

County Personnel Administrators Association of California (CPAAC)

General Meeting

February 20 – 22, 2008

The Hotel Diamond
Chico, Butte County, California

Wednesday, February 20, 2008

MINUTES

11:00 a.m.-
1:00 p.m.

BOARD OF DIRECTORS LUNCH MEETING

1:30 p.m.

CALL TO ORDER AND INTRODUCTIONS (Nancy Nittler)

Nancy gavelled the meeting to order at 1:30 p.m. Following her opening remarks, President Nittler asked all in attendance to introduce themselves and the organization they represented.

Nancy thanked Jeanne Gravette for hosting the meeting and informed all attendees of the local events and general meeting information.

After introductions and general information, the following business items were addressed:

- Approval of Minutes – The September 26 – 28, 2007 minutes were approved (none opposed).
- Approval of Agenda – The February 20 – 22, 2008 meeting agenda was approved (none opposed).

1:45 p.m.

PRESENTATION – LEGAL UPDATE – Richard Whitmore, Liebert, Cassidy, Whitmore

Richard Whitmore presented a very thorough Public Sector Employment Law Update that covered various topics and cases including Gender Harassment, Sexual Orientation Harassment, Gender Discrimination, Race Discrimination, Age Discrimination, Disability Discrimination, National Origin Discrimination, Retaliation, Affirmative Action, Discipline (First Amendment), Wrongful Termination, Conflicts of Interest, FMLA, Employee Benefits, Employee Rights, FLSA, Labor Relations, Arbitration, Worker's Compensation, Privacy, and Retirement. Richard provided all conference attendees with a handout of his Power Point presentation and summaries of all the cases he discussed (copies of the handout are available upon request to CPAAC Secretary Andrew Lamberto).

2:45 p.m.

Break

3:00 p.m. PRESENTATION – LEGAL UPDATE – Richard Whitmore, Liebert, Cassidy, Whitmore (Continued)

3:50 p.m. NEW ARRIVAL INTRODUCTIONS (Nancy Nittler)

New arrivals were asked to introduce themselves and the organization they represented.

3:55 p.m. BOARD AND COMMITTEE REPORTS

- Financial Report (Jeanne Gravette) - The financial report was received for the record. The Treasury ending balance as of February 20, 2008 was \$11,389.33.
- Labor Relations Committee (Mark Gregersen) – Mark informed everyone that PERB will continue education and training opportunities and offered two options: Option A would consist of a “brown bag” lunch hour in Sacramento where participants would bring their lunch and be educated and trained during that time. Option B would consist of representatives of PERB conducting “on-site” training throughout the State at various venues. The consensus seemed to be leaning toward Option B.
- Discussion of classandcomp.com (Laura Armor) – Laura distributed draft changes to the model contract with classandcomp.com. She identified that it needed to be updated since the last contract had expired and there had been a change in fees. Laura also suggested that rather than having a master contract with CPAAC, each County can use the model contract and revise the wording as needed to get the contract adopted by their specific County. Each County would then be responsible for signing their individual contracts. The services and fees must remain the same. All member counties who are not currently participating in this service were again asked to sign up. All current participating members were asked to ensure the data entered is clear and accurate.
- Special Issues Update (Donna Vaillancourt) – Materials are being prepared for an upcoming meeting on preparing the next generation. David Devine is assisting Donna with this project.

4:20 p.m. RECOGNITION (Nancy Nittler) – Nancy thanked and presented Past President Laura Armor with a recognition award from CPAAC for her outstanding job leading all of us during her term.

5:00 p.m. TOUR OF LOCAL BUSINESS (Sierra Nevada Brewery)

6:00 p.m. ADJOURN - NO HOST DINNER FOLLOWING TOUR

Thursday, February 21, 2008

MINUTES

7:30 a.m. BREAKFAST

8:30 a.m. OPENING REMARKS (Nancy Nittler)

Announcements: Upcoming Meetings

- September 24 – 26, 2008 Sacramento County
(reminder to plan to be there on Wednesday for a “special event”)
- February/March, 2009 Possibly San Joaquin County?
- September, 2009 San Bernardino County

As always, there was a friendly reminder to pay conference registrations timely!

8:40 a.m. NEW ARRIVAL INTRODUCTIONS (Nancy Nittler)

New arrivals were asked to introduce themselves and the organization they represented.

8:45 a.m. INTRODUCTION OF ERAINA ORTEGA, CSAC LEGISLATIVE REPRESENTATIVE

Eraina Ortega introduced herself and provided everyone with a summary of her extensive background.

8:50 a.m. DISCUSSION – CPAAC MEMBERSHIP DUES (Don Turko)

Don gave a very thorough presentation of the CPAAC dues structure. At one time, Don mentioned that our reserves were as low as \$1,200. He put together a proposal that was similar to the dues structures of the State Association of County Auditors, County Administrator’s Association, and County Counsel’s Association. The proposal set membership dues based on the size/population of the counties. Don proposed a gradual increase beginning in 2008-09 through 2011-12. He highlighted several reasons why it is necessary to properly fund CPAAC, including the following concepts:

- Professional Development for CPAAC members, including a mentoring program for all new HR Directors;
- Annual or biennial retreat for CPAAC members to interact with national and regional experts in the field of HR;
- Regional “succession” training programs to provide best practice and professional skills coaching;
- Assignment of a liaison to the other County organizations deemed important to the interests of CPAAC;

- Funds to cover the cost of testimony by CPAAC Officers or Committee members who testify in Legislative Hearings or Statewide Committees on matters of concern to CPAAC;
- Enhancements to the CPAAC website, to include a chat or direct feedback feature that would replace polling members by email.

After a healthy discussion among CPAAC members, the consensus was that every County could afford an increase beginning in 2008-09, at the following rates:

<u>County Population</u>	<u>2008-09 Dues</u>
< than 100,000	\$200
> than 100,000 but < than 400,000	\$250
> than 400,000 but < than 1,000,000	\$350
> than 1,000,000 but < than 3,000,000	\$400
> than 3,000,000	\$500

Retiree dues will stay the same at \$50 per year.

Corporate dues will be discussed at the September, 2008 meeting.

MOTION (Laura Armor) – There was a motion and second (David Devine) for the above fee structure. It was APPROVED with no opposition.

Don suggested we identify any volunteers to form a new Committee to develop new programs. The Committee members are:

Don Turko (Committee Chair) – Solano County
Laura Armor – Marin County
Cindy Clays – San Joaquin County
Dave Devine – Sacramento County
Nancy Nittler – Placer County
Allison Picard – Kings County
Donna Vaillancourt – San Mateo County
Martha Wilson – Yuba County

9:45 a.m. PRESENTATION: FIREFIGHTERS PROCEDURAL BILL OF RIGHTS - Scott Tiedemann, Liebert, Cassidy, Whitmore

Scott Tiedemann gave an outstanding presentation on the Firefighters Procedural Bill of Rights that went into effect on January 1, 2008. Scott outlined the similarities and differences with the Peace Officers Procedural Bill of Rights. He examined the agencies and employees that are covered or not covered, when the act applies, how it factors into disciplinary investigations,

and ultimately on how we impose discipline. Finally, Scott outlined the due process that comes with an appeal as it relates to the new legislation, how it impacts personnel records, and remedies under the new bill of rights. Scott prepared and provided all conference attendees with a handout of his PowerPoint presentation (copies of the handout are available upon request to CPAAC Secretary Andrew Lamberto).

11:20 a.m. BREAK

11:40 a.m. COUNTY ROUNDTABLE (CPAAC Members and Affiliates Only)

12:20 p.m. LUNCH

1:35 p.m. PRESENTATION: UPDATE OF BACKGROUND INVESTIGATION SERVICES
– Bob Fisher, Employee Relations Network

Bob Fisher gave a riveting presentation and overview of the services Employee Relations Network provides. In 2003, CPAAC approved a model contract for background and related services through Employee Relations Network. The three primary services include: pre-employment background checks, pre-employment drug screening, and an employee hotline. Currently, Employee Relations Network has a contract through NACo that can be modified for contractual purposes for whatever each agency needs. The service has been endorsed by 16 professional organizations. The three variations of workers being processed by Employee Relations Network are: sworn personnel, child/elder care workers, and rank and file personnel. Bob spent a significant amount of time reminding all of us of the consequences for not doing a thorough background check. Most recently, the Social Security Administration recently approved professional background check organizations such as Employee Relations Network the ability to access their system to allow pre-employment verifications based on Social Security Numbers. This new access should be up and running in March, 2008.

2:35 p.m. BREAK

2:55 p.m. PRESENTATION: EXECUTIVE SUMMARY – A PLAN TO ADDRESS
PENSION AND OPEB OBLIGATIONS (Laura Armor)

Laura did a wonderful job filling in for Tom Brannan on outlining the Governor's Commission on Post-Employment Benefits 34 recommendations which together constitute a plan for addressing pension and Other Post-Employment Benefits (OPEB) obligations. Laura walked through the handout and highlighted recommendations 1, 2, 3 (pre-fund obligations), 7 (limit contribution volatility and use smoothing methods judiciously), 9, 11, 12, 13 (increased transparency and accountability), 22, 23 (provide independent analysis), 24, 26, 31 (provide independent analysis) and 34 (advocate federal tax law changes) in more detail. She mentioned that Bob Blum was representing the OPEB Board and has met with the second in charge at the IRS. Everyone was reminded to look out for two bills likely to be signed by the September meeting. They are AB 1844 (Fernandez) and SB 1123 (Wiggins). Both bills will incorporate many of the recommendations (copies of the handout are available upon request to CPAAC Secretary Andrew Lamberto).

- 3:10 p.m. COUNTY ROUNDTABLE (CPAAC Members and Affiliates Only) continued
- 5:00 p.m. ADJOURN
- 6:00 p.m. DINNER – RECOGNITION OF STEVE KEIL, former CSAC Legislative Representative

Friday, February 22, 2008

MINUTES

- 7:30 a.m. BREAKFAST
- 8:30 a.m. FINAL DAY OPENING REMARKS (Nancy Nittler)
- 8:35 a.m. INTRODUCTION: Paul McIntosh, Executive Director, Executive Services Division

Paul advised all in attendance of a new Continuing Education Program initiative to be introduced at the CSAC Annual Conference in December, 2008, to help develop the leaders of tomorrow. He announced that it was his intent to have a CPAAC member sit on the steering committee.

- 8:45 a.m. PRESENTATION: EFFECTIVELY MANAGING LEAVES OF ABSENCE AND THE REASONABLE ACCOMMODATION PROCESS – Jennifer Brown Shaw, Shaw Valenza, LLP

Jennifer did a wonderful job of navigating us through a very detailed presentation and overview of the various leave laws, including the Family Medical Leave Act (FMLA)/CFRA (California Family Rights Act), Pregnancy Disability Leave, Worker's Compensation, and Americans with Disabilities Act (ADA)/Fair Employment and Housing Act (FEHA). She discussed who is protected under California's FEHA, the differences between FEHA and ADA, who is qualified, the basic principles and elements of reasonable accommodation, what triggers the requirement for an interactive process, who chooses and examples of reasonable accommodations, what medical documentation is appropriate, and the bottom line on knowing what leaves are available to employees before considering additional time off as a reasonable accommodation. Unfortunately, due to management's lack of knowledge or understanding of the laws, many employers are being faced with significant damages for not following the process or procedures relating to all the potential leaves of absence (copies of the handout are available upon request to CPAAC Secretary Andrew Lamberto).

- 10:30 a.m. BREAK
- 10:45 a.m. PRESENTATION: EFFECTIVELY MANAGING LEAVES OF ABSENCE AND THE REASONABLE ACCOMMODATION PROCESS – Jennifer Brown Shaw, Shaw Valenza, LLP (continued)

11:35 a.m. ACTION ITEM: Laura Armor and Eric Larson will complete the update of the classandcomp.com contract. Motion (Laura Armor) and Second (Geri Muth). Approved with no opposition.

11:40 a.m. COUNTY ROUNDTABLE (CPAAC Members and Affiliates Only) continued

12:00 Noon ADJOURN

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List of Attendees --CPAAC February 20 - 22, 2008

Total Count: 42

Name		Representing
Amano	Steve	Alameda County
Armor	Laura	Marin County
Ashcroft	Linda	Contra Costa County
Bell	Gene	Consultant
Brenson	Rick	Mariposa County
Brunson	Laura	Butte County
Burkett	Gary	CPS
Capual	Judy	CPS
Clays	Cindy	San Joaquin County
Clouser	Linda	Mendocino County
Cox	Joanne	Santa Clara County
Devine	David	Sacramento County
Eaton-May	Denise	Alameda County
Geltles	Lori	Contra Costa County
Gillham	Christine	Tulare County
Goodrich	Ann	Sonoma County
Grassi	Ronald	Imperial County
Gravette	Jeanne	Butte County
Gregersen	Mark	Napa County
Hayes	Jody	Stanislaus County
Keil	Steve	Sacramento
Lamberto	Andrew	San Bernardino County
Lovelace	Cindy	Colusa County
May	Bill	Consultant
Morris	Robert A	Merced County
Morse	Bill	Tuolumne County
Muth	Jeri	Santa Barbara County
Nittler	Nancy	Placer County
Nunes	Beth	Alpine County
Nunes	Mindi	Yolo County
Ortega	Eraina	CSAC
Osborn	Frances	Calaveras County
Picard	Allison	Kings County
Quinn	Mark	Kern County
Ring	Brian	Colusa County
Satchwell	Gayle	Nevada County
Schafer	Michelle	Shasta County
Talbott	Ventia	State Personnel Board
Turko	Don	Solano County
Vaillancourt	Donna	San Mateo County
Vossler	Ron	Lassen County
Wilson	Martha	Yuba County