



UPDATE

November 20, 2008

www.santarosa.edu/afa

(707) 527-4731

Protect Yourself, Your Students, and the District — Request a Substitute

For many years AFA has been concerned that the process for approving substitutes has not been clear to Department Chairs and Supervising Administrators. It's also become apparent that most faculty do not understand the process for requesting substitutes and, therefore, have been arranging what we call "illegal trades" in order to cover absences. Of course, it's important for students to have a substitute instructor when their own instructor must miss a significant amount of class time; however, it's equally important to follow a legal process as outlined in District Policy and Procedure 4.7.1 and 4.7.1P. (See www.santarosa.edu/polman/4person/index.html.) By following the process you will protect yourself, your job, your students, and the District.

Just think about what would happen in case of a major earthquake or other natural disaster if you had to miss a class and didn't follow the process. Let's say that you have arranged for one of your colleagues to take your class (and maybe paid her "under the table"), but you have not notified your Department Chair or any other College official. You are not being docked from your Sick Leave/Personal Necessity hours, which is essentially payroll fraud. Let's imagine that your trusted colleague has an unforeseen emergency and cannot make it to the College or even contact College staff. The building falls down, hundreds of students are injured, including those in your class, because no one was there to see to their evacuation to safety. This is a tragic circumstance, but it's also the perfect excuse for a lawsuit. Although this story seems overly dramatic, it's not uncommon that these "illegal trades" lead to problems — and those problems lead to all kinds of other complications for faculty, staff, and students.

You are the "Instructor of Record" which means that **under the California Education Code, you are responsible not just for instructing your students but also for their health and safety.** Filing a Notice of Absence (NOA) serves as legal notice that you will not be in class and that the students are not your responsibility. If you have "arranged" for your own substitute and something disastrous happens, you are still legally responsible and the District is in jeopardy of a costly lawsuit because of your negligence. Needless to say, you will probably lose your job and the College will have to make restitution on your behalf.

Here are some highlights of the District Policy and Procedure on Reporting Faculty Absence and Leave Time:

- All faculty shall report any absence daily whenever they will not be present to conduct class or meet work obligations for any reason.

- All faculty shall submit a Notice of Absence, except for absences due to college business.
- An absence from a Final Exam is still considered an absence and must be reported.
- For absences of ten (10) or more consecutive working days, the District may require the employee to provide a doctor's verification.
- The District may provide a paid substitute, and the department will submit a Schedule Change Form to amend the Instructor of Record for the date(s) of absence.
- Travel Request Forms are necessary for approved out-of-district travel and, in that case, serve as the legal approval of the absence.

AFA and the District have been spending a great deal of time this semester revising Article 29—Substitutes because we agree that the process for assigning substitutes to classes must be clarified so that students will be served equally throughout the College. It's also important, however, that faculty report absences or expected absences to the appropriate administrator. If you know far enough in advance that you will not be able to meet your class, let your Department Chair or Supervising Administrator know so that s/he can arrange for a substitute. This is their responsibility and theirs alone. As we finish the revision of Article 29, we will keep you apprised of any important changes.

Attn: Adjunct Faculty Flex Deadline Monday, Dec. 1

In order to prevent docking of their pay, Adjunct Faculty must complete their Fall 2008 Flex obligation prior to December 1. **The Resource Center for Staff Development must receive your Flex Verification Form on or before Monday, December 1, 2008.**

If you cannot complete your Flex obligation, simply complete and submit a Notice of Absence (NOA) form, which is available through your department office or the Human Resources Department (HR). Indicate the date of 8/15/08 (the mandatory PDA day) on the NOA and send the completed and signed form to HR. It's a good idea to also send a photocopy of the NOA form (with all signatures) to the Resource Center so that they will know it is in process and will not notify Payroll to dock your pay. (Keep a copy for yourself, too!)

Flex activities offered December 1 through December 19 may NOT be applied toward the Fall 2008 Flex obligations for Adjunct Faculty. Adjunct Faculty may start completing Flex activities for credit toward their

New 403(b) Plan Regulations for 2009

After 47 years, the IRS issued Final 403(b) Regulations, which require that the District be in compliance by January 1, 2009. To help plan participants understand how they may be affected by these new regulations, the Payroll Department prepared an informational packet and mailed it to those District employees who made contributions to a 403(b) plan in the year 2008. The packet includes *Highlights of Changes*, an *Approved Vendor List for SRJC*, a set of *Frequently Asked Questions*, and a *Salary Reduction Form*. An electronic copy of the packet was also e-mailed to the DL.STAFF.ALL distribution list. (All faculty who have an Outlook account are automatically included in this list.)

Effective January 1, 2009, 403(b) plan contributions can only be made to approved vendors who have executed an Information Sharing Agreement with the District. The Payroll Department will stop all 403(b) deductions to unapproved vendors, effective January 1, 2009. The approved list of vendors is available in the Payroll Office and is also available online at: www.403bcompare.com. (Click on *My Employer* and select *Santa Rosa Junior College*.) All District employees have the option to exchange the account balances with unapproved vendors to approved vendors. **Funds left with unapproved vendors will be in a “frozen status” unless exchanged to an approved vendor. No loans or hardship withdrawals will be allowed.**

It is very important that you inform yourself about the new regulations, which pertain to all employees who have previously participated or are currently participating in a 403(b) plan with the District. Even if you are currently not contributing to a 403(b) plan, these regulations apply to your accounts. **If you don't comply with the regulations, you could find yourself with a substantial increase in your tax liability.**

If you have any questions or concerns, contact either Lisa Hotchkiss at 527-4200 or Deepa Desai at 527-4500.

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Spring 2009 Flex obligation beginning on December 20 (the first day of Winter Break.)

To verify your remaining Flex obligation, log onto the Staff Development Web site at www.santarosa.edu/src/ and click on the link at the bottom of the page that says “Check Your Flex.” Or, call the Resource Center for Staff Development at 527-4852.

You can also log onto the Staff Development Web site to see a list of workshops and ongoing activities eligible for Flex credit. In addition, the Staff Resource Center (437 Elliot Avenue) has a library of videos and DVD's that you may borrow to fulfill your Flex obligation. Again, activities must be completed and verification must be submitted by December 1st.

If you don't fulfill your Flex obligation and send in a verification form, or submit a *Notice of Absence*, by December 1, your pay will be docked on the January 10, 2009 payroll. If you have any questions, contact the Resource Center for Staff Development at 527-4852.

IRC 125 Plan — Open Enrollment in December

Open enrollment for the Internal Revenue Code Section 125 Cafeteria/Flexible Benefit (IRC 125) Plan will be held in December 2008. Adjunct Faculty enrollment forms will be due to the Payroll Department no later than December 15, 2008 and Regular Faculty enrollment forms will be due to Payroll no later than January 9, 2009. Adjunct Faculty who are currently participating in an IRC 125 Plan through the District will automatically receive an enrollment form for the 2009 year at their home address and current Regular Faculty participants will automatically receive the form in their campus mailboxes.

The IRC 125 Plan is a calendar year plan (January 1 – December 31), which is offered by the District to cover specific health and dependent care expenses with pre-tax dollars, thereby, **reducing taxable income.** **All faculty who meet the eligibility requirements for the District's health benefits are eligible to enroll and participate in this plan.**

Here's how the plan works: You set an amount you would like to contribute toward the plan. The elected amount is deducted from each paycheck on a pre-tax basis and deposited into an account for your use during the plan year. (For Adjunct Faculty, deductions take place over January-June and September - December.) Participation is irrevocable for the calendar year unless you qualify for a “triggering event” (i.e. marriage, divorce, birth, adoption, loss of income, significant change in employment status, significant change in health coverage, Family Medical Leave Act, Child Support Order, Medicare or Medicaid eligibility, change in coverage for dependent care, Military leave, or death).

To receive a reimbursement of your expenses, you submit a reimbursement claim form with your receipts attached to Shirrell Consultants, the administrator of the Plan. The frequency of when a claim is submitted is up to you. Claims may be submitted as expenses are incurred or on a monthly, quarterly, or an annual basis; however, they can only be submitted for expenses incurred during the time of employment. You have 90 days after the plan year ends to submit all your claims and deplete your account balance. (Note: Any unused balance at the end of the year will be forfeited.)

Eligible expenses include your portion of pro-rata health insurance premiums paid via payroll deduction. **(Only SRJC Health Plans are eligible for reimbursement under the IRC 125 Plan.)** These premium deductions are automatically processed through the IRC 125 plan. Out-of-pocket health expenses, including deductibles, co-payments, and other eligible health expenses not covered by insurance (including certain over-the-counter drugs) are eligible. (Cosmetic expenses are not eligible.) A maximum of \$5,000 of earnings per year can be allocated as pre-tax dollars for health expenses.

In addition, expenses for Dependent Care — for children (13 or under) or for a dependent who is disabled and living with you for a minimum of eight hours a day— are also eligible. A maximum of \$5,000 of earnings per year can be allocated as pre-tax dollars for Dependent Care expenses. If you have questions, contact Lisa Hotchkiss at 527-4200 or Deepa Desai at 527-4500.