during 45-day enrollment period, provided by Marblestone Insurance Services

**LIEBERT CASSIDY WHITMORE**

Investigations in the Time of COVID-19

Authored by Sacramento Associate [Kristin Lindgren](#) and Los Angeles Partner [Pilar Morin](#)

Community college districts have multiple legal obligations to ensure they conduct investigations into various types of employee and student complaints, including complaints of harassment, discrimination, and retaliation. Investigations can be difficult in the best of times, but the COVID-19 pandemic has presented unique challenges. Investigators who are used to speaking with witnesses in-person have to be prepared to gather information and make credibility determinations in a new way. However, investigators have several tools and strategies at their disposal to ensure they conduct prompt, thorough, and fair investigations. In this article, we have answered some common questions about how best to conduct investigations in the time of COVID-19.

Do the pandemic circumstances remove any obligation to investigate?

No. All obligations to conduct timely investigations remain in place during the COVID-19 pandemic. This includes investigation obligations under the Fair Employment and Housing Act, Title 5, and Title IX. Districts should follow their policies and procedures for processing complaints.

By what modality should districts use to conduct interviews?

As State and local authorities have directed physical distancing, investigators are unlikely to be able to conduct in-person interviews. However, it is important for an investigator to be able to hold a face-to-face, in real time, conversation with complainants, respondents, and witnesses to be able to properly determine credibility.

Therefore, phone interviews are not optimal. Fortunately, videoconference interviews (e.g., Zoom, Skype, and Microsoft Teams) are a compromise that ensures safety while allowing the investigator to see the interviewees. Most students, employees, and other witnesses are familiar with videoconferencing applications and are able to conduct the meeting with a cellphone or computer. Investigators should also be flexible if the witness experiences technological problems during a scheduled interview. Not everyone will be videoconference savvy. Districts should reasonably provide requests to reschedule interviews if necessary to allow witnesses to become familiar with the technology.

While some investigators may be concerned about the ability to observe a person's demeanor over Zoom, it is important to note that demeanor is only one of several ways to determine credibility. Indeed, according to the Department of Fair Employment and Housing's investigation guidelines, demeanor is the least important of the credibility factors. DFEH's guidelines caution that most people are unable to assess credibility based on demeanor, and thus investigators should rely on that factor with caution." Aspects of a witness' demeanor, including not looking at the investigator in the eye may be due to factors such as culture, nerves, or other reasons unrelated to the witness' veracity. Telephone interviews are an acceptable substitute where videoconference is not available.

Depending on the county in which the investigation occurs, investigators may be able to conduct safe, socially distanced interviews. Refer to your current local health orders to determine if an in-person meeting is feasible. However, socially distanced interviews may require the participants to wear face coverings, thus making a videoconference interview a better option as it will allow the investigator and witness to hear each other clearly and it ensures a clear recording, both of which will be hampered by face coverings.

What about parties without access to videoconference equipment or parties with accessibility needs?

The investigator may find that the witness does not have access to a computer, a smartphone, or internet access. As noted above, telephone interviews will suffice if a witness does not possess the appropriate technology for a videoconference interview.

For parties with accessibility needs, such as those who with a sight or hearing limitation, or who prefer to speak a language other than English, videoconference platforms like Zoom and Microsoft Teams offer closed captioning. You may also have a sign language or language interpreter present in a videoconference the same way you might in an in-person interview. This will not work with a telephone-only interview, so be prepared to ensure parties and witnesses have access to a videoconference interview in these instances. For language interpreters, Zoom offers an interpretation feature that allows interpreters to provide their own audio channels for the language to which they are translating. Microsoft Teams has similar features.

How do I maintain security and confidentiality during a videoconference interview?

It is important to ensure that uninvolved parties are not able to enter or overhear the videoconference. We recommend the following:

- Request that the witness find a quiet and private room free of distractions or interruptions by third parties to allow the witness to speak openly, and avoid being overheard. If you find that third parties are interrupting the interview, consider asking the witness if he or she can move to another room, or whether it would be best to reschedule the interview so that the witness can find a more private location.
- Use a unique password for each videoconference or a waiting room (or both) to ensure that third parties are not able to access the videoconference.
- Continuously monitor the participants in the videoconference to ensure uninvited third parties do not enter the videoconference.

What are some tips for conducting interviews with additional participants, such as union representatives or legal counsel?

Represented employees have the right to have a union representative present for an interview that could result in the employee making statements that could lead to discipline. Practically speaking, investigators typically allow a support person or other representative even when doing so is not legally required. When there will be a third party present, the investigator should provide the same notice to the third party as provided to parties and other witnesses regarding the need for a private room free of interruptions. The investigator should also employ the waiting room to ensure he or she is not alone in the videoconference room with a represented individual prior to the representative signing on to the meeting.

If a union representative or legal counsel needs to speak privately with the individual they represent, they can mute the videoconference and speak by telephone. Zoom and Microsoft Teams both also offer a breakout room feature that allows parties to have separate videoconference rooms within the same, larger videoconference meeting.

Can the investigator record the videoconference?

Videoconference platforms allow an investigator to easily record interviews. However, investigators should keep in mind that California requires that all parties consent to a recording of a confidential communication (Pen. Code § 632). To avoid any issues about whether the witness consented to the recording, the investigator should provide notice in writing that the interview will be recorded when the interview date and time are confirmed. The investigator should also verbally confirm the witness' understanding and consent to the recording once the investigation begins.

Conclusion

Despite the uncertainty and challenges arising from COVID-19, community colleges must respond to complaints of misconduct, particularly those involving discrimination or harassment based on a protected classification, by investigating in a timely manner. In most cases, when following the above tips, remote interviews via videoconference or telephone provide investigators with the same information they would have received during an in-person interview. Investigators will become more comfortable with this "new normal" as they continue to conduct investigations in pandemic conditions.



ERICKSON LAW FIRM

A PROFESSIONAL CORPORATION

Summary of Client Services

- ♦ Collective Bargaining
- ♦ Employee Evaluation, Discipline and Termination
- ♦ Personnel Searches
- ♦ Discrimination and Complaint Investigations
- ♦ School Facilities, Construction and Contract Management
- ♦ Personnel Audits, Classification and Salary Studies
- ♦ District Policy and Regulation Development
- ♦ Student and Employee Dispute Resolution
- ♦ Free Speech, Religion, and other Constitutional Issues
- ♦ Brown Act, Public Records Act, Voter's Rights Act, and Other Statutory Issues
- ♦ Conflict of Interest, Vacancies, Ethics and other Board Issues
- ♦ Workshops and Training for Administrators and Governing Boards

Providing Quality Professional Legal Services to School and College Districts Throughout The State of California.

At Erickson Law Firm we understand that the legal needs of community college districts are wide-ranging and often impossible to predict. We can assist by providing fast, accurate legal advice at a reasonable rate.





This year, Open Enrollment won't be business as usual. Will your strategy be?

With open enrollment season just around the corner, how will you engage your employees who are working from home or don't have access to company computers? Alliant can help by moving your organization to a digital-first communications approach which will make reaching employees anywhere both easy and cost-effective.

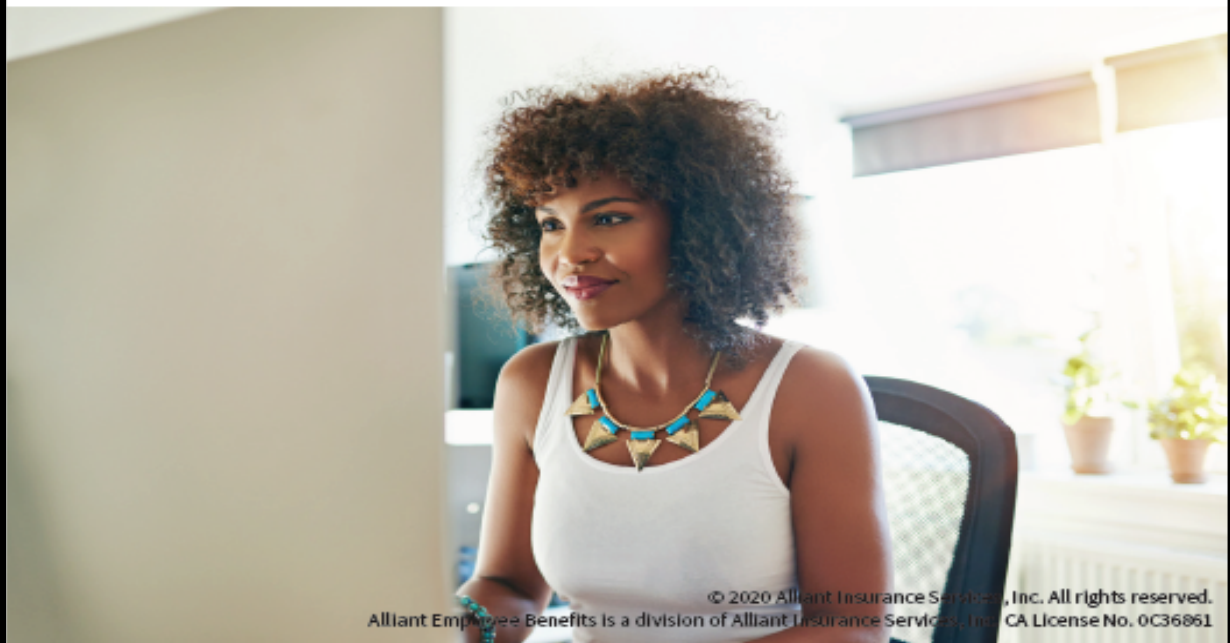
These are unprecedented times. Leaders at every company have critical decisions to make in responding to COVID-19. Do you have a consultant that can help you keep up?

For any questions regarding your benefits contact:

Henry Beceiro: (619) 849-3735 (Southern California)

Christine Kerns: (415) 403-1462 (Northern California)

Alliant is proud to sponsor the ACHRO/EEO 2020 Fall Institute.





Early Retirement Incentives: An HR Tool in Challenging Times

As a result of the COVID-19 pandemic, community college districts across California are facing budget deficits, cash flow issues, uncertain enrollment and state aid cuts. At the same time, they are trying to manage fluid staffing needs, operational/facility changes and remote or hybrid learning. With mounting pressure, human resources departments are being asked to help evaluate concessions, layoffs, furloughs, or other austerity measures to reduce labor costs.

At times like this, community colleges often turn to early retirement incentives otherwise known as Supplementary Retirement Plans (SRPs). An early retirement incentive accelerates natural retirement attrition by encouraging more senior, higher paid employees to retire sooner than they would ordinarily to create savings.

If properly analyzed and designed, SRPs can generate budgetary and cash flow savings needed to keep resources in the classroom in a way that mutually benefits labor and administration. These programs can help limit cuts of recently hired and trained, lower paid staff. Presidents or Chancellors sometimes use them for restructuring or reorganizing the workforce for the future. They can mitigate the need for layoffs, concession bargaining, and other less popular options with boards and employees.

As human resources departments are sometimes asked to take the lead in evaluating a SRPs, here are several key points to consider:

1. **A Comprehensive Analysis Is Key** – The most important first step is an empirical, well-crafted analysis that projects retirements or separations under various scenarios to determine the optimum benefit level and other design features. The analysis should take into account the cost of the benefit, retiree healthcare, natural attrition, loss of future natural attrition, and projected replacement scenarios. Faculty Obligation Numbers (for adjunct replacement) and the 50% Rule should also be considered.
2. **Natural Attrition Is a Cost** – In any given year, a number of your employees (typically 6-10%) will resign or retire. Colleges must consider this natural attrition as a cost in any analysis, since these employees would have left without an incentive. Only count savings above and beyond natural attrition.
3. **Salary/Benefit Differentials Drive Savings** – SRP savings occur when higher salaried nearer to retirement employees are replaced by employees with lower salaries and benefits. Faculty groups provide the largest differentials when adjunct faculty replacement occurs either temporarily or permanently. Administrator and classified groups may not create savings without some non-replacement of positions.
4. **Ensure the Plan is Legally Compliant** – It is imperative to design the plan correctly for federal compliance. The program cannot offer a choice between a taxable (cash/retirement plan) and non-taxable benefit (retiree healthcare) to prevent a violation of IRS Constructive Receipt rules. It should include an enrollment window of at least 30 days to comply with Equal Employment Opportunity Commission rules, although 45-60 days is ideal. Furthermore, eligibility cannot exclude higher age employees due to the Age Discrimination in Employment Act, but can be based on years of service together with age, or other neutral criteria.
5. **Consider the Impact of COVID-19** – In the current climate it is important to think about how COVID-19 may impact participation in the SRP. Is the timing right? Will plan participation be suppressed due to

financial uncertainty for employees? Or will it increase because of healthcare concerns related to coming back on campus? Perhaps the increase in online learning is lowering staffing needs? Or maybe there is a need to plan for even larger budget cuts in the 2021/22 fiscal year? Each of these questions should be considered.

6. Involve Your Employee Groups and Board – It is important to get buy-in from employee groups. The recommended benefit should be derived from analysis and it is necessary for the employee groups to be fully supportive of the program. Districts should also have an opt-out if participation goals or fiscal targets are not met following the window offering period. We recommend structuring the incentive so that a board has final approval to move forward or not after the enrollment window has closed and a post window analysis has been completed. This ensures that the plan is only implemented if it meets the college's fiscal and operational objectives.

PARS is the California leader in the analysis, design, administration and communication of customized early retirement incentives and has been providing these services to California community college districts for over 35 years. PARS pioneered the Pension Rate Stabilization Program in partnership with the Community College League of California and is the largest private provider of OPEB trusts. We are a proud long-time sponsor of ACHRO-EEO.

IS YOUR DISTRICT CONSIDERING AN EARLY RETIREMENT INCENTIVE THIS YEAR?

The PARS Supplementary Retirement Plan (SRP) is uniquely designed to be the choice of California community colleges.

Through our consultative approach and flexible plan design, PARS provides districts with a complimentary detailed fiscal analysis to determine the feasibility of an early retirement incentive. We customize each plan to meet the unique needs and objectives of the district. Our comprehensive turn-key services minimize the burden on district staff. PARS has been helping community college districts evaluate and implement early retirement incentives for 35 years.

PARS also offers the following innovative solutions:

- Pension Rate Stabilization Program in partnership with Community College League of CA
- OPEB Prefunding Trust Program
- Alternative to Social Security for Part-Time and Adjunct Staff

PUBLIC
AGENCY
RETIREMENT
SERVICES

PARS

TRUSTED SOLUTIONS. LASTING RESULTS.

To learn more, contact us at:

(800) 540-6369 ext. 127

or info@pars.org | pars.org

DON'T MISS OUR WORKSHOP SESSION!

"Deficits and Declining Enrollment: Shaping a Future Workforce in Difficult Times"

Oct 24, 2019: 2:00-3:15 pm

PROFESSIONAL INVESTIGATIONS

CA 26242 / NV 1497 / AZ 1572983

-Workplace Investigations

-Internal Affairs (POBRA)

-AOE/COE

-Surveillance

-Title IX

-Interviews

-Social Media Checks

-Insurance Fraud

-EEO Investigations

-Process Service

-Workers' Compensation

-Background Investigations

-Special Investigations Unit

-POST Backgrounds

-Computer Forensics



The
Titan Group
Professional Investigations

www.pi911.com

Local 626.890.9148

Toll Free 877.848.2674

Hablamos Español

PayPal



700 E. Redlands Blvd., Suite U-102
Redlands, CA 92373



403(b) & 457(b) Retirement Plan Administration

TSA
Consulting Group, Inc.

*"The Leading independent provider
of retirement plan
compliance and administration
services to Florida
school districts since 1995"*

www.tsacg.com

Please contact us at

1.888.777.5827

You embody **HOPE** when it's needed most.

We stand with you as you navigate the unknown.



Sacramento | Walnut Creek | Fresno | Monterey | Bakersfield | San Luis Obispo | Los Angeles | San Diego

Managing ADA Reasonable Accommodation Requests in the Face of COVID-19

Creating a Compliant, Consistent and Timely Process

By Rachel Shaw



In Spring, 2020 we sent many of our employees home due to COVID-19. As employers ask employees to come back into the workplace many are receiving requests for reasonable accommodation – especially, requests to work from home. What do you do when an employee supplies you with a medical note stating they need to work from home because of COVID-19?

The answer is to develop a consistent COVID accommodation program that is in line with your organization's philosophy. Absolute key components to success: communication and consistency.

When building your program it's important to consider the following:

IT'S A SHORT-TERM PROGRAM

It may not currently feel like it, but COVID-19 is temporary. This is important to remember because it defines the type of processes you will put in place. Generally, as a rule of thumb, temporary or short-term accommodations mean you don't need as lengthy a process as you would if you are discussing and deciding on long-term accommodation needs. As such, any reasonable accommodation request you consider in relation to the COVID-19 pandemic should be viewed as temporary or short-term and will end at some point.

UNDERSTANDING CDC GUIDELINES

Earlier in 2020, the CDC released guidelines defining individuals at higher risk of severe illness should they contract COVID-19 including

those over the age of 65 and those who have underlying medical conditions, and a list of such conditions.

In July, 2020 the CDC made significant changes to this list and with these changes made understanding who might be at risk less clear cut for Americans and employers alike. Those changes included: 1) Removing a specific age at which individuals are at higher risk, simply stating risk for severe illness increases with age; 2) Including a list of medical conditions for which individuals are at increased risk of severe illness; and 3) A list of medical conditions for which individuals might be at increased risk of severe illness.

While CDC guidance is still important to take into consideration, this change essentially forces employers to lean more heavily on the ADA

process when considering reasonable accommodation requests for employees.

YOUR PHILOSOPHY MATTERS

It is important to establish your organizational philosophy when developing how you will respond to COVID-19 related reasonable accommodation requests. Are you flexible? Or, are you more return-focused, meaning you have a need to physically bring employees back into the workplace. This will help guide you toward answers to questions you'll need to determine ahead of time including:

- *Will you allow employees to do light duty assignments? Or, will you only offer a work from home accommodation to employees who can do their entire job from home?*
- *Will you offer a temporary work from home option while the employee works to get the certification (questionnaire) back to you?*
- *If no medical certification (questionnaire) is returned and an employee does not feel safe returning to work, will you allow a leave of absence with no medical certification?*

It's also important to remember that it's okay for your philosophy to change over time. If COVID-19 has taught us anything, it's that nothing is static. Make sure to tell employees you will be reassessing your program on a regular

basis for relevance and organizational need.

In the end, you determine how much process you want or will need. You can use Shaw HR Consulting's free COVID-19 ADA Disability Compliance Program and customize this program's templates, scripts and flowchart accordingly.

A way to ensure consistency is to centralize the process. If you cannot centralize the program, be sure to employ a specific process and framework for departments or divisions to use.

COMMUNICATION IS KEY

Your call-back communication strategy matters. Many employees are worried and concerned about coming back to the workplace. Allay their fears. You care about your people and would not bring them back unless it's safe to do so. Make sure to tell them this.

Share why you are bringing them back now and why it's important to your organization and or/the community or customers you serve. You've put in a number of measures to keep employees safe, explain this to them, and be specific. It will show employees you have taken precautions and may curtail resistance to coming back to work and

translate into less requests for accommodation.

CONSISTENCY. CONSISTENCY. CONSISTENCY.

Develop your plan and follow it. Once you establish your organization's process, be consistent in following it. You will have persons asking for accommodations that you believe are motivated by non-medical related reasons, such as commute or convenience, in working from home. However, you need to follow your process consistently – those which you believe are legitimate requests need to be managed the same as those which you believe are not legitimate.

A way to ensure consistency is to centralize the process. If you cannot centralize the program, be sure to employ a specific process and framework for departments or divisions to use. Create scripts, forms, templates and a flowchart to help drive consistent decisions across your organization.

Shaw HR Consulting has created a free COVID-19 ADA Disability Compliance Program to support its HR community in this truly unique time. The program includes a training video, general guidelines, sample scripts, templates, forms, questionnaire, and flowchart. Download program materials at: www.shawhrconsulting.com/covid. Be safe and keep up the good work!

COVID-19 + ACA:

How Pandemic Response Mistakes Could Cost Employers Real Money

By Jessica Frier, JD

Senior Health and Welfare Benefit Plan Consultant

jessica.frier@americanfidelity.com

Legislation, workforce adjustments and benefits changes prompted by the rise of COVID-19 increase the complexity of administering the Patient Protection and Affordable Care Act and accurately reporting to the Internal Revenue Service (IRS).

Workforce Changes Matter.

Tracking hours to identify employee status under the ACA was difficult pre-pandemic. Understanding employee hours count for ACA purposes during the COVID-19 pandemic is even harder. To do this correctly, employers must understand the way the law applies to:

- Reductions in hours
- Paid time off
- Unpaid leaves of absence
- FMLA, USERRA, and jury duty
- Families First Coronavirus Response Act leaves
- Furloughs
- Layoffs
- Terminations
- Returning employees to work after a break in service
- Rehiring a terminated employee

Measurement Methods Matter.

For employers using the lookback measurement method, hours measured during the 2020 COVID-19 pandemic will have lasting effects well beyond 2020, because the hours employees work now are what determines their full- or part-time status for ACA purposes during your organization's next stability period. Employees already in a full-time stability period will retain their status as full-time until the current stability period ends. This means employers furloughing or otherwise placing employees on leave may have a continuing obligation to offer (and pay for) coverage in order to avoid ACA penalties.

For employers electing to measure employees monthly, COVID-19 creates an administrative nightmare. Under ACA rules, each month that an employee works at least 130 hours, that employee is considered full-time, and, unless an exception applies, must be offered affordable coverage to avoid penalty risk. With hours fluctuating dramatically, and employees moving in and out of full-time status on a month-to-month basis, employers may find it difficult to respond to ACA status changes in real time, creating compliance risk.

Benefits Changes Matter .

The COVID-19 pandemic is forcing employers to make tough choices, including dropping health insurance coverage, requiring employees to pay more towards the cost of coverage, and moving employees into positions which are no longer benefits eligible. These personnel moves could prove costly under the ACA. In particular, employers should examine whether shifting responsibility for premium amounts to employees will make their plans unaffordable under the ACA. See below for more details on the penalty for offering unaffordable coverage.

Accurate Reporting Matters.

Employers can remain at risk for reporting penalties even if they navigate these issues with care. Inaccurate, incomplete, and late reporting of their offers of coverage (either furnishing to their employees or filing with the IRS) can result in penalties of up to \$270 per return or statement with a maximum penalty is \$3,339,000 per employer. Intentionally neglecting to furnish forms to employees or file with the IRS can result in penalties of \$550 per instance. Employers should take extra care with their Form 1094 and Form 1095 reporting at the end of this year and the next few years.

Sample penalty amounts (capped at \$3,339,000)

No. of Late, Inaccurate, or Incomplete Forms	Total (up to)
55	\$14,850
125	\$33,750
55 (late furnishing to employees and late filing with IRS)	\$29,700
125 (late furnishing to employees and late filing with IRS)	\$67,500

Sample penalty amounts for intentionally neglecting to file (no cap)

No. of Forms Not Filed or Furnished	Total
250	\$137,500
500	\$275,000
1000	\$550,000
No. of Forms Neither Filed nor Furnished	
250	\$275,000
500	\$550,000
1000	\$1,100,000

What's Your Risk?

Failure to offer coverage to at least 95% of full-time employees puts employers at risk of a shared responsibility payment penalty under IRC 4980H(a). The penalty amount in 2020 is \$2,570 per full-time employee (minus the first 30 full-time employees).

Some example penalty amounts

Full-time Employee Count	Penalty Amount
250	\$565,400
500	\$1,207,900
1,000	\$2,492,900

An employer could offer coverage to at least 95% of full-time employees, but still be at risk of a penalty under Internal Revenue Code 4980H(b), which applies when a full-time employee not offered affordable coverage, or not offered coverage at all, receives subsidized coverage in a state or federally operated Marketplace. For 2020, this penalty is \$3,860 annually, or \$321.67 per month that an affected employee receives a tax credit.

Sample penalty amounts

No. of Employees Receiving Tax Credit	No. of Months of Marketplace Coverage	Total
4	5	\$6,433.40
12	12	\$46,320
25	8	\$64,334

We're here to help.

American Fidelity Administrative Services is committed to providing you with up-to-date information on employee health and welfare benefits compliance. If you would like more information about navigating increasingly complex ACA compliance in the face of COVID-19, you can [register for one of our upcoming webinars](#), or visit our website.

Jessica Frier, JD helps organizations make sound labor, personnel and employee benefits decisions by guiding stakeholders through the choices that will impact their bottom line and keep them in compliance with the law. A licensed attorney since 2009, for the past five years her consulting has focused exclusively on public sector and education organizations. Her background as a labor and employment litigator positions her to be more than just a knowledgeable resource on personnel issues—she understands the real world impact of these important decisions on employers, their association partners, and employee union groups. As a trusted advisor, Jessica is called upon to speak at regional and national association events, including meetings of the Association of School Business Officials (ASBO) International and its numerous state affiliates, and trade associations including the American Institute of CPAs (AICPA). On top of her public speaking, she develops and oversees the production of whitepapers, articles, newsletters, and trainings for both American Fidelity staff and clients, regularly giving webinars and offering expert perspectives on regulatory, legislative and compliance developments.



ERICKSON LAW FIRM

A PROFESSIONAL CORPORATION

www.EricksonLaw.com | Phone: (800) 864-8111

Work from Where – The Long View on WFH Arrangements

The phrases "SARS-CoV-2," "coronavirus," and "COVID-19" have been burned into our collective memory, but the development of an effective vaccine and diminishment of community transmission vectors means that at some point (probably/ hopefully) California will hit Stage 1 on the resilience roadmap. Workers across the state will then emerge from makeshift home offices with DIY haircuts after a year-long hibernation.

Across California and the nation, and across all sectors of employment, many workers have been displaced as a result of COVID-19. Some critical infrastructure workers proceeded with "business as usual," albeit with social distancing protocols. But for many, particularly in schools and colleges, the option to embrace a work from home arrangement was as novel as the virus itself. Studies, both pre-pandemic and recent, suggest that work-from-home arrangements may result in higher efficiency and worker satisfaction. But a recent Harvard Business Review survey suggests that the overall success of the COVID-19 shift to remote work may be attributed to a relaxing of expectations – for both employers and employees – relating to the perception of remote work standing in comparison to office work. Workplace culture stretched to fit the new norm, resulting in (largely) successful operations despite barking dogs and Zoom-bombing toddlers.

But not unlike a student-equity oriented Punxsutawney Phil, it is foreseeable that at least a portion of a district's workforce will have found their niche in working from home, and will steadfastly refuse to see the shadows that spell the end of work-from-home arrangements and the need to report for on-site work. What is a district employer to do?

WFH Arrangements Are Within the Employer's Discretion

In March 2020, public school employers turned to technology to solve the problems created by the pandemic that was forcibly introduced to a physically centralized workforce. For many, the solution was work from home – a reality enabled by relatively recent migrations to cloud-based software, remote access, and videoconferencing platforms – meaning that employees could continue to be productive from home, and perform the work necessary to support the communities and students. For many unions, the danger of these arrangements included uncompensated overtime, a *de facto* 24-hour on-call status, and other perceived erosions of the bargained terms and conditions of employment.

At its heart, a "work from home" arrangement simply modifies the location where an employee is required to report for work. At the Federal level, the National Labor Relations Board has cited with approval the idea that "telecommuting" is effectively a working arrangement in which "employees [...] otherwise report electronically, instead of reporting physically to a fixed

location." (*J&R Flooring Inc.* (2010) 356 NLRB 11, fn. 10.) Similarly, PERB has found that a change to the location where an employee is expected to report for duty is a nonnegotiable management decision. (*San Francisco Unified School District* (2009) PERB Decision No. 2048, p. 7.) A union may, upon proper request, be entitled to bargain over foreseeable impacts and effects that such a change may have on mandatory subjects. (*Id.* at 8.) However, absent an explicit directive to extend or modify hours, or the loss of a stipend or differential associated with on-site work, offering "work from home" as an option doesn't impact working conditions.

The employer has the right to evaluate a potential work-from-home arrangement and, if it is determined that the option is beneficial to its mission, implement that reporting structure.

Turning Back Time to Pre-Pandemic Conditions, Including Work Location

The good news is that returning to on-site working operations is effectively a foregone conclusion. Following the emergency shift to work-from-home arrangements ushered in by COVID-19 and Executive Order, most orders, regulations, resolutions, policies, and negotiated agreements reached as a result of COVID-19 explicitly recognized that the emergency was a temporary condition that would revert to the *status quo ante*. Working on-site is a practice that has been "regular and consistent" or "historic and accepted," and will be again. (*Hacienda La Puente Unified School District* (1997) PERB Decision No. 1186.) For virtually all public schools, employee's reported to employer worksites and performed employer assignments on employer equipment in furtherance of the employer's mission, and have done so as long as anyone can remember.

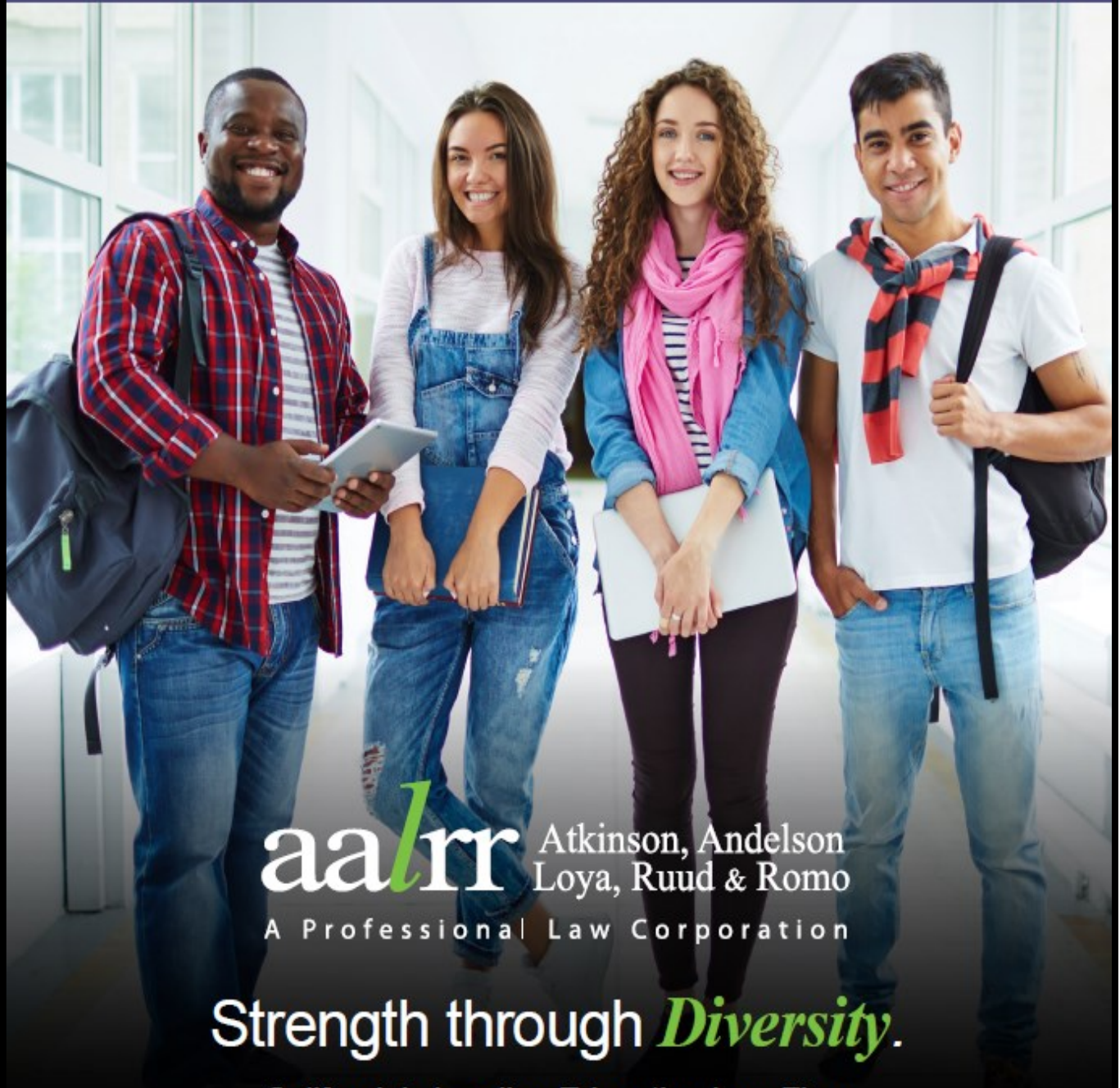
However, there may be some considerations to put in place prior to recalling 100% of an agency work-force. Under the EERA, safety conditions are a mandatory subject of bargaining. (Govt. Code § 3543.2(a).) And the District is required to cooperate and comply with the orders of public health officials. There may be some areas in which health orders and directives strain negotiated terms of employment, and district employers may be obligated to bargain in some instances. However, the actual decisions related to implementing return protocols involve a complex calculus and balance of equities that are within an employer's exclusive discretion.

Unfortunately for the few who truly enjoyed the enforced seclusion offered by working from home, broken only by Zoom meetings, DoorDash deliveries, and virtual happy hours, the reality is that a return to the worksite is a fundamental necessity, and will occur at some point.

This publication was prepared solely for informational purposes and should not be construed to be legal advice. If you would like further information on this matter, please contact our office.

Building stronger communities. Building stronger schools.

We are in this together.



aalrr Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation

Strength through *Diversity.*

California's Leading Education Law Firm

www.aalrr.com

Cerritos | Fresno | Irvine | Marin | Pasadena | Pleasanton | Riverside | Sacramento | San Diego

Now more than ever, HR Administrators face complex challenges in the Community College environment.

ACCCA
Your *Essential*
Career Partner

ACCCA has been an ongoing source of support since 1975 with benefits, programs and connections to help keep you and your college current and resilient.



www.accca.org
(916) 443-3559

In This Together since 1975



MEMBERSHIP BENEFITS:

- Legal services - Provided by CLC 24/7 Legal Assistance 800-541-9701
- Professional Liability - Provided by Keenan & Associates 949-940-1760
- AD&D, Life and LTD - Provided by The Standards 877-472-6722, Policy #641419
- Professional Development
- Connections and Mentoring

OUR VALUES:

- Collaboration based on trust
- Commitment to service and quality
- Ethical and effective advocacy
- Honesty, integrity, and professionalism
- Respect for uniqueness, diversity, and creativity

Join Us Today!
www.accca.org



New Title IX Regulations: Implementation and Highlights

The United States Department of Education (DOE) recently issued much-anticipated Regulations (Regulations) addressing how schools and colleges (referred to as Recipients) must respond to claims of sexual harassment covered by Title IX of the Education Amendments of 1972 (Title IX). Title IX is the federal law which prohibits discrimination on the basis of sex in educational settings. The Regulations that took effect on August 14, 2020 make significant changes to prior guidance and practices. As community colleges move forward with the Fall semester, the following are some of the most notable changes impacting districts.

Sexual Harassment is Narrowly Defined

Sexual harassment is now narrowly defined to mean conduct on the basis of sex that satisfies one or more of the following:

1. Any employee of the Recipient conditioning the provision of an aid, benefit, or service of the Recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it denies a person equal access to the Recipient's educational program; or
3. Sexual assault (as defined in the Clery Act (20 U.S.C. § 1092(f)(6)(A)(v)), or dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act (20 U.S.C. § 12291(a))).

A Single Investigator/Decision-Maker Model is Prohibited

The Regulations clearly provide that the decision-maker, or the person(s) responsible for determining responsibility, cannot be the same person as the Title IX Coordinator or the investigator. Moreover, in the event of an appeal, the appellate decision-maker cannot be the same person who served as the Title IX Coordinator, investigator, or decision-maker making the original determination. Among other things, the decision-maker is responsible for making a determination regarding responsibility issuing a written determination to the involved parties in accordance with the Regulations at section 106.45(b)(7).

Disclosure of Evidence

As part of the formal grievance process, detailed within section 106.45 of the Regulations, both parties and their advisors must be given at least 10 days to inspect, review, and respond to all evidence that is directly related to the allegations in the formal complaint, before the investigator completes the investigation report. Additionally, the final investigation report must be provided to the parties and their advisors at least 10 days before any hearing or final decision is reached.



Michelle Cannon
Partner
Sacramento Office
mcannon@lozanosmith.com



Stephanie White
Partner
Walnut Creek Office
swhite@lozanosmith.com



Sarah Fama
Senior Counsel
Walnut Creek Office
sfama@lozanosmith.com

Live Hearings Are Required for Postsecondary Recipients

Post-secondary Recipients must have live hearings that permit the cross-examination of the involved parties and witnesses. Cross-examination must be conducted by the advisor, and not by the parties themselves. If a party does not have their own advisor, one must be provided by the Recipient at no cost. The decision-maker overseeing the hearing must determine whether each question posed by the advisor is relevant and explain any decision to exclude a question. Live hearings may be conducted with all parties physically present in the same location, or may be conducted virtually. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility.

Recipients Must Choose and Consistently Apply the Standard of Evidence

A Recipient can decide whether the standard of evidence to be used during the grievance process is the "preponderance of the evidence" or the "clear and convincing evidence" standard. The standard used must be consistent whether the respondent is a student or an employee, and with all other formal investigation processes.

The Option to Appeal Must Be Afforded to Both Parties

Both complainant and respondent must be offered the opportunity to appeal a determination regarding responsibility, and from a dismissal of a formal complaint or any allegation therein. Appeals may be based on (i) procedural irregularity; (ii) new evidence that was not reasonably available at the time of the determination or dismissal; or (iii) conflict of interest or bias of the involved Title IX personnel.

Records Must Be Maintained for 7 Years

A Recipient must maintain for a period of seven years, all records relating to sexual harassment investigations, any appeal and the results therefrom, any informal resolution and the results therefrom, and, for all instances where there was actual knowledge of sexual harassment, even if no formal complaint was filed, documentation that the Recipient responded in a way that was not deliberately indifferent. Recipients must all maintain for a period of seven years all materials used to train Title IX Coordinators, investigators, decision-makers, or any person who facilitates an informal process, and they must be made available on their website.

Takeaways

The over 2,000 page document presents sweeping changes that are required for Recipients in their implementation and handling of Title IX complaints. The above highlights some of the key changes, though by no means is an extensive or complete outline of the Regulations. It is recommended that all Recipients, who have not done so already, update their Title IX policies and procedures, train all employees on their roles and responsibilities under Title IX, and in some cases add personnel to their Title IX teams. It is important that Recipients give adequate notice to employees, applicants, students, and parents/guardians of their rights under Title IX, by posting mandated information on the Recipient's website and in all handbooks.

If you have any questions about the new Title IX Regulation, investigations or Title IX in general, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

This article was adapted from Lozano Smith's *New Title IX Regulations Issued by the Department of Education Take Effect August 14, 2020* Client News Brief on June 26, 2020. Access Lozano Smith's Client News Brief Program and related articles at <http://www.lozanosmith.com/news-clientnewsbriefs.php>.

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

DON AVERILL – THE OLD COOT OF ACHRO/EEO

Building a Legacy in Human Resources

My career path in the community colleges had been in vocational education and career education until 1983. Following an accreditation visit that ended up with criticism regarding the operation of the (then) certificated human resources office, the President of Glendale College named me the Dean of Certificated Human Resources. I continued to serve as the Dean of Economic and Career Education until 1987. During the year that followed, the classified staff challenged the operation of the merit System at Glendale and won. I was appointed by the administration to coordinate the election process. Shortly after, the President named me the Administrative Dean of Human Resources, and the human resource operation was consolidated for the first time in the history of the college.

Glendale college transitioned from a Merit Commission district for its classified employees to one where classified operation depended on the collective bargaining process to address tasks that had formally been conducted by the Commission. As the Administrative Dean, I was now on a tremendous learning curve to bring a Commission operation into a new relationship with collective bargaining. During the 1990s, certification of our academic staff ended, and this transition also needed to be managed.

In the late 80's human resources were not identified as a separate operation of many colleges. Most of the human resources offices reported through administrative services. This arrangement meant that the process also did not have a voice on the consultation council of the Chancellor's Office. I was serving at that time as the chair of the Southern 30's Human Resources Officers and had become the chair of the Human Resources Commission of ACCCA, where I served on the ACCCA Board for eight years. It was through this group and the assistance of Pat Molica, John Renley, and Edwin Bush, among others, where we spearheaded a group to get us included in the Consultation Council. This effort was a success, and from that effort, the new professional association of ACHRO/EEO emerged, and Human Resources became recognized for its role in the administration of community colleges.

Collective bargaining was getting a foothold in the community colleges in the early '90s, and that element was changing the responsibilities and challenges of human resources operations. More significance was given to diversity, and managing worker's compensation, employee discipline, and many other aspects of what is charged to human resources today. It was an exciting and memorable part of my career, and the reason I have such an affection for human resources.

In 1996, I was selected as the Superintendent/President of Palo Verde College and changed my leadership role in the community colleges. My tenure with Palo Verde College and my subsequent appointment as the Chancellor of the San Bernardino Community College District in 2000 took me off in another direction and the opportunity to work with effective leadership teams to bring about changes in those institutions. Following my retirement from Public administration in 2008, my career direction moved to educational consulting and searches as an owner of PPL Inc. This activity provided me new opportunities to work with human resources throughout California.

Human resources have been a significant part of my career. As a result, I have maintained my connectivity to ACHRO and my colleagues in this substantial part of our California Community Colleges.

Donald F. Averill served community college education for 58 years and retired from active consulting in January of 2020. Don is currently associated with PPL as Owner Emeritus.



California
Community
Colleges

Vision
Resource Center

POWERED BY



Empower your employees to take control of their professional development and growth.

- Streamline assigning, tracking and reporting for training and development, including required compliance related activities.
- Connect with 90,000+ colleagues already engaged in the Vision Resource Center.
- Access 8,000+ learning modules from LinkedIn Learning (Lynda), Skillsoft, SANS, and CCC.
- Join communities of practice to learn and collaborate with over colleagues across the state.

Get Your College Integrated!

Integration and platform license fees are being covered by the Chancellor's Office. Visit visionresourcecenter.cccco.edu to learn more and sign up for an upcoming integration webinar.



Ease the Impact of Budget Cuts

This year, districts must consider drastic measures to deal with unforeseen budget cuts.

Keenan can help! We offer products that enhance your employee benefits offering while providing immediate and long-term savings.



- Supplemental Employee Retirement Plan (SERP) offers employees the opportunity to retire early by providing an attractive incentive.
 - Reduces total salary costs, statutory costs, and helps avoid layoffs.
- ➔ A school district with nearly 1,000 employees **saved \$13M over 5 years.**



- CompleteCare provides employees who enroll in their spouse's medical plan with up to 100% reimbursement for out-of-pocket medical expenses.
 - Employers save money through reduced premium and claims costs while transferring risk, limiting liabilities and controlling benefits costs.
- ➔ A school district with 1,000 employees **saved \$5.15M** in premiums and claims costs over **4 years.**



If you would like Keenan Financial Services to perform a feasibility study at **no-cost** to you to help you better understand the potential savings of each program, contact Isaac Stern at istern@keenan.com or 310.212.0363 ext 3608.

Keenan

Addressing Staff Needs: Balancing Life and School in the “New Normal”

By:

Sara Young, Associate, Guy Bryant, Partner and Laura Benson, ESS Consultant

Faculty, students, and administrators have all transitioned back to work and school this fall; everyone is adjusting to the new normal, a decidedly “abnormal” experience. Working from home tested everyone’s ability to schedule the day, maintain relationships, and engage with students and coworkers. Education leaders are grappling with changes in the very foundation of how they view instruction and learning, moving from traditional brick and mortar schools to virtual schools, hybrid programs, and distance instruction. As you move forward in your colleges and district leadership, you must be prepared to navigate the challenges of virtual education and remote working.

Lessons Learned During 2019-2020

By now, educational institutions have been operating, in some form or another, through distance and remote learning for over six months. Something that we have all learned is that “virtual fatigue” is real – working from home, at a computer, can be exhausting. At first, attending meetings via Zoom, Google Meet, or another virtual platform felt exciting and provided a new method of collaboration. But, after months, several key themes emerged.

(1) Working from the couch, dining room table, or on an ironing board is not sustainable.

When staff were home for one week or one month, many “McGyvered” their home work stations in clever, but unsafe ways. After months at home, individuals are experiencing eye strain from small laptops and poor lighting, back pain from improper seating, and injuries to wrists from increases in typing and computer use. While working from home can seem relaxing and fun, individuals may have become frustrated with their makeshift workspace and longing for their cubicle, office, or other work arrangement.

(2) Virtual fatigue is real.

When multiple individuals participate in virtual meetings, it can be harder to read non-verbal cues, eye-contact is prolonged, and attention is divided between multiple boxes within a screen. These challenges, and other off-screen interruptions, place a strain on our mental processing. Mental delay that were not present when meeting in office spaces and working at desks suddenly appear. Delays in technology, individuals talking over others, and the simultaneous use of a “chat box” can further fatigue and frustrate individuals participating in meetings, instruction, and activities virtually. Participants who are neurologically diverse (e.g., have needs related to attention deficient disorder, auditory processing weaknesses, or more) may be overwhelmed by multiple people talking and backgrounds in individuals’ screens, and may need additional accommodations and considerations for online meetings (e.g., shared screens, notes, agendas).

(3) Digital meetings can exacerbate mental health issues and self-concept concerns.

Prior to the “work from home” craze, no one knew what your house looked like. Have a room dedicated to your obsession with Harry Potter or Doctor Who? That was your own private business. Live near an airport or a fire station? No one knew. Now, our personal lives are on display to others, literally, through our computer screen. It is exhausting to know that we are being watched, and looking at ourselves, during a bulk of the work day.

During staff meetings in January and February, staff may have met in the multi-purpose room, connected with colleagues, and sat down to listen to new information about school-wide activities. Staff was not sitting inside a room of mirrors, staring not only at others, but at themselves (from unflattering angles). Being always on and always aware of self and home can exacerbate self-confidence and mental issues. Individuals who struggle with self-concept may see increases in depression and negative thoughts; individuals who have very private lives may feel intruded upon by the “window” into their home.

(4) The work day never ends.

While administrators and faculty have long struggled with “logging off,” connecting from home has further blurred these boundaries. Employees, online at all times, may forward messages and ask questions at all times, including nights and weekends. While employees may find their day starting later due to adjustments in the home routine and not having to rise early for commutes, breaks are less scheduled, are more interrupted by work, and logging off at night can be nearly impossible.

Internet providers have documented this shift, noting that despite later work start times, peak email hours have crept up an hour (from 10 a.m. to 9 a.m.), and employees are logging in late at night, with spikes in internet use between midnight and 3 a.m. now, which were not present prior to the COVID-19 pandemic related shifts to lifestyles.

Instead of leaving your work space to walk to the restroom, or using time spent driving between sites to meditate or relax, employees are now “on call” nearly all day. While taking a break to rest your eyes from your screen, your smart watch dings to invite you to a meeting starting in five minutes. In the “old world,” you would have declined this last minute invite – impossible to drive from your work location to the meeting site in five minutes, or you would be away from your computer and unable to log in and could not access the information. Now, you are steps away from your computer, and think “ok.” Further, you feel guilty if you don’t view an email and respond immediately – shouldn’t you be checking your email all the time during the work hours when working from home? Next thing, your work day (including lunch break) has been hijacked by unscheduled interruptions and you are working late into the evening. The feeling of needing to “leave” work, driving home and spending time with your family is not as urgent, and you may work into the wee hours of the morning, only to start the cycle again the following day.

2020-2021 Remote Instruction and Employment: Developing Support Strategies

These challenges are not insurmountable. Addressing them is important to improve staff well-being, and to ensure our staff is available and productive, ready to assist students in their learning.

(1) Ensure Safe and Secure Workplaces.

Education Code section 87032 requires that employees have the work related equipment and tools needed to perform work remotely if they are expected to complete work from a remote/distance site. Additionally, worker compensation supports are available to employees who work from home. To combat claims of injury, consider having your Risk Management department provide virtual professional development on workplace set-up, and ensure that staff have the opportunity to bring home items that will facilitate productivity and safety (e.g., specialized mouse or keyboard at the office, an office chair, or a work monitor).

(2) Combat Virtual Fatigue.

Despite the ease of “virtual meetings,” consider how you would have held the meeting *pre*-COVID-19 closure. Would this have been a phone call? An email? Try to stick with that same pattern. Just because a new virtual technology is present *does not* mean it has to be used. If you used to regularly check in with an employee by walking by, and now you conduct virtual check-ins, ask the employee if there is a preferred method (telephone or video call), or consider alternating the platform for a regular “check-in.”

In large group meetings, make it clear when it is optional for employees to have their camera on. It may be that only the few presenters in a meeting need to be visible, and other employees can be video-muted. Alternatively, if the meeting is a presentation type meeting, consider using a “spotlight” feature in the virtual technology and muting other participants. When other individuals are speaking, spotlight that individual. This can limit eye-gaze fatigue and reduce distraction.

Finally, start meetings with clear norms about behavior and interruptions. Meetings should include clear agendas that are provided to participants. This may be viewed via screen share or provided to participants before the meeting via email. By providing an outline of what will occur, individuals who struggle with attention or auditory processing will have an accommodation built in to support their active participation and understanding.

(3) Support Positive Mental Health Strategies

For some employees, the isolation of working from home may need to be addressed. For these employees, consider optional check-ins. For example, if employees used to connect in the staff lounge during a lunch break, consider opening a meeting room for individuals to drop in during set periods of time. Much like a staff room, individuals may pop in to participate and talk with others, may just sit and watch, or may choose never to enter. This *optional* social activity can provide a meaningful connection for employees.

Find ways to connect employees with their mission. For many individuals, the hardest thing about working from home is the limited interaction with students. With healthy guidelines in place, there are multiple ways to engage students and staff both virtually and in-person. Students and staff benefit from in-person, socially distance visits. Individual meetings with Plexiglas and other protective wear can improve student and staff morale. For many, technology has taken away a level of personalization.

(4) Establish Work Boundaries

Sometimes, unintentionally, the message to staff is that they must be available at all times. However, strong leadership should be defined by flexibility and empathy. Recognize that distractions are still present, just different. While teachers were previously teaching class from 8:00 a.m. to 2:00 p.m. with minimal breaks to check email and communicate with administrators, they are not spending those same hours being available to students – filming lessons, engaging in live instruction, answering student questions, and checking in on students. The same expectations for response time (e.g., respond to emails in 24 hours), or expectation of availability should be present in the “work remotely” environment as in the classroom.

Staff meetings and other required meetings should continue to follow the contract guidelines related to notice, length of time, and frequency. While some staff may desire more contact, many feel burdened by the need to be always available. Clearly distinguishing *mandatory* meetings from *optional* meetings will support all employees in making decision that are best for their personal lives.

Quarantine has dissolved the normal boundaries that once dictated social etiquette. Before, you were unlikely to schedule back to back meetings, but now, without commutes (whether walking from room to room or driving school to school), the operating rules have changed. Ensure your schedule recognizes the need to take breaks between meetings, and that you use those breaks to get up and unplug. Schedule meetings with short 5 to 15 minute breaks between them, and use that time to close your eyes and step away from technology. Ensure that you facilitate your meetings to end on time, and much as you would need to leave an in person meeting to get to your next commitment, hold firm to leaving meetings at the scheduled end time.

As hard as it may be, continue to dress for work and schedule your day with reminders to take breaks and to unplug. One strategy is to clean up your remote work space at the end of each day – pack your computer, notes, and materials in a work bag for unpacking the following morning. This can be your daily commute. Alternatively, place a post-it or other visual reminder to “not look” during your off work hours.

Making 2020-2021 A Digital Success

Despite the challenges, working remotely provides a great opportunity for you and your staff to engage in professional learning and development. You have an opportunity to incorporate new technology and strategies into your own instruction and leadership. This is a perfect time to try a new application or online program that you may want to incorporate into your leadership. As an administrator, you might discover that a five-minute video message and PowerPoint is more effective than a narrative email, and change your practice in the fall. While exploring technology, be mindful of the messages learned in 2019-2020, and support your staff in setting boundaries, connecting with each other and with students, and in avoiding virtual fatigue.



ACHRO/EEO's 25th Anniversary is this year, but because we had to cancel the live conference, we will be celebrating in 2021. The conference will be held:

October 19-22, 2021

Hyatt Regency Mission Bay, San Diego, CA

