

TULARE/KINGS COUNTIES PERSONNEL COMMITTEE

Tulare County Office of Education

Redwood Room A & B

Friday, September 19, 2025

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

- ❖ **Welcome & Introductions**

- ❖ **Hot Topics – open discussion** **9:05**

- ❖ **Legal topic – Eleanor Welke, Lozano Smith** **9:30**
 - STRS Creditable Compensation
 - Accommodations in the workplace: pros & cons

- ❖ **Credential Update – Sara Marvin** **10:00**
 - CalSAAS, STRS & Credential updates

- ❖ **New Teacher & Leadership Development – George Rodriguez** **10:20**
 - New faces in NTLD
 - Accreditation, Site visits, Inspiring mentors
 - Adding a Single Subject credential program

- ❖ **ACA Reporting update – Sarah Smigiera** **10:35**

- ❖ **Open Forum: recap, questions, future topics...** **10:45**

Upcoming Events

Law Seminar – Student Attendance & SARB	Wednesday, September 17, 2025
Personnel Committee – Legal Updates	CHANGE OF DATE
Law Seminar - Layoffs	Thursday, December 4, 2025
TK Teacher Recruitment Fair	Friday, March 6, 2026, 4-7pm




Legal Updates:
- Temporary Accommodations
- CalSTRS Creditable Service

Presented by: Eleanor Welke and Taylor Todd
Tulare/Kings Counties – Personnel Committee | September 19, 2025

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Overview



- Essential Job Functions and Accommodations
- Temporary Accommodations / Considerations
- Examples – Pros/Cons
- CalSTRS Creditable Compensation
- Questions

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Accommodations In The Workplace

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Reasonable Accommodations

A reasonable accommodation is a **modification or adjustment that:**

- enables an applicant with a disability to have an equal opportunity to be considered for a job;
- enables an employee to perform the essential functions of the job the employee holds or desires; or
- enables an employee with a disability to enjoy benefits and privileges of employment equivalent to employees without disabilities.



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Examples of Accommodations

- **Reassignment** to vacant position
 - Allowing an applicant/employee to bring an assistive **animal** to the work site
 - **Transfer** to more accessible work sites
 - **Altering** when and/or how an essential function is performed
 - Modifying an employer **policy**, modifying supervisory methods
- (See Modified Amended Disability Regulations under FEHA, 2 CCR § 11065(p)(2)(A)-(O).)



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More Examples

A reasonable accommodation is a **modification or adjustment that:**

- Job **restructuring** (non-essential job functions)
- **Leaves of absence** (paid and/or unpaid for treatment or recovery)
- Modified **facilities** and/or **equipment**
- Modification of qualifying **exams**, training **materials**, and providing additional **training**
- Providing qualified readers or **interpreters**



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Essential Functions

- An employer is not required to eliminate essential functions of a position as a reasonable accommodation.

Nealy v. City of Santa Monica
(2015) 234 Cal.App.4th 359.



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Essential Functions Under ADA/FEHA

- FEHA “essential functions” means the fundamental job duties of the position the individual with a disability holds or desires. (Gov. Code, § 12926.)
- ADA “essential functions” of a job are those functions that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation. (29 C.F.R. § 1630.2(n).)
- Courts will consider the following:
 - (1) the employer’s judgment; (2) job descriptions prepared before advertising or interviewing job applicants for the position; (3) amount of time spent on each function; (4) consequences of not requiring the incumbent to perform the function; (5) terms of any collective bargaining agreement; and (6) work experience of past and current employees in the same job



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Essential Job Functions

- Essential job functions do NOT include:
 - Job duties that are “marginal” functions of the position.
 - Job duties that “if not performed would not eliminate the need for the job, or those that could be readily performed by another employee, or those that could be performed in another way.”




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Consideration of Temporary Accommodations

- Temporary conditions?
- Temporary impairments / restrictions?
- Temporary Light Duty needs?
- When will it begin? End?
- Who will monitor the temporary accommodation?
- What action will be taken to end the temporary accommodation?
- Is this a long-term solution? Why not?

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Pros and Cons - Examples


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Documenting Temporary Accommodations

Ensure that there is documentation detailing the essential functions that the employee cannot perform / nature or temporary impairment. Include language such as:

- As a result, your restrictions preclude you from performing the following job duties:
 [INSERT SPECIFIC JOB DUTIES THEY CANNOT DO]
 [INCLUDE IF THESE JOB DUTIES ARE ESSENTIAL FUNCTIONS]

Also include that the District is not required to accommodate you out of your essential job functions.

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Documenting Temporary Accommodations, cont.

Ensure that there is documentation stating that the accommodations are temporary in nature. Include language such as:

- This temporary accommodation is subject to change based on the District's business needs, or changes in your medical conditions/status;
- This temporary accommodation is subject to change based on the District's business needs, or change sin your medical conditions/status;
- This accommodation is temporary;
- We stress that this is a temporary accommodation;
- The District agrees to provide a temporary accommodation of _____;



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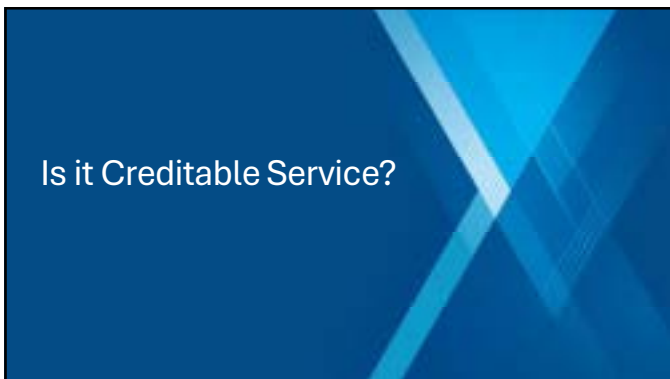
Documenting Temporary Accommodations, cont.

Ensure that the documentation includes an end date or condition upon which the temporary accommodation will be reviewed or will end:

- This temporary accommodation is from _____ to _____;
- The District will periodically review this temporary accommodation on _____;
- This temporary accommodation will only occur during _____;
- This temporary accommodation will end on [INSERT DATE OR OCCURANCE];
- The District reserves the right to end this temporary accommodation of _____;
- At the completion of this temporary time period, the accommodation will be reviewed;



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Determining Creditable Service?

1. *Is the work being performed by an employee of a CalSTRS employer?*
2. *Is the work being performed in a position that meets the minimum requirements?*
3. *Is the work being performed a creditable service activity?*



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Is the Employer a CalSTRS Employer?

For service to be creditable under the Defined Benefit Program, a person must be employed by a CalSTRS employer:

- This will include a public school district or county office of education.



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Does the Position That Meet The Minimum Requirements?

For School Districts and County Offices of Education:

For the position to meet minimum requirements, the employee must be in a position with certification qualifications authorized by the Commission on Teacher Credentialing (i.e. in order for it to be creditable service, the CTC must authorize certification qualifications for the position unless it is exempt).

What about . . .

Teachers? Counselors? Social Workers? Preschool Instructors?

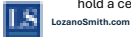


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Is The Work a Creditable Service Activity?

Now we are looking at "job duties"— those activities described as "creditable service" (Ed. Code, § 22119.5), which include:

- (1) teaching; (2) educational or vocational counseling; (3) instructional planning; (4) selection, collection, preparation, classification, demonstration, or evaluation of instructional materials or other services related to California public school curriculum; (5) examination, selection, in-service training, mentoring, or assignment of teachers, principals, or other similar personnel involved in the instructional program; (6) work of nurses, physicians, speech therapists, psychologists, audiologists, and other California public school health professionals; (7) services as a California public school librarian; (8) activities connected with the enforcement of the laws relating to compulsory education, coordination of child welfare activities involving the school and the home, and the school adjustment of pupils; (9) supervision of persons or administration of creditable service; (10) Superintendents; (11) Consulting teachers employed by an employer to participate in the California Peer Assistance and Review Program for Teachers; (12) Audiometrists who hold a certificate of registration issued by the State Department of Health Care Services.



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Other Issues to Note?

- ELECTION OPTION?
- AB 1997



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Questions?

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

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