



Good Schools Webinar

SELF's 2017/2018 "When Bad Things Happen to Good Schools" webinar series got off to a great start in September with a webinar exploring the sensitive topics of gender identity and LGBTQ equality.

During the 90-minute webinar *Navigating the Legal & Emotional Aspects of Gender Identity Issues in Schools*, Jeff Ervine, CEO of Bridg-it, and Stephen McLoughlin, Senior Counsel at Atkinson, Andelson, Loya, Ruud & Romo, ran through the intricacies of dealing with students emotional needs as well as maintaining regulatory compliance with California and federal law.

Ervine, who is also the founder of Bridg-it—a technology based platform that addresses bullying and harassment in all its forms—was joined by child psychologist Paige Sanborn and, during the first live webinar, an LGBTQ student who gave members a firsthand account of difficulties faced by these teens in school each day.

McLoughlin stressed the differences in the ever changing federal regulations and California law, stressing that California law should dictate members' actions and the policies they set as state regulations are currently broader than federal ones.

The webinars, held September 21 and 26, were both recorded and the better of the two recordings will be stored in the SELF Resource Center in coming weeks for those members who missed the opportunity to attend live.

SELF also hosted a webinar on October 6, *Negotiating & Defending Against Workers' Comp Liens*, featuring Jessie Zaylia, Development Partner with Hannah Brophy.

Zaylia shared her strategies for achieving "take nothing" results on liens that don't settle at reasonable or nominal value and provided some do's and don'ts for handling liens in general. That webinar was also recorded and will be available in the Resource Center by the end of the month.

And don't forget to mark your calendar now for the annual *Review of New Legislation Impacting Schools & Colleges* with SELF, Alliance of Schools for Cooperative Insurance Programs (ASCIP) and School Services of California, Inc. (SSC) on Nov. 14 at 10 a.m.

This will be the fourth year that SELF has hosted the free webinar partnering with ASCIP and SSC in this review of the key bills that will have a direct impact on schools and colleges in the coming year. We'll take a deep dive into the effect of these new regulations and provide implementation strategies to assist districts with compliance.

This year's speakers will be Chuck Clemente from ASCIP, Nancy LaCasse from SSC and Lois Gormley from SELF.

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Conferences & Events

OCTOBER

ACBO Fall Conference

San Diego – Oct. 23-25

NOVEMBER

ACSA Leadership Conference

San Jose – Nov. 2 – 4

Annual Legislation Webinar

Nov. 14 – 10 a.m.

CSBA Annual Education Conference

San Diego – Nov. 30- Dec. 2

About Us

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Our Mission

SELF is a member-owned, statewide partnership of public educational agencies providing quality pooled programs for excess coverage that benefit our students.

By the Numbers

SELF is the leading statewide excess liability provider for California's public schools and colleges, serving nearly 3 million students.

SELF Awareness

Comments should be sent to the above address or info@selfjpa.org.

Board

Area II	David Flores
Area III	Ryan Robison
Area IV	George Linn
Area V	Dave George
	Craig Schweikhard
Area VI	Nancy Anderson
	Diane Crosier
	Renee Hendrick
	Tony Nahale
	Toan Nguyen
	Karla Rhay

Community Colleges

Michael Gregoryk, Peter Hardash,
 Teresa Scott, Kevin McElroy

A Message from Eric Lucas



As many of you know, CAJPA's annual meeting was held recently in Lake Tahoe. In addition to being a sponsor at the event, a member of CAJPA, and having presence on the CAJPA Board as well as CAJPA Legislative Committee, SELF uses this setting to kick off the renewal discussions for

the 2018-19 excess liability policy year. But wait you may ask, haven't we just started the 2017-18 excess liability policy year? That answer is of course, yes. However, the meetings every September with SELF's reinsurance partners allow each side to compare how the most recent renewal went. We discuss what is currently happening with SELF and its members; any claim trends; and what loss prevention trainings are being planned. We also set the tone for that upcoming July 1 renewal process which starts in earnest in January with another round of meetings and discussions.

During these meetings, I also take the opportunity to further solidify the personal relationships that are the bedrock of this business. The trust and confidence exhibited by SELF's reinsurance partners in the organization, and vice versa, allows SELF's members to enjoy stability in the cost of their catastrophic loss reinsurance. Also, the relationship building avoids any large cost swings when a reinsurance partner wishes to relocate their exposure within the reinsurance tower or to leave

the program entirely. Currently, SELF's reinsurance partners have adequate capacity and the willingness to partner with SELF in meeting SELF's reinsurance goals.

This stability is evidenced by the fact that SELF's reinsurance cost, since the 2009-10 policy year to this past renewal, has decreased over 20%. This is a span of time that covers nine policy years and eight policy renewals. This statistic reflects the cost of reinsurance coverage in excess of \$10m and includes the limits up to the current \$45m x \$10m. I find that statistic to be reflective of a very solid partnership and indicative of the trust SELF has earned over the years with the reinsurance market.

Despite this decrease in reinsurance costs, the notable increase in frequency and severity of catastrophic losses, especially those that have come to fruition in the past two plus calendar years alone, have resulted in increases to the rate in order to responsibly fund for future losses in the SELF funded layer of \$5m x \$5m. This increased activity for SELF, along with the higher settlement and jury verdicts seen throughout California, has also made apparent the need to push for higher liability limits.

Along those lines, SELF continues to discuss with the market its interest to provide even greater limits as an option for the SELF members. This type of discussion would likely not take place without the partnership, trust and confidence gained, by both sides, in these meetings over the years.

Legislative Update

By Ron Bennett & Nancy LaCasse
School Services of California, Inc.



Governor Jerry Brown continues to work methodically through the several hundred bills that were sent to him by the Legislature for his consideration. He only has a little more than a week left (October 15, 2017) to sign or veto legislation. Although he has yet to take action on many significant education bills, he did sign a package of

bills on October 5th aimed at protecting California's undocumented and immigrant population. This package included the controversial Senate Bill (SB) 54 or "sanctuary state" bill. Summaries of the bills that were signed in the immigrant package that will affect K-12 public education can be found below:

- **SB 54** (Chapter 495/2017) requires public schools to implement a model policy published by the Attorney General limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law.
- **Assembly Bill 699** (Chapter 493/2017) requires the Attorney General to publish model policies limiting assistance with immigration enforcement at public schools, requires local educational agencies to adopt the model policies or equivalent policies, and provides

education and support to immigrant students and their families.

- **SB 257** (Chapter 498/2017) deems that a student meets residency requirements for school attendance in a school district if he or she is a student whose parent(s) were residents of California and have departed California against their will.

KMTG Legal Alert

Legislature Requires Public Employers to Provide Union Access to New Employees



Governor Brown signed a budget trailer bill, AB 119, on June 27, 2017, which stated, among its many provisions, that “the ability of an exclusive representative to communicate with the public employees it

represents is necessary to ensure the effectiveness of state labor relations statutes, and the exclusive representative cannot properly discharge its legal obligations unless it is able to meaningfully communicate through cost-effective and efficient means with the public employees on whose behalf it acts.” (Gov. Code, § 3555.) To that end, the new bill requires public employers to provide the exclusive representative of represented employees mandatory access to new employees during the new employee orientation process as well as access to employee contact information.

Specifically, an employer must give the exclusive representative notice of an orientation at least 10 days in advance, with an exception allowing shorter notice when an employer needs to make an urgent hire. The employer must meet and confer with the exclusive representative over the structure, time, and manner of access. Failure to reach agreement results in compulsory interest arbitration.

The bill provides specific procedures for the arbitration process. (See new Gov. Code, § 3557.) Forty-five days after the first meeting of the parties to negotiate the structure, time, and manner of access, or 60 days after the initial request to negotiate, either party may demand arbitration. An arbitrator is selected via the State Mediation and Conciliation Service, unless the city or county objects to that procedure within five days of the request for arbitration, in which case it can request the Public Employment Relations Board to appoint a PERB Administrative Law Judge or other PERB employee to serve as arbitrator. The arbitrator’s decision, based on a number of specified factors, is binding and final.

Under the new law, either party may reopen an existing agreement to address the union access issue by requesting

to meet and confer. The bill also allows agreements that provide for new employee orientations that vary from the requirements of the new law. In such a case, the bill’s provisions would not apply.

Additionally, the bill requires that public employers provide the exclusive representative with the contact information of employees. An employer must disclose the name, job title, department, work location, work, home, and personal cellular telephone numbers, personal email addresses, and the home address of a new hire within 30 days of the date of hire or by the first pay period of the month following hire. The law also requires employers to provide the exclusive representative a list of that information for all employees in the bargaining unit at least every 120 days, though a different interval may be agreed to. Employee contact information disclosed in this manner is not open to inspection under the Public Records Act.

There are several questions left unanswered by the language of the bill. For example, it does not specify whether newly hired employees have a choice in attending union orientation meetings. The bill addresses the employer’s obligation to provide access, but beyond that it is silent.

The bill also is silent regarding whether a new hire can object to their contact information being released to the exclusive representative. It is possible that new employees may not want their contact information shared, but, as the statute is currently worded, employers have no discretion in the matter and simply must disclose the information to the exclusive representative.

The bill also is not clear on how long an employer must provide access to new employees. For example, if the exclusive representative is unavailable for an orientation meeting, the bill does not address whether an employer has an obligation to reschedule, or schedule additional orientation meetings to accommodate. As the statute is currently worded, it seems likely the employer’s obligations are satisfied as long as they provide “access” to the orientations, whether the representative takes advantage of that access or not. Employers should address these types of details when they meet and confer and form the agreement regarding the structure, time, and manner of access provided.

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Board Changes

The end of the 2016/17 program year saw a number of changes to the SELF Board. Board Chair and Area II Representative Adam Hillman resigned his seat on the Board effective June 30 due to increased responsibilities at the Shasta County Office of Education. The Board chose Area II Alternate David Flores, to complete Hillman's term and appointed Phil Brown of Enterprise Elementary School District to fill the Area II Alternate seat.

Area III Representative Bev Wilkinson tendered her resignation at the end of the program year with her retirement from Schools Insurance Group. The Board appointed Area III Alternate Ryan Robinson to fill her seat and Cindy Wilkerson of Schools Insurance Group took up the Alternate position.

Area VI Alternates Dan Mellon and Stefanie Phillips also submitted their resignations to the Board. Mellon, submitted his resignation upon his retirement from Chino Valley Unified School District, and Phillips did so due to increased duties at Santa Ana Unified School District after her promotion to Superintendent.

The SELF Board also elected its officers for the next two years at the June meeting. The slate is as follows: Karla Rhay, Chair; Dave George, Vice Chair; Cathy Reineke, Comptroller; Peter Hardash, Secretary; and Michael Gregoryk, Member-at-Large.

All of those who left us will be greatly missed and we thank them for their dedication and service to the SELF Board.

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SELF Resource Center

Personnel Records: What Should Be Included in the Personnel File

*Courtesy SELF Resource Center and in2vate LLC
By Myra Golden*

The first concern of personnel files is usually what goes into the file. It is important to have all of the essential documents in place in order for your files to be complete and to protect your organization in the case of litigation. This article explores what should be included in the personnel file.

First things first. Let's revisit the purpose of the personnel file. The personnel file is a journal of the employers' relationship with employees and it serves three key purposes.

1. **Legal compliance.** State and federal governments require certain documentation be included in all employee files.
2. **Justification and defense.** Complete personnel files can provide justification for raises and promotions and they offer defense for not giving a raise or promotion. This is helpful in lawsuits and claims.
3. **Easy access to key employee information.**

In order for personnel files to meet the three key purposes, they have to be complete. So let's return to our initial question. What exactly goes into the personnel file?

The personnel file includes, but is not limited to:

- **Recruiting and screening documents.** This includes job applications, resumes, and college/high school transcripts.
- **Job descriptions.** Copies of all job descriptions throughout the employment relationship should be kept in the personnel file.
- **Documentation about employment changes.** Document employees' promotions, transfers, demotions, salary, layoff and other relevant changes in the personnel file.
- **Disciplinary actions.** A journal of all disciplinary discussions and actions should be recorded in the

personnel file. Documentation of discipline needs to include the date of infraction and a citation of the specific rule violated or the problem being addressed. Your disciplinary documentation needs to always include the exact action plan as told to your employee.

- **Professional development.** Include in the personnel file a record of the employee's education achieved during the employment relationship. Examples of professional development include a college degree, technical classes, skill primer workshops and any certifications earned.
- **Awards.** Keep a record of awards employees receive. This could include employee of the month, rising star, most innovative employee, or any professional award an employee earns during the employment relationship.
- **Performance evaluations.** Copies of annual, quarterly and monthly performance reviews should be kept in the personnel file. Goals and goal progress should also be recorded in the personnel file.
- **Termination Records.** Termination records should include employee's last physical date of work, termination date, final pay, vacation pay received upon termination and any separation pay. Termination documentation should also specify if the termination was voluntary or a discharge and, if a discharge, the specific reason(s) for the discharge.

This list of what the personnel file should include should get you started in the right direction for having complete personnel files. In the next edition of *SELF Awareness*, we'll explore an equally important topic: what does not belong in the personnel file.

Sources cited

"Personnel Files: What should, and Should Not, Go In the Personnel File." Society for Human Resource Management. Web. 15 Nov. 2015.

"Recordkeeping Requirements." Recordkeeping Requirements. Web. 15 Nov. 2015.

Myra Golden is not an attorney and the content of this article is not guaranteed for accuracy, legality, and is not be used as legal advice. For legal advice, contact the attorney with whom you normally consult. The information and opinions provided are for educational purposes only. No attorney-client privilege or any other privilege granted under law is intended.