

MINUTES

EXECUTIVE COMMITTEE MEETING September 22, 2016

SAN ANDREAS I/II CONFERENCE ROOMS

CALL TO ORDER

The meeting was called to order by President Steve Jorgensen at 12:38 p.m.

ATTENDANCE

Those in attendance were:

Executive Committee

| | | |
|-----------------|------------------------|--------------------------|
| Steve Jorgensen | President | Windsor Unified |
| Joe Pandolfo | Vice President | Rincon Valley Union |
| Mary Downey | Sec./Treasurer/Auditor | So. County Office of Ed. |
| Bob Raines | Director | Shoreline Unified |
| Sue Field | Director | Bennett Valley U.S.D. |
| Steve Eichman | Director | Santa Rosa City Schools |
| Eric Hoppes | Director | Wilmar Union |

RESIG Staff

| | |
|------------------|---|
| Rose Burcina | Executive Director |
| Chris Spencer | WorkersqCompensation Claims Manager |
| Channing Prewitt | WorkersqCompensation Senior Claims Examiner |
| Patty Baumunk | Director of Employee Benefits |
| Steven Fields | Property & Liability Risk Manager |
| Deborah Fraser | Property & Liability Senior Claims Adjuster |
| Erin Tarkhanian | Loss Prevention Coordinator |
| Ronda Bergesen | Business Manager |
| Diane Vieyra | Executive Secretary |

Guests:

| | |
|-----------------------------------|----------------------------|
| Chris Thomas (arrived 12:38 p.m.) | Petaluma City Schools |
| Eryn Elola | Alliant Insurance Services |
| Dr. Paul Porter | Facilitator |

APPROVAL OF AGENDA

It was requested that Item H- Upcoming Strategic Planning Session, be moved up on the agenda as the first item under REPORT/DISCUSSION. A motion was made by Bob Raines and seconded by Eric Hoppes to accept the agenda as amended. Ayes: Jorgensen, Pandolfo, Downey, Field, Raines, Eichman, and Hoppes. Motion passed unanimously.

INTRODUCTIONS & RECOGNITIONS

- Dr. Paul Porter was introduced; he will be facilitating RESIG Strategic Planning Session next month.
- Eryn Elola, representative from Alliant Insurance Services, was welcomed.

PUBLIC COMMENTS

None

CONSENT CALENDAR

- A. Minutes Approval – August 18, 2016**
- B. Warrants Issued – August 2016**
- C. Routine Personnel Items**
 - **Employment—Workers’ Compensation Clerical Asst.**
- D. Single Reading Adoption of Amendment to Policy 1.1.102 Conflict of Interest Code**

A motion was made by Joe Pandolfo and seconded by Mary Downey that the Executive Committee approve the Consent Calendar as presented. Ayes: Jorgensen, Pandolfo, Downey, Field, Raines, Eichman and Hoppes. Motion passed unanimously.

ACTION

- E. Joint Powers Board Meeting Resolution**

President Jorgensen requested approval of Resolution #16/17-02 designating the Joint Powers Board Meeting date of November 17, 2016.

A motion was made by Bob Raines and seconded by Steve Eichman that the Executive Committee adopt Resolution 16/17-02 designating the Joint Powers Board Meeting date to be November 17, 2016. Motion carried with the following roll call vote:

| | | | |
|-----------------|-----|--------------|-----|
| Steve Jorgensen | Aye | Mary Downey | Aye |
| Sue Field | Aye | Joe Pandolfo | Aye |
| Bob Raines | Aye | Eric Hoppes | Aye |
| Steve Eichman | Aye | | |

F. Executive Director's Contract

President Jorgensen reported that new regulations were previously distributed by School & College Legal Services (SCLS) regarding employment agreements of Superintendents which also applies to Executive Directors of Joint Powers Authorities.

The Agreement for the Employment of the Executive Director, which was included in the agenda packet, was drafted by Pat Wilson of SCLS and reviewed by Jorgensen and Rose Burcina. The agreement is in compliance with AB215 and Government Code 53260-53264 requiring discussion and action, to approve a contract extension and salary increase for the Executive Director, at a regular Executive Committee Meeting.

Jorgensen referenced the following sections:

- Page 27 . three (3) year term and salary
- Page 29 . *Non-Re-employment at Expiration of Term and Early Termination* sections
- Page 30 . *Other* section that was added to the agreement

The Executive Committee was asked to ratify the Agreement for Employment for RESIG~~g~~ Executive Director, Rose Burcina, effective July 1, 2016 through June 30, 2019.

There being no questions or discussion, it was moved by Sue Field and seconded by Mary Downey that the Executive Committee ratify the Agreement for Employment for RESIG~~g~~ Executive Director, Rose Burcina, effective July 1, 2016 through June 30, 2019, as presented. Ayes: Jorgensen, Pandolfo, Downey, Field, Raines, Eichman and Hoppes. Motion passed unanimously.

REPORT/DISCUSSION

H. Upcoming Strategic Planning Session

- **Strategic Planning Survey Results and Feedback** (Handout)

During the August 18 Executive Committee Meeting, there was discussion regarding the Strategic Planning Session scheduled for October 20, 2016. Rose Burcina reviewed the process for developing RESIG's Strategic Plan that was created based on last month's input from the Executive Committee, Burcina and Dr. Porter.

As directed by the Executive Committee, based on the process outlined, for the month of August, Burcina distributed a Strategic Planning Survey (10 questions) to district superintendents. There were 10 responses to the survey and the results were reviewed (handout). The following was learned from the results:

- Confirmed that less than 20% of districts would likely respond to the survey
- All participants attended at least one workshop at RESIG but half of them participated in four or more.
- Wellness activities are still of interest.
- RESIG is *meeting expectations* in programs but there are services RESIG can consider going forward.
- Districts requested that we not discontinue any services that are currently being provided.
- SCLS and RESIG updates are important/valuable presentations to have during a Joint Powers Board Meeting and reasons why districts attend the meetings.
- Business conflicts keep district personnel from attending the Joint Powers Board Meetings.

Although a minimal amount of responses were received, President Jorgensen appreciated the effort that was made to try and seek input from member districts.

Burcina mentioned that at the end of the survey she included verbiage inviting anyone who would like to be involved in the Strategic Planning to attend the September 22nd Executive Committee Meeting.

Based on the survey results and the number of responses, the Executive Committee determined that it was not necessary to hold a Stakeholders Meeting to go over the Strategic Planning. Based on the minimal responses received, Jorgensen mentioned that it could possibly be interpreted that all is going well and to continue on as is.

Burcina stated that the survey was sent to the district superintendents via email and a reminder was faxed a week later. The survey was not sent via USPS due to time constraints needing the results prior to the September Executive

Committee Meeting. The reminder was effective as it generated an additional 3 responses for a total of 10 survey responses received.

Sue Field thought there would be a sparse audience if a Stakeholders Meeting were to be held regarding the Strategic Planning but suggested extending another invitation to attend a future regularly scheduled Executive Committee Meeting and allow for an opportunity to have dialogue at some point in the meeting, to be cognizant of district administrators' time. This would then conclude the input portion from districts and stated that there's only so much that can be done.

Mary Downey suggested that the survey be distributed at an upcoming DBUG (District Business Users Group) Meeting for district business managers to complete. It was mentioned that district business officials handle a lot of matters, not necessarily the superintendent. Burcina reminded the Executive Committee that they previously discussed who to direct the survey to at the August Executive Committee Meeting, with the consensus being the district superintendent.

It was also suggested that the results of the Planning Session be presented to DBUG and Leadership 40 Meetings for additional feedback.

The consensus of the Executive Committee was to not hold a Stakeholders Meeting but for RESIG Staff to attend a DBUG Meeting and request the district business officials to complete the Strategic Planning Survey.

Patty Baumunk mentioned that she had received an email from Christina Menicucci- Geyserville Unified, calling for agenda items for the next DBUG Meeting so she will request that RESIG be allowed some time for the survey.

When distributing the survey at the DBUG Meeting, Joe Pandolfo requested that it be announced that the survey be completed by the Business Manager or to direct the survey to the appropriate person. In addition, he thought it would be beneficial to focus on obtaining a completed survey from the larger districts that make up approximately 80% of the RESIG pool membership (Cotati-Rohnert Park, Petaluma City Schools, Santa Rosa City Schools, Windsor Unified, West Sonoma County, and Sonoma Valley).

Burcina mentioned the last thing to do for September, as part of the process for developing RESIG's Strategic Plan, was to meet with RESIG Staff for feedback and input. In the interest of time, it was requested that the information be presented during the October Strategic Planning Session.

Porter proposed an agenda for the October Strategic Planning Session. With additional input, the Planning Session agenda will be as follows:

- 12:00 p.m. Lunch and a few questions will be presented, i.e., *What's most important to you in regards to RESIG?*
- 12:30 p.m. 1. Guiding Principles . Determine the most important things for the Strategic Plan, including long range principals.
- Goal: Background data· provide survey results and staff ideas
Brainstorm· Determine the strategic plan areas to work on. The old RESIG Strategic Plan will be updated and/or changed. Determine the most important things RESIG does in the next couple of years. Breakout into small groups to generate starting ideas/keypoints, and then as a large group, review the key points for input.
- Discussion· details
2. Priorities . Prioritize the goals, which are yet to be determined
Prior goal areas were: Finance, Human Resources, Governance, Technology
3. Implementation Ideas . These ideas would be reviewed by Jorgensen/Burcina/Staff to fill in the details for implementation.

G. Request from Petaluma City Schools regarding Post Offer/Pre-Placement Program (POPP)

President Jorgensen welcomed Chris Thomas who had requested that this item be placed on the agenda for discussion. The floor was given to Thomas who appreciated the opportunity to discuss her concerns.

Thomas mentioned that Petaluma City Schools (PCS) has been going through a transition of a lot of new staff but is starting to settle in.

She informed the Executive Committee of the two incidents that occurred, within the same week, pertaining to the POPP Program:

1. PCS received a bill from RESIG in the amount of \$2,400. This was a bill received on a claim; the claimant had not gone through the POPP Program and therefore the district is responsible to pay the bill up to the \$20,000 threshold, per RESIG policy.
2. PCS was preparing for school to start and was short-staffed. She asked a warehouse worker to help out in the maintenance department which caused significant concern by the district's Human Resources Department due to the POPP Program. The warehouse worker position is not a position that is screened through the POPP Program. She explained that

PCS has a warehouse and warehouse workers. PCS had to make a decision as to whether they have staff, which actually do similar duties as maintenance, step in and help out to make sure school is ready or risk a \$20,000 penalty.

These incidents are what triggered Thomas to research the POPP Program as to whether there were exceptions or waivers; she was unable to find either. She expressed appreciation towards Chris Spencer for sending her historical information on the POPP Program. Thomas stated that she has called around the state of California and was not able to find another JPA who had such a policy. She thought the \$20,000 deductible to be more of a penalty, not a deductible although she understood the rationale behind the policy.

Thomas reported to the Executive Committee that the workers compensation claim was due to an incident where something had fallen on an individual's foot. The employee was hired eight years ago and was not POPPed according to the policy.

Bob Raines mentioned that Alexander Valley Union started the practice of screening employees in the event they will use them as a substitute; the district would try to anticipate that. Thomas agreed that it's a great practice but questioned what to do after the fact. She stated that she is new to the district and there may be employees working in these eight positions that haven't been POPPed and according to the policy, once you work one day you can't get POPPed. She believes the POPP policy to be rigid. She was not opposed to the concept of the policy; she thought it was a very pro-active, prudent, smart policy to have. Sue Field explained the reason for the policy is due to the larger claims. A large claim from a district that did not go through the POPP process could hurt the entire pool and the policy is a way to mitigate the issue. It was stated that although there has been a change in staff at PCS, the Human Resources Department staff has not changed. Field reported that the former PCS superintendent was also the CBO for many years and a member of the Executive Committee. He was on the Executive Committee when the policy was approved and a system was placed at PCS within the Human Resources Dept. Thomas stated that Bolman was at the district eight years ago when this employee was not POPPed. Thomas understands the challenges of workers compensation and is impressed there is a separate policy but her concern is the rigidity within the policy. She stated that eight years ago, somebody made a mistake; somebody missed something which is something that is going to happen in a larger district where you have a large staff and turnover 15-20% so the odds of someone that is going to fall through that crack is great. The other issue reported, from a business perspective, was the fact that a district has been paying workers compensation premium on an employee for eight years and when something happened to that employee that is unrelated, was an issue for her. She thought that the district was being penalized for an injury (something

dropped on foot) where a physical exam wouldn't have prevented that from happening was unrealistic, especially in the area of public education.

Jorgensen affirmed Thomas's two points:

1. What do I do with an employee that has been there for eight years that was not initially POPPed?
2. An employee moved into a position that needed assistance, even though PCS Human Resources Dept. advised not to do so since the employee hadn't been POPPed.

Speaking from a large district, Jorgensen stated that the district is assuming the risk/liability, if they choose to place an employee into a position that hasn't been POPPed. Whereas an employee who has been with the district and they haven't been POPPed, is something he would like to discuss further.

There was discussion regarding POPPing employees after they've been hired. Burcina explained that it creates issues with litigation, for instance age discrimination.

Erin Tarkhanian clarified that the goal of the POPP Program is to match the applicant to the job. It is not legal to put an employee through the POPP process when they've already an employee; there have been lawsuits over that. The POPP Program (post offer pre-placement) is that the job is offered to the applicant contingent on their ability to pass the physical. If you move an employee from one classification to another, i.e., a custodial person is being transferred to a maintenance position, even though the job classification is a little bit different, the employee would need to be POPPed prior to being placed into the maintenance position. Thomas did not believe that was clarified in the POPP policy.

Thomas expressed another concern whereas the district may have cost effective strategies in order to balance the budget and provide greater support to the schools but doesn't want to put the district at risk of a \$20,000 penalty, i.e., relocating employees to avoid lay-offs so the district may redefine a position's duties.

Tarkhanian referenced the *POPP FAQs* section of the agenda packet and language in the policy pertaining to an applicant being screened for one category but hired in another:

"We agree that, if any applicant found to NOT be fit for a position (i.e., UNFIT, UNFIT AT THIS TIME; DISQUALIFIED; being screened for one category, but hired in another category with high physical demands that is covered by the program, allowing applicant to begin working before results received or not being screened at all) is hired by the District, the District will be subject to a \$20,000 deductible for any injury or illness resulting in any workers' compensation or property and liability claim that is filed for that individual for any reason during their employment with the District.

She stated that the goal of the policy is to protect the district.

Joe Pandolfo suggested that in light of the discussion, RESIG Staff review the policy and to present recommendations to the Executive Committee, if needed.

Burcina stated that JPAs, especially in Northern California, do not have a policy like this with a deductible. RESIG established this policy years ago due to the assumption that RESIG would pay a claim regardless. At that time, the Executive Director felt there needed to be accountability from the district. Annually, districts are advised about the POPP Program by mailing them a FAQ, letter, an agreement is signed, which includes the language regarding our discussion (referencing #3 on page 53 of the agenda packet). This policy is unique to RESIG and other JPAs have informed Burcina that they like it.

Pandolfo stated that the Board is here to serve and support the community and is open to hearing more information.

Tarkhanian added, that annually a presentation is made on the POPP Program. RESIG runs a report to review the top five classifications where injuries are occurring.

Field reported on the two points:

1. When the district moved the employee from warehouse to maintenance the district should have POPPed the employee at that point. Districts all have the problem being short-staffed, particularly over the summer, and districts deal with it in their ways to stay compliant with the policy.
2. She thought it would be an interesting point to ponder regarding the type of injury, as to whether it would have been an injury that would have been caught or not if POPPed.

Burcina confirmed the Executive Committee's direction for RESIG Staff:

1. Survey other JPAs and collect data on their process for the POPP Program, i.e., incentives, dis-incentives, and present it to the Executive Committee for further discussion.
2. Survey how other JPAs reduce claims.
3. Provide the number of injuries that have occurred in comparison to the pool.
4. Then, RESIG Staff to present their recommendation(s) to the Executive Committee.

Tarkhanian reminded everyone that the POPP Program wasn't developed to prevent injuries; it was developed to find the right person for the job, to make sure that person who had pre-existing conditions, for instance, would not prevent them from doing the job due to restrictions.

Thomas clarified that her concern is not that of the POPP Program, it's the \$20,000 deductible.

I. Executive Director's Report

Rose Burcina reported the following:

- RESIG's Executive Committee Meeting/Strategic Planning Session on October 20th. this meeting will be casual dress attire; all attendees are to wear their school colors or apparel. In consideration of a district board meeting Bob Raines will need to attend later in the day, the start time for the Executive Committee Meeting has been changed to 11:00 a.m. and then proceeding into the Strategic Planning Session.

ADJOURNMENT

The meeting was adjourned by President Steve Jorgensen at 1:55 p.m.

SUBMITTED BY:

APPROVED BY:

Rose R. Burcina, Executive Director

Steve Jorgensen, President