



WORKFORCE CONNECTIONS

City and Labor Meeting and Conferring to Find Common Ground Over Pension and Health Care Reform

Anyone who reads the newspaper knows that the public is demanding reforms in the area of public employee pensions. If current projections hold, the City's combined pension and health contributions for retirees and active employees will climb from roughly \$825 million per year for the current fiscal year, to over \$1.3 billion for FY 2015-16. (Ten years ago, these combined costs were \$300 million per year.) In addition, the City's unfunded liability for providing health benefits for employees upon their retirement exceeds \$4.3 billion and is still growing.)

Last year, the voters defeated Proposition B, which would have scaled back employee pensions, increased employee contributions for retirement and trimmed the City's contributions towards health coverage. While the voters rejected Proposition B, the Mayor, almost all City labor unions and many members of the Board of Supervisors

agree that something must be done to reign in these run-away costs.

In the meantime, the Mayor's Office, DHR, Supervisor Elsbernd and others have been meeting and conferring with Labor over pension and health reform ideas. If these talks are successful, the Board of Supervisors will advance a proposed Charter amendment to the voters in November. Ideas include new retirement tiers for new hires, as well as cost-sharing language that would affect new hires *and* current employees. Under cost-sharing, the *employees'* contribution to the Retirement System would go up as the *employer's* contribution increases; likewise, the *employees'* contribution would go down as the City's contribution decreases.



Legislation on pension and health care reform must be introduced at the Board of Supervisors by May 24th. We will keep you posted.



— Martin Gran



If an Emergency Hits

You never know when a major emergency will strike in the Bay Area. Disasters, such as the San Bruno fire or the tsunami in Japan highlight the chaos and strain on people and resources in responding during disasters. If you haven't already done so, you should consider how you reconnect with your family after a disaster strikes, and how you will survive in the days until help arrives.

Make a Plan: 1) Identify an out-of-area contact who will serve as a central contact point. Family and loved ones can contact that person to report his or her status. It's easier to make a long-distance call after a disaster. 2) Choose a place to meet after a disaster, including one outside the neighborhood, in case you can't return home. Know the evacuation sites at work and school or daycare. 3) Review and practice your plan with your family and loved ones.

Know Where to Get Accurate Information: 1) Tune into 740 AM,

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Workforce Connections

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Note From the Director

The DHR newsletter is again full of valuable and timely information. For one thing, we've witnessed increasing rounds of blame leveled at public workers for the deficits in government budgets, the prime example of which is the fight over public employee collective bargaining rights in the state of Wisconsin. Some of the arguments we've heard, such as the assertion that public employees earn far more than those in the private sector, are misleading (matched by education, most public sector employees earn less than their private sector counterparts). However, other arguments raise credible issues as to the sustainability of public employee pension and benefit programs, and the need for reform.

Here in San Francisco, we are trying something different: a collaborative approach that could prove a model for other agencies facing the same challenges.

While we may disagree on what we need to do, we recognize our shared interest in fair benefits that are sustainable in the future. What's more, we are committed to tackling these difficult issues without engaging in the "blame game." Please see Martin Gran's article for some details on the process and what's involved.

Another exciting development is our new DHR program, called "Pathways to City Employment." As the largest employer in San Francisco, we have a responsibility to ensure that those who have historically met with barriers to employment have a fair chance at entering the workforce. We are providing both online and live trainings to assist potential applicants for jobs with the City, and we are making



sure that disadvantaged communities are advised of City employment opportunities. Read about what we're doing and watch for updates on the DHR website. We look forward to hearing from you and getting your ideas about how we can be more effective in this area.

Leave management is an essential part of the job for supervisors and managers in the City. The field has become increasingly complex, with new

court cases and legislation providing intersecting and sometimes overlapping rights. We must manage effectively to ensure that the public's work is done and that employee rights to leave are respected. The article by the DHR EEO Division addresses some of these issues. We will also be presenting training on this subject within the next six months.

Finally, the recent 9.0 earthquake and tsunami in Japan remind us how essential it is to be prepared for a disaster. Our article is a reminder about making a family plan and preparing your emergency kit. Don't wait until it is too late. †

— Micki Callahan

"... we are committed to tackling these difficult issues without engaging in the 'blame game.'"

Pathways to City Employment

Developing broader access to jobseekers is dire for the City's growth and vitality. For those sectors that face greater challenges in obtaining employment, the economic downturn has made it even harder. A collaborative effort to expose City job opportunities to individuals from disadvantaged communities, transitional youth including emancipated foster youth, and disabled individuals must be made.

Concurrently, City departments are faced with the need to continually fill entry-level positions and the challenge of filling certain positions that are difficult-to-fill due to gaps in the workforce demands and the availability of qualified individuals. DHR is developing two tracks of programming related to workforce and succession planning- (1) Pathways to Entry-Level Positions and (2) Pathways to Difficult-to-Fill positions.

DHR is piloting the Pathways to Entry Level positions with the 2708 Custodian and 2736 Porter examinations. DHR's Recruitment and Selection (RAS) and

Workforce Development (WD) divisions, in collaboration with the Human Services Agency, are developing a program to assist jobseekers to prepare for the civil service examinations in these classifications.



DHR will be posting online assistance on the following topics:

- The Online Application Process
- The Examination Process
- Exam Preparation
- Job Readiness

Information on these topics will be available online through the DHR website. If jobseekers do not have access to a computer, they can come to the DHR office to utilize the public computers. DHR will also offer some live training sessions.

The Pathways to Difficult-to-Fill positions is proposed to be developed in the next fiscal year. †

— Paul Williams

If An Emergency Hits

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810 AM, and 88.5 FM in the Bay Area for information and instructions from local officials. 2) Consider taking first aid and/or CPR training; classes are available through the American Red Cross. 3) Consider learning the basics of personal preparedness and prevention, and gain hands-on disaster skills for responding to a personal or community emergency. Community Emergency Response Team (CERT) training is available in many cities.

Have a Kit: 1) Prepare kits for your home, workplace, and car. 2) Store enough supplies to last at least three days

per person. 3) Items you should include: a

- Non-perishable food and one gallon of water/per person/day
- Flashlight, battery-operated or crank radio
- First aid kit and medications
- Clothing and sturdy shoes
- Personal items
- Cash in small denominations
- Emergency contact information

Here are a few resources to help your prepare:

- www.redcrossbayarea.org
- <http://www.sf-fire.org/index.aspx?page=859> (SF NERT periodic drills)
- www.72hours.org †

24-PLUS Graduates

New Supervisors & Managers January 11-13, 2011



Adult Probation Department Supervisors & Managers January 24—February 11, 2011



New Supervisors & Managers February 15-17, 2011



Experienced Supervisors & Managers: March 8-10, 2011



Workshop Schedule

For a list of dates and times of 24-PLUS and other trainings available through DHR, you can access the Training Calendar on-line by going to:

SFDHR.org
> Employee Training

In addition a full calendar of all the training programs is available, should your department need a workshop for a team, contact the Workforce Development team at (415) 557-4840.

Tuition Reimbursement

Employees may utilize funds provided by their applicable MOUs every fiscal year for tuition, internal or external training programs, professional conferences, professional association memberships, and desired licenses relevant to the employee's current classification.

SFDHR.org
> Employee Training
> Tuition Reimbursement—select the form appropriate for your classification

Funds are drawn down as requests for reimbursement are submitted.

News on Managing Employee Medical Leaves

Managing employee medical leaves is a challenge for even the most experienced human resources professional. Employees may concurrently or independently take leave under the provisions of the Federal Family Medical Leave Act (FMLA)/California Family Rights Act (CFRA), California Pregnancy Disability Act (PDL), Americans with Disabilities Act (ADA), and Worker’s Compensation (WC). These Acts are a combination of leave benefits and job protections for employees. Assuring employees’ are advised and afforded their rights under these Acts while successfully managing their leaves can be perplexing and confusing. There are no easy answers as each leave request is unique, but there are some clear parameters in each Act, and court cases always provide guidelines on the application and scope of each Act. Here are some of the most recently-enacted leave laws and court decisions.

While not a type of leave, the Genetic Information Nondiscrimination Act (GINA) protects employees from discrimination based on disclosure of “genetic information.” Employers may not request or require genetic information from employees or their family members, including family medical history; pregnancy related genetic testing; request for or receipt of genetic tests, counseling or services; or participation in clinical research on genetic conditions. GINA guards against inadvertent disclosure of genetic information by requiring employers to tell health care providers not to collect or disclose genetic information when responding requests for medical certification. DHR EEO in consultation with the City Attorney’s Office, is review-

ing our FMLA/ADA/WC forms for compliance with GINA.

New Organ and Bone Marrow Donor leave laws, effective January 1, 2011, allow employees up to 30 days of leave for organ donations and up to five days of leave for bone marrow donations in any 12-month period. Employees may be required to use accrued sick leave or vacation when taking this leave. Employers are entitled to 30-days advance notice, or as much notice as practicable, and medical certification before approving donor leave. The donor leave may not run concurrent with FMLA/CFRA leave.

These Acts are a combination of leave benefits and job protections for employees.

FMLA/CFRA news from the court. In *Marchisheck v. San Mateo County*, the Ninth Circuit answered the question, “Do injuries sustained from a beating constitute a serious health condition?” Ms. Marchisheck’s son sustained multiple injuries when he was attacked by a group of acquaintances. Fearing that her son would suffer more beatings or be killed, Ms. Marchisheck requested leave to relocate her son to the Philippines to live with relatives. She presented a psychiatrist’s letter stating relocation was necessary and mentioning “continuing treatment.” The County denied Ms. Marchisheck’s leave request. She took unauthorized leave and was fired.

Ms. Marchisheck sued alleging violation of her rights under FMLA. In her appeal to the Ninth Circuit, she alleged her son had a serious health condition that required her to take leave. The court found that neither the beating nor any alleged psychological condition constituted a serious health condition entitling the

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Employee Medical Leaves

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employee to FMLA leave. In the court's opinion, absent evidence that her son was ever incapacitated for at least three consecutive days, and treated two or more times by a health care provider, the employee was not entitled to take leave.

The California Court of Appeal answered the question, "Does helping an ailing parent move constitute leave to 'care for a family member' under CFRA?" (See, *Pang v. Beverly Hospital*.) Marjorie Pang, a physical therapist, requested leave to move her 81 year old mother from a two-story home to a one-story home. Ms. Pang's mother suffered from multiple incapacitating ailments, including paralysis of her arm, balance problems and a heart condition. Ms. Pang notified the hospital that she had to leave immediately

because the movers would arrive the next day. The hospital fired Ms. Pang for job abandonment.

In her lawsuit, Ms. Pang claimed that terminating her employment was a violation of her rights under CFRA. The court held that since Ms. Pang was only helping her mother move and did not provide or participate in her medical care, Ms. Pang's leave was not protected under CFRA.

An important note: for CFRA coverage it is not enough that the employee's parent, spouse, domestic partner or child have a serious health condition – the employee must provide care or psychological support during a period of medical treatment or supervision. †

— Linda Simon

— Janie White

Latest Happenings in Workers' Compensation

The Workers' Compensation Division staff has successfully launched the latest technology for claims administration which will allow greater efficiencies in the managing of the City's claims. Known by the name "iVOS", the software program allows for fully electronic (paperless) claims. All documents associated with claims files will now be scanned and attached to electronic files. Claims staff will no longer spend hours inputting information from those documents. Attorneys in the City Attorney's Office will have instant access to all medical reports and all legal documents in developing the defense of the cases. Plans for further efficiencies include transmittal of electronic files to doctors' offices and electronic transmission of litigated cases to the Workers' Compensation Appeals Board.

The new technology has also allowed the Workers' Compensation Division to com-

ply with the newly enforced legal requirements for the reporting of certain cases to the Center for Medicare Services (CMS). Federal regulations require the reporting of cases that qualify for reporting within certain parameters or face fines of \$1,000 per day per case for failure to report. Workers' compensation staff worked many hours inputting codes for the 950 cases that Medicare requested information on and completed that undertaking in the required time frames. Other public agencies have had to hire outside contractors to do that work for them.

Other improvements related to the iVOS implementation will be unrolled over the course of the year including direct deposit of temporary disability benefits and allowing departmental workers' compensation coordinators access to cost reports. †

— Priscilla Morse