

Poway School Employees Association
Membership & Board of Directors Meeting
12245 World Trade Drive, Suite H
San Diego, CA 92128
WEBINAR / IN-PERSON

MINUTES for January 10, 2023

BOARD OF DIRECTORS	
PRESENT	ABSENT
Courtney Martin, President Nancy Brundrett, Vice President Davin Erickson, Secretary Nancy Hall, Parliamentarian Shannon Reed, Member At Large Beatriz Cruz-Rivera, Member At Large	
OTHERS PRESENT	
Pamela Contreras, Director of Employee Relations Ricardo Ochoa, General Counsel List of other attendees on file in the PSEA office	

MEMBERSHIP MEETING

QUORUM/CALL TO ORDER 4:45 p.m. A quorum was established.

WELCOME & HAPPY NEW YEAR

The President reported:

- **Guest Speaker**
 - We hope you had time to rest and relax because we are hitting the ground running this year! Tonight's guest speaker, **Attorney Angelina Romano** of the law firm of Rose, Klein & Marias LLP, is here to discuss Workers' Compensation ("Workers' Comp") with our Membership – the process, laws, and employee rights. Members are invited to use the chat feature to submit questions, which we will address after the presentation.

Our Guest Speaker presented:

- **Workers' Compensation Training**
 - Presented by Rose, Klein & Marias
- **Historical Background**
 - Current Workers' Comp system began in 1911.
 - Generally, a no-fault exclusive remedy system (can't sue employer for negligence in civil court).
 - Many overhauls of the system throughout the years; the most recent was in 2012.
 - 2 types of injuries: *specific injury & continuous/cumulative/repetitive trauma*.
 - Can also have compensable consequences of original injury (i.e., opposite limb, internal, etc.).
- **Filing a Workers' Comp Claim**
 - DWC-1 claim form needs to be filed as soon as possible after the injury with employer.
 - If the employer doesn't give the injured worker a DWC-1 claim form, you can access the form at www.dir.ca.gov.
 - If filed in person, demand a copy immediately from the employer.
 - If the employer does not give a copy, you should also file a DWC-1 claim form via certified mail.
 - Proof of filing the claim is a copy of the DWC-1 or certified receipt; you need to have either of these because employers may lose the DWC-1 filed.
- **Statute of Limitations**

- Application for Adjudication (or settlement documents) must be filed with the Workers' Compensation Appeals Board either:
 - **1)** 1 year from the date of injury if no benefits were provided **or**
 - **2)** if benefits were provided, 5 years from the date of injury or 1 year from date the last benefits were provided – whichever is longer.
- **Investigatory Period**
 - Employer/insurer has 90 days from the date the DWC-1 claim form is filed to investigate the claim & decide if the claim should be accepted or denied.
 - During this time, the employer/insurer may send the injured worker medical releases to sign, interview witnesses, and/or request the injured worker see a **Panel Qualified Medical Evaluator (PQME)**.
 - During the investigatory period, the employer/ insurer must pay up to \$10,000 for reasonable medical treatment.
- **WC Benefits**
 - 5 benefits for accepted claims:
 - Medical Treatment,
 - Temporary Disability Payments (TD),
 - Permanent Disability Payments (PD),
 - Supplemental Job Displacement Voucher (SJDB),
 - Death Benefit
- **Medical Treatment**
- **Medical Providers**
 - Upon reporting a work injury, the employer is required to send the injured worker to a doctor within 1 working day.
 - If a work injury is reported & the employer fails to send the employee for medical treatment within a reasonable time period = waiver of medical control (able to treat with any Worker's Comp doctor).
 - An injured worker who cannot effectively communicate with a doctor in English is entitled to interpreter at medical appointments.
- **Predesignation**
 - If the employee's predesignated primary care physician through private insurance is used as a treater in the event of a future workers' compensation injury, the injured worker does not have to treat at the industrial clinic & can go directly to the predesignated doctor.
 - Make sure you have a copy of the completed predesignation form filed **before** the injury.
 - Workers' Comp doctors have specific reporting duties & if predesignated doctor doesn't follow those requirements, the employer/insurer can petition to change the treating doctor.
- **Medical Treatment Limits**
 - 24 physical therapy, 24 occupational therapy, & 24 chiropractic visit cap per injury.
 - **Exception:** Post-surgical rehab allows additional visits.
 - Medical Provider Networks (MPN's).
 - Utilization Review (UR)/Independent Medical Review (IMR).
 - If the claim is denied, you can treat with a primary care physician through private insurance or a worker's compensation doctor on a lien basis.
 - Includes mileage to/from doctors' offices, medical facilities, and pharmacy.
 - Doctor/facility who knows the injured worker is claiming a Workers' Compensation injury generally shouldn't be charging/billing patient for treatment.
- **Medical Provider Networks (MPN's)**
 - Employers/insurers can set up MPN's.
 - If there is no MPN, the employer/insurer has medical control for 30 days after the claim form is filed (you have to go to the clinic sent to by employer).
 - If there is an MPN, the employer/insurer has medical control only for the first clinic visit; after the 1st visit, you can choose any doctor in the MPN as the new treater.
 - If MPN validly exists & proper notice is given to the injured worker, you should obtain treatment only thru the network (unless predesignated).

- Failure to either treat within the MPN or with predesignated doctor means the insurer/ employer can request a hearing before a judge to determine whether the injured worker needs to treat within the MPN.
 - Arguably, you can change the treating physicians in MPN an unlimited number of times.
- **Utilization Review (UR) Process**
 - All treatment goes through the UR per case law.
 - A doctor must send the treatment request to the employer/insurer; The **Request for Authorization** (RFA) form should be used by the doctor.
 - Who reviews request:
 - 1) Adjuster can approve treatment or
 - 2) UR company (usually out-of-state physician or in-house department).
 - UR decisions:
 - 1) certify treatment,
 - 2) modify treatment plan,
 - 3) request additional info, or
 - 4) deny treatment.
 - UR decisions must be made no later than 5 days from the date the treatment request was received **or** no later than 14 days from the date the treatment request was made if more info is needed to make a decision (sooner in case of an emergency).
 - Primary treating physician can appeal UR decision (peer-to-peer review).
- **Appealing UR**
 - Injured worker can appeal UR decision 2 ways:
 - First, UR may be defective (i.e., untimely); you can obtain a hearing before a judge.
 - Second, the injured worker must utilize the Independent Medical Review (IMR) process.
- **Independent Medical Review (IMR)**
 - Used to resolve medical disputes.
 - Injured worker has 10 days (for prescription requests) & 30 days (for treatment other than prescriptions) to request IMR after receipt of a UR denial & adjuster must provide the injured worker with IMR request form or risk a fine up to \$5,000/day.
 - If the IMR request is approved, the insurer/employer must provide the IMR doctor with copies of relevant information within 15 days of notice of approval (or sooner if an emergency).
 - IMR doctor must submit a decision within 30 days of receipt of documentation (sooner if an emergency).
 - If IMR approves treatment, the insurer/employer must authorize treatment within 5 working days of receipt of determination or risk a fine up to \$5,000/day.
 - IMR decision is binding on all parties & can only be set aside by a judge if there is fraud, bias, conflict of interest, or erroneous finding of fact.
 - A verified appeal must be filed with the Workers' Compensation Appeals Board within 30 days.
 - A judge, Agreed Medical Examiner (AME), or Panel Qualified Medical Evaluator (PQME) can no longer resolve medical disputes.
 - If IMR can properly be set aside, another doctor at the IMR facility reviews the treatment request.
 - If there is no change of circumstances, a valid UR denial is binding for 12 months.
- **Panel Qualified Medical Evaluators (PQME's)**
 - If the industrial clinic doctor opines that the injury is non-industrial within the investigatory period, you probably need to appeal this decision by going through the PQME process.
 - Other reasons to go through the PQME process:
 - 1) If the adjuster wants a medical opinion during the investigatory process,
 - 2) If the adjuster denies the case,
 - 3) If the treatment is denied for injuries pre-1/1/13 (only until 6/30/13 though), or
 - 4) If either party disputes the opinion of PTP regarding TTD or PD status.
- **PQME Process**
 - Fill out a PQME request form & send it to the **Medical Unit address in Oakland, CA**; send a copy of the form to the adjuster.

- Generally, within 30 days of sending the request, the Medical Unit will send the unrepresented injured worker a list of 3 physicians chosen at random.
- The injured worker chooses a physician off the list & sets an appointment.
 - PQME needs to set an appointment within 60 days of request or a replacement PQME can be obtained (or 90 days if the 60-day limit is waived).
 - Adjuster needs to send the injured worker a copy of all documents being sent to the PQME; has the right to object.
- The injured worker must choose timely (within 10 days of the list issuance date) or the adjuster can choose a doctor off the list.
- It is imperative to seek attorney assistance when choosing a physician on list; PQME appointment may be the most important evaluation an injured worker attends during the pendency of the claim.
- You may wish to seek attorney assistance for which specialty to choose.
- **PQME vs. PTP**
 - PQME is a 2nd opinion evaluator only; PQME will **not** administer medical treatment.
 - If the injured worker is unhappy with the treater, you can change PTP without going through the PQME process.
 - There is a significant distinction between changing PTP and getting a “2nd opinion”.
- **Temporary Disability (TD) Benefits**
- **TD Benefit Payments**
 - Generally paid at 2/3 of average weekly earnings, subject to minimum & maximum rate; not taxable.
 - Paid every 2 weeks to replace wages if a doctor takes the worker off work temporarily or the employer cannot accommodate temporary work restrictions.
- **Temporary Disability Payments (TD)**
 - **2014 injuries:** The minimum TTD rate is \$161.19/week, and the maximum TTD rate is \$1074.64/week.
 - **2015 injuries:** The minimum TTD rate is \$165.49/week, and the maximum TTD rate is \$1,103.29/week.

Date of Injury	2013	2014	2015	2016	2017	2018
Minimum	\$160	\$161.19	\$165.49	\$169.26	\$175.88	\$182.29
Maximum	\$1066.72	\$1074.64	\$1103.29	\$1128.43	\$1172.57	\$1215.27

- **TTD Benefit Cap**
 - For injuries occurring 4/19/04-12/31/07:
 - TTD limited to 104 weeks beginning with date the 1st check was issued (certain exceptions).
 - For injuries beginning 1/1/08:
 - TTD limited to 104 weeks within 5 years from the date of injury (certain exceptions).
- **Temporary Partial Disability**
 - If the employer can accommodate the temporary work restrictions but the injured employee is working less hours than pre-injury, the injured employee is entitled to wage loss (2/3 of average weekly earnings pre-injury less the post-injury earnings).
- **Ancillary Benefits**
 - Education Code/Union contract.
 - Confirm TTD rate is correct to ensure the proper amount of sick/vacation time is used.
 - Long-term and/or short-term disability policies.
 - State Disability benefits (if eligible).
 - If receiving TTD benefits, freeze SDI account for future use.
- **Permanent Disability Benefits**
- **Permanent Disability Payments (PD)**
 - No compensation for lost wages or pain/suffering.
 - PD is monetary compensation based on a doctor’s opinion utilizing the *AMA Guides to the Evaluation of Permanent Impairment* upon reaching permanent & stationary status (P&S) and scheduled adjustments for occupation, age, & diminished future earning capacity.
 - PD doesn’t mean you can never work again; PD means there is some residual

symptom/effect on activities of daily living as a result of the injury for which compensation is paid.

- Cashing a PD check isn't equivalent to accepting a settlement.

- **Permanent Disability (PD)**

- Maximum Rates (2015-2018)

Rating	2015-2018
Up to 55%	\$290
70-99%	\$290

- Minimum Rates (2015-2018)

2015-2017	2018
\$160	\$160

- **Permanent Disability (PD) – 2013+ Rates (SB 863)**

- The new minimum rate will be \$160 per week for all injuries on or after Jan. 1, 2013.
- The new maximum rate, for injuries 2015+ is \$290/week for ratings 1-99%.
- Total permanent disability is the TD rate for life.

- **Permanent Disability Advances**

- Either when TTD stops or when declared permanent & stationary, the insurer/employer is usually obligated to pay permanent disability benefits (advance of settlement monies).
- Insurer/employer gets credit for advances & they are usually deducted from the final settlement.
 - **Exception:** If the injured worker is receiving 85% of pre-injury earnings from the employer or is receiving 100% of pre-injury earnings with another employer, no PD advances are owed (SB 863).

- **Elimination of Some Permanent Disability Claims**

- SB 863 for injuries 1/1/13+ says no increased impairment for psychiatric disorders (depression, anxiety), sleep dysfunction, or sexual dysfunction arising out of a physical injury; it is a controversial subject open to many interpretations.
- Labor Code specifically indicates that the injured worker is entitled to medical treatment for these conditions if work-related.
- Injured worker may also be entitled to temporary disability benefits for these conditions if work-related.

- **Obtaining Accurate Permanent Disability**

- *Almaraz* and *Guzman* decisions.
- *Ogilvie* decision.
- If a doctor gives 0% permanent disability & the injured worker is in agreement with this percentage, you can obtain a settlement with an Award for future medical care approved by a Judge within the statute of limitations period.

- **Apportionment of PD**

- A doctor must determine whether all of the residual disability is the result of the industrial injury.
- A doctor may find some PD is caused by non-industrial factors such as age (degenerative condition) or risk factors like race, gender, obesity, or genetics.
- If a valid apportionment applies, the overall PD percentage and payment is reduced.

- **Settling a Claim**

- Compromise & Release.
 - A one-time lump sum payment with no future medical care; generally, an option only if the injured worker no longer works for the employer.
- Stipulated Award.
 - PD payment every 2 weeks for a particular period of time per a chart plus future medical care provided by the insurer/employer (subject to UR & IMR).
 - May be a 15% increase or decrease in rate for injuries 2005-2012 depending on if the employer can or cannot accommodate permanent work restrictions.

- **What if the injured worker cannot return to work?**

- If the employer cannot accommodate permanent work restrictions, employees should check with the union for options.
- A **Return to Work Fund** is available for injured workers who can't go back to their job in

the amount of \$5,000 & check comes directly from the State of California.

- May be eligible for a retraining voucher.
- **Supplemental Job Displacement Benefit**
- **Supplemental Job Displacement Voucher (Injuries 2004-2012)**
 - If an injured worker has a permanent disability, cannot return to his/her usual job duties, and the employer cannot accommodate the permanent work restrictions, s/he is eligible for a retraining coupon.
 - Vouchers are up to \$4,000, \$6,000, \$8,000, or \$10,000 depending on the percentage of PD & provided to the injured worker after the case has been settled.
 - Up to 10% of the voucher amount can be used to pay for a vocational counselor.
 - Can settle out the voucher for money.
- **Supplemental Job Displacement Voucher (Post 1/1/13 injuries) (SB 863)**
 - Voucher is up to \$6,000 for an injured worker who has any permanent disability per the doctor's report unless the employer offers the injured worker a position that is to last at least 12 months.
 - Voucher is offered within 60 days of the insurer/employer receiving the final permanent & stationary report if the doctor's report indicates there is some permanent disability.
 - This time frame usually occurs **before** settlement.
 - The voucher cannot be settled for money.
 - Voucher can be applied to:
 - **1)** Payment for retraining/skill enhancement at a California public school or member of state Eligible Training Provider List including tuition, fees, books, & other expenses required by the school,
 - **2)** Payment for occupational licensing/professional certification fees, exam fees, & exam prep course fees,
 - **3)** Payment for a vocational counselor, placement agencies, or résumé prep up to 10% of the voucher amount,
 - **4)** Purchase of tools required by school,
 - **5)** Purchase of computer equipment up to \$1,000, and
 - **6)** Up to \$500 miscellaneous expenses that don't need to be itemized; could include mileage/transportation, travel expenses, internet access, clothing/uniforms, etc.
- **Supplemental Job Displacement Benefit Voucher (all injuries 1/1/04+)**
 - A voucher issued after 1/1/13 expires 2 years after the date the voucher is furnished to the injured worker **or** 5 years after the date of injury (whichever is later).
 - Insurer/employer isn't liable for any injuries incurred by the injured worker while utilizing the voucher.
- **Death Benefit Death Benefit**
 - Total and partial dependents.
 - Statutory benefits + burial allowance.
 - Additional benefits for minor dependents.
 - Additional benefits for dependents of safety officers, firefighters, & elected public officials.
 - Statute of limitations is 1 year from date of death **and** within 240 weeks after date of injury.
- **Death Benefit Payments**

Base Benefit	2013
Single Total Dependent	\$250,000
No Total Dependents; 1+ Partial Dependents	8x support not to exceed \$250,000
Single Total Dependent & 1+ Partial Dependent	\$250,000 total + 4x support partials not to exceed \$290,000
2 Total Dependents	\$290,000
3+ Total Dependents	\$320,000
- **Potential Claims**
 - Violations of FEHA/ADA.
 - Statute of limitations.
 - Interactive process.

- Get union involved.
- 132a Claim.
 - Statute of limitations is 1 year from date of the discriminatory action.
- **What Work Comp Doesn't Cover**
 - Workers' compensation benefits are governed by the Labor Code.
 - Any benefits a union bargains/contracts for with the employer beyond the Labor Code are outside the jurisdiction of a Workers' Compensation judge (i.e., private medical insurance, private disability policies, job seniority, sick & vacation leave, etc.).
- **Civil Claims**
 - Third party claims.
 - Third party credit.
 - Statute of limitations for civil cases.
 - Serious & Willful Misconduct.
 - Employer may use FMLA time for Workers' Comp injury.
- **Rose, Klein & Marias locations:**
 - Ontario (909) 944-1711
 - Los Angeles (213) 626-0571
 - Cerritos (562) 436-4696
 - San Diego (619) 278-0958
 - Ventura (805) 642-7101
 - Satellite offices currently in Encino, Glendale, Santa Ana, & Valencia.
 - The Workers' Compensation System is very complicated. Our office provides free consultations. Please do not hesitate to contact us with questions. Thank you for your attention!

The President reported:

- **Thank You!**
 - Thank you to our Employee Relations Director, Pamela Contreras, for coordinating this training with Angelina Romano.
- **Company Nurse**
 - The District instituted a new system to call in injury reports called Company Nurse, and we are hearing a lot of frustration over this change. We reached out to Management who agreed to change the process so that employees have a choice to report the old way or through Company Nurse. Unfortunately, that has not been changed or communicated in a timely manner. We will explore next steps in February.

Our General Counsel reported:

- **Filing a Claim**
 - Nothing in our collective bargaining agreement addresses Workers' Comp, but it does reference the 60-day requirement in EdCode to file a claim. Workers' Comp is integrated with your sick pay, keeping you paid during an injury.

The President reported:

- **Interactive Accommodation Meetings**
 - PSEA represents Members in Interactive Accommodation Meetings to address injuries and we can refer you to a Workers' Comp attorney. We are seeing a lot of red flags out there and have been referring more employees to attorneys lately.
- **Denied Claim**
 - If your Workers' Comp claim is denied, can you try again? Yes. Fill out a PQME form.
- **Urgent Care**
 - If you go to your own health provider's urgent care for immediate treatment, can you still file a Workers' Comp claim? Yes. There is a 90-day period to file a claim.

Our General Counsel reported:

- **COVID-19 and Workers' Comp**
 - If you get COVID-19 now, is it covered by Workers' Comp? Contracting COVID-19 was covered by SPSL (Supplemental Paid Sick Leave) through December 31, 2022, and thus far, there has been no indication from the State to extend it again. To be eligible under the Cal/OSHA ETS (Emergency Temporary Standards), the employee must have caught COVID-19 at work and can prove close contact.

The President reported:

- **COVID-19 Notifications**
 - PSEA will check into whether the Cal/OSHA standards still require the District to notify employees about COVID-19 exposures. Some sites are still reporting regular notifications.
- **Documentation**
 - It is essential. We give our all to our jobs, but in the event of an injury, it could affect your job and your life. Even if you don't file a claim, it is essential to document the incident. If it isn't documented, it's as if it didn't happen.
- **Negotiations Update**
 - We have Interest-Based Bargaining coming up at the end of this month. Among the subjects we hope to cover is substitutes (how to retain and hire more), employee compensation, and the District contracting out services to external agencies. We believe this money should be returned to the Salary Schedule.
- **Governor's Budget**
 - The K-12 Education report came out recently. It is very healthy, despite heading into a recession.
- **Pro-ACT Training**
 - The three-day training will be on January 31, February 1, and February 2 at the PSEA Office. It is useful training to learn the end-to-end process to proactively intervene to meet student needs and avoid injuries.

Member-At-Large, Shannon Reed, reported:

- **PSEA Officer Elections**
 - We received 2 applications, one for Secretary (from current Secretary, **Davin Erickson**) and one for Vice-President (from current Vice-President, **Nancy Brundrett**). Without challengers, there will not be an election and the two Officers will win their respective seats by acclamation. They will be sworn in at the February PSEA Board Meeting.

MEMBER QUESTIONS/COMMENTS

The President reported:

- **More About Injuries**
 - If you are injured by a student, should you call in an injury report? Yes, call the Company Nurse line and report all injuries. Consider taking Pro-ACT Training, as it is the curriculum chosen by the District involving injuries and documentation. The more incidents that are filed, the more data we have to fix the District's processes. Injury reports are different and separate from Workers' Comp filings. You should do both when appropriate. However, we are aware that when employees call the Company Nurse line, they are not receiving written documentation.
- **Salary Step-6**
 - If you have been on Step-5 for at least one full year, you will move automatically to Step-6 effective January 1, 2023 which will be reflected on your January 31 pay stub. For those who have not been on Step-5 for one full year, you will move automatically to Step-6 once you complete a full year at Step-5.

ADJOURNMENT OF MEMBERSHIP MEETING 5:47 p.m.

***** 10-MINUTE BREAK *****

BOARD MEETING

QUORUM/CALL TO ORDER 5:59 p.m. A quorum was established.

CLOSED SESSION

- Nothing to report.

REVIEW & APPROVAL OF MINUTES

- **December 13, 2022 Meeting Minutes** – *Motioned by:* Nancy Hall; *Second by:* Brundrett. Unanimously approved.

OFFICER REPORTS

PRESIDENT'S REPORT

The President reported:

- **Your Rights**
 - We have been working diligently to enforce contract language. Always document and let us know if your rights are being violated – this is how we affect change.
- **Employee Handbook**
 - An employee handbook was handed out at some sites that was not negotiated with us. It features arbitrary rules and many potential grievances.

VICE PRESIDENT'S REPORT

The Vice President reported:

- We have been informed by several Members that their site admins have told them they cannot go to this month's Pro-ACT Training. Let us know if you are experiencing this. Many instructional assistants are saying they can't go because their sites are so understaffed. We understand, but the end goal is to have our employees trained and safe. If you are waiting for a time when we have plenty of coverage, you may be waiting forever.

TREASURER'S REPORT

The President reported:

- As reported at last month's meeting, our Treasurer, Courtney Brown, needed to step down due to personal constraints. If you are interested in learning more about this Board seat, let us know. This is the time of year that we prepare our association's **Annual Financial Review**, as per our bylaws. The report will be available for Members to view at the PSEA Office. We utilize an external CPA to review our finances annually to make sure we are fiscally solvent.

The Secretary reported:

Beginning Balance:	\$162,207.21
Deposits/Credits:	\$39,773.41
Withdrawals/Debits	\$25,416.31
Ending Balance:	\$176,564.31

The President ordered the Treasurer's Report be filed.

SECRETARY'S REPORT

The Secretary reported:

- Nothing to report.

PARLIAMENTARIAN'S REPORT

The Parliamentarian reported:

- The PSEA Bylaws Committee is meeting next week. We are still digging into the structural organization of the bylaws and our Member dues. We are also building a calendar of all relevant dates and deadlines dictated by the bylaws.

The President reported:

- Any changes to the bylaws would be voted on by the Members. We appreciate the committee and their work. We are also still looking for two more Members At Large. Their main function is outreach to site reps and Members. Interested? Contact us.

MEMBERS AT LARGE REPORTS

- **Beatriz Cruz-Rivera:**
Beatriz is working with Member At Large, Shannon Reed, to reach out more to site reps. Beatriz regularly makes visits to sites, and will be using this time to contact site reps. The goal is to fill 5 more vacant site rep positions, and therefore, get more information to more Members.
- **Shannon Reed:**
Shannon is looking forward to working with Member At Large, Beatriz Cruz-Rivera, to work with more site reps. Some sites can have two site reps. Interested? Let us know. Just a reminder – we are in the middle of negotiations and coming off a 1-year contract. Only work your job description, let the gaps in the workload show themselves, get paid appropriately, and make

your superiors adhere to your contract and respect it as much as they respect teachers' contracts. They need us. Keep standing up for your rights. We are the "boots in the mud."

The President reported:

- Be assertive – this is not the same as being adversarial. In our Interest-Based Bargaining we are working through issues with the Superintendent's cabinet. For example, overtime is not frowned upon. The District would rather pay out the overtime than "comp time" (compensatory time). Due to a lack of communication, there is often a disconnect between upper Management and your site's leadership.

GENERAL COUNSEL'S REPORT

The President reported:

- We have an open EEOC (Equal Employment Opportunity Commission) claim over the violation of an employee's rights.
- We settled a recent ULP (Unfair Labor Practice).
- We filed 9 grievances we were unable to resolve. The District is working to settle these before they are escalated.

DIRECTOR OF EMPLOYEE RELATIONS REPORT

The Director of Employee Relations reported:

- Happy New Year! Of utmost importance is knowing your rights outlined in Article 16 of the contract. This includes your right to Union representation when your employer wants to illicit potentially damaging information from you. You have a right to enter a meeting knowing what it is about. You are entitled to a detailed explanation of the purpose of the meeting – this is in your contract and case law. You also have the right to a prior notice of a meeting happening, and not being pulled into last-minute meetings without notice. You have a right to 2 days of duty or 4 calendar days to contact your Union representative before a meeting. We want our Members to empower themselves. Article 16 also establishes the Site Representation Committee, which we have at some sites to better organize Members, similar to the UBC for our teachers. We discuss issues that are of mutual concern to supervisors and Members. Let's affect change at the local level. If any site reps are interested, reach out to us.

COMMITTEE REPORTS

- **Professional Learning – Melanie Rodriguez:**
 - Professional Growth Day is on January 30th and registration is now open for most classes. We are excited to announce that there are 50+ classes being offered both in person and via Zoom with at least 15 NEW classes. We have tried to provide opportunities for everyone to learn regardless of the job category. It is a workday for all staff. Please only sign up for classes you are able to attend, to ensure everyone can participate. While participation is not mandatory, it is a great opportunity to hone your skills that can help you in your current position or growing within PUSD.
 - The PSEA professional learning website (<https://www.poway-psea.org/professional-learning/>) has been updated to make it as easy as possible to navigate and find the most current information.
 - We have new CLC's starting in February including Advanced Google. Details will be sent out this week.
 - We are also offering employee orientation on a weekly basis, alternating Wednesday mornings and Thursday afternoons. All new staff are being invited to attend these orientations via email.
 - The Learning Letter for January went out on Friday 1/6 via Constant Contact. This included information on Pro-Growth, CLC's and an upcoming Pro-ACT class. If you did not receive the email, please check your spam folder. If not there, please let Melanie Rodriguez know. We are testing a new system and we want to make sure everyone is receiving the information.
 - Thanks to all who are making Professional Learning happen at the District!
- **Election Committee – Shannon Reed:**
 - All relevant information was shared earlier in this meeting.

- **Scholarship Committee – Gale Ching:**
 - Gale Ching, chairperson of our Scholarship Committee, is preparing the timeline. More information to be announced soon.

GENERAL ORDERS

The President reported:

- **GO2023-01-01:** Year-End June 2022 PSEA Annual Financial Review
Motioned by: Davin Erickson; *Second by:* Nancy Hall.
Unanimously approved.

BOARD RESOLUTIONS

The President reported:

- ~~**BR2023-01-01:** Approval of Policy & Process for PSEA Preferred Vendors.~~
The President moved to revisit and revise this Board Resolution at the March Meeting.

NEW BUSINESS

- None reported.

ADDITIONAL MEMBER QUESTIONS/COMMENTS

The President reported:

- **Out-of-Classification Work**
 - If you are working out of classification for a classification that pays more than your current job and you qualify as per our contract, complete and submit the Out of Classification Pay Form. If it is denied, remember we only have 25 days to file a grievance so contact PSEA ASAP or file on your own within 10 days.
- **Job Descriptions**
 - Are they up to interpretation? No. They shouldn't be. Being assigned to "other duties" needs to be related to your job and may be a site workload issue. The Consultant and the Personnel Commission will look at the specifics in many classified job families in the Classification Review.
- **Instructional Assistants**
 - IA's filling in for teachers – there is a process to address pay, but there is also a legal and liability issue with specific language in EdCode.

EVENT CALENDAR

- | | |
|--------------------|---|
| • January 13, 2023 | School Board Meeting |
| • January 16, 2023 | Holiday – Dr. Martin Luther King Jr. Day |
| • January 30, 2023 | Personnel Commission Meeting |
| • January 30, 2022 | Non-Student Day – Professional Growth Day |
| • February 7, 2023 | PSEA Board Meeting |

ADJOURNMENT OF BOARD MEETING 6:52 p.m.

ATTEST:

Davin Erickson, PSEA Secretary

Date: _____

Next Meeting: February 7, 2023