

ASCIP Views

ALLIANCE OF SCHOOLS FOR COOPERATIVE INSURANCE PROGRAMS

WHAT'S NEW AT ASCIP?

- On-line Learning Management System has added more training modules to assign to employees.
- Increased Liability coverage limits (see SELF Update on page 2).
- More Risk Control Grant Opportunities available in July 2014.

NEW Member

- Welcome Anaheim City School District!

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Success Story: The Disability Interactive Process Done Right!

By Rachel Shaw

Communication. Documentation. These are the hallmarks of every good human resources practice. The same principles apply when it comes to the Disability Interactive Process -- without these, members are vulnerable to costly lawsuits.

When an employee is injured on or off the job and has work restrictions that impact their ability to perform one or more of the essential duties of their position, employers enter into the Disability Interactive Process. While this may seem simple enough, that is not always the case. The key is to have a structured process, with clear communication between parties.

The interactive process structure is easy: 1) obtain clear work restrictions from a medical provider; 2) document the essential functions of the job; 3) explore potential accommodation options; 4) bring all parties together



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for discussion and decisions; and 5) throughout the entire process -- document, document, document!

Recently, a teacher fell during a school activity and fractured her hip resulting in surgery. The ASCIP member started the Disability Interactive Process to determine if the teacher could be returned to work or provided an extended leave of absence. After initial contacts with the employee to explain the process, the parties got to work obtaining the most important first pillar of the process -- obtaining clear employee work restrictions, which were determined to be permanent in nature. This was shared with all parties who were asked

to explore possible accommodations to support her to return to work with these restrictions. An interactive meeting was then scheduled with the employee (her workers' compensation attorney was invited to attend). Her

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ASCIP Values Its Members—Member Spotlight



Sue Rearic recognized as CFO of the Year for Education.

ASCIP has amazing members with tremendous accomplishments! San Diegoans recognized this when they named Sue Rearic, from Grossmont-Cuyamaca Community College District as the CFO of the Year for education. Rearic, who is the Vice Chancellor-Business Services for the two-college district, was one of more than 60 finalists considered by the San Diego Business Journal. This honor focuses on professionals who "exemplify hard work, dedication, ethics and the ability to inspire others to work together to find solutions to business challenges". Sue exemplifies these qualities. She has worked as a manager at the District since 1986 and became Vice Chancellor in 2008 during a difficult financial period for community colleges. Congratu-

tions Sue! You deserve this recognition!

School Digger has ranked two of our ASCIP members within the top 20 best schools in California. La Canada Unified School District is ranked #2, and Manhattan Beach Unified School District is ranked #15. School Digger considers test scores, rankings, school and district boundaries, student/teacher ratios, ethnic makeup, and many other metrics when ranking schools. To find out how your school district ranks go to www.schooldigger.com.

El Monte Union High School District was named the College Board's Advanced Placement (AP) District of the Year among medium-sized school districts, in expanding access to AP courses and improving AP Exam performance, particularly for underrepresented minority students.

El Monte was one of 477 school districts across the U.S. and Canada that achieved placement on the Annual AP District Honor Roll. Increasing access to AP course work while increasing the percentage of students earning scores of 3 or higher is the ideal scenario for a district's AP pro-

gram, indicating that the district is successfully preparing a larger array of its students for the rigor of AP and college studies.

The district has also increased college enrollment and completion rates with their Partnership for College, which assures students a one-time priority registration at Rio Hondo Community College (also an ASCIP member). Hooray to the hardworking team at El Monte UHSD!

Clovis Unified School District's Pamela Black was awarded one of the State's highest honors for school bus drivers when she received Bus Driver of the Year for Northern California by the California Highway Patrol. She was nominated due to her heroic act when she saved a student from being hit by a bus last fall. Thank you for your quick action and dedication which saved a child's life! Three Cheers for Pam and all the ASCIP winners!



CHP Awards Pam Black as Bus Driver of the Year

Success Story: The Disability Interactive Process Done Right! (cont.)

**NEW
ASCIP
Website
coming
this
Summer!**

attorney advised her not to attend the accommodations meeting. They were then invited to attend telephonically, but again, declined to participate.

Knowing the obligation to conduct the Interactive Process, even if the employee refused to participate, the district still held the meeting. The employer concluded that it could accommodate her permanent work restrictions in her teaching position. Detailed notes were taken at the meeting showing connections between the medical documents, the essential functions of the position and the district's decision. The notes were then sent to the employee and her attorney requesting their review and response within 10 calendar days. This allowed the employee interaction before a final decision was made and also showed employer "good-faith".

The employee responded by apologizing for not participating. However, she disagreed with the preliminary decisions made by the district and felt she could not return to work. She stated she would retire instead. Therefore, the district responded in writing informing her of her medical separation and placement on the Education Code 39-month reemployment list.

The Disability Interactive Process highlights for employers:

The Process: An employer is obligated to conduct a timely good-faith interactive process even if the employee does not want to participate. Conduct the meeting with-

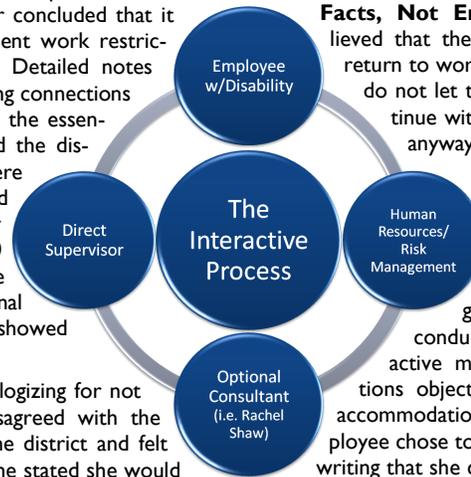
out them, document outcomes and send the notes to the employee. By offering them a reasonable time to review the notes and preliminary decisions, you show a good-faith willingness to include the employee's input.

Facts, Not Emotion: Even when it is believed that the employee does not want to return to work and/or refuses to participate, do not let this "color" the process. Continue with the usual interactive process anyway. The employer made the right decision, not the emotional one.

132(a) / Disability Discrimination Claim Elimination! The employer mitigated their litigation risk by conducting a timely, good-faith interactive meeting, evaluating the restrictions objectively, and offering reasonable accommodations to the employee. The employee chose to decline the offer and placed in writing that she could not return to work. The employer protected itself from a 132(a) claim and from a FEHA/ADA Disability Discrimination claim.

Conclusions: Always follow the process, give the employee an opportunity to provide input/interact and DOCUMENT everything!

Shaw often partners with ASCIP to ensure members have the support needed when addressing the accommodation process. To learn more about the Disability Interactive Process go to www.shawhrconsulting.com.



**More Risk
Control Grant
Opportunities
Available in
July for
2014-15.**

SELF Update

Schools Excess Liability Fund (SELF) is increasing the basic excess limits of coverage from \$25 million to \$30 million beginning July 1, 2014. This increase is being offered with NO premium increase. This means that ASCIP members will have increased limits at no extra cost.

SELF is also offering Optional Excess

Liability (OEL) coverage of an additional \$25 million in limits for a mere \$1 per ADA for K-12 members, and .71¢ per ADA for CCDs. This low rate was achieved by eliminating the various options in the OEL layer and combining them into one higher excess layer providing extra protection to members.

ASCIP encourages members to consider adding the OEL layer to bring their total coverage limits to \$55 million. Members who want to enroll in SELF's OEL program or have questions about this coverage should contact Lois Gormley at SELF at (866) 453-5300 x 203 or lois@selfipa.org.

ASCIP Awards Grants to Members

A new grant program was introduced this past year creating value to the entire ASCIP membership. This program allows ASCIP to partner with members providing financial support to help them develop innovative, non-routine risk management and loss control programs that can bring value to all members. Congratulations to the two members who were awarded grants this past year!

Capistrano Unified School District was awarded a grant to install GPS systems in district school buses which transport special needs students. The system would provide District dispatchers the ability to track speed, location and routes of these vehicles in real time.

The transportation and custody of special needs students can have catastrophic results when

failures occur. Schools are looking for solutions to reduce errors and protect lives when transporting these students. This grant was awarded as a pilot project. ASCIP members will benefit as the District learns and shares what elements of the project work (and don't). The District is

Grants Awarded to Capistrano USD and Santa Ana USD!

contributing funds towards this as well and will identify key metrics for measuring the effectiveness of the program to reduce errors and improve efficiency.

Santa Ana Unified School District was awarded a grant to develop a virtual technology-based threat assessment training platform for

personnel to be prepared to conduct assessments under a variety of dynamic scenarios. The program would enable participants to assess individuals who may pose a threat and to practice skills needed to de-escalate the situation from turning violent. The training would include an opportunity to engage with a virtual human programmed to respond conversationally in a way that a real potential threat subject would.

Santa Ana is also contributing resources and funds toward this project, but will make the completed project available to the entire ASCIP membership. ASCIP believes that supporting the development of a training resource like this could make a significant improvement in members' ability to respond to the rising incidence of threats and violence occurring in schools.