

# E *The Childcare Professional* XPERIENCE

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## On the Inside...

Accusations of  
Child Abuse  
Against Staff Page 1

Toddlers and  
TV Page 2

ADA  
turns 20! Page 3

2009 EEOC  
Statistics Page 3

Children's  
Book Corner Page 4  
*Me First*  
By: Helen Lester

Common  
Mistakes on  
The I-9 Page 5

Director's  
Boot Camp  
Information Page 6

Where in the  
World... Page 7

## When An Employee is Accused of Child Abuse...

By: Janice Nieliwocki

All too often, across the country, child care agencies find themselves in the unfortunate situation whereby an employee of the agency is accused of child abuse. When this occurs, agencies often find themselves at a loss of how to proceed simply because they lack policies and procedures for dealing with this dreaded circumstance. It is in the child care agencies best interest to be proactive and have a policy in place regarding employees accused of child abuse or neglect. The following information will offer guidance and hopefully assist you in putting together your agency's policy/ procedure.

Upon learning of an employee's accusation of child abuse, whether it allegedly occurred within the facility or out in the community, the agencies first course of action must be to place the accused employee on what is known as "Investigatory Suspension". This basically involves removing the employee from having any contact with children while an investigation regarding the alleged abuse is underway. The employee needs to remain on investigatory suspension pending the outcome of Child Protective Services investigation and any additional criminal charges filed against the employee.

If the agency is lucky enough to have an alternative work place, where children are not present during any part of the day, (for example an administrative building), the agency may choose to assign the employee to that

work location temporarily. If and when the employee is cleared of all the alleged charges, the employee would then return to his or her previous work place. If your situation does indeed allow for an alternative work location, it is nonetheless recommended that your policy states that this will be considered on a case by case basis and is up to the discretion of the agency personnel assigned to dealing with the situation at hand.

Agency administrative personnel often ask us whether or not the employee should be paid while out on investigative suspension. This is a touchy situation and is up to the agency's discretion. However, it is important to consider the possible negative budgetary ramifications, should the investigation drag on and the agency continues to pay the employee who is no longer performing work duties.

One option is to place the employee on Investigative Suspension without pay pending the outcome of the investigation. If the results of the investigation find the accusations to be "unfounded", the employee is reinstated. Backpay is paid according to policy. However, if the results of the investigation determine that the accusations are "founded" the employee is immediately terminated and would not receive any restitution of pay. Another option is to place the employee on Investigatory Suspension with pay for a limited and specified period of time

Continued to page 5

# Possible Negative Effects of Early Television Exposure

By: Janice Nieliwocki

Much of the country is experiencing record high temperatures this summer and undoubtedly parents and children are spending more time indoors to escape the heat. Increased time indoors most likely correlates with increased time spent in front of the television. But for our very youngest children this may have long lasting negative effects. At least that's what some recent studies seem to indicate.

In the past, research regarding the effects of television on children primarily focused on older children with very few studies dedicated to the effect tv has on infants, toddlers and preschoolers. A number of recent studies focused on the effects tv viewing may have on our youngest children, when brain development is critical, and television viewing may have its biggest impact. And the results of the research seem to suggest that high levels of tv exposure in early childhood may lead to future problems.

A study conducted by the University of Montreal and the University of Michigan, found that each additional hour of television viewing at age 29 months corresponded with: a 7 percent decrease in classroom engagement, 6 percent decrease in math achievement, 13 percent decrease in weekend physical activity and 9 percent decrease in general physical activity. The study also revealed a 10 percent increase in playing video games, 10 percent increase in victimization of classmates, and 5 percent increase in BMI (body mass index).

Several studies have indicated that when very young children are exposed to television programming that portrays rapidly changing images, scenery and events, levels of concentration as well as reading ability may be negatively affected. According to a study from Children's Hospital and Regional Medical Center in Seattle, Washington, early television exposure in children ages 1 to 3 is associated with attention problems at age 7. And for each hour of television watched per day in those early years, the risk of attention problems increased.

Attention difficulties aren't the only problem

early television viewing *may* be causing. It may very well have an affect on children's socialization and play. A recent study showed that when television was on the background, parent child interaction decreased and the young children involved in the study showed less focused play. And the effect seemed to be heightened among low socioeconomic families.

Undoubtedly television is here to stay, so education, parental involvement and moderation are essential in limiting the negative effects it may be having on our young children. Parents need to educate themselves about the possible ramifications of early television viewing and become involved by choosing good, educational programming for their children. And they need to limit the time their young children spend in front of the TV.

## *The Childcare Professional* **EXPERIENCE**

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# 2009 EEOC Filing Statistics Released...93,277 claims filed

By: Dawn Martini

2009 saw the second highest number of workplace discrimination charges filed. 2008 was the record year with 2,200 more charges filed. In the previous 10 years the average number of workplace discrimination charges filed nationally averaged 79,000 per year. This drastic 18,000 claims per year increase can be attributed in large part to the current status of our economy and most particularly our job market.

For the first time claims alleging discrimination based on race did not top the list. Retaliation claims have taken over the top spot, although only marginally. Often workplace discrimination claims are filed with more than one basis for discrimination and retaliation is frequently added to claims. A retaliation claims often assert that when an employee approached management to complain about unfair treatment related to a protected status, harassment from co-workers or supervisors, or an employee exposed another employee's policy violation they were punished for their actions. Employers should have defined policies and procedures for handling employee complaints related to harassment and whistleblowing activities to avoid any appearance of retaliation. For more information on Protected Classes and Discrimination please visit our website: [www.childproviderlaw.com](http://www.childproviderlaw.com) or attend one of our many training events on the topic.

<i>Type of Discrimination Claim</i>	<i>Number of Claims filed in 2009</i>
RETALIATION	33,613
RACE	33,579
GENDER	28,028
AGE	22,778
DISABILITY	21,451
NATIONAL ORIGIN	11,134
RELIGION	3,386

## July 26, 2010 marked the 20th Anniversary of The Americans with Disabilities Act

We have been tireless champions of this, one of the most sweeping pieces of civil rights legislation, law since it's passage 20 years ago. We would like to thank all the child care providers who have worked to reasonably accommodate children, families and staff with disabilities over the last two decades. We know it is not always easy or even clear cut, but you have opened your minds to the advantages of helping disabled Americans become active participants in our society and in their own lives and we commend you for it!

For more information on providing reasonable accommodations to staff and clients please contact us.



## CHILD CARE PROVIDER RETAINER PROGRAM

Ronald V. McGuckin  
and Associates  
is proud to announce the  
expansion of this program

The Child Care Provider Retainer Program offers special discounted rates to Private Child Care Agencies, Corporate Agencies, Head Start Programs, Family/Home Based Providers, and School Age Programs. Hourly rates are discounted for child care programs by half with retainers starting at \$1500.00 depending on the size of your program. Retainer Program available to PA and NJ programs. We have a consulting program for all other states.

### Over 28 years of Experience Representing Child Care Providers

For Information about how to Become a Retainer Client  
Please Contact Dawn Martini at  
(215) 785-3400

Continued from page 1...

and should the investigation take longer, the remainder of the suspension is without pay.

The agency and all employees of the agency must cooperate fully with any investigations into the accusations of child abuse or neglect. The agency must also maintain strict confidentiality regarding information involving the accused employee and child/children related to the case.

As mentioned earlier, any employee indicated and or convicted of any crime against a child must be immediately terminated. An employee who has been cleared of

the accusations by Child Protective Services and found innocent of criminal charges (if any) should be returned to his or her previous position upon receipt of documentation proving the charges/investigations are closed.

It is extremely important that every child care agency construct a policy regarding employees accused of child abuse/neglect. The policy needs to be clearly written, contain the information as outlined above, and be included in the agency's personnel policy manual. NAEYC has recognized the importance a policy on employees accused of child/abuse and neglect

and now requires that it be included in the agency's employee handbook. Simply knowing the steps to take if an employee is accused of child abuse can alleviate some of the anxiety that undoubtedly accompanies this unfortunate situation.

A model Mandated Reporting of Suspected Child Abuse and Neglect Policy for your personnel policy manual is available as part of the "Model Personnel Policies for Child Care Agencies, 4<sup>th</sup> Edition." An order form can be found in the publications section of our website: [www.childproviderlaw.com](http://www.childproviderlaw.com).

## CHILDREN'S BOOK CORNER

By Janice Nieliwocki

Several days ago my now grown son asked me, out of the blue, if we still had the book Me First. After he added a very puzzling comment that went something like, "That is what my whole life has been." (I have NO idea what that meant) it reminded me of his childhood days and how Me First written by Helen Lester and illustrated by Lynn Munsinger was indeed one of his favorite books.

Me First is the story of Pinkerton, a very pushy pig, who, as the title implies, wants to be first at everything. Whether it be first in line at the "troughateria", first to go down the playground slide, or first to board the school bus, Pinkerton certainly has a penchant for being first.

One day while on an outing with his Pig Scout troop, a voice in the distance calls out "who would care for a sandwich?" Pinkerton, conjuring up thoughts of a delectable lunchtime treat, quickly volunteers to be first. He can hardly contain himself and spills over with enthusiasm as he continues to offer to be first. Much to Pinkerton's surprise and dismay, he discovers that it is not a tasty treat that he has signed up for, but rather to actually care for a "sand witch". Pinkerton has no choice but to care for the sand witch, "powdering her nose", "combing her toes" and performing a variety of her household tasks. Needless to say, Pinkerton ultimately learns a very important lesson, that being first is not always best.

Helen Lester does a wonderful job telling a story that is not only entertaining but teaches a valuable lesson as well. The reader/listener is quickly drawn in by Lester's humorous story line and clever use of words. The moral of the story, that being first is not always best, is conveyed in a manner that is not overbearing or abrasive.

Lynne Munsinger's illustrations are delightful and truly compliment the storyline. Her drawings convey Pinkerton's excitement and movement through out the book and the expressions on Pinkerton and the other pigs are priceless. Not to mention the cute sand witch!

Perhaps more appealing to older preschoolers and young elementary students, Me First is a must in your classroom. Whether you are trying to teach a valuable lesson regarding taking turns and respect for others or just in the mood for a fun story, Me First will fit the bill! And don't be surprised if it becomes a classroom favorite (as it did with my son!).

# The I-9: Avoiding Common Mistakes

By: Janice Nieliwocki

It has been a little more than a year since employers in the United States have been required to use the *revised* Employment Eligibility Verification Form, more commonly known as the I-9 Form, when hiring employees or to re-verify employees with expiring documents. However, usage of the new I-9 Form, isn't the only issue employers are currently facing regarding employment eligibility and the workplace. The federal agency that enforces workplace immigration laws, U.S. Immigration and Customs Enforcement, has recently taken a more active role regarding enforcement, targeting employers alleged to employ undocumented workers. With this in mind, it is a good time to revisit some of the requirements outlined in the new I-9 Form, addressing areas where common mistakes are often made.

Perhaps the most common mistake employers make is using an outdated version of the I-9 rather than the updated version which was released last year. It is recommended that employers check the U.S. Citizenship and Immigration Services website, [www.uscis.gov/I-9](http://www.uscis.gov/I-9), to make certain they are using the most current form. (Paper copies of the I-9 Form can be ordered by calling the USCIS at 800-870-3676.) Failure to use the updated form can result in civil penalties for the employer.

Many employers, perhaps as a result of using the outdated I-9, are accepting documents to establish identity and employment authorization that are no longer listed as acceptable on the new I-9 form. The list of acceptable documents has changed and employers need to be sure they are accepting only those documents as listed. In addition, many employers are requesting "over-documentation", asking employees to present acceptable List A, B, and C documents.

The I-9 allows individuals *to present either an acceptable List A document OR List B and List C documents*. And it is up to the employee as to which acceptable documents he or she wants to present. Another common mistake regarding documentation is accepting an expired document, which may not portray a valid status and may be prone to tampering or fraudulent use. Employers need to review each employee's documents carefully, checking expiration dates and making sure

they appear genuine. In most states it is up to the employer as to whether or not to photocopy the presented documents, although it is generally recommended the employer do so. (Be sure to check your state's requirements.) If the employer copies the documents (either by choice or state requirement), both sides of the document need to be copied.

Failure to **fully** complete the form or to do so in the required time frame is another area where employers often fall short of compliance. Employers need to ensure that **ALL** sections of the form are completed, signed and dated accordingly. All newly hired employees must complete and sign Section 1 on their first day of work. Employers need to complete the form within three (3) business days of the date employment begins.

Many employers are failing to use Section 3 properly, resulting in unnecessary, additional paperwork and time for the employer. Section 3, which addresses updating and reverification, can be used to update an employee's name if he or she changes it (due to marriage or other reasons). It can also be used if an employee leaves the workplace and is then rehired within three years of when the form was originally completed. Section 3 can be used if a current employee's work authorization is expiring and the employer must reverify the employee's work authorization.

Maintaining proper files regarding the I-9 is another area where employers often fall short. It is recommended that you keep the completed I-9 forms and supporting documentation in a separate file rather than the employee's personnel file, in order to protect your organization from potential discrimination claims. Employers should also keep a tickler file to follow up on employee's expiring documents. I-9s and accompanying documents should be kept for three years after the date of the employee's hire or one year after the employee's termination, whichever comes later.

Remember it is to the employer's benefit to be vigilant about completing and maintaining the I-9. Failure to comply with I-9 requirements and related infractions can result in penalties, civil and/or criminal, depending on the infraction and other variables. Avoiding common mistakes on the I-9 can limit your potential for possible penalties.



## DIRECTOR'S BOOT CAMP

### DAY ONE

- 9:00 am Welcome and Introductions  
 9:15 am The Hiring Process: Recruiting, Interviewing, Hiring, Employee Onboarding  
 11:00 am Break  
 11:15 am Understanding Corporate Culture  
 12:30 pm Lunch  
 1:15 pm Using Personnel Policies as an Effective Management Tool  
 2:15 pm Break  
 2:30 pm Developing Job Descriptions  
 3:30 pm Break  
 3:45 pm Evaluating and Documenting Employee Performance  
 5:00 pm Wrap-up of the Day's Events

### DAY TWO

- 9:00 am Disciplinary Actions and Terminations  
 10:15 am Encouraging Professionalism  
 12:00 pm Break  
 12:15 pm Management Skills: Effective Communication / Conflict Resolution / Team Building  
 2:00 pm Conference Wrap-up, Certificates

## DATES AND LOCATIONS

Sleeping Rooms are reserved at a Special Rate for two nights, beginning the night before the event. To take advantage of the Special Room Rate, contact the hotel and identify yourself as a participant of the Ronald V. McGuckin/Director's Boot Camp.

**NOVEMBER 3 & 4, 2010**—DALLAS, TX  
**Comfort Inn Near the Galleria**  
 14975 Landmark Blvd, Dallas, TX 75240  
 (972) 701-0881 • *Participant Special Rate: \$69.99/night*

**NOVEMBER 18 & 19, 2010**—ORLANDO, FL  
**Homewood Suites-International Drive/Convention Ctr**  
 8745 International Drive, Orlando, FL 32819  
 (407) 248-2232 • *Participant Special Rate: \$129.00/night*

**DECEMBER 8 & 9, 2010**—PRINCETON, NJ  
**Homewood Suites-Princeton**  
 3819 US 1 South, Princeton, NJ 08540  
 (609) 720-0550 • *Participant Special Rate: \$129.00/night*

**DECEMBER 15 & 16, 2010**—POCONOS, PA  
**Hampton Inn-Montage**  
 22 Montage Mountain Road, Scranton, PA 18507  
 (570) 342-7002 • *Participant Special Rate: \$99.00/night*

**JANUARY 26 & 27, 2011**—AUSTIN, TX  
**Homewood Suites-Arboretum NW**  
 10925 Stonelake Blvd, Austin, TX 78759  
 (512) 349-9966 • *Participant Special Rate: \$149.00/night*

**FEBRUARY 16 & 17, 2011**—PHILADELPHIA, PA  
**Valley Forge Homewood Suites**  
 681 Shannondell Blvd, Audobon, PA 19403  
 (610) 539-7300 • *Participant Special Rate: \$149.00/night*

**MARCH 2 & 3, 2011**—NEWPORT, OR  
**Best Western Agate Beach Inn**  
 3019 North Coast Highway, Newport, OR 97365  
 (541) 265-9411 • *Participant Special Rate: \$105.00 Ocean view, \$85.00 Hillside/night*

**MARCH 23 & 24, 2011**—CHICAGO, IL  
**Homewood Suites Orland Park**  
 16235 South La Grange Road, Orland Park, IL 60467  
 (708) 364-0415 • *Participant Special Rate: \$109.00/night*

**APRIL 6 & 7, 2011**—PITTSBURGH, PA  
**Hampton Inn-Pittsburgh Airport**  
 8514 University Blvd, Moon Township, PA 15108  
 (412) 264-0020 • *Participant Special Rate: \$129.00/night*

**APRIL 27 & 28, 2011**—BOSTON, MA  
**Homewood Suites-Boston-Billerica/Bedford**  
 35 Middlesex Turnpike, Billerica, MA 01821  
 (978) 670-7111 • *Participant Special Rate: \$139.00/night*

## REGISTRATION INFORMATION

Name \_\_\_\_\_  
 Agency Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Email Address \_\_\_\_\_  
 Location Attending \_\_\_\_\_

### Fees

**Fee:** \$215.00 per person—submit additional registrants on separate forms.

**Discount:** \$185.00 per person if registering three or more people or if you are a previous attendee of our Cape May, NJ Seminars or Director's Boot Camp.

Registration Fee includes Tuition ONLY. Meals and Accommodations are not included. For hotel reservations, please contact the hotel directly.

**Payment:** Check made payable to **Ronald V. McGuckin and Associates or VISA/MC.**

Card Number \_\_\_\_\_  
 Expiration Date \_\_\_\_\_ 3-Digit CVV Number \_\_\_\_\_

### Mail or Fax Registrations to

**Ronald V. McGuckin and Associates**  
 Post Office Box 2126  
 Bristol, PA 19007

**Attention:** Dawn Martini

We reserve the right to cancel any session due to an insufficient number of registrants. We are not responsible for any expenses incurred by the participants in the event the session must be cancelled. Registrants will receive notification of cancellation at least two weeks prior to the first day of the seminar; more notice will be given when possible. **Please do not make any non-refundable travel arrangements until you have received a confirmation of your registration and a confirmation that the session will be held.**

### Registrant Cancellation Policy

Cancellations received fewer than 15 business days prior to the first day of the seminar will not be refunded. Cancellations received between 15 and 25 business days prior to the seminar are subject to a 25% cancellation fee. Cancellations received more than 25 business days before the seminar will be refunded 100%.



## WHERE IN THE WORLD...

a day or two to our travel schedules to work with you.

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

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

**Oct 1 and 2:** Florida AEYC (formerly ECA of FL) Annual Conference, Orlando, FL. [www.flaeyc.org](http://www.flaeyc.org)

**Oct 1 and 2:** Texas AEYC Annual Conference, Austin, TX. [www.taeyc.org](http://www.taeyc.org)

**Oct 2:** Bucks County AEYC Annual Conference, Newtown, PA. [www.bcaeyc.org](http://www.bcaeyc.org)

**Oct 13:** PA Summit Conference, State College, PA. [www.pacca.org](http://www.pacca.org)

**Oct 15:** Broward Early Childhood Educators Conference, Sunrise, FL. Call (954) 724-4628 for information.

**Oct 18 - 23:** NACCP Annual Seminar at Sea, Professional Development Cruise. [www.naccp.org](http://www.naccp.org)

**Oct 22 and 23:** New Jersey AEYC Annual Conference, Atlantic City Convention Center, NJ. [www.njaeyc.org](http://www.njaeyc.org)

**Nov 3 - 6:** NAEYC Annual Conference, Anaheim, CA. [www.naeyc.org](http://www.naeyc.org)

**Nov 12 and 13:** Texas Licensed Child Care Association Annual Conference, University of Houston at Clear Lake. [www.tlcca.org](http://www.tlcca.org)

**Nov 13:** Super Saturday Staff Professional Development Day, Doylestown, PA. [www.childproviderlaw.com](http://www.childproviderlaw.com)

**Dec 10 - 14:** NHSA Annual Parent Conference, Virginia Beach, VA. [www.nhsa.org](http://www.nhsa.org)

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