

TULARE/KINGS COUNTIES PERSONNEL COMMITTEE

Tulare County Office of Education

Redwood Room C, D, E, F

Friday, April 5, 2024

9:00 a.m. - 11:00 a.m.

❖ Welcome – Dedi Somavia

❖ Legal Updates – Eleanor Welke, Lozano Smith

- Bereavement Leave: There was a recent change in the law to allow five (5) days of unpaid leave. We will discuss how to analyze the new law with existing policies and/or CBA language.
- Requests for Information: Discussion of the laws and approaches to handling these requests from our labor partners.

❖ Credential Update – Sara Marvin

- PIP/STSP forms
- Retirement overview – PERS & STRS

❖ New Teacher & Leadership Development – Rachel Silveira

- Framework for Teaching – summer sessions
- iLead Administrative Services Credential Program – preliminary & clear
- Leadership Team Forum

❖ Calendars

❖ Survey <https://forms.gle/FGeYT5UTtv4FbyxVA>

- Ideas on topics for 2024-2025
- Dates/times for meetings
- How can we improve to better serve your needs.

New Legislation Expands Employee Leave Rights

November 8, 2022

Number 51

Written by:

Michelle Cannon

Partner

Sacramento

mcannon@lozanosmith.com

Sochie L. Graham

Associate

Sacramento Office

sgraham@lozanosmith.com

Assembly Bill 152 – COVID-19 Supplemental Paid Sick Leave

Assembly Bill (AB) 152 went into effect immediately and extended the requirement to provide eligible employees with supplemental paid sick leave (SPSL) through December 31, 2022. This requirement was previously set to expire on September 30, 2022. Please note, AB 152 does not expand the total number of hours of SPSL an employee is entitled to. For example, an employee who has already exhausted their SPSL is not entitled to additional SPSL as a result of this bill.

AB 152 also expands employer rights to require documentation of a positive COVID-19 test as a condition of using SPSL. Employers previously had the right to require documentation of an employee's initial positive test and a second positive test on or after the fifth day after an employee's initial positive test. Employers may now require documentation of a third positive test within 24 hours of the employee's second positive test. Employers are required to provide all required testing to employees at no cost.

Assembly Bill 1041 – California Family Rights Act and California Paid Sick Leave

AB 1041, effective January 1, 2023, expands the CFRA and California paid sick leave to permit employees to use protected family and medical leave and paid sick leave to care for a "designated person." CFRA defines "designated person" as "any individual related by blood or whose association with the employee is the equivalent of a family relationship." California paid sick leave statutes define "designated person" as "a person identified by the employee at the time the employee requests paid sick days." Under AB 1041, employers may limit an employee to one designated person per 12-month period.

Assembly Bill 1949 – Bereavement Leave

AB 1949, effective January 1, 2023, requires employers to provide five days of bereavement leave for the death of an employee's family member. "Family member" is defined as "spouse or a child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law." The five days of bereavement leave do not need to be consecutive but must be taken within three months of the date of the family member's death. Bereavement leave may be unpaid. However, an employee may use any

accrued sick leave, personal leave, vacation, or compensatory time off. An employer may require employees to provide documentation of the family member's death within 30 days of the employee's first date of bereavement leave.

Please note, the Education Code currently provides paid bereavement leave of three days, or five days if out-of-state travel is required. AB 1949 expands this by providing an additional two days of unpaid bereavement leave where no out-of-state travel is required.

AB 1949 also makes it unlawful to retaliate or discriminate against an employee for using bereavement leave or to interfere with an employee's right to use bereavement leave.

Takeaways

Each of these new laws may impact employers' existing policies and regulations as well as provisions in collective bargaining agreements. We recommend reviewing and updating policies, practices, and labor agreements as necessary.

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

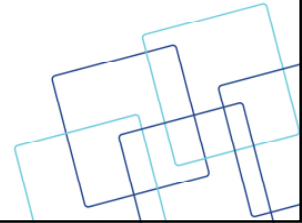
As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.



Legal Updates: Bereavement Leave and Responding to Requests for Information

Presented by: Eleanor Welke

Tulare / Kings Counties – Personnel Committee
April 5, 2024



1



2

Bereavement Leave – California Education Code

- California Education Code sections 45194 (classified) and 44985 (certificated).
- Entitled to: **Three days, or five days if out-of-state travel is required,** on account of the death of any member of his immediate family.
- Cannot deduct from salary or other leaves granted in CBA or Education Code.



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Bereavement Leave – California Education Code, cont.

- Members of the immediate family, as used in this section, means the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee.
- The governing board may enlarge the benefits of this section and may expand the class of relatives listed below as members of the immediate family.



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New Bereavement Leave: Government Code § 12945.7

- Effective January 1, 2023
- Makes it unlawful employment practice for an employer to refuse to grant a request by an employee to take **up to five (5) days** of bereavement leave upon the death of a family member.
- Leave does not have to be taken consecutive but must be taken within three months of the date of the family member's death.
- Employee may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.



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So, what does this mean?

- Employees will be entitled to no less than five days of bereavement leave pursuant to Government Code.
- No less than 3 of those days must be paid leave pursuant to Ed. Code.
- No less than 5 of those days must be paid leave if out of state travel is required pursuant to Ed. Code.
- Example: The employee shall be entitled to no less than a total of five days of bereavement leave, consisting of the number of days of paid leave under the existing CBA or policy, and the remainder of days of leave may be unpaid.



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Bereavement Leave: Examples

- Employee #1- Out-of-State Travel Required
 - Ed. Code provides 5 paid days of bereavement leave → **No Impact**
- Employee #2- In-State Travel
 - Ed. Code provides 3 paid days/ Qualifying Paid Leaves Available → **No Impact**
- Employee #3- In-State Travel
 - Ed. Code provides 3 paid days/ Qualifying Paid Leaves Not Available (or less than 2 days available) → **Impact (provide up to 2 unpaid days → total of 5 days of leave)**



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Additional Issues to Consider

- Number of Paid Days of Bereavement?
- Coordination with other paid leaves?
- Definition of “family” expanded?
- Fertility issues or miscarriages?
- New Reproductive Loss Leave? (New Law Gov. Code section 12945.6)



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Responding to Requests for Information from Unions

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Request For Information (RFIs)

RFIs must seek information that is necessary/relevant to:

- Bargaining
- Unit member representation
- MOU compliance/enforcement



10

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Request For Information (cont.)

Common employer defenses:

- Confidential/privileged
- Managerial decision-making process
- Unduly burdensome



11

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Request For Information (cont.)



Employer responsibilities:

- Seek clarification
- Search for information
- As for additional time, if needed
- Respond in a timely manner



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Request For Information (cont.)

- Tips for navigating RFIs



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Questions



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For more information, questions and comments about the presentation, please feel free to contact:

Eleanor M. Welke

Partner

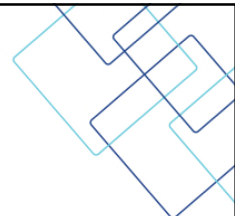
Tel: (213) 929-1066

ewelke@lozanosmith.com

Or any of the attorneys in one of our 8 offices.



@LozanoSmith



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Personnel Committee Meeting

April 5, 2024



Credentials

Sara Marvin

PIP vs STSP

Provisional Intern Permit (PIP)

- Issued for 1 calendar year
- Issued in all full subject areas
- Single Subject, Multiple Subject and Special Education
- Educator has not yet met subject matter competence
- Qualifies by degree **not** directly aligned or by coursework evaluation, completed by TCOE Credentials Department

Short-Term Staff Permit (STSP)

- Expires at the end of the current school year
- Issued in all full subject areas
- Single subject, Multiple Subject and Special Education
- Educator may or may not have met subject matter competence
- Qualifies by meeting subject matter competency, degree not directly aligned or by coursework evaluation, completed by TCOE Credentials Department

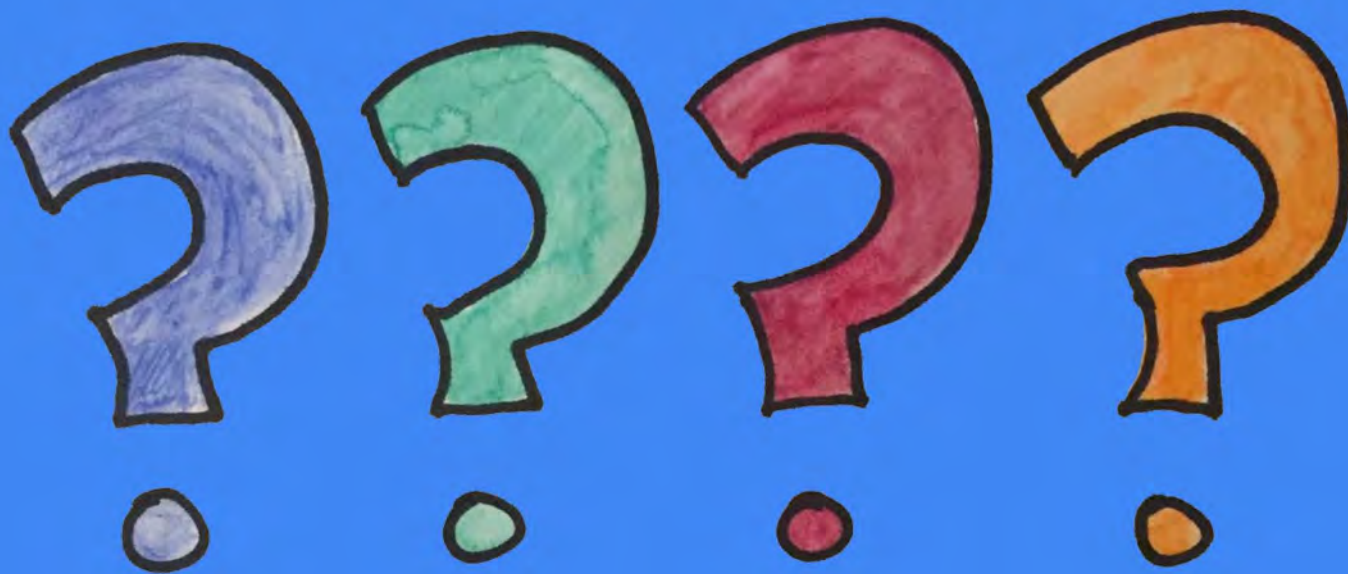
Golden Handshake

STRS

- Contact TCOE Credentials Department to start process
 - Initial Zoom or in-person meeting
 - Help with emailing STRS
 - Help with monitoring those who monitor when payments/paperwork should be submitted
- Retiree cannot retire on the first or last day of the window.

PERS

- Contact TCOE Credentials Department to start process
 - TCOE must offer to all districts and get TCOE Board approval
 - 2-3 months notice before window period can open to give districts sufficient review time and all necessary board approvals
- Retiree cannot retire on the first or last day of the window period





New Teacher
& Leadership Development

Leadership Team Forum



NEW TEACHER + LEADERSHIP
DEVELOPMENT

Join Us

Register now
CLICK HERE



Wednesday

April 17, 2024



Time

9:00 a.m. - 10:30 a.m.



Tulare County
Office of Education

Tim A. Hire, County Superintendent of Schools

Register Today
for an online Information
Meeting by clicking on a date:

April 18, 2024

May 21, 2024

4:30 - 5:30 p.m.

Visit Us At:

<https://tcoe.org/NTLD/iLead>

Contact:

Rachel Silveira

iLead Program Facilitator /

CalAPA Coordinator

rachel.silveira@tcoe.org

(559) 740-4409



iLead Clear Administrative Services Credential Program Information Meetings

Program Highlights:

- Fully online
- Two year, job-embedded program
- Personalized learning
- Customized professional development

Eligibility Requirements:

- Hold a Preliminary Administrative Services Credential
- Verification of employment as an administrator



Tulare County
Office of Education

Tim A. Hire, County Superintendent of Schools

***Candidates must enroll in a CASC program within one year of starting an initial administrative position**

Register Today
for an online Information
Meeting by clicking on a date:

May 9, 2024

June 6, 2024

4:30 - 5:30 p.m.

Visit Us At:

<https://tcoe.org/NTLD/iLead>

Contact:

Rachel Silveira

iLead Program Facilitator /
CalAPA Coordinator

rachel.silveira@tcoe.org

(559) 740-4409



iLead Preliminary Administrative Services Credential Program Information Meetings

Program Highlights:

- One-year program
- Authentic fieldwork
- Experienced instructors
- Reasonable program fees

Eligibility Requirements:

- Bachelor's degree
- Current administrator recommendation
- District approval
- 5 years of successful full-time teaching experience on a credential



Tulare County
Office of Education

Tim A. Hire, County Superintendent of Schools



Calendars



Please submit to TCOE.

**Personnel Committee
SURVEY**
Please share your feedback.

<https://forms.gle/FGeYT5UTtv4FbyxVA>

thank
you

The image features the words "thank you" written in a black, cursive, handwritten style. The word "thank" is on the top line and "you" is on the bottom line. A horizontal arrow with a feathered tail on the left and a pointed tip on the right passes through the middle of the text, separating the two words. The arrow's shaft is a solid black line. The text is decorated with several small, hand-drawn elements: a heart above the 't', a heart above the 'a', a heart above the 'n', a heart above the 'k', a diamond shape to the left of the 't', a diamond shape to the right of the 'k', a heart to the right of the arrow's tip, a heart below the 'y', a heart below the 'o', and a heart below the 'u'. The entire composition is centered on a white square background, which is itself centered on a larger orange background.