



## WORKPLACE RIGHTS

# Aides and classified will feel impact of new Diastat law



SANDY HUFFAKER, JR.

**"The drug manufacturer claims it has designed a delivery system that is so easy that the paraprofessional, the cook, the gardener can give it. But I've seen hundreds of seizures and they can be pretty dramatic things."**

—Tom Harriman, Special Education Paraprofessional, San Francisco

**BEGINNING JANUARY 1,** classified employees and paraprofessionals will likely shoulder the burden of a new law asking school employees to volunteer to inject a powerful sedative into the rectums of students having epileptic seizures.

In October, Gov. Jerry Brown signed Senate Bill 161 into law. CFT had strongly urged Brown to let SB 161 die, but author Bob Huff (R-Diamond Bar) successfully promoted his legislation as defending the rights of epileptic children and as a simple extension of earlier changes in the Education Code allowing non-medical school employees to handle diabetic and allergic emergencies.

CFT legal counsel Jeff Boxer doesn't doubt the sincere motives of legislators, but he said they never recognized the full dimension of the problem. "This is a long way from using an epinephrine pen on people who are extremely allergic to

bees. The risks to the patient are much greater. EMTs and school nurses usually perform this type of procedure, not aides with a few minutes of 'instruction.' And diazepam is a super-heavy tranquilizer that can harm patients if misused."

Under SB 161, a parent of an epileptic student will ask their child's school, in the absence of a credentialed nurse, to train at least one volunteer in the rectal administration of diazepam — marketed as Diastat.

Tom Harriman, a special education paraprofessional at Lowell High School and member of United Educators of San Francisco, disagrees with the entire notion that nonprofessionals should be in charge during what could be a life-threatening emergency.

"The drug manufacturer claims it has designed a drug and a delivery system that is so easy that the paraprofessional, the cook, the gardener can give

it. But I've seen dozens, if not hundreds, of seizures and they can be pretty dramatic things," Harriman said.

K-12 districts and county offices of education are to provide training based on guidelines the state departments of Education and Public Health have until July to develop. The result, Harriman predicted, will not substitute for medical personnel at schools whose positions have been eliminated because of budget cuts.

"Senator Huff's answer is to move from licensed professionals to the untrained and untested," he said. "One of his talking points was that diabetic children can now test their glu-

cose levels, making school nurses less necessary. I see that as an attempt to move more medical decisions away from school nurses and onto untrained staff and the children themselves."

In the absence of school nurses, state legislators and district administrators may try to add more conditions to the growing list of medical emergencies foisted onto untrained personnel. Boxer also doubts that principals or teachers will volunteer to administer Diastat. In the end, he said, the task will likely fall to the instructional aides who care for students every day. "Paras usually aren't the kind of people who say 'No,' but they may need to."

## Know the law, know your rights

**SB 161 directs K-12 districts** and county offices of education to defend and indemnify volunteers for civil liability, to provide employees this assurance in writing, and to keep it in their personnel file. The law also prohibits any education official or representative from intimidating, threatening, or coercing a staff member into volunteering. Employees may rescind their offer to volunteer up to three days after completing their training, and with two weeks notice after that.

### If you want to volunteer to administer Diastat:

- Confirm that volunteers will be protected against legal claims.
- Fully understand what parents and administrators expect of you. Get everything from administrators on paper, and consult with your union before you sign anything.
- Make sure you understand what you are getting into, from how to diagnose seizures to how to store Diastat.
- Review the training that management is offering with your union to determine that it is satisfactory and request updated training at the beginning of each school year to stay current.

### If you refuse to administer Diastat:

- Notify your union and let it inform the district of your decision.
- Contact your union immediately if the school or a parent continues to pressure you to "volunteer," threatens to change your work shift, or retaliates in any other way.

# Unions help protect workers from student bullying

ON JANUARY 14, 2011, Carmen Gallegos was selling tickets to an event inside the gym at Galt High School when a student the principal had turned away flew into a rage and knocked Gallegos to the ground. Nearly a year later, after months of court hearings and medical therapy, she still suffers physical pain and emotional trauma.

"This was the first time something like that had happened to me, and I was really shaken up," said Gallegos, who has worked in Galt schools for nearly 23 years. Bullying is a serious problem that can pit students, classifieds, teachers and administrators against each other. An incident may range in intensity from emailed insults to violence, and involve two people or a large group. It can create a workplace culture that remains toxic long after the incident.

To address this problem, delegates to the 2011 CFT Convention approved a resolution on bullying, and locals across the state are addressing the issue in contract talks. Gallegos, for example, was a member of the Galt Federation bargaining team when she was assaulted. She and another union negotiator who had been injured by a student convinced the team to take a firm stand at the table.

"When people hear how these cases unfold," Gallegos said, "they realize it can happen to anyone. I'm a secretary in the attendance office, but it could have happened to someone in the cafeteria or a gardener or a teacher."

The new contract requires the district to inform the union about any physical assault or battery on an employee during performance of work duties, and provide a brief description

of the incident. The district and union will work together to assist the worker, and if qualified, the worker may transfer to an open position at another location for the remainder of the school year.

"The administrators started out with ideas about passing



out handouts and flyers," said Gallegos, "but I wanted something with more teeth. I believe this is a good start that we will continue to build on."

Bullying is also an issue at the community colleges. "We

didn't have a provision that specifically prohibited bullying," explained Neal Kelsey, executive director of the Coast Federation of Classified Employees, "so we couldn't file a formal grievance, which is one of the union's more effective tools to resolve workplace conflicts."

The new language in the Coast contract is modeled on the CFT resolution, Kelsey says, "so now we have a definition of bullying that allows us to file a grievance." The new agreement requires the college district to take "appropriate and reasonable measures to address instances where bullying and mobbing have occurred in the workplace." Mobbing occurs when a supervisor or co-workers gather others to willingly, or unwillingly, participate in continuous malevolent actions toward a target.

> Read the resolution at [cft.org](http://cft.org)

## Classified Conference offers learning, activism, support



1. Paraprofessional A.J. Fraizer from San Francisco 2. Members went to Occupy San Diego. 3. Menifee treasurer Shelly Reed, left, with colleague. 4. Berkeley Federation's Paula Phillips speaks out. 5. Eileen French from Cuesta College Classified.

NOT ONLY DID CLASSIFIED employees have the opportunity to update union skills and meet colleagues from around the state at their annual conference, but several members also packed into a van and trekked across the city to rally at Occupy San Diego.

"What inspired me to go is that I think that everybody needs to join in on this because it's a people's

movement," said Greg Whaling, a tech worker in the Los Angeles colleges and member of the AFT Staff Guild. Occupier Debbie Stout, from the Menifee Council of Classified Employees said, "Everyone needs to pay their fair share because our kids need the best education to be the best leaders."

Back at the conference, workshops on topics ranging from

managing student behavior to using social media rolled out. Stout's colleague, Shelly Reed, an accounting clerk, attended the workshop for local treasurers.

"That workshop was a wealth of information and touched on all the things I should be doing," Reed said. "I'm not alone any more."

San Diego Assemblyman Marty Block spoke to attendees at the

annual conference held October 14-16 at Humphrey's Half Moon Inn. Recent passage of the Diastat bill was on many minds.

"The Legislature made a horrible mistake," Block said. "It's outside of the area of responsibility you should have. I was proud to be a NO vote on SB 161. I'm also proud to tell you that I had a 100 percent voting record with the CFT."

Superintendent of Public Instruction Tom Torlakson followed him at the podium. "It's my belief that nurses and trained professionals are the ones to help with insulin or Diastat," Torlakson said. "I am puzzled by the governor's signing of SB 161 and will look into how to deal with this."

## New CalPERS Board member talks about governor's "pension reform"

**THIS YEAR, CLASSIFIED** members of CFT helped elect a uniquely qualified union leader to the CalPERS governing board, the body that oversees investments, and administers benefits for the nation's largest public pension system. During his 20 years in the labor movement, Michael Bilbrey, has helped manage the multi-million-dollar investment portfolio and state budget of the California School Employees Association.



Michael Bilbrey

Bilbrey hasn't had much of a honeymoon on the job. Attempting to stabilize state finances, Gov. Brown proposed a 12-point pension plan that will affect hundreds of thousands of working Californians. Some Brown proposals, such as delaying retirement and combining traditional pensions with riskier 401(k) investments, would affect future employees. Others would affect all members of CalPERS.

*Classified Insider* asked Bilbrey what he thinks of the Brown plan. "State and local governments are struggling

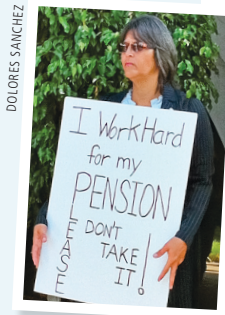
financially," he responded, "and pensions are one cost among many that are impacted. CalPERS is committed to being an honest broker of information so all parties can make informed discussions."

Bilbrey says any decisions made about pensions "will impact human lives and the promises made to our school employees and their families. We believe portions of the proposal could conflict with the legal vested rights of our members." These include eliminating service credit purchases, closing the defined benefit plan (if that were to happen), and, in some cases, increasing employee contributions.

"CalPERS has completed a preliminary analysis,"

Bilbrey adds, "but many questions remain unanswered because we still don't know all the details of the governor's proposals."

> Learn more at [calpers.ca.gov](http://calpers.ca.gov)



L.A.'s Mary Van Ginkle at a hearing in Carson.

## COMMUNITY SERVICE

## Martinez Parra reaches out to Latino parents in Berkeley

**ISABEL MARTINEZ PARRA** combines a social worker's compassion with a union activist's passion when she reaches out to Berkeley's often-overlooked Latino community as a parent outreach specialist for the city's school district.

Born and raised in Mexico City, Martinez Parra studied at the National University to be a social worker. She arrived in the Bay Area without papers in the 1970s, but legalized her immigration status during President Reagan's 1985 amnesty. She began learning English by watching *Sesame Street* with her children, and was soon translating for teachers and principals at their school.

"I discovered I had a gift for translating. It just comes to me. By then I had my papers, and had been hired by Berkeley Unified as an instructional aide."

During her 25 years in the district, Martinez Parra, a member of the Berkeley Council of Classified Employees, has worked in many departments, from special education to the after-school program. In 2006, she began as a parent outreach specialist.

One of her first outreach projects was creating *Latinos Unidos por Nuestros Adolescentes*, a seven-week program to help Latino

parents guide their children during the difficult middle school years. To date, 450 have graduated from the program that teaches parents about district and board functions, the changes teens go through and how they affect family life, discipline and



COURTESY LOCAL 6192

Isabel Martinez Parra has graduated 450 parents from her training program.

gangs, and what parents can do to help their children reach college.

The following year, Martinez Parra and the Latino Parent Committee organized the district's first annual *Posada Navideña*, a traditional Christmas event. "I wanted to recreate how we celebrate the holidays in Mexico. We expected 20 or 25 families and 350 people showed up. Last year we had 500 people, and every child left with a wrapped present. That's very important, especially in these hard times."

## Classified Calendar

The **Leadership Conference** for local union presidents, treasurers, and staff will be held **February 9-10** at The Westin Los Angeles Airport. Attendees can participate in a new two-day training for treasurers, hear from labor attorneys, and watch a show by solo performer Ian Ruskin. Learn more at [cft.org](http://cft.org).

Become a voting delegate and attend a meeting of the **Council of Classified Employees** at the **CFT Convention** that will be held **April 13-15** at The Fairmont San Jose. The **deadline to submit resolutions** for the Convention is **March 1**. Learn more at [tinyurl.com/Convention2012](http://tinyurl.com/Convention2012).

The AFT's annual extravaganza for classified, the **Paraprofessional and School-Related Personnel Conference** is **April 19-22** at the Marriott Wardman Park in Washington, D.C. Learn more at [aft.org](http://aft.org).

**CFT Lobby Day** is back! Union members can meet with elected representatives in the California Legislature on **April 23-24** in Sacramento.

New this year! CFT will host a week-long **Union Summer School** from **August 13-17** offering five days of union training at UCLA.

“Everyone needs to pay their fair share, because our kids need the best education to be the best leaders.

— Debbie Stout, Menifee Council of Classified Employees

I think I am the most outspoken superintendent in 40 years about getting more taxes. Californians are paying \$10 billion less in taxes than they did 10 years ago.

— Tom Torlakson, State Superintendent of Instruction

It’s definitely time to rethink taxes and CFT has done that. It’s time for the 1 percent to help rebuild our state and our country.”

— Joshua Pechthalt, CFT President

## Sign the petition for the Millionaires Tax

**YOU CAN HELP!** Volunteer through your union to collect signatures to place the Millionaires Tax on the November ballot. Urge your friends and family members to sign petitions too. Learn more at [cft.org](http://cft.org) and [millionairestaxca.com](http://millionairestaxca.com).



# Classified Insider

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## CFT proposes raising taxes the right way

**A PARADE OF PUBLIC OPINION** polls shows that Californians of all political stripes prefer raising taxes on the wealthy to cutting more vital services. Even billionaire Warren Buffett has said, “I think that people at the high end —

people like myself — should be paying a lot more in taxes.”

It’s time for the wealthy to pay their fair share. On Dec. 5, the CFT and its partners in a new coalition, Restoring California, filed an initiative with the state Attorney

General’s office that will tax millionaires and generate an estimated \$6 billion annually to avoid further cuts in education and public services.

Our Millionaires Tax will raise income tax 3 percent on individuals who earn \$1 million per year and add 5 percent for those who earn \$2 million and above. Under the CFT’s proposal, a typical taxpayer will pay no additional income tax. Three-fifths of the new revenue will go to K-12 and higher education, with the remainder

to social services, public safety and infrastructure.

At press time, there are three other tax measures aimed at the November 2012 ballot, including one from the governor. But those from competitors include sales tax increases and other regressive components that impact the poor and rich alike. All require typical taxpayers to pay more money out of pocket each year.

Gov. Brown has proposed temporarily increasing the state sales tax by half a cent and raising tax rates on incomes above \$250,000. His proposal would also generate about \$6 billion annually, but would cost the typical taxpayer an additional \$123 a year. The others cost typical taxpayers almost double that amount per year.

After careful research, CFT believes the Millionaires Tax will resonate with voters fed up by economic inequality. Last year, CFT led the fight for the Legislature to pass a state budget by a simple majority. We can be successful again. I believe the “Millionaires Tax” is the best measure and has the best chance of winning.

**Please help pass the Millionaires Tax!**



By **Velma J. Butler**  
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**California Federation  
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AFT, AFL-CIO  
A Union of Professionals



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