

# The Childcare Professional EXPERIENCE

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## On the Inside...

- Media Effects  
On Children Page 1
- Danger on the  
Playground Page 2
- NJ Supreme  
Court Rules  
Against Public  
Schools Page 3
- Unemployment  
Compensation  
In Head Start Page 4
- Child Care  
Pay Statistics Page 4
- Motivating  
Your Staff Page 5  
Guest Contributor:  
Tym Smith
- Children's  
Book Corner Page 5  
*Officer Buckle and  
Gloria*  
By: Peggy Rathman
- The Babysitting  
Dilemma Page 7
- Learning  
Stations Page 8  
Let's Get Started
- Family Medical  
Leave Act Page 8
- Where in the  
World... Page 10

## MEDIA EFFECTS ON YOUNG CHILDREN

By: Janice Nielowcki

In the past decade, we have seen a drastic upsurge in the overall production and marketing of media products for young children. Not only have we seen an rise in the number of products available, we have seen a radical increase in media usage within the American home.

And the statistics are staggering! The vast majority of our children are growing up in homes where TV is an almost constant presence. Slightly over half of all American homes have three or more TVs. More startling and perhaps troubling is that one-third of two to seven year olds have a television in their bedroom and one-quarter of zero to two year olds have one as well!

The statistics concerning usage amongst the youngest children in our society is also astounding. Although the American Academy of Pediatrics recommends no television viewing for children under the age of two, 43 % of children in this age group watch TV everyday and 20% watch DVDs daily. Almost 75% of infants and toddlers have watched TV before the age of two! Children zero to six years of age, spend approximately two hours a day with screen media, about equal to the amount of time they spend playing outside and three times as much time as they spend reading or being read to. (Some experts believe this is a conservative estimate and that children are actually spending closer to 4 hours each day in front of the television!)

Looking at the statistics concerning computer usage, about half of all children under age six have used a computer. By the time they hit the four to six year old range, 70% have used a computer, often without parental involvement or supervision.

Unfortunately, the rapid changes in our media environment and usage have not been supplemented by a similar growth in our knowledge of how new media may impact children's cognitive, social, emotional or physical development.

If we look at things from a child development

point of view, we know that very young children, infants and toddlers are sensory learners, which means they need to touch, taste, see, hear and explore in order to learn about the world around them. They need to develop motor skills as well by pushing, pulling, standing and climbing. Passively watching TV certainly does not provide infants and toddlers with the opportunity to develop these skills. And the detrimental effects of TV may go further than that. Recent studies, involving children under the age of three, showed a possible link between TV watching and attention deficit disorder. It seems that children under the age of three who watched television programs that were violent in nature or fast paced had a higher incidence of ADD later in their childhood years.

The picture isn't necessarily brighter when looking at the effects television watching may have on older children. Children, birth to seven, have a difficult time distinguishing between reality and fantasy. In addition, their logic capabilities are not well developed thus making it difficult for them to follow a storyline or understand the meaning in a program. They often view events as isolated, failing to see "the whole picture", thus forming an impression or conclusion which may not be accurate.

Perhaps one of the most troubling aspects of television viewing amongst our young children is their exposure to inappropriate violence and its possible harmful effects. Research shows that 2 out of 3 TV programs contain violence. In addition, violence is more prevalent in children's programming than other types of programming and a child who watches two hours of television a day may see in excess of 10,000 incidents of violence a year. The number of prime-time programs with violence has steadily increased over the past several years.

Media violence sends many false messages to our young children. The sheer prevalence of violence on television programs

...Continued on Page 2

Continued from Page 1...

conveys that violence is everywhere, making the world a very scary place for the young child. Television often portrays violence as being justified and heroic, seldom showing the negative consequences of violent acts. Violence in children's programming, especially cartoons, is often accompanied by laugh tracks, giving the impression that violence is funny and doesn't really hurt anyone.

Research and studies seem to support the detrimental effects of television violence. In laboratory studies, children who viewed a violent TV show exhibited more aggressive behavior immediately following the program as compared to their counterparts who viewed a non-violent program. In addition, many experts believe that viewing violence builds a desire to watch more violence. And as children accept violence as a normal way of life, they may become callous and thus lack empathy for others.

Not only are children being exposed to needless violence on TV, they are being exposed to a great deal of advertising designed to lure them in as consumers. It is estimated that children are exposed to 30,000 to 40,000 commercials each year! And the children of today have great buying power. Advertisers are well aware of this and market directly to children, not only to influence them on what they will buy *today* but to also build a solid base of children as future consumers. Young children don't understand the purpose of advertising. Under the age of 8, most children don't understand that commercials are for selling a product. In addition, young children are often unable to distinguish program content from commercials, especially if their favorite character is promoting the product. And commercials are often the best produced *shows* on TV, utilizing techniques that are specifically appealing to children.

It's not surprising to learn that there's evidence that TV advertising for food is having an influence on our children's food choices and eating habits. Perhaps our biggest concern is how advertising is contributing to the increase in childhood obesity. Not only are our children being exposed to commercials that promote unhealthy eating habits, television watching is a sedentary activity often associated with snacking. Research shows that children who consistently watch a great deal of TV are more likely to be overweight. Unfortunately, since 1960 the number of children who are overweight has tripled and childhood obesity is reaching epidemic proportions.

So what do we, as educators do to curb the negative effects that increased media usage may be having on our young children? Perhaps the most important thing we can do is to work with parents, helping them to make good educated choices involving the amount of time their children spend with media usage, as well as the types of television programming their children are watching. Inform parents of the importance of watching TV with their children and discussing not only the programming but the intention of advertising, as well. Encourage parents to set guidelines about TV watching and video/computer usage. Some child care centers are actually taking things a step further and sponsoring "TV Free" nights, offering activities and games for family enjoyment.

It is going to take a group effort of parents, educators, health care providers and government working together to bring increased awareness to the effects early media exposure may be having on our young children. Additional research in the area of media usage and its effects on the young child is needed, as well as support for the development of high quality non-commercial educational media products and programming. It seems as if media usage by our young children is here to stay and it very well may take a "*village*" working together to ensure it has a positive impact on their young lives.

## Danger on the Playground

By: Dawn K. Martini

In mid-April a four year old child was rushed to a El Paso, TX hospital after being found hanging from a jump rope on the playground of a family day care home. It remains unclear as to how the jump rope became wrapped around the child's neck, or how the child came to be hanging from the rope. The owner of the day care home found the child on the playground unconscious and called police and emergency personnel. By last account the child was in the hospital in critical condition.

This tragic incident highlights for all of us the importance of vigilant supervision on playgrounds as well as strict rules regarding playing on and around climbing equipment and the use of other toys and equipment on while outside with children. While in and of themselves, the climbing equipment, bikes, jump ropes, balls etc...are all valuable and educational for children, without proper supervision these items can be dangerous and can cause serious injuries and even fatalities. While rules for the children are critical, establishing and enforcing playground supervision guidelines for staff are of paramount importance among them are: No staff member should ever be sitting while outside with children. Staff should be no farther then 6 to 10 feet from any child whose feet are off the ground. Staff should be positioned around the play area so that all children can be seen and staff should not be clustered together having conversations with each other. Staff often feel that being outside is a time to relax and let the children play...but this incident underscores why more vigilant and active supervision is required on the playground. For more playground safety tip go to [childproviderlaw.com](http://childproviderlaw.com).

## *The Childcare Professional* EXPERIENCE

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# Public School found liable for Student Accident after Dismissal

By: Dawn K. Martini

A recent New Jersey Supreme Court ruling upholds an Appellate Courts decision which held that New Jersey Public Schools "must exercise a duty of reasonable care for supervising students' safety at dismissal." The case involved a child who was seriously and permanently injured after being struck by a car near the school after being dismissed from school on a half day. The child was normally picked up at dismissal by his older brother, but on this particular day the family was unaware of the early dismissal and the student went home alone. The older brother arrived at the school for regular dismissal only to find he was not there. The student was struck by the car and rendered a quadriplegic about 2 hours after the early dismissal.

In the NJ Supreme Court opinion the Court outlines three elements to the schools duty of reasonable care for children at dismissal. First, all schools must have a policy outlining how students of different ages will be dismissed. The policy should also outline how the adults will supervise children during dismissal including location of adults and the duties they are to perform during dismissal and procedures for regular and early dismissal days. Second, the school must present the dismissal policy to all parents to inform them of the end of the day routine, the school's calendar and must provide adequate notice of any early or irregular dismissals. The school must notify the parent of any after-school activities, the how they will be supervised, how children will be dismissed from them and how to enroll their child in the activities. Finally, the parents must be informed of the procedure for students who walk home at the end of the day. Parents must be specifically informed that it is the parents responsibility to notify the school not to allow the child to walk home unaccompanied if the parents desire. The school must have provisions in place for parents to make such wished known to the school. Third, the school districts are required to comply with and make arrangements to carry out a par-

ents reasonable request regarding dismissal of child who walk home. The school must have emergency plans for instances where parents or pick-up persons do not arrive to pick up their child at or within a reasonable period following dismissal. Most importantly, the school must supervise the child and provide some type of shelter for the child while he/she awaits their escort.

While the Courts decision does not directly apply to private school-age or child care programs and many of the issues presented in this case are dealt with as per child care licensing regulations or are non-issues for child care because children are not dismissed to walk home, programs offering school-age care should be conscientious of the relationship between themselves and the public schools from which their children come as well as the routine for exchange of custody between the public school and the school-age program. It is important for the school-age program to have specific policies and procedures in place for accepting children from school buses, or who walk from school to the school-age program. The school-age program policies and procedures should also outline how parents will notify the program that a child is absent from school or will be picked up early from school and will not attend the school-age program on a particular day. Program staff should also have procedures in place for calling parents if a child does not arrive at the school-age program when expected as opposed to assuming that the parent simply forgot to call in as per the attendance policy. Finally, school age program administrators should coordinate with the public school on the school calendar and the school-age program should be sure to inform parents of early dismissal days where the program will or will not provide after-school care for the children. Multiple notices of the calendar including memos and bulletins regarding special or unusual circumstances would be considered sound practice. The program may also wish to have parents sign for receipt of the program calendar to further reduce liability.

## Salaries in Child Care

According to a recent report of the 25 highest and 25 lowest paying jobs in the United States, the Bureau of Labor and Statistics has identified child care worker as one of the lowest paying jobs, coming in at 23 out of 25; with an average hourly earnings of \$9.05 and average annual earnings of \$18,820.00 based on full time, full year employment.

This report did not detail what was specifically considered under the title of child care worker but regardless of the job description this statistic paints a grim picture of the earnings across the board for front line staff in our industry.



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## Pennsylvania Court Holds That Head Start Program Staff Not Eligible For Unemployment During Summer Break

By: Jason Dalton

Head Start employees in Pennsylvania who are filing for unemployment compensation during summer recess this year may be in for a disappointment. In a recent decision by the Pennsylvania Commonwealth Court, a Head Start program run by a nonprofit direct-grantee was held to qualify as an "educational institution" for the purposes of the state's unemployment compensation (UC) statute. Because employees of "educational institutions" are not entitled to UC benefits during regularly scheduled school breaks, this recent ruling by Pennsylvania's appellate court has the potential to significantly impact the unemployment compensation benefits available to Head Start employees in Pennsylvania during summer recess and could influence decisions in other states as well.

Like most other states, Pennsylvania's UC Law contains a provision taken from the Federal Unemployment Tax Act (FUTA) which generally prohibits employees of an "educational institution" from collecting unemployment compensation benefits if they are unemployed during their summer vacation, so long as they have a reasonable assurance of return to work in the next academic year after the break. This mandatory denial of unemployment compensation benefits to school employees during recess has been referred to as the "between the terms denial provisions" of the UC law. However, because neither the state law, nor the federal law from which it was modeled, define the term "educational institution," the issue of exactly which employees fall within these mandatory denial provisions has always been open to interpretation.

In years past, the Pennsylvania UC Board has taken the position that only local board of education-run Head Start programs qualify as "educational institutions" under the UC law. This position was based almost exclusively on an Unemployment Insurance Program Letter (UIPL) issued by the U.S. Department of Labor in 1997 which addressed, in general terms, the applicability of the between the terms denial provisions of FUTA to "Community Action Group"-run and "local board of education"-run Head Start programs. According to the UIPL, "local board of education" run Head Start programs qualify as "educational institutions," while "Community Action Group"-run

programs do not. As a result, the Pennsylvania UC Board historically denied benefits to employees laid off for summer recess from local board of education-run Head Start programs and awarded such benefits to employees at all other Head Start programs.

In December of 2007 however, the Pennsylvania Commonwealth Court rejected the use of this overly simplified method of determining whether a Head Start program qualifies as an "educational institution." In its ruling, the Court first pointed out that a UIPL is merely an "administrative interpretation of federal law" which is "simply not binding authority upon the Court." It also found that the UIPL, which addressed Head Start programs run by local boards of education and by "Community Action Groups," simply did not address the type of program at issue, namely programs run by nonprofit "direct grantees" that are not "Community Action Groups." The Court further noted that the UIPL relied upon by the Board is too conclusory to provide direction on whether a "direct grantee" Head Start program can be an "educational institution."

Instead, the Court in the *Montgomery County* case relied upon prior case law in order to determine criteria to be applied in evaluating whether an entity qualifies as an "educational institution." In so doing, the Commonwealth Court held that a direct grantee Head Start program may qualify as an "educational institution" for the purposes of the UC law. Some of the factors the Court found relevant in determining whether an entity qualifies as an educational institution include, 1) various official documents, including the IRS tax-exempt determination letter, refer to the entity as an "educational organization"; 2) all parties including the employee claimants, refer to the facility as a school; 3) that grantee's instructional staff refer to themselves as "teachers"; 4) the majority of the grantee entity's employees are either teachers or teachers assistants; 5) the grantee's teachers are required to meet specific minimum educational requirements in the field of early child education; 6) an educational curriculum is followed; 7) the program is required to meet federal educational standards; 8) program participants are regularly

Continued to Page 9

# CHILDREN'S BOOK CORNER

By: Janice Nieliwocki

While walking through a neighborhood community fair, my attention was drawn to the local police department's exhibit featuring the police officers and their devoted, obedient K-9 companions. I was immediately reminded of the children's book, Officer Buckle and Gloria, written by Peggy Rathman.

Officer Buckle and Gloria is the humorous tale of a dedicated police officer and his canine companion. The story begins with the introduction of Officer Buckle, who is responsible for teaching safety lessons to the local school children. Initially, the children are less than enthusiastic about the safety lessons, until one day Officer Buckle is accompanied by Gloria, the police departments newly acquired police dog.

Unknowingly to Officer Buckle, Gloria has some special talents of her own. As Officer Buckle recites his usual safety tips, Gloria performs "behind the scenes" tricks and antics, much to the children's delight. Officer Buckle, unaware of Gloria's actions, thinks he is responsible for the children's new interest in the safety lessons. However, once he discovers it is Gloria the children enjoy, he refuses to return to the school.

Officer Buckle sends Gloria to teach the safety lessons on her own, but without the two of them working together as a team, things don't go well and the children quickly lose interest. The children write letters to Officer Buckle telling him how much he is missed in an effort to persuade him to return to school. The children's letters and a safety mishap at the school prove to Officer Buckle that he truly is needed. Officer Buckle reconciles with Gloria and the story concludes with Officer Buckle teaching the most important safety tip of all, "Always stick with your buddy!"

Officer Buckle and Gloria can be a valuable addition to your preschool classroom. The text is easy to understand and conveys the humorous story in a manner which easily captures and holds the children's attention. The accompanying illustrations are vibrant and vivid, and clearly depict the character's actions, (especially Gloria's antics!) In addition, Officer Buckle and Gloria can be used as a teaching tool as it teaches safety lessons to young children in a manner that is particularly unthreatening. It also reinforces the value and importance of friendship. Winner of the 1996 Caldecott Award, Officer Buckle and Gloria will surely entertain and enrich your preschoolers!

# 25 Tips for Motivating Staff

By: Tymothy Smith

- ◆ Find out why each staff member comes to work
- ◆ Allow staff to propose new ideas
- ◆ Encourage staff to have solutions ready when coming to you with a problem
- ◆ Always provide appropriate humor in the program
- ◆ Celebrate successes
- ◆ Stomp out gossipmongers
- ◆ Education, education, education!
- ◆ Keep private lives PRIVATE
- ◆ Be an active participant
- ◆ Develop peer recognition programs
- ◆ Be great! Being great is contagious
- ◆ Teach staff to pick their battles
- ◆ Hold staff accountable
- ◆ Feed them!
- ◆ Sing -- music is the way to a person's heart
- ◆ Empower your team
- ◆ Coach staff on communication
- ◆ Give staff history behind policy, procedures, and regulations
- ◆ Staff are confidential with each other's information
- ◆ Keep staff healthy
- ◆ Before you speak, ask yourself, "Is it nice, is it true, and is it necessary?"
- ◆ Encourage professionalism
- ◆ Smile -- the smile is the universal language of friendship
- ◆ Have a passion
- ◆ Be there for your staff

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## ADMINISTRATIVE SUPPORT RESOURCES FOR CHILD CARE PROGRAMS

- ◆ Model Personnel Policy Manual for Child Care Agencies: 4th Ed.
- ◆ Model Parent Handbook for Child Care Agencies
- ◆ Model Forms for Child Care Agencies
- ◆ Current Issues in Child



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## THE BABYSITTING DILEMMA

By Janice Nieliwocki

Perhaps one of the most frequent inquiries presented to us is whether or not child care agencies should permit staff to babysit children who attend the center. On the surface this may look like a win-win situation; staff can earn extra income while parents hire babysitters that they know and trust. However, from a legal perspective, it is an unwise practice whereby the child care agency is at risk to be the big loser.

When a child care agency allows employees to babysit clients, the agency cannot directly supervise the employee and therefore has little control over the employee's actions. However, the agency can be held liable for the employee's actions simply because a "causal connection" exists. The causal connection implies that, if not for the employment relationship with the agency, the employee would not have been hired to baby-sit. In essence, the client, (in most instances the parent), relied on the agency's good judgment in hiring the staff member and thus assumes the employee would be a good babysitter. As a result of this implied reference and causal connection, if something unfortunate should happen while the staff member is babysitting, and there is a cause of action, the agency would most likely be named as an additional defendant in a law suit.

When faced with this dilemma, child care agencies often ask if parents can sign a waiver (pertaining to after-hours babysitting) which would release the agency from liability. Again, from a legal perspective, these waivers are basically unenforceable and do little, if anything, to protect the agency.

There have been several cases where agen-

cies have been held liable for the actions of staff when babysitting. In order to best protect your agency, prohibit staff from performing after-hours babysitting for the children who attend your center. Your personnel policy manual should have a policy prohibiting this practice. In addition, this should be addressed in your parent handbook so that parents are aware of your policy and won't ask your staff to baby-sit.

It is important that both the Personnel Policy and the Parent Handbook include consequences for not adhering to the "No Babysitting" Policies. Parents should be told that if they solicit for babysitting services from your staff they will have their Child Care Services terminated. Staff disciplinary actions can include suspension for initial violations up to termination for continued violation of this policy or violation of this policy in conjunction with other policy violations. It is also important that the agency not turn a blind eye to staff babysitting once the policy is in place. Often we hear directors say to staff, "It is our policy that you may not babysit clients of the program, but what I don't know oh-well." By stating your policy in this manner you are basically giving staff a green light to violate the policy. Owners and Directors can not act like an ostrich and put their heads in the sand on this issue and expect to limit their liability at the same time. If you know violations of the policy are occurring it is imperative that the appropriate disciplinary actions be dolled out.

While this policy will be extremely unpopular with both staff and parents, it is in the best interest of the agency. Remember ...you want to limit your liability and protect the business you have worked so hard to build!

# LEARNING STATIONS: LET'S GET STARTED!

By Janice Nielwocki

*This is the fourth in a series of articles featuring Learning Stations for the PreSchool Classroom.*

By now you've been well versed in the definition of Learning Stations and the many benefits they can bring to your preschool curriculum as well as the ways in which they can help you achieve the education goals you have set in place. You may have assessed your classroom situation and chosen modifications to the Learning Station curriculum which will enable you to successfully implement the program in your particular learning environment.

But you may be thinking "Where do I begin?" A good starting point is to identify and compile a list of developmentally appropriate concepts and skills you wish to teach or focus on. Consider your core curriculum goals and the age and maturity of the children as you comprise your list.

Decide if your Learning Stations will be focused on children's literature or be theme-based (or a combination of the two!) If you are focusing on children's books, compile a list of books that lend themselves to station activities. Take advantage of your agency's library and other books available to you. Avoid using books that are too lengthy and nonsensical. It is best to choose books that are clear and concise, have a plot and tell a story.

If you choose to make your learning stations theme-based, compile a list of targeted themes. You may wish to refer to the classroom themes you normally use throughout

the school year.

You will then need to "tie things together", incorporating your concept/skill list with your list of books or themes (whichever you are utilizing). Brainstorm appropriate activities which will accomplish your skill or concept goal but also lend themselves well to a particular book or theme. (For example, *Corduroy*, the story of a delightful bear who loses his button while on an adventure, would tie in well with a button sorting activity.)

Tap into your creativity, browsing through preschool magazines or activity manuals for inspiration and ideas.

Once you have decided on some particular activities and materials, the fun begins as you "make and create". Remember to include various formats, such as work mats, games and manipulatives. Vary your materials and keep things colorful to further capture the children's attention. Don't be discouraged if you are not a Van Gogh as the children are more interested in the activity than the artwork.

No doubt, you will have to spend some time in creating your Learning Stations. You can *lighten the load* by making it a collaborative effort amongst staff members. Although there is an initial time investment in preparing the station activities, the benefits will far outweigh the investment. Both the teacher and the children will continue to reap the benefits for a long time!

## Is it Family Medical Leave or Friday/Monday Leave?

By: Dawn K. Martini

There has been much talk in recent months all across the country in many different industries about Family Medical Leave Act abuse. We have seen reports out of Tampa and Philadelphia regarding the abuse of FMLA Leave by transportation and city workers. The pattern of Friday and Monday absences has created significant staffing shortages for the Tampa Transit Authority and has led the City of Philadelphia to terminate some city workers for the abuse.

The intent of the FMLA is to give employees with serious medical conditions or with family members with serious medical conditions, 12 weeks of **unpaid** leave. The leave can be taken on an intermittent basis for chronic conditions. This is intermittent leave is where the main opportunity for abuse rests.

Many employers have become frustrated with what, in their opinion, are abuses of FMLA Leave. In some circumstances employees who receive a letter from a treating physician for a chronic condition such as back pain, stress or depression can call in sick with little or no notice. Over time, employers begin to

notice patterns of absence on Fridays and Mondays, surrounding other holidays, or subject to the weather.

To combat this abuse, employers have begun to require employees who are out on FMLA Leave to remain home while out on leave and to only leave home for doctor's appointment or medical procedures. Employers call at random to check in on the employee and should the employee be caught not at home they are disciplined for abuse of policy which may lead to termination.

A recent 3rd. Circuit Court ruling involving the City of Philadelphia has stated that nothing in the FMLA gives the employee the right to be left alone while out on FMLA Leave, and does not prohibit employers from enacting policies that are meant to ensure that leave is being taken for legitimate medical reasons.

Some guidelines for policies to combat abuses of leave include: 1. Requiring employees who take leave for their own serious medical condition to remain at home while out on leave with notes from doctor's for anytime spent away from home while on leave. 2. Requiring medical certification at least every 30 days to

determine continued eligibility for leave.

3. If leave is to care for a family member with a serious medical condition require doctor's certification at least every 30 days which states that the employee's care is required and necessary.

Remember, good documentation and uniform enforcement of leave policies is crucial to avoid discrimination claims. When managers are consistent and well versed in the administration of FMLA policies employees will know what the standards of conduct are and what is expected of them while on leave and are more likely to rise to the expectations.

Conversely, when managers are uninformed, unsure of policy or lax in their administration of FMLA policy, employees will be more likely to take advantage and abuse the policy.

It is important to note that only employers with 50 or more employees are required to comply with the Family Medical Leave Act and that more information on administering the FMLA at your program can be found on our website: [child-provider-law.com](http://child-provider-law.com) and in our publication: *Current Issues in Child Care* available for purchase on our website.

...considered from Page 4

tested to assure these standards are met; and 9) the grantee falls within the "common understanding" of what is an "educational institution." Finally, the Court held that the fact that an entity does not operate a school exclusively, but provides other services that are not academic, does not, in itself, exclude that entity from being considered an educational institution. Compared to the approach utilized by the UC Board in years past, the criteria established in the *Montgomery County* decision will allow for a greater number of Head Start programs to qualify as "Educational Institutions."

Other state courts which have considered this issue in the past have reached mixed results. In Texas and Colorado, Head Start programs have been held **not** to qualify as educational institutions, while the courts in North Carolina and Iowa have held the opposite under their respective state's UC law. One common factor which has had a bearing on the ultimate determination reached in each of the cases, however, was the degree of education provided by the Head Start program at issue. Those whose educational components have been determined by the court to be "incidental" to the broader social services offered by the program have been held not to qualify as "educational institutions," while those programs whose educational elements were found to be the primary function of the program have qualified.

As mentioned earlier, the issue of whether Head Start qualifies as an "educational institution" is significant because it directly affects the availability of UC benefits for employees during regularly scheduled breaks. It therefore goes without saying that the *Montgomery County* holding will have less than a warm reception by those Head Start employees who, after a number of years of consistently receiving unemployment compensation during summer recess, have come to rely on the availability of those benefits to supplement their income. On the other hand, because an employer's UC insurance premiums are linked to the number of UC claims filed against that employer, a Head Start program's "educational institution" status may save the program a substantial sum of money. These savings may, in turn, be applied directly towards the services provided to Head Start children and families, or may be utilized to increase salaries of its school-year employees

In any event, following the *Montgomery County* decision it seems clear that a significant number of Pennsylvania Head Start programs which were formerly not considered to be "educational institutions" by the UC board will now fit into the new definition of educational institution articulated by the Court. As a result, the employees of those Head Start programs, who have formerly been able to collect UC benefits during breaks, should expect to find themselves ineligible for

benefits when they file this summer. Those Head Start programs most likely to fit within this new definition of "educational institution" include "direct grantee" programs whose primary focus involves providing educational services. Although not directly addressed in the *Montgomery County* holding, Community Action Agencies ("CAAs) offering Head Start may also be affected by this decision. The key issue will be the nature and degree of the CAA's overall focus on education. While the *Montgomery County* case opens the door for the argument that a Community Action Group-run Head Start program focusing primarily on academic instruction may qualify as an "educational institution," those Community Action Groups whose focus is primarily related to non-academic social services may be able to distinguish themselves from the employer in the *Montgomery County* case and thereby avoid the "educational institution" designation.

Jason Dalton is the attorney who argued the *Montgomery County* case before the Pennsylvania Commonwealth Court and is an Associate Attorney at the Law Offices of Ronald V. McGuckin and Associates. Ronald V. McGuckin and Associates has been providing legal services for members of the Child Care Industry for over 25 years. You can learn more about Ronald V. McGuckin and Associates online at [child-providerlaw.com](http://child-providerlaw.com).



## WHERE IN THE WORLD...

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.

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

**May 1 - 2:** Pennsylvania Head Start Association Harrisburg, PA.

**May 16:** New Jersey School Age Care Coalition Annual Conference. For information go to [njsacc.org](http://njsacc.org)

**June 17-19:** 2008 Cape May Training Seminars: Defining Analyzing and Change Your Corporate Culture. [Childproviderlaw.com](http://childproviderlaw.com) for information

**June 24-26:** 2008 Cape May Training Seminars: Practical Human Resource Strategies. [Childproviderlaw.com](http://childproviderlaw.com) for information

**July 8-10:** Cape May Training Seminars: 18 Hour Law School for Child Care Administrators. [Childproviderlaw.com](http://childproviderlaw.com) for information

**July 16-18:** One Goal Summer Conference, Tampa, FL. For

information go to [onegoalsummerconference.org](http://onegoalsummerconference.org)

**July 22-24:** Your Agency's Personnel Policies and Parent Handbook. [Childproviderlaw.com](http://childproviderlaw.com) for information.

**August 5-7:** Strategic Planning for Business Owners and Administrators. [Childproviderlaw.com](http://childproviderlaw.com) for information

**August 11-14:** Region Six Head Start Association, Lafayette, LA. For information call (337) 942-9669

**September 5-6:** Laredo Child Care Advocates Fall Conference, Laredo, TX. For information email: [kristilins@aol.com](mailto:kristilins@aol.com)

**September 26-27:** Early Childhood Association of Florida, Orlando, FL dedicated Director's Track. For information go to [ecaoff.org](http://ecaoff.org)

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