



Excess Liability Rate Sees Modest Increase

OEL Renews Flat

Rates for the 2013/2014 fiscal year were finalized in early April by the SELF Board of Directors for both the core Excess Liability Program and the Optional Excess Liability coverage offering.

After two years at the same rate, the contribution for members participating in SELF's core program at \$20 million in excess of \$5 million will increase by a modest 3 percent. Optional Excess rates will hold steady for 2013/2014.

The rate for the \$4 million in excess of \$1 million coverage, purchased by a small handful of members, has not yet been finalized. Members participating in that layer will be notified when the rate is set.

The adopted rates for 2013/2014 are as follows:

Excess Liability Program

Coverage	K-12	Community Colleges	Non-ADA	Minimum
\$24M x \$1M	On request	On request	On request	\$1,235
\$20M x \$5M	\$3.14/ADA	\$2.22/FTES	\$2,370	\$335

Optional Excess Liability Coverage

Option	K-12	Community Colleges	Non-ADA	Minimum
\$20M x \$25M	\$1.28/ADA	\$0.91/FTES	\$275	\$160
\$25M x \$25M	\$1.45/ADA	\$1.03/FTES	\$350	\$200

SELF Board Selects New CEO

The Schools Excess Liability Fund Board of Directors is pleased to announce the appointment of Eric Lucas as SELF's new Chief Executive Officer, following a nationwide search.

"We are pleased to have someone of Eric's caliber and qualifications to lead SELF," said Board Chair John Falappino, "Eric's claims management expertise makes him the perfect person to take SELF into the future as the strong and trusted organization it has become over the last 27 years."

Lucas has been serving as Interim CEO for the last year while the Board conducted its search, responsible for day to day operations at SELF as well as all liability claims operations.

Under his leadership SELF has seen significant improvement in claims operations and in data integrity, as a result of moving the claims function in-house. Lucas has maintained and nurtured relationships with both SELF's members and reinsurers,

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Conferences & Events

May
ACBO Spring Conference
May 20-22
Sacramento

School Services of California, Inc.
May Revise
May 20, Sacramento

About Us

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Our Mission

SELF is a member-owned, statewide partnership of public educational agencies providing quality pooled programs for excess coverage that benefit our students.

By the Numbers

SELF is the leading statewide excess liability provider for California's public schools and colleges, serving nearly 3 million students.

SELF Awareness

Comments should be sent to the above address or info@selfjpa.org.

Board

Area II Adam Hillman
Area III John Falappino
Area V Cathy Reineke
Dave George
Area VI Nancy Anderson
Diane Crosier
Lynn April Hartline
Eric Johnstons
Eva Lueck
Karla Rhay

Community Colleges

Michael Gregoryk, John Didion,
Teresa Scott, Kevin McElroy

A Message from Eric Lucas



As this is my inaugural column since being named SELF's CEO, I wish to thank the SELF Board for placing their trust and confidence in me to provide leadership for the organization. I would also be remiss in not thanking the

SELF staff for their continued dedication and support during the interim period.

Having been in this industry for approaching 30 years, one thing I have noticed that remains a constant, are the individuals I have met along the way. Legal, insurance, and risk professionals who believe in what they do day-to-day can make a difference. The SELF membership for example, via their JPA association and/or their own staff, seeks to make the school districts they represent the safest school environment possible for their students. If you think about that daunting task for a moment, the fact that millions of students come and go on K-12 and community college properties around the state every single day without incident or harm is quite remarkable.

As Franklin Delano Roosevelt once said, "It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena." When those unfortunate events do occur, SELF stands as a partner with the member in that arena; in collaboration to seek out the best resolution for that particular event; and ready to contribute expertise and financial stability when called upon.

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fostering and securing the JPAs role as an operationally and financially stable excess insurance JPA partner.

"I am honored that the Board has entrusted the leadership of SELF to me," Lucas said. "The staff and I look forward to continued collaboration with the Board and the membership in improving operations, allowing SELF to remain the excess JPA of choice for California schools."

Lucas joined SELF in early 2010 as Senior Claims Officer and was promoted to Chief Operating Officer in June 2011. He has nearly 30 years experience in the property/casualty insurance industry—including 11 years with Colorado's municipal risk pool, is a licensed attorney in the State of Colorado and holds both the CPCU and ARM designations.

He received his undergraduate degree from Bowling Green State University (Ohio) where he majored in finance and received his law degree from the University of Denver College of Law.

2013 Board of Directors Election

Ballots for the 2013 election were mailed out to the Area VI membership on April 1, with a postmark deadline of April 29.

In accordance with a 2012 change to the SELF Bylaws, elections are only held in areas where candidates have been nominated in opposition to the incumbent slate. Area VI was the only area in this year's election that received nominations. The nomination period closed March 18.

The ballot for Area VI will include incumbents Lynn April Hartline, Orange County Department of Education and Diane Croiser, San Diego County Schools JPA, as well as nominees Toan Nguyen, ABC Unified School District, who currently serves as an appointed alternate on the SELF Board; John Vinke, Lawndale Elementary School District, and Alex Cherniss, Los Angeles County Department of Education.

There are three Board Representative seats up for election in Area VI and members may choose three candidates on their ballots.

The ballots were mailed to the person the member district chose as its designated election representative and can only be cast and signed by that person. The form for choosing the designated representative was sent to all members last fall.

As no nominations were received in the other areas up for election, those incumbents will be certified by the Board at the June meeting as re-elected to their current seats. The ballots for Area VI will be counted by Pacific Election Services, Inc. and the results presented by the Ad-Hoc Election Committee to the Board at its June meeting for final certification.

KMTG Legal Alert

Teacher on 39-Month Reemployment List Remains a District Employee with Right to File Grievance



In *Nelson v. Jurupa Unified School District* (PERB Decision 2309E, March 8, 2013), the Public Employment Relations Board ("PERB") considered whether a school district committed an unfair labor practice by rejecting a teacher's grievance because she was on the district's 39-month reemployment list after she had exhausted all her sick leave. PERB affirmed the ALJ's ruling that teachers on the 39-month reemployment list remain employees of the district and have the right to file grievances against the District.

What This Means To You

Pursuant to this PERB ruling, adverse action taken while the employee is on a 39-month reemployment list may violate the Educational Employment Relations Act ("EERA").

Facts

Ermine Fredrica Nelson ("Nelson") was a teacher employed by the Jurupa Unified School District ("District"). She took a medical leave of absence in the fall of 2009. In March 2010, the District informed her that she had exhausted all of her paid leave time and would be placed on the District's 39-month reemployment list, during which time she would be allowed to return to work if she became able to resume her duties.

In August 2010, Nelson filed various grievances and complaints with the District alleging violations of state and federal statutes, as well as provisions of collective bargaining agreements the District had entered. In September 2010, the District responded to Nelson that she was no longer a District employee and therefore lacked standing to file complaints and grievances. Nelson was told that her employment with the District had been terminated in March 2010 when she had exhausted her paid leave and was placed on the 39-month reemployment list. In July 2011, the District contacted Nelson to "clarify her rights" and inform her that she remained on the reemployment list and could resume teaching should she become medically able.

Nelson brought an unfair labor practice charge against the District alleging that it had violated the EERA by retaliating against her for filing a grievance when the District informed her that her employment had been terminated. The ALJ determined that she remained employed as a "public school employee" under the EERA and remained a member of the bargaining unit. The ALJ also determined that the District's

letter informing Nelson that she had been terminated in March 2010 was sent in retaliation for her protected grievance activity.

The District filed exceptions to the ALJ ruling with PERB. The District argued three points: (1) that Nelson's employment status while on the 39-month reemployment list was uncertain, (2) that she was not adversely impacted by being informed that she was terminated, and (3) the communication clarifying her rights nullified any perceived adversity from the prior communications.

Decision

The status of persons on the 39-month reemployment list is not unclear, PERB noted, citing previous rulings that placement on the list does not constitute a separation from service and that people on the list remain employees of the school district during that period.

As to an adverse impact, the question is "whether a reasonable person under the same circumstances would consider the action to have an adverse impact on the employee's employment." Here, PERB said, depriving a person of the status of employee, thus effectively stripping that person the rights and benefits accruing to the person under EERA and the applicable collective bargaining agreement, is inherently adverse. Thus, PERB ruled that informing Nelson that she had been terminated and had no right to bring her grievance constituted an adverse action.

The clarifying communication of July 2011 did little to address the coercive aspects of the prior communication. To be effective, any such retraction would have had to have been tendered within "a few days, at most," PERB said. The retraction was therefore both inadequate and untimely and thus not made in a manner that nullified the coercive effects of the earlier statement.

PERB affirmed the ALJ's conclusion that the District committed an unfair labor practice by retaliating against Nelson for bringing a grievance. It ordered the District to cease and desist from retaliating against Nelson by informing her that she had been terminated and to rescind the notice that her employment was terminated.

Diana D. Halpenny or Meghan Covert Russell, KMTG 916.321.4500

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SELF Esteem

Congratulations to Renee Citlau, an online teacher at Cypress High School and a lead online teacher for the **Anaheim Union High School District**, for being named the 2013 National Online Teacher of the Year by the Southern Regional Education Board and the International Association for K-12 Online Learning.

* * *

Congratulations to **Long Beach Unified School District** for being named among five of the world's highest-performing school systems in the Global Education Study conducted by the Ohio-based nonprofit organization Battelle for Kids.

* * *

Congratulations to **Etiwanda School District, Laguna Beach Unified School District, Paramount Unified School District, Tustin Unified School District, and Union Elementary School District** for having schools within their districts that have been newly designated as model middle grade schools in the Schools to Watch™-Taking Center Stage program. We offer our continued congratulations to **Clovis Unified School District, Enterprise Elementary School District, Imperial Unified School District, and Sweetwater**

Union High School District who, because of their high performance, have schools that have retained their model middle grade school status under the same program.

Sanger Unified School District, San Lorenzo Valley Unified School District, Simi Valley Unified School District, Castro Valley Unified School District, Brentwood Union School District, Desert Sands Unified School District, Oak Park Unified School District and Los Angeles Unified School District, also had schools that were either newly designated or retained that status.

In order to be named a STW-TCS model middle school, school administrators must conduct a self-study evaluation and complete an extensive narrative application. Each site is then reviewed by a team of middle grades experts. In order to retain the designation, each school is re-evaluated every three years.

Active SELF Members are indicated by bolded type.



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Schools Excess Liability Fund



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