ACHRO/EEO
Association of Chief Human Resources Officers/
Equal Employment Officers

THE COMMUNICATOR

2008 Fall Edition Volume II, Issue 1

Inside this issue:

Message from our ACHRO/EEO President Irma Ramos…..

The Fall Institute at beautiful, relaxing Lake Tahoe is coming up and I look forward to seeing my old friends and making new ones.

This year our institute's theme is **Human Resources – Making a Difference**.

When we step back from the daily grind and look at what we contribute to each of our colleges, we realize that we make a significant difference. We make a difference at the strategic level and we make a difference day to day. We directly or indirectly influence most every aspect of our campus community from hiring to training and evaluating, from benefits and promotions to retirement. We resolve conflict and navigate the choppy waters of negotiations and compliance. In short, we raise the bar and then help people do their jobs.

I find that conferences and training institutes help me take this step back, reflect on what I do, and learn from you, my colleagues. The institute workshops this year cover a wide range of subjects that will help us make meaningful improvements in our jobs. If you have not already done so, please take a moment to review the program and sign up for the institute at www.achroeeo.com. And if your colleagues are not ACHRO/EEO members yet, encourage them to join so they can attend the annual institute and network with their peers. Please direct them to Connie Carlson, ACHRO/EEO Treasurer at connie-carlson@redwoods.edu or follow this link for more information www.achroeeo.com/membership.aspx.

I know joining ACHRO/EEO has made a difference in my career. I have made many friends here and grown professionally. If you are a senior professional, I urge you to continue mentoring your staff. If you are new to human resources, take advantage of every opportunity to grow and acquire knowledge.

Irma Ramos

Irma Ramos, ACHRO President
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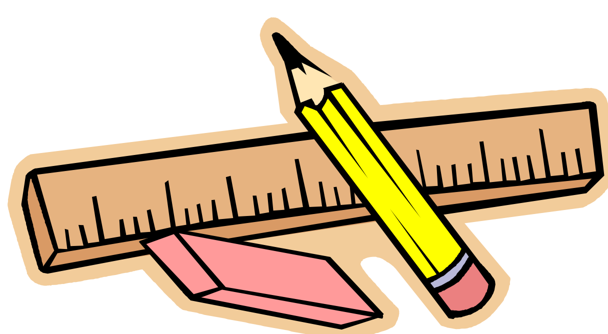
A Message from Our Vice-President . . . .

I was recently elected to be the Vice President of ACHRO/EEO for the upcoming year and I wanted to take this opportunity to introduce myself. I am the Association Vice Chancellor of Human Resources at State Center Community College District and have been involved with ACHRO/EEO since I joined the community college system in 2001. I first looked at ACHRO/EEO to help me transition from the K-12 system into the community college system and attended my first training institute in 2001. I found the sessions to be very informative and the opportunity for networking with fellow administrators has been invaluable over the years.

I will also be serving as the chair of the Training Committee and I wanted to let you know that we will be evaluating the Fall 2008 Institute and planning the Fall 2009 Institute. We are now actively looking for volunteers. Would you like to be part of this most important endeavor? Email me at randy.rowe@scccd.edu or call me at (559) 244-5970. If you would like to recommend someone you think would be a great asset to the committee, please let me know and I will contact them personally. I know this is a very good opportunity to get involved in the ACHRO/EEO and work closely with your fellow colleagues.

I would like to take this opportunity to thank Sheri Wright, for her leadership this past year as President, Irma Ramos, the Training Committee members and our great consultant, Ron Cataraha for their contributions in putting together the Fall 2008 Institute. This year's event has a rich list of workshops for you to choose from. Please plan on staying until the institute activities are completed at 12:30 p.m. on Friday. Paul Butler will be the guest speaker at the lunch meeting on Wednesday. In addition to the annual institute, the Training Committee will be soliciting your input on the two paraprofessional days to be held one in Northern California and one in Southern California. I look forward to seeing you at the Fall Training Institute in Lake Tahoe.



Randy Rowe

ACHRO Vice-President
randy.rowe@scccd.edu

The Treasure Chest. . . .

Thank you for your support for my position of treasurer. I'm finding out that this is a very important position….because I pay the bills! But it is also important because I work with everyone to keep our membership active. Our organization works hard to bring our membership information that keeps us all current in our positions. Your continuing support as an active member and paying your yearly dues help us to continue to provide these services and more. Please take a moment and complete the new membership form for 2008/09. It will be money well spent!

Connie Carlson

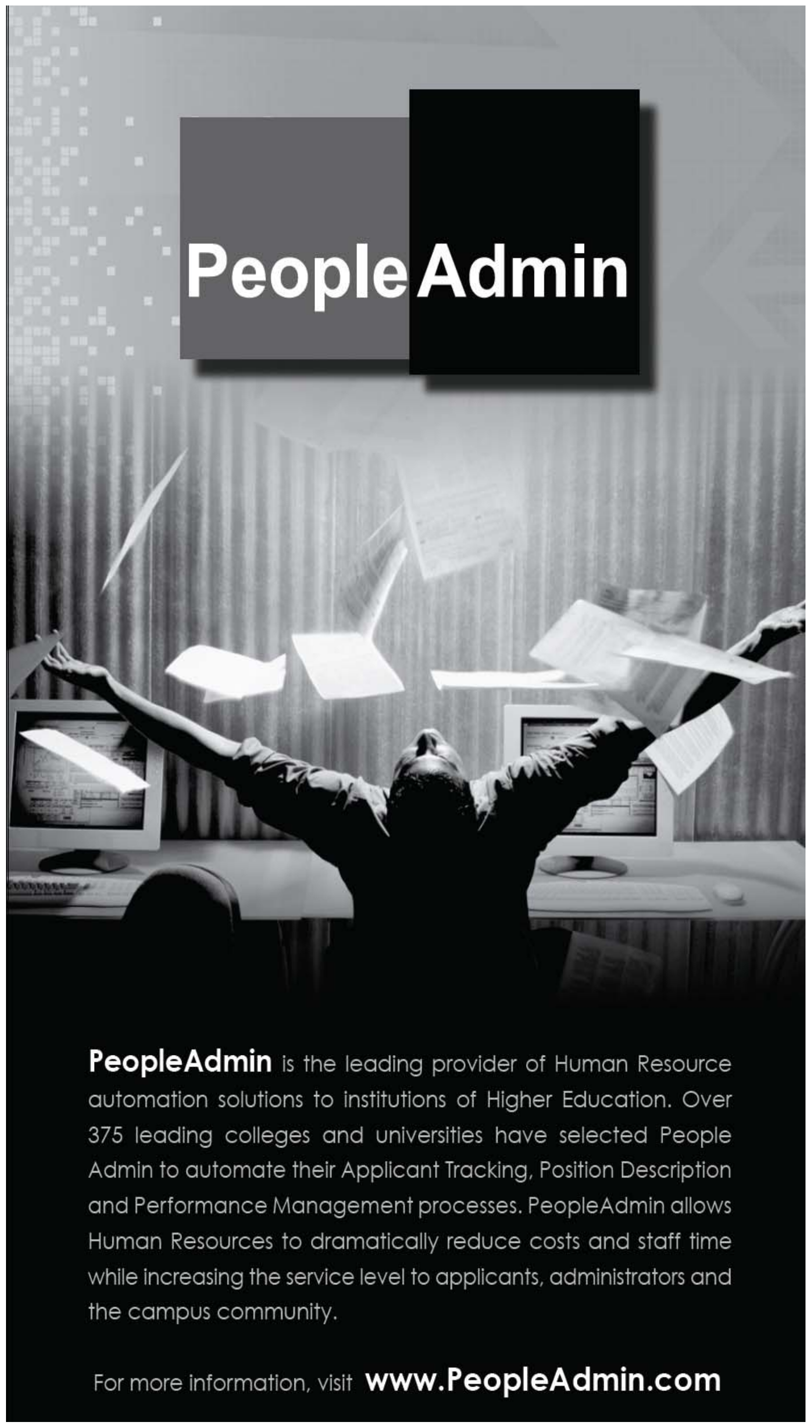
ACHRO Treasurer
connie-carlson@redwoods.edu

Our Secretary . . . .

I would like to thank the ACHRO/EEO membership for this opportunity to serve as the ACHRO/EEO Secretary. I am honored and look forward to working with each one of you.

Teddi Lorch

ACHRO Secretary
tlorch@socccd.edu



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Recent Changes to the Brown Act

Effective January 1, 2008, there were significant changes to the Ralph M. Brown Act (Government Code section 54950 et seq.) School and community college districts should be aware of these changes and adjust their policies accordingly.

Section 54961: Meeting Places

The Brown Act prohibits school and community college districts from holding board meetings in facilities with discriminatory practices. Section 54961 was amended to bar meetings, conferences, or other functions in facilities which discriminate on the basis of ancestry, race, national origin, ethic group identification, religion, age, sex, sexual orientation, color or disability. Districts should update their policies to ensure that board meetings are not held in facilities that have any such discriminatory practices.

Section 54957.5: Agendas and Other Writings As Public Records

The Brown Act requires that all school and community college district board meetings be open to the public and all persons be permitted to attend unless a closed session is authorized. To ensure that meetings are open to the public, the Act requires that certain writings be made public. Section 54957.5 specifically requires that the board post an agenda at least 72 hours before a regular meeting and requires that agenda and any other writings distributed to any or all board members be made public records.

The legislature amended Section 54957.5 to address instances in which the 72 hour requirement is not met. Specifically, when a document related to a regular meeting open session agenda item is distributed less than 72 hours in advance, the document must be made available for public inspection at the same time it is distributed to a majority of board members. Additionally, the board must designate the public office or location where the documents may be inspected and list the address of the location on all meeting agendas. The school or community college district may post the document on its website in a manner that makes it clear that it relates to an agenda item for an upcoming meeting. It is recommended that school and community college districts update their board policies to incorporate this amendment to the 72 hour rule.

The legislature also exempted additional documents from public disclosure under Section 54957.5. Applicable to school and community colleges is a new exemption for Government Code section 6254.3 which addresses disclosure of employee addresses or phone numbers (Gov. Code §6254.3). If necessary, Districts should update their board policies to include this exemption.

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Are you now a plan fiduciary under the 403(b) regulations?

You are a "plan sponsor" under the final IRS 403(b) regulations that go into effect on January 1, 2009.

So, you'll be operating just like your private sector colleagues who offer a 401(k) plan, right?

Wrong. While the IRS final 403(b) regulations certainly strive to keep retirement plan sponsors operating under a similar framework, the Internal Revenue Code and the Employee Retirement Income Security Act (ERISA) rules mean that a 403(b) plan still has very real differences that separate it from a 401(k) plan.

Perhaps the most significant difference is that ERISA fiduciary obligations would not apply to 403(b) plans sponsored by public schools and certain 501(c)(3) nonprofit organizations. While the final 403(b) regulations impose more day-to-day oversight on employers offering 403(b) plans, many 403(b) sponsors are under the mistaken impression that these IRS rules will now cause them to be considered plan fiduciaries.

The IRS has debunked this myth as it applies to public schools. Responding to the question, "Does having a written plan cause a non-ERISA 403(b) to become subject to ERISA," Bob Architect, IRS Senior Tax Law Specialist and the resident expert on 403(b) plans, commented:

"Let us begin answering this question by stating right up front, particularly where education is concerned, to realize that any form of government is not subject to ERISA. So if we have a 403(b) in a public K-12 school, no matter what they did under that plan, it would not subject them to ERISA. Public universities are also not subject to ERISA

So, the answer to this question really addresses those employers in the 501(c)(3) tax-exempt community. There, the very fact that they put in a written plan where in the past they had not been necessarily subject to ERISA, the mere existence of a written plan or the mere compliance with the terms of the regulations, which, of course, contain the written plan requirement, would not, in and of itself, subject them to ERISA." (http://www.irs.gov/retirement/article/0,,id=172433,00.html)

The Department of Labor (DOL) has also weighed in on whether a 501(c)(3) organization would become a fiduciary under ERISA by complying with the IRS final regulations. According to DOL Field Assistance Bulletin 2007-02, a 501(c)(3) employer with a salary deferral only 403(b) plan would not become an ERISA fiduciary simply by developing a written plan document or performing administrative reviews for

ARE YOU NOW A PLAN FIDUCIARY UNDER THE 403(B) REGULATIONS?

compliance. In fact, if the employer delegates any discretionary decision making (such as authorizing hardships) to a third party – as the final IRS 403(b) regulations specifically contemplate, then that employer's 403(b) plan (funded only by salary deferral contributions) will not be subject to ERISA.

So, if you have a 403(b) plan that is not subject to ERISA, you are not a plan fiduciary. Just for what exactly are you responsible?

- Knowing the investment products funding the 403(b) plan

The IRS will expect that you know – and authorize – those vendors who are providing funding vehicles under the 403(b) plan, including those product providers approved only to receive contract exchanges.

Why? The IRS wants to be sure that you can identify where all 403(b) plan assets are at all times. The only way that that can happen is for you to know who your vendors are, both for ongoing contributions and for contract exchanges.

The IRS does not expect that you monitor the investment products for risk and return objectives or to develop an investment policy. If your 403(b) plan is not subject to ERISA, any such requirement would be determined under state/local law.

- Operating your 403(b) plan by the terms of your written plan document

Expect to see the IRS auditing 403(b) plans in the next few years to be sure that you are operating in accordance with the final 403(b) regulations. So, you will want to be sure that the administrative procedures that you are putting in place match both what are required under the IRS rules and under your written plan document.

Why? On audit, the IRS will be looking for operational defects that don't synch up to your plan document. To keep audit issues at bay, you will want to make sure that what your plan document says and what you and your plan administrative service providers are doing are consistent and compliant with the IRS rules.

We know that getting your 403(b) plan ready for the final IRS regulations can be a daunting task and want to reassure you that ING is here to help. Whether explaining what employees or helping you implement your 403(b) solution, ING is ready to help you take the stress out of the 403(b) regulations.

The above discussion highlights issues under the final IRS 403(b) regulations. It is not intended to provide specific legal, tax or other professional advice. The services of an appropriate professional should be sought regarding your individual situation.

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Public Agency Retirement Services (PARS) is pleased to contribute this article for the "The Communicator" highlighting recent retirement-related legislative and regulatory developments of interest to Human Resources Officers in California's Community Colleges. The PARS Community College District Consulting team includes Arnold Bray (former Director of Legislative and Community College Services for School Services of California) and Maureen Toal, Vice President of Public Affairs. Arnold and Maureen will combine their legislative expertise to elaborate further on these topics at the ACHRO Institute on October 22.

Governor's Benefits Commission Recommendations Become Legislation

Earlier this year, the Governor's Public Employee Post-Employment Benefits Commission released a final report of its findings related to California's growing liabilities for pensions and retiree healthcare. Some of the report's recommendations translated into bills now making their way through the state legislature.

The Commission surveyed California's public pension plan systems and nearly 1,200 public agency employers throughout the state to get a clear idea of pension funding status and retiree healthcare liabilities. According to the Commission, the total unfunded liability for pensions is around $63.5 billion whereas the unfunded liability for OPEB is around $118 billion, $48 billion of which is the liability for the State. Of the responding agencies, 78% reported that the do not pre-fund their OPEB liability.

The Commission made a total 34 recommendations including:

- that each public agency should adopt pre-funding as its policy, identify its OPEB liability, develop a pre-funding plan, make it public, and begin pre-funding the liability.
- that if in a given year there is no need for an employer contribution to the pension plan because it is significantly over-funded, then the amount of the employer contribution savings should go towards pre-funding OPEB liabilities.
- that the State Controller's Office develop a method to collect and report OPEB data from California's public agencies

Several bills have been introduced to address some of the recommendations:

- **SB 1123** – Requires local entities to prepare an actuarial study and make it public at least two weeks before changes to postemployment benefits (and not on consent calendar). It also creates the California Actuarial Advisory plan to provide expert and independent information to encourage greater transparency and understanding of actuarial methodologies and assumptions. This bill has passed both houses and is currently in the Senate Unfinished Business file.
- **AB 1844** – Establishes penalties for fraud related to STRS and PERS benefits; requires public agencies to report information on post-retirement healthcare to the State Controller every year. This bill has been passed by both houses and has gone to the Governor for signature.

STRS Taskforce Pitches Uniform Retiree Healthcare Benefits

STRS formed the Public Education Health Benefits Task Force to recommend how STRS and PERS could assist educational agencies in addressing the affordability of healthcare. The Task Force report recommends a program for retired members over age 65 that would provide:

- monthly health allowance of $400 – retired prior to 1999
- monthly health allowance of $300 – retired in 1999 or after
- monthly health allowance of $100 – retired after implementation of program
- base monthly allowance based on years of service
- benefit would increase based on medical care component of CPI or 5% compounded (which ever is less)
- could designate beneficiary to receive allowance

Benefits would be funded by:

- For those retired prior to implementation - by state contribution or redirection of its contribution to the Supplemental Benefit Maintenance Account
- For those retired after implementation – employer contributions

Increase in contributions as a percentage of payroll would be required: 1.717% for retired members and 1.788% for active members.

Post Retirement Earnings Limits Under Scrutiny

STRS formed a Post-Retirement Earnings Limitations Working Group this year to recommend legislative changes to post-retirement work by teachers and administrators. Originally the taskforce discussed amending current bill, **AB 2390**, to eliminate the earnings limitation for retirees over the normal retirement age of 60, but place additional restrictions on retirees under age 60 and for retirees who return to work. The group could not reach consensus on this issue. Instead, the bill moved through both houses of the Legislature and to the Governor with only the year long "status quo" extension of the current earnings limitation exemptions.

Some of the issues being considered were:

- Require employers to contribute the "actuarially sound" cost of hiring retired members
- Require employers to pay full 8.25% contribution for hiring retired STRS members.
- Permit a district to hire a retired employee only if the district pays 8.25% of employee's creditable compensation towards its OPEB liability.

Change the earning limit to 50% of final compensation per year as averaged over a 3 to 5 year span

STRS hopes that the group will reach a consensus on a more permanent solution in the future.

We'll provide greater detail on these developments and others at the ACHRO Training Institute session on October 22. If you have any questions on this issues call Arnold or Maureen at (800) 540-6369 ext. 127 or abray@pars.org, /mtoal@pars.org

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A few words from our Past-President . . . .

As the calendar page changed to July and we entered a new fiscal year, the reins for ACHRO/EEO were turned over to Irma Ramos and I happily leave the President's responsibilities in her capable hands. As past president, my role will be serving as your representative on Consultation Council. There was no meeting in the month of July as the Chancellor decided that without a state budget there were not enough pressing issues for the group to discuss. The question about whether there will be cuts to the budget for the System Office has created a great deal of uncertainty, including staff levels and paying for meetings such as this. In September I will attend an orientation on how and why the council operates as it does (that will be helpful since I have tried to figure out many of these things on my own since I started attending in January). I will continue to provide you with notes of the meetings and when there are items on the agenda that are of particular interest to HR/EEO professionals, I will continue to seek your input and participation. It is critical that we continue to be seen as strategic partners in these system-wide activities!

On another note, I would like to thank Reneé Gallegos for her work in getting the ACHRO/EEO website back up and running this last year. If you haven't visited it lately, please do so at http://achroeeo.com/default.aspx. There is lots of valuable information, including a draft program for the Fall Institute in Lake Tahoe. I am especially excited about the workshops on EEO plans and the Online Collective Bargaining database, and as always there are countless workshops that will provide information and help to enhance skills for our every day work. And check out the photos of last year's institute! A new feature is an **"ACHRO Contact List"**. Please check it out and let us know if your district's information is correct. We hope that this feature will enable you to be able to easily contact your colleagues at all other colleges!

As you gear up for the Fall semester, I wish you all well.

Sheri Wright

ACHRO Past-President
swright@miracosta.edu

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State Budget Continues $1 Million Appropriation for Community Colleges Part Time Faculty Health Benefits

Although community colleges are not required to offer health insurance to their part-time faculty, if they do choose to offer medical benefits to part-time faculty, the state of California will give them some help. Originally established by AB 3099 in 1996 and amended by AB 420 in 1999, the **Part-Time Community College Faculty Health Insurance Program** encourages community college districts to offer health insurance for part-time faculty, by reimbursing them for up to one-half of the cost to the district. (California Education Code sections 87860-87868.) The law allows the governing board of a community college district to provide a program of health insurance for part-time faculty and their dependents, and, in years that there is a budget allocation to fund the program, enables community college districts to apply for a reimbursement of up to 50% of the costs of premiums. The law applies to medical benefits only, and does not cover dental or vision plans.

To be eligible for reimbursement, a governing board that enacts a part-time faculty health insurance program must send verification to the Chancellor of the California Community Colleges as to the number of participants in the program by June 1 of each year. By June 15 of each year, the Chancellor is required to apportion to each participating community college district up to one-half of the total cost of the individual enrollment premiums. This distribution is made proportionally based on each district's total costs for premiums for those districts that submit verification of the costs of premiums for eligible employees for a fiscal year, and is capped at one-half of the verified cost of premiums for the district. The program is appropriated on an annual basis, which means that the amount of money in the budget for it can fluctuate from year-to-year. The 2008-2009 state budget has tentatively appropriated $1 million for the program.

As a practical matter, this program has provided less of an incentive for community colleges to offer health insurance to their part-time faculty than was originally intended. That is because the program has never been funded sufficiently to reimburse participating colleges at the full 50% contemplated by the statue. In fact, the Chancellor reported that participating districts were reimbursed less than $0.10 for every dollar claimed under the program during the 2006-2007 fiscal year.

Community colleges that wish to offer health insurance to part-time faculty would be well-advised to establish a system to track the number of participants in their program in anticipation of applying for funding, as the funding application gets submitted at the end of the school year. More information on the information on the Part-Time Community College Faculty Health Insurance Program is available from the California Community College Chancellor's Office.

If a community college doesn't sponsor a health insurance program for part-time faculty, Keenan & Associates is in the process of developing a new program of benefits, including many new options for part-time faculty and classified employees.

Contact Bob Schoenherr at 1 800 334-6554 or at bschoenherr@keenan.com for more information.

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The Growth Of Mandatory Training

by Kent L. Mannis, Managing Editor LawRoom.com

Employers are often held responsible for the misdeeds of employees, for everything from automobile accidents to sexual harassment. Besides being liable when problems occur, employers are increasingly expected to anticipate trouble and to take steps to prevent it before it happens.

One of the most popular government-mandated solutions is to require employers to provide training. For example, California enacted a law in 1999 saying courts could order employers to train employees about the state Fair Employment & Housing Act (FEHA). Five years later, California enacted AB 1825, which amended FEHA to mandate anti-harassment training for all employers with 50 or more employees.

California's first mandatory workplace training law was 1990's SB 198, the "Be A Manager, Go To Jail" law. Besides requiring every employer to adopt a safety program, it also mandated training for all new and current employees. Cal-OSHA regulation 8 CCR §3203 says employees must receive safety training when hired, when given new job assignments, and when new procedures are adopted or new equipment used. *(Article continued on page 13.)*

California also adopted the nation's first ergonomic regulations requiring training for injured employees on how to avoid repetitive motion disorders. Most recently, Cal-OSHA enacted regulations requiring heat stress training for employees who work outdoors.

Besides California law, the federal OSHA "HAZMAT" rules require training for all recognized workplace hazards. OSHA regulation 29 CFR §1910.120 says: "All employees ... exposed to hazardous substances, health hazards, or safety hazards and their supervisors and management responsible for the site shall receive training ... and they shall receive review training...."

Besides job-specific hazards, employees must also be trained on "general hazards," including simple issues such as not slipping on wet floors, leaving exit doors unblocked, and how to evacuate during a fire. For example, OSHA issued "serious violations" citations and a fine of $339,000 against a Tyson Foods plant in Missouri for problems including "floors not maintained in a clean and dry condition" and "lack of training."

Finally, ever since the 9/11 attacks, the anthrax letters in the mail, and the recent threats and fire bombs used against professors and researchers at UCLA, UC Santa Cruz, and UC Berkeley, all institutions must consider the reality of workplace violence — and the necessity of violence prevention training. For example, private-security-guard company Security USA was ordered to pay a $2.25 million verdict after it ignored an employee's protective order and allowed her ex-boyfriend access to her, resulting in her being kidnapped and raped.

Before anyone gets hurt, employers must take steps – and train employees – to avoid problems. Even if there isn't a specific law requiring training in a particular circumstance, there are plenty of cases holding employers liable for "negligent training" when they haven't acted to ensure the skills of their workers. For example, several McDonald's, Taco Bell, and Wendy's restaurants in New York were recently found guilty of violating the Americans with Disabilities Act (ADA) because they failed to "effectively train their employees how to deal with disabled individuals. Such a failure to train can constitute a violation of the ADA," wrote the federal Second Circuit Court of Appeals (Camarillo v. Carrols 2008).

Training your employees isn't only a good idea, it's the law. It's time to be sure your workforce has the skills they need. Your institution needs to – and may be required to prove – that it taught employees how to do their jobs, including what to do, what not to do, how to work with others, how to avoid trouble, and what to do should trouble occur.

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Contact Ruth Cortez

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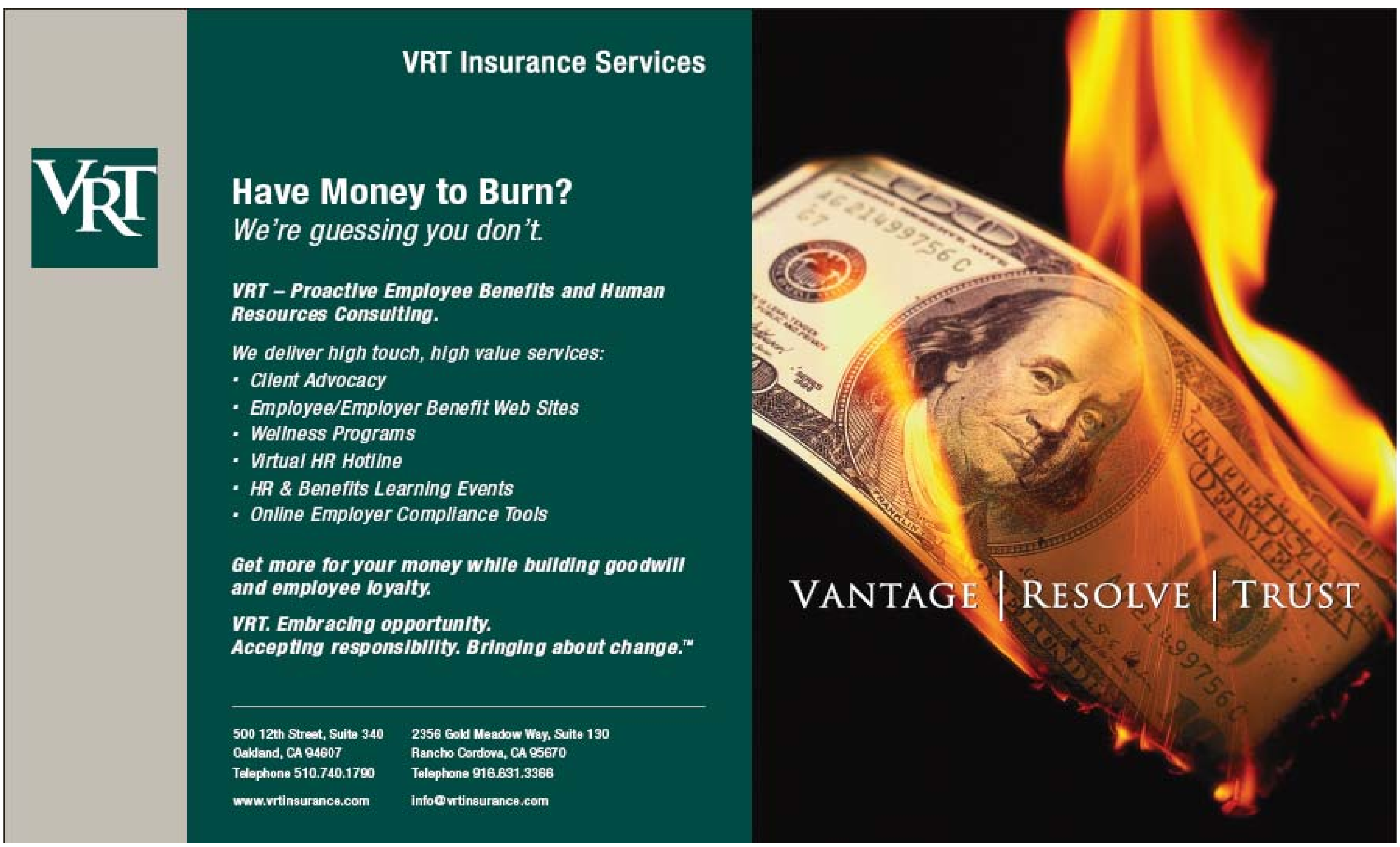


Controlling Healthcare Expenditures. What to do?

Employers who are fed up with the rising cost of healthcare are beginning to examine wellness and health management initiatives look as a way to impact costs. This trend is being embraced more and more by employers who have a history of strong employee retention and tenure, and understand the correlation between increased medical claims and the aging of their employee population. An assessment of current employer practices is a good starting point.

What is the employer culture towards health and nutrition?

Are the policies and workplace processes supporting a healthy environment?

Does leadership 'walk the talk'?

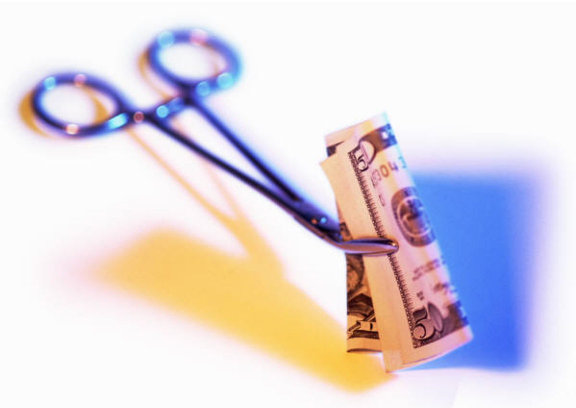
What on-site programs and services are available to help employees (and families) live more healthier and productive lives?

Dr. Michael Parkinson, president of the American College of Preventive Medicine recently remarked that "an 80% drop in health care spending can be realized with changes in unhealthy behaviors and aggressive treatment of chronic diseases". Additionally, "physicians would not need to see 50% to 75% of their patients if people adopted healthier lifestyles." (Focusing on chronic disease can reduce health care costs, LaCrosseTribune.com, 3/1/08)

What this and many articles and publications are stating is that the employer cannot continue to simply sponsor a healthcare plan and hope the industry – insurance companies, doctors and hospitals, and pharmaceutical companies – will get control of double-digit medical inflation. The employer must now take an active role in this process. The changes do not have to be costly and burdensome rather, they require a shift in attitude and behavior – on the employee and company's part.

Employers need to stop being reticent about the fate of their healthcare plan. If medical professionals believe there are opportunities to reduce costs by changing individuals' behaviors then why not do something about it – today?

Organizational health management and wellness promotion. As research shows, excess healthcare costs are driven by many lifestyle factors including lack of exercise, poor diet, smoking, obesity, high cholesterol and high blood pressure. The good news is that the root contributor to avoidable morbidity are increasingly well understood and, with the right set of incentives, wellness and health management programs can improve health and dramatically reduce costs.



If employers were to begin an aggressive program to bring awareness to nutrition and to give employees and families the tools to make changes in their lifestyle, then a cost control edge would be gained. How? By creating and maintaining a healthy work environment, the employees will have the necessary advocacy and support to make changes that will impact their lives, their productivity and, ultimately, their share of the cost to the company's healthcare plan. In other words, fewer claims for high-dollar scripts that treat diabetes, high blood pressure, high cholesterol, and other illnesses that can be thwarted through proper nutrition and exercise. (*Article continued on page 19).*

(continued from page 18)

Again, this does not have to be a costly and time-consuming proposition. The two main hurdles to implementing a comprehensive wellness program are 'Limited Budget' and 'Limited Staffing'. Both of these arguments can be overcome by making the employees the designers and managers (with a little outside guidance) of an employer wellness program. A team of cross-functional employees would begin by taking an 'inventory' of the resources that are already available through the current medical, dental, and vision programs. Understanding what programs already exist and promoting those programs are a good first step at providing a basic level of resources for employees who are ready to or want to continue to make health promotion and wellness part of their lifestyle. Ways to promote existing Wellness and Disease Management programs are through quarterly wellness newsletters etc. Additional coaching programs and on-site screenings can add another powerful dimension to an employer Wellness program and can be achieved without requiring a large budget. In some instances, medical carriers may subsidize a portion of the coaching and screening costs.

The 'wellness team', made of up of the organization's employees, can tap into a host of programs available online and at little or no cost. *California 5 a Day* is one such program that provides a step-by-step approach to helping an employer launch a nutrition-based wellness program.

It is worth noting that there are numerous vendors in the marketplace introducing innovative and sound approaches to wellness and health management and can offer a variety of customized solutions to engage your specific employee population. As an organization develops their own internal wellness initiative, some of these companies may warrant review and consideration. Employers may find that a minimal investment in the health and well being of their employees yields greater results than the increasing cost of health care premiums.

Simply put, the escalating costs of healthcare expenditures are eating (no pun intended though it works) into meager budgets at a disturbing rate. Perhaps an economic recession will be the catalyst for change. One thing is for sure, the organizations that begin to make these changes today will have a cost advantage tomorrow.

Jacquelyn Stevenson

Vice President, Alliant Insurance Services

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New Hires/Moves Around the State:

David Burris, Director of Human Resources, Lassen CCD

Cynthia Hoover, Director of Human Resources, Antelope Valley CCD

Lisa Hughes, Director of Human Resources, Allan Hancock CCD

Dorene Novotny, Vice Chancellor of Human Resources, Foothill-DeAnza CCD

Judy Chitlik, Assistant Vice Chancellor of Human Resources, Rancho Santiago CCD

Abe Ali, Vice Chancellor of Human Resources, Kern CCD

Kim Myers, Vice Chancellor of Human Resources, San Diego CCD

Renee Brunelle, Vice Chancellor of Human Resources, San Bernardino CCD

Fusako Yokotobi, Vice President of Human Resources, Victor Valley CCD

Irma Ramos, Vice President of Human Resources, Mt. San Jacinto CCD

Cindy Vskocil, Associate Vice President of Human Resources, Long Beach CCD

Barbara Perez, Vice President of Human Resources, El Camino CCD

Marcy Wade, Vice President of Human Resources, Santa Monica CCD

Vincent Brown, Vice President of Human Resources & Employee Relations, San Joaquin Delta CCD

David Bugay, Vice Chancellor of Human Resources, South Orange CCD

Debbie Allen, Director of Human Resources, Palomar CCD

Michael Arnoldus, Director of Employment Services/Personnel Commission, Ventura CCD

Ken Robinson, Director of Human Resources Operation, Ventura CCD

Chandan Chahal, Executive Assistant, Foothill-DeAnza CCD

Phuon Tran, Benefits Program Coordinator, Foothill-DeAnza CCD

Debbie Haynes, Human Resources Technician to Faculty, Foothill-DeAnza CCD

Kathleen Clark, Personnel Analyst to Faculty, Monterey CCD

Dori MacDonald, Director of Classified Personnel, Santa Monica CCD

Temporary Assignment:

Susan Carleo, Interim President, LA Valley College
Bonnie Bigler, Interim, Human Resources Manager, Cooper Mountain CCD
Deborah Hirsh, Interim Senior Associate Vice Chancellor for Human Resources, LACCD

Promotion:

Mary Anne Gularte, Vice Chancellor, Human Resources Services and Org. Development, Chabot-Las Positas CCD
Diane Bangs, Human Resources Technician to Human Resources Manager, Academic, Long Beach CCD
Arturo O'Campo, Director of Diversity, San Jose/Evergreen CCD to Assistant Provost of Diversity, University of Pacific

Retirees:

Joaquin Hernandez, San Diego Community College District
John Tyler, Mt. San Joaquin Community College District
Sandy Lindoerfer, Citrus Community College District

Please email any personnel updates to Ron Cataraha at RCatsr@aol.com for posting in future newsletters.

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Consultant's Column . . . .

Plans for our 2008 Institute at Harvey's Resort & Casino in South Lake Tahoe, Nevada, on October 22-24, 2008 are just about done. The program (another great one I must admit) is packed into 2 full days but spread over 3 days (2 half days and 1 full day). Because of the dismal forecast of the state's budget, it was decided to approach the professional/paraprofessional workshops which generally are scheduled on day 1 (pre-Institute) in a different manner. A sub-committee of professionals/paraprofessionals was formed to plan fly-in/drive-in workshops in the north and south. After unsuccessfully trying to meet on a couple of occasions to begin the planning process, it was decided that it would be difficult to bring this venture to fruition for this year and so they decided to defer their workshops to the October 2009 Institute in Palm Springs at the Doral Desert Princess Resort. If there are any professionals/paraprofessionals interested in serving on the committee to plan the program for the pre-Institute for October 2009, please let Randy Rowe, chair of the Training Committee, know of your interest. His email address is randy.rowe@scccd.edu. I'm sure he will want members of this sub-committee to be present at his Training Committee meeting after completion of our Institute on Friday, October 24, 2008, at 1 PM.

Wow! I've never seen as many new hires or moves of human resources/equal employment opportunity folks throughout the state as this past year. Check out the ***'Around the Cooler'*** article in this edition of the newsletter-unbelievable! I wish all of them the best! Joining the retiree ranks are three long-time Chief Human Resources and Equal Employment Opportunity folks. **Joaquin Hernandez** from San Diego Community College District has retired. He was very active with EEDEC-South, serving as chair of EEDEC-South when it was first established in the early 1990s. He also served on a number of statewide task force/committees to promote and improve staff diversity. His contributions were immeasurable. **Jon Tyler** retired from his Vice President of Human Resources position at Mt. San Joaquin CCD after serving a year as Interim Superintendent/President. Jon served as co-chair of ACHRO/EEO along with Charlene McMahan (retired) in the late 1990s. He has moved to Georgia to help his wife with their business venture and has also formed a consulting company to do human resources work. **Sandy Lindoerfer**, after many years in both K-12 and community colleges, retired from Citrus CCD. She was also very active in EEDEC-South and served a year as chair of the organization about 4 years ago. She was very active at the statewide level representing the field on various statewide task force/committees. She did a great job representing us! She's doing volunteer work for 'Center for Collaborative Solutions' and would like to do work for state mediation services. All three will be missed and we wish them the best in their retirement and in whatever endeavors they undertake!

Every year, our sponsorship program grows bigger, and this year is no exception. Majority of our sponsors have been avid supporters of ACHRO/EEO since we began the program; and each year we add new ones who we hope will continue to foster a relationship. This year is the largest dollar amount received since we started the sponsorship program--a total commitment of $33,500 and growing. ACHRO/EEO IS VERY THANKFUL TO EACH AND EVERY ON-GOING AND NEW SPONSOR FOR THEIR FINANCIAL SUPPORT! WITHOUT YOUR SUPPORT, THE INSTITUTE WOULD NOT BE AS SUCCESSFUL AS IT HAS BEEN AND/OR CONTINUES TO BE. To each ATTENDEE: PLEASE, PLEASE visit each and every one of the sponsor booths during the Institute and talk to each of the representatives about their respective products. [Note: There will be a drawing during breakfast on the last day (Friday, October 24) for a number of door prizes and in order to qualify for the drawing, each attendee MUST visit each booth and complete his/her door prize card by getting it stamped by each sponsor listed on the card.)] *(Article continued on page 25).*

(continued from page 24).

Planning, organizing, coordinating and bringing to a successful fruition an event such as the Institute couldn't be done without the help and assistance from some dedicated and hard-working folks - namely Ruth Cortez, ACHRO Administrative Assistant, and Reneé Gallegos, ACHRO Web Master and Assistant. There's a lot of detailed work that must be completed and these two individuals do them flawlessly, without complaint, and with resounding success. I want to personally take this time to 'THANK BOTH RUTH AND RENEÉ. If you wish, you may send them your 'note of thanks' to: Ruth: at klavier88@verizon.net , and Reneé at rdgallegos@achroeeo.com. I'm sure they would love to hear from you.


Ruth Cortez


Reneé Gallegos

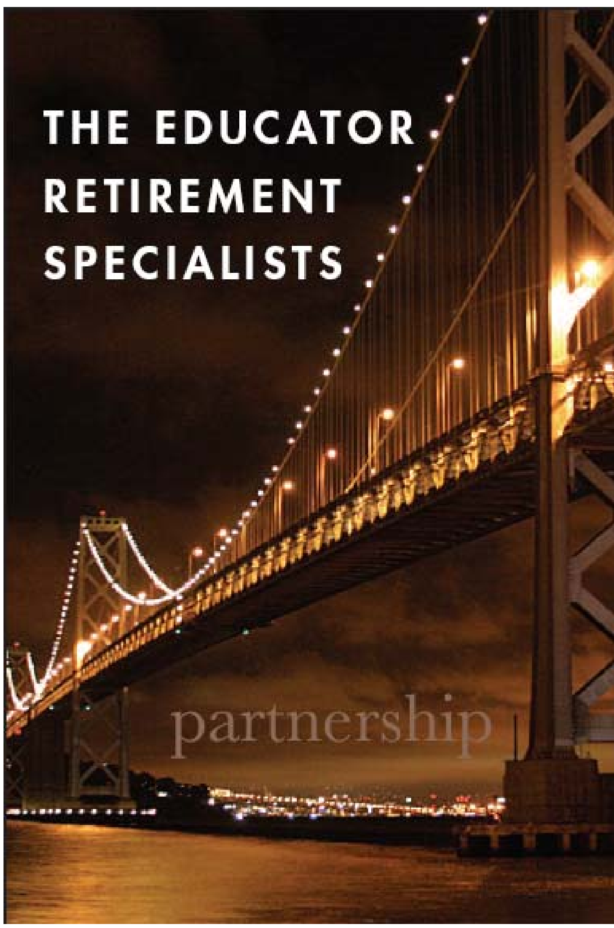
HOPING TO SEE MANY, IF NOT ALL, OF YOU AT HARVEY'S RESORT & CASINO IN SOUTH LAKE TAHOE ON OCTOBER 22-24, 2008!

Ron Cataraha

ACHRO Consultant,

RCatsr@aol.com

The ACHRO Website is live and active at www.acrhoeeo.com Check out the website and send any articles for future posting or publication in the Spring 09 Newsletter to Reneé Gallegos at RDGallegos@achroeeo.com



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LEGISLATURE INCREASES LEVEL OF SERVICES ALLOWABLE FOR PART-TIME TEMPORARY INSTRUCTORS IN COMMUNITY COLLEGE DISTRICTS

Submitted by AALRR

Following more than a year of debate and revision by the Legislature, on July 10, 2008, the Governor approved Assembly Bill 591 (Dymally), which changes the "60 percent" rule for part-time temporary instructors in community college classes to "67 percent." Effective January 1, 2009, Education Code section 87482.5 will provide that "a person who is employed to teach adult or community college classes for not more than 67 percent of the hours per week considered a full-time assignment for regular employees having comparable duties shall be classified as a temporary employee, and shall not become a contract employee under Section 87604." The bill was intended to address, among other things, a perception that the 60 percent rule compelled many instructors to accept employment in multiple districts in order to work the equivalent of a full-time position.

The final version of the bill represents a marked departure from the ambitious legislation introduced by the author in February of 2007. That version of A.B. 591 would have required, among other things, parity between the compensation of temporary and contract employees, equal benefits for temporary and contract employees, and that "[a] district . . . reduce the difference between the amount of salaries and benefits paid to non-tenure track temporary and full-time faculty by 50 percent each academic year until these salaries and benefits are on a parity basis." None of these controversial provisions were included in the final version of the bill.

Many collective bargaining agreements contain language regarding the rights of part-time temporary instructors, including versions of the 60 percent rule and its application to unit members. A.B. 591 provides, however, that "[i]f the provisions of this section are in conflict with the terms of a collective bargaining agreement in effect on or before January 1, 2009, the provisions of this section shall govern the employees subject to that agreement upon the expiration of the agreement." As such, districts that have multi-year agreements in place with instructor bargaining units may be required to utilize the 60 percent rule until the contract expires or is renewed. CBAs should be reviewed to determine whether newly enacted statutory language automatically trumps contract language. Alternatively, districts should consider whether it would be advantageous to amend existing agreements to take advantage of the new higher limit. In any case, counsel familiar with collective bargaining laws should be consulted prior to enforcement of the new rule.

Moreover, an aspect of the new 67 percent rule that was not addressed by the Legislature in A.B. 591 is the impact on part-time clinical nurses employed under Section 87482, subdivisions (b) and (c). The references to part-time employment under these subdivisions, which went into effect for 2008, maintain the 60 percent standard. Accordingly, unless remedial legislation is passed to address this inconsistency, the number of hours worked by part-time clinical nurses is capped at 60 percent of the hours per week considered full-time rather than the new 67 percent threshold for all other part-time employees.

Significance: A.B. 591 may provide greater flexibility to districts utilizing the services of properly classified part-time temporary instructors, who perform many of the same functions as their full-time counterparts but do not attain tenure.

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