

The Childcare Professional EXPERIENCE

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CYBERSPACE IDENTITIES AND THE WORKPLACE

By: Dawn K. Martini

The cultural phenomenon of creating virtual lives or virtual identities on websites like Myspace and Facebook is beginning to creep into the workplace. People can now recreate themselves in what seems like a consequence free medium. As a result of the lack of personal contact, people often feel freer to be bold, confrontational and/or outrageous on their personal websites and/or blog.

People, particularly young adults, forget that anyone in the world can access their personal website and/or blog and view pictures and/or written entries. Once accessed the pictures or written entries can be sent all over the cyber world to be viewed by millions. People also forget that the same consequences which would apply to a letter or verbal statement apply to the information posted in cyberspace. Additionally, once an image or text is placed on a website page, it may be copied, archived or downloaded by another internet user and placed on their website. So even if an image or text is removed from a specific page, it may still be available on other pages and/or sites. This is why it is so important for the images and/or text not to appear on the internet at any time!

In the summer of 2007 we saw this very thing in relation to Miss New Jersey. She was subject to blackmail and extortion for pictures she posted on her personal website. The pictures, while not pornographic, were distasteful with respect to her role as a public figure

and caused her a great deal of embarrassment.

During this same time we were retained by a child care program to help them deal with a former employee who was threatening the program director and making false and disparaging statements against the center on her Myspace page.

Just imagine a parent of an enrolled child surfing the internet. The parent enters their child's teachers name in a search engine and up pops the teacher's personal website. The parent views the teacher's website and possibly finds comments about other employees, children and/or pictures of the teacher at a nightclub in a drunken stupor. This would be a public relations nightmare for the program.

On a seemingly innocent side of this issue, you have a teacher developing a website chronicling her/his career. The teacher includes digital photos of the children with journal entries. This seemingly professional website could be considered a violation of the child' and/or family's rights of privacy. Worse yet, the photographs could be downloaded by child predators and the predator would know where to find the child.

Many Fortune 500 Companies "google" candidates for employment in addition to checking employment references in the "old fashioned" or traditional way. As part of the recruitment plan/selection process we encourage employers to use this new tool

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Labor Law Stats...in general

Compiled by: Dawn K. Martini

- * The three most common types of discrimination complaints filed by employees are: race, retaliation and gender.
- * AR, MS, PA and SC are the only states in the nation that did not pass new labor or employment related laws in 2007.
- * Michigan has the highest unemployment rate and South Dakota has the lowest unemployment rate in the nation.
- * American Employees stay with the same company for an average of four years, which ranks LAST in relation to job tenure in the 16 leading European nations. Greece ranks first with an average of 13 years and Italian employees average 8 years with each employer.
- * On July 24, 2008 Federal minimum wage will increase to \$6.55/hr. This is the second of three increases.
- * Arkansas has the highest percentage of employees working for minimum wage.
- * 7.5 million Americans hold more than one job.
- * 68% of employees say they would like to receive more praise and appreciation for good work performance.
- * NJ, CA and WA are the three states which currently offer paid Family and Medical Leave.
- * Top three factors, ranked in order, that cause employees stress at work: People Issues, Workload and attempting to find balance between work and life
- * 43% of employees feel they could do as good or better as their boss if roles were switched for a day.
- * The average American employee commutes 25.5 minutes one way to work each day.
- * A Yale University study shows an 88% increase in the likelihood of workplace injury for employees who work more than 40 hours per week.

CYBERSPACE...continued from page 1

to check an employee's cyber-persona to make sure there are no moral or ethical issues presented in the cyber world.

We recommend including serious employment consequences for violation of this policy and a statement indicating that the agency will pursue all legal remedies available. Additionally, we recommend including this issue in a staff meeting and/or professional development program for all employees. Since cyberspace is an exciting and relatively new frontier, many people have not considered the downside to such a free and anonymous environment therefore, it is important to bring these issues to your employees' attention. This is a wonderful topic to address during August pre-service trainings and/or in the September staff meeting.

Our firm provides training for staff in this area tied in with discussions on confidentiality and professionalism. We also have a sample Cyberspace Identities Policy available in the *Model Personnel Policy Manual for Child Care Agencies, 4th Edition*, which is available at Childproviderlaw.com. For information on scheduling an in-service training for staff or to purchase the Model Personnel Policies contact Jan at (215) 785-3400.

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CHILD CARE PROVIDER RETAINER PROGRAM

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Understanding USERRA...

By Dawn K. Martini

With the dramatic increase in call-ups of our National Guard and Military Reservists to fight our current wars in both Iraq and Afghanistan, many employers are struggling to understand the rights these employees are entitled to receive under "The Uniformed Services Employment and Re-employment Rights Act" (USERRA).

USERRA was designed to offer job protection and to encourage non-career service, such as Reserve and National Guard service, in the military by reducing risk to civilian employment during the employee's period of active service.

USERRA applies to all employers regardless of the number of employees and covers all Army, Navy, Air Force, Marines, Coast Guard, Public Health Service commissioned corps and the reserve components of these branches as well as the National Guard.

Service members returning to civilian life and work are entitled to reinstatement to the same or comparable position with the same status, pay and benefits that they would have received had they not been called to active duty. In order to be eligible for reinstatement the employee must have, 1. Given advance notice prior to leaving, unless notice

was precluded by military necessity, 2. Serve a cumulative period of less than 5 years, excluding service required by a declared war or national emergency, 3. Not be dishonorably discharged, and 4. Report back to civilian work in a timely manner after discharge.

If a returning veteran can not perform the functions of their position upon return, it is the employers responsibility to do what is reasonable to train the returning veteran so they update their skills in order to be qualified for the position.

The biggest issue regarding the employment status of the returning veteran relates to termination. Upon return, the employee may only be terminated for cause, regardless of whether the employee was previously employed at-will.

When an employee is called up to service of less than 31 days, the employer is responsible to provide full coverage health care. For active duty periods of greater than 31 days, the employee may elect to continue health coverage for up to 18 months, similar to COBRA.

Many states have enacted laws which are more protective of returning veterans and it is important for employers to check with local legal counsel for these laws and their implications for your workplace.

STRATEGIC PLANNING... Setting Meeting Ground Rules

By Dawn K. Martini

It is important to begin the first meeting of the Strategic Planning Team by setting the ground rules by which all the Strategic Planning meetings will be conducted. By establishing an agreed upon list of rules everyone on the Team will come to the meeting with the same expectations, understanding and will be prepared to work.

When considering what rules to adopt consider the following:

- Start & ending time for each meeting. How long will the work sessions be and what will happen if time runs over? Start on time and end on time. The people who have taken time to work on this team with you have other things to do and this is a basic courtesy!
- Will cell phones and office phones be turned off? Will outside distractions be prohibited during the meeting?
- Will decisions be made by majority or by a greater standard such as, 2/3?
- How will ideas be shared, round robin, hand raise or free flow discussion? We recommend that only one person be allowed to speak at a time.
- Will there be a time limit on discussions? Who will monitor it?
- All participants must bring a pen and notepad to the meeting. This is a pet peeve in our office...how can you participate if you don't take notes?
- All ideas will be considered and respected, even if they are not ultimately chosen for inclusion in the plan.
- All participants are expected to give honest and sincere input. All opinions will be valued and respected.
- Will there be a break scheduled?

Your team can determine which to include or additional one's needed to make the process successful and productive. Once the rules have been enumerated consider posting them in the meeting space or having them typed up for each team member as part of their meeting packet. The facilitator will be responsible for holding all participants to the rules and managing the flow of the meetings with in the rules.

Next issue's article will discuss Setting Goals.

THE ART OF EFFECTIVE COMMUNICATION

By Janice Nielwocki

Communication can be defined as the process of passing and receiving information in an attempt to create a mutual understanding and build rapport. The premise seems simple enough, however communication is a complex process ripe with the potential for error. And when an error in communication does occur, serious repercussions can arise.

Effective Communication is the keystone in any successful business organization. It is especially important in the education setting, as we must successfully communicate with, not only our co-workers, but also the parents and children we serve. You've most likely experienced the unpleasant consequences when information conveyed to a co-worker is misinterpreted or a message to a parent is misunderstood. However, effective communication doesn't just happen on its own. It takes time and effort to acquire, improve, and refine, the necessary skills needed to communicate effectively. Nonetheless, it's time well spent, because as you become a better communicator, you will become more productive, more efficient and improve your interpersonal relationships in the workplace and in your everyday life.

Whether it be verbal, non-verbal or written communication, it is essential to acknowledge that there are two main components to any form of communication; the sender of the message and the receiver of the message. Both entities work together and are dependent on each other.

VERBAL COMMUNICATION

First, let's focus on verbal communication. When someone is talking, what do you hear? Astonishingly, words comprise only 7% of what is being communicated! The rest is communicated through tone of voice and body language.

In order to be an effective communicator and improve verbal communication you must first be a good listener! You need to be an *actively engaged* listener in order to understand what the other person is saying before you can send a meaningful message in return. Here are some ways to be an actively engaged listener:

- * Seek first to understand, then to be understood!
- * Be actively engaged with the person. Fully focus on the individual, maintaining good eye contact. Avoid multi-tasking.
- * Be cognoscente of your body- language! Remember your body language can speak louder than words.
- * Don't interrupt. Let the other person finish their

statement before you respond.

- * Repeat what the person said back to him/her to ensure that what you *heard* was what the individual *meant*. Remember everyone uses words differently.

- * Ask questions as needed for clarification.

Remember, verbal communication is a give and take process. Improving listening skills simply isn't enough; you need to work to be an assertive responder as well. Keep the following things in mind:

- * Be a good listener.
- * Maintain good eye contact to show you are focused on the individual and the situation. Eye contact shows interest and establishes rapport between the two parties.
- * Use I statements.
- * Keep responses short, and be specific.
- * Speak clearly and slowly.
- * Be cognoscente of the words you use. Different words mean different things to different people.
- * Check your tone and vocal volume!
- * Check your body language!
- * Be aware of your emotions. Rather, focus on the facts!
- * Respect the other person's position. You may not agree with it but you need to respect it.
- * Be careful of assumptions.

Keep in mind that everything about you communicates something to the outside world and others around you. Personal appearance really does count! A smile can send the message of friendliness and approachability where as a frown with arms crossed can send a message of being closed off and unapproachable. Be aware of your energy and enthusiasm as others can easily sense them.

PHONE COMMUNICATION

Depending on the position you hold and your related job duties, you may be required to communicate with parents or others over the phone. Effective phone communication often requires some preparation and diligence.

Prior to making the phone call, organize your thoughts and establish the intent of the phone call. What is it you want to accomplish? Writing down a brief outline and keeping notes can help to avoid an unnecessary follow-up call. Once engaged in the conversation, make an attempt to set up an interpersonal relationship with the other person, calling him or her by name. Be sure to monitor your tone of

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CHILDREN'S BOOK CORNER

By: Janice Nieliwocki

We're all familiar with the recent, much-needed push to "go green" in order to preserve our earth's rich natural resources. Why not introduce or reinforce this concept with the children in your class by reading The Great Kapok Tree: A Tale of the Amazon Rain Forest by Lynne Cherry? Well written and beautifully illustrated, this book sends a clear message about the importance of environmental responsibility.

The story begins with a brief introduction to the rainforest, and then moves focus to the great Kapok tree and the community of animals that inhabit the tree. Subsequently, a young man comes to the rainforest and attempts to chop down the great Kapok tree. Easily exhausted from the intense heat of the rainforest, the man temporarily foregoes his endeavor, lies down and falls asleep. While the man sleeps, the animals seize the opportunity to speak to the man about the Kapok tree's value to the rainforest. Each creature has his own perspective of what the tree has to offer and what loss would be suffered if the tree was indeed chopped down. To some, the tree provides shelter, to some, protective camouflage, to others, a valued food source. When the woodcutter finally wakes, his view of the rainforest has been changed. He is able to recognize the beauty and value of the Kapok tree and the surrounding rainforest.

The Great Kapok Tree can be enjoyed and appreciated by children of various ages. Lynne Cherry's rich artistry brilliantly illustrates the lush vegetation of the rainforest, while realistically portraying the animals in all their splendid color. Younger children will simply be captured by the illustrations alone! However, this book holds a powerful message for young and old alike. It reminds us all of the importance of nature, our interdependency, and the need to preserve our precious natural resources.

The Great Kapok Tree is not only a great piece of children's literature but can be a valued teaching tool in almost any classroom curriculum. It easily lends itself to reading-related discussions and activities. (Of course, lessons, activities and points of focus will vary depending on the age and interest of the children in your care.) Why not expand on the storyline and further explore the rainforest and the animals that inhabit it? Or use The Great Kapok Tree as a resource when teaching about the environment and incorporate the value of recycling and reusing. Older, elementary school children can explore the concept of interdependency and the ecosystems.

Regardless of how you choose to utilize The Great Kapok Tree, you will undoubtedly find this book to be a valuable asset to your classroom library!

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voice.

Although body language is "lost" in phone communication, remember to smile. The other person can't see it, but a smile can often be "sensed" by the recipient. If you feel yourself losing energy during the conversation; stand up! (It really works)! Remember to put aside assumptions and be sensitive to the person on the other end of the phone.

WRITTEN COMMUNICATION

No article on effective communication would be complete without addressing the need for effective *written* communication. Although technological advances have made life easier, email and text messaging seem to have had a negative effect on the art of written communication. However, there are some steps you can take to be a better communicator in your written communications:

- * Establish a goal. What is the purpose of the written document?
- * Who is your target audience? Make sure you write to your audience in terms they will understand. If unsure, have someone else, preferably someone outside of the industry, read the letter. (Be careful of confidential information).
- * Organize your thoughts and the order in which

you want to present the information. Remember written communication is "one sided", there is no immediate give and take. Take extra care to be clear and concise.

- * Choose your words carefully. Watch for ambiguous words, and cultural differences.
- * Use correct grammar and check spelling! Spelling errors make your correspondence look unprofessional and reflect poorly on the author.
- * If you are asking for something in return, be specific.
- * Make sure the written communication is conveying the *tone* you want to convey.
- * If applicable, thank the individual before closing.
- * Close the letter respectfully.
- * Keep a copy for future reference.

Effective communication *does* take time and effort, however if armed with the right tools and knowledge, this somewhat difficult task, can become less daunting. In addition, you can expect to reap many well-deserved rewards. As you become a more effective communicator, your interpersonal relationships with co-workers and others will grow and improve. You will be able to manage your responsibilities in the work place with increased efficiency and success and you will be able to address difficult challenges with heightened confidence!

ADMINISTRATIVE SUPPORT RESOURCES FOR CHILD CARE PROGRAMS

- ◆ Model Personnel Policy Manual for Child Care Agencies: 3rd Ed.
- ◆ Model Parent Handbook for Child Care Agencies
- ◆ Model Forms for Child Care Agencies
- ◆ Current Issues in Child



Available at childproviderlaw.com by downloading and completing the ORDER FORM and mailing or faxing it according to the instructions. The MODEL publications come with a workbook and a CD for your computer to make them easy to use. CD is WORD formatted but can be converted to MAC applications easily. These are the most valuable and child care specific administrative resources available nationwide.

New Jersey Passes Paid Family and Medical Leave Law

By: Dawn K. Martini

New Jersey has become the third state in the nation to adopt a law granting paid leave to employees for family and medical reasons. Effective July 1, 2009, employees in New Jersey may be eligible for up to six weeks of "temporary disability leave" to care for a newborn or adopted child, attend to the serious health condition of a spouse, domestic partner, child or parent.

Leave for the care of a new born or adopted child must be taken consecutively, not intermittently unless the employee and employer come to some other arrangement. The employee must give 30 days notice to the employer of the need to take leave for this reason. If notice is not given the employee may forfeit 2 weeks of payments under the plan.

When taking leave to care for a spouse, domestic partner, child or parent, the employee must try to give 15 days notice of the need for leave. If the leave time is to be taken intermittently, the employee must try to take leave when it is minimally disruptive to the employer and must provide when possible a schedule of days needed to the employer. When taken intermittently, employees have up to 42 days over a twelve month period.

Employers may require that employees use up to 2 weeks of accumulated paid time off in conjunction with the first two weeks of leave under this new law. The employee would then be paid their full pay for the first two weeks and then receive the 2/3 pay for the remaining 4 weeks of leave.

This new plan is employee funded through the existing state offered temporary disability insurance (TDI) program and will appear as a tax on employees wages. The state estimates that employees will contribute an average of \$30 annually to this fund. Employees will begin contributing to the fund on January 1, 2009.

Employees will be able to collect two-thirds of their weekly pay up to a maximum of \$524 each week as the benefit under this new plan.

This new plan will effect virtually every New Jersey employer, as the standard for determining if you are required to offer this leave to your employees relates to existing Unemployment Compensation Laws in the state. If you are required to offer Unemployment Compensation Insurance in NJ; you are obligated under this law.

Employers are going to be required to post information about this new law in the workplace. Additionally, new hires will be re-

quired to receive written notice of their rights under the law, as well as any employee requesting leave or who asks about this new law.

Since NJ employers now have the potential to be required to comply with three separate laws related to Family and Medical Leave, it is important for Human Resource and/or management personnel to become familiar with the three laws and how they intersect.

NJ employers with 50 or more employees will be required to maintain compliance with the Federal Family and Medical Leave Act, the New Jersey Family Leave Act (NJFLA) and this new Paid Family Temporary Disability Leave.

NJ employers with less than 50 employees are only required to maintain compliance with the new Paid Temporary Disability Leave laws. But as these smaller employers have not been required to deal with any leave laws in the past, there is bound to be a great deal of confusion and questions related to implementation.

For support or clarification on requirements, drafting new personnel policies and/or the interaction of federal and state leave laws within your specific program contact Jason Dalton and/or Dawn Martini at (215) 785-3400.

SEEKING ACCREDITATION?..... CONSIDER NAC

By Janice Nieliwocki

As child care agencies across the nation strive to improve services and quality care for the children and families they serve, many are turning to various national associations to obtain accreditation. Accreditation is the process by which a child care agency meets specific standards in order to obtain endorsement by a particular national organization. Research has shown that accreditation has a positive impact on the quality of early care programs. And an accredited child care agency shows a commitment to excellence and to all those involved in the agency; the children, parents, staff and administration.

One option for child care agencies seeking accreditation is NAC, the National Accreditation Commission for Early Care and Education Programs. Administered through NACCP, the National Association of Child Care Professionals, NAC was developed by early care professionals in order to support and encourage professionalism and program quality. The components of the NAC accreditation standards include philosophy and goals of the program, health and safety, administration, parent communication, curriculum, interaction between staff and children, and classroom health and safety.

Child care agencies seeking NAC accreditation must go through a three step process. The first step is that of a self study, whereby administration, staff and parents evaluate the program. Using NAC accreditation standards, administration, staff and parents identify the pro-

gram's strengths and weaknesses and pinpoint where improvements need to be made. Once modifications and improvements have been implemented, the program must compile and submit the completed self study report to NAC.

The complete self study generally takes agencies 6 to 18 months to complete. However, 2 years are *allowed* for completion of the self-study and request for an on-site visit. Materials needed to complete the self-study are provided through NAC and are available on-line.

The second step for NAC accreditation involves an on-site visit by a highly qualified, trained NAC validator. Once at the site, the validator will make observations and gather information to be used in the accreditation decision. A sampling of all age groups will be observed for one hour, whereas others will be observed for a shorter period of time. The NAC validator will also interview staff members in order to further verify the information on the self study. The gathered information and validator's comments regarding the programs compliance with NAC standards are then forwarded to the NAC Commission.

The third step in the three step process for accreditation is that of the Commission review. The NAC commissioners will review the program's self study report in conjunction with the validator's review and comments. The Commission will then make the recommendation to award, defer or deny accreditation.

There are various fees involved and accreditation needs to be renewed every three years.

If you are a relatively new program, you must be in business one year prior to partaking in the NAC accreditation process. In addition, a director must hold the position a minimum of 6 months and have been actively involved in the program review and implementation of NAC standards.

The NAC staff has gone to great lengths to make the accreditation process as painless as possible for child care agencies. Information is available on line, materials are user friendly and the NAC staff is available to answer questions and further support programs as they go through this process. The standards they have put in place for child care programs are truly reflective of quality and excellence.

On a more personal note, Attorney Ronald V. McGuckin of Ronald V. McGuckin and Associates was recently named to the NAC Policy Board, the policy making body for NAC. Ron's expertise in legal matters pertaining to child care, and his commitment to quality care for children, will undoubtedly be an asset to the NAC Policy Board. Ron had the honor of attending and partaking in the Board meeting held this past April in New Orleans.

For detailed information on NAC and NACCP please visit the NACCP website at naccp.org. RVM and Associates is proud to work closely with the NACCP on a number of projects and events, including the NACCP National Conference and Membership Recruitment. RVM and Assoc. will be holding membership drives at our HR Boot Camp Seminars, which will tour 7 cities beginning in October 2008



WHERE IN THE WORLD...

Contact us at (215) 785-3400 to see if we can visit your program when we are in town.

July 16-18: One Goal Summer Conference, Tampa, FL. For information go to onegoalsummerconference.org

July 22-24: Cape May Training Seminars, Cape May, NJ: Your agency's Personnel Policies and Parent Handbook. For information go to childproviderlaw.com

August 5-7: Cape May Training Seminars, Cape May, NJ: Strategic Planning for Child Care Administrators. For information go to childproviderlaw.com

August 12-13: Region 6 Head Start Conference, Lafayette, LA: For information contact Region 6 at (337) 942-9669

August 13: Bradford County Head Start Conference, Pochontas, AR: For information contact Bradford County Head Start: (870) 892-4547

August 14: West Virginia Child Care United Conference, Beckley, WV: For information email Helen Post-Brown at sun-beamccc@aol.com

September 25-27: Early Childhood Association of FL, Orlando, FL: For information go to www.ecaoffl.org

October 4: Bucks County AEYC, Newtown, PA: For information go to www.bcaeyc.org

October 16-18: Texas AEYC, Dallas, TX: For information go to www.txaeyc.org

October 21: PACCA/Early Childhood Summit, State College, PA: For information go to www.earlychildhoodsummit.org

October 24: Vermont School Age Child Care Association, Killington, VT: For information go to www.VTafterschool.org

October 24-25: VA School Age Child Care Conference, Richmond, VA: For information go to www.afterschoolconference.org

Ron, Dawn and Jan will be traveling to the following cities for Local, State, Regional and National Conferences on the dates indicated. We welcome you to attend the conferences. Information has been provided so you can contact the organization conducting the training/conference.

If we are going to be in your state or area, we welcome you to contact us about coming to your program or organization to do a private training. The cost of bringing us in to your program or organization is significantly reduced because we are already traveling to your area. We certainly don't mind adding a day or two to our travel schedules to work with you.

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