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WHAT'S NEW
AT ASCIP?

• **New Members to ASCIP's Medical Program:** Lawndale ESD and Rosemead SD Joined ASCIP's Kaiser Plan.

• **2016 Audited Financial Statement posted on website.**

• **New Staff:** *Claims Manager, Jo Ann Sprague, & Senior Claims Adjuster, Elizabeth Yassu.*

• **The Risk Services section on our website has been updated with MORE resources.**

• **What risks don't you know about? Our new risk assessment service can help you maintain safer learning environments.**

Go to
www.ASCIP.org for
all this and more!



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ASCIP
ALLIANCE OF SCHOOLS FOR COOPERATIVE INSURANCE PROGRAMS

What Is The Impact Of Proposition 64?

By Kristine Kwong



In 1996, the voters approved Proposition 215, which made it legal under state law to use marijuana in California for medical purposes. Now, with the passage of Proposition 64, the use of recreational marijuana is now legalized for persons aged 21 years or older under California state law. Of concern is how this will impact the employer's right to monitor and regulate the use of recreational marijuana and its influence in the workplace.

Under federal law, the use of marijuana for any purpose is still illegal. The federal government can prosecute individuals who possess or use marijuana, even though it is legal under state law. For individuals under age 21, marijuana use continues to be illegal.

Proposition 64 allows adults aged 21 and over to buy marijuana at a state-licensed business and to smoke in a private home or at a business licensed for on-site marijuana consumption. But it remains unlawful to smoke marijuana while driving a car, in any public place (other than a business licensed for on-site consumption), or anywhere that smoking tobacco is prohibited. The consumption of marijuana on the grounds of a school, daycare center, or youth center while children are present is still unlawful. Additionally, an individual may grow up to six plants and keep the marijuana produced by the plants in a private home, but may not grow in an area that is unlocked or visible from a public place. It is also unlawful to provide marijuana to minors under the age of 21 for non-medical use.

Despite the passage of Proposition 64, employers are still allowed to

have a valid drug and alcohol-free policy that it may enforce in the workplace. Marijuana is considered a drug. Employers still have the discretion to refuse to hire an applicant who tests positive for marijuana in a pre-employment drug test, fails a drug test after an accident, or after being tested if the employer has a reasonable suspicion that the employee is impaired by any type of drug and/or alcohol. As the law only allows individuals to consume marijuana in a private home or at a state-licensed facility, employers likewise may still prohibit an employee's use of marijuana in the workplace, or reporting to work under the influence of marijuana.

Because the use or possession of marijuana remains illegal under federal law, and assuming the employer has a drug and alcohol-free workplace policy, employers may still discipline employees for the use or

What Has Your Health Benefits Done For You?

John Brown is a physically active school employee. After going for a hike, he began experiencing chest pains. The pain persisted for several hours, but he wasn't concerned since he had no risk factors for heart disease. His wife insisted he call his doctor anyway just to make sure it wasn't anything serious before leaving for a family vacation to Colorado. The physician, who was provided through an ASCIP-sponsored onsite care program was on vacation when the call came in, but when the symptoms were relayed to her she called John back right away. It was clear his chest pain was significant so he was instructed to take an aspirin and go to the nearest emergency room. Upon arrival, he was immedi-

ately evaluated and showed evidence of a heart attack. He was sent for an angiogram and stent placement to open the blockage within a few hours of arriving. The cardiologist found a 90% blockage which a stent could not reach, so the patient was transferred to another facility and had double bypass surgery the next day. The cardio-thoracic surgeon told him, "You are who we call the one percenters - you should be dead. You had no risk factors, and thus not on anyone's radar. Your stress test would have been normal, you would have left for vacation and probably died!" John Brown shared that if he had not heard back from his onsite care doctor as quickly as he did, they would have left for Colorado.



This is a great reminder of what ASCIP's innovative approach to care delivery has achieved. This employee

had quick access to a doctor, which saved his life!

The names have been changed to protect the identity of those involved, but this is a true story about an ASCIP member's employee. If you want to learn more about the unique differences of the ASCIP Health Benefits Program, contact Dan Sanger, Executive Director of Health Benefits.

Integrating Ed Code and Workers' Compensation

Do your students have talent?

Win Money for your school!

ASCIP is looking for talented students to attend our Annual Membership Meeting as the entertainment. We are seeking any talent—Improv, Mime, Music, Theatre, Spoken Word, Poetry, Magic, etc.

If selected to perform, a Grant will be awarded for your school program ranging from \$1,000 to \$3,000. Applications are due 1/30/17. Details are on our website homepage at: www.ascip.org

At the recent Workers' Compensation Roundtable, held in ASCIP's Cerritos office, there was standing room only to discuss Integrating Education Code Leave Provisions with Workers' Compensation Benefits. Stephen Nakata and Demetra Johal, attorneys from Laughlin, Falbo, Levy & Moresi, LLP; Veronica Ibarra from York; along with Nidra Kumaradas from ASCIP, answered questions, provided best practice guidelines and flowcharts to help school personnel manage this daunting process. Some of the tools provided at this event are now posted on ASCIP's website in the workers' compensation section as a resource.

The "take-aways" from this event were:

Be familiar with your district's bargaining agreement language, written policies and procedures, employee handbooks and any memorandums of understanding (MOUs). Review these regularly to assure practices are con-

sistent with the language.

Past practice can become the "law" even if inaccurate and inconsistent with current written language.

Past practice can be changed! But it is often a slow process. Members can contact ASCIP for assistance if long-standing practices are not consistent with the Education Code and/or internal written language.

It is important for all parties involved in the workers' compensation leave process to be in continual communication.

Be consistent! Handle each employee in the same manner.

Never allow a leave dispute to be decided by a workers' compensation judge if it involves Education Code language. That can lead to unwelcomed case law! Work with ASCIP and your defense team to assist in bringing about a resolution.

The value of attending ASCIP's Roundtable events is to not only hear from the experts and have the opportunity for your questions to be answered in person, but also to share and interact with your peers – learn new ways to handle similar issues. Don't miss out on the next interactive Workers' Compensation Roundtable scheduled for Monday, January 24th in Cerritos, and Tuesday, February 1st in the Central Valley area, where the topic will be **Managing Workers' Compensation and Disability/Return to Work Situations**. We hope to see you there!



Veronica Ibarra responds to questions

What is the Impact of Proposition 64? (cont. from page 1)

possession of marijuana. In order to clearly explain the impact of legalized marijuana, employers should update their drug-free workplace policy to clarify that marijuana is still considered an illegal drug under federal law, and employers may continue to regulate and prohibit the use of recreational marijuana at the workplace.

Best Practices:

Review and update the employer's drug and alcohol-free workplace policy to include the prohibition of any use of marijuana in the workplace;

Update the drug and alcohol-free policy to include that reasonable suspicion will lead to a potential drug and alcohol testing for marijuana and other drug use;

Train all supervisors regarding the signs of impairment for individuals under the influence of marijuana use.



Kristine Kwong is a partner with Musick Peeler. She focuses on labor and employment matters. Meet Kristine at the ASCIP HR/RM Roundtables.

Quote of the Day—

Happiness is not something ready made. It comes from your own actions. —

Dalai Lama

**SAVE
THE
DATE!**

Upcoming Events—For updates and details go to www.ASCIP.org

Event	Date	Time	Location
Wk Comp Roundtable-Managing Return to Work	Tue. 1/24/17	9:30 a.m. - 1:00 p.m.	ASCIP Training Room
8-Hour Haz Mat Awareness	Wed. 1/25/17	8:00 a.m. - 4:00 p.m.	ASCIP Training Room
Innovations in Student Transportation Roundtable	Fri. 1/27/17	9:30 a.m. - 12:00 p.m.	ASCIP Training Room
HR & RM Roundtable-Annual Legal Update	Wed. 2/1/17	11:30 a.m. - 1:00 p.m.	ASCIP Training Room
Wk Comp Roundtable-Managing Return to Work	Wed. 2/1/17	9:30 a.m. - 1:00 p.m.	Clovis
Pesticide Handler Training—2 sessions	Wed. 2/2/17	8:00-10:30 a.m. & 11:00 a.m.-1:30 p.m.	ASCIP Training Room
Annual Membership Meeting	Fri. 3/3/17	8:00 a.m. - 3:00 p.m.	Disneyland Hotel
HR & RM Roundtable-Privacy Rights	Wed. 3/9/17	11:30 a.m. - 1:00 p.m.	ASCIP Training Room
Mold/Moisture/Odors	Wed. 3/15/17	10:00 a.m. - 12:00 p.m.	Webinar