

The Childcare Professional EXPERIENCE

November 2012
Volume 5 Issue 1

A Quarterly Journal for Childcare Providers Discussing Legal, Administrative & Professional Issues

On the Inside...

Summary of
New Health-
Care Law Page 1

Active Super-
Vision of
Children Page 2

Wednesday
Webinar
Schedule Page 4

The FLSA
Turns 74! Page 3

Legal Mistakes
We Make Page 6

ACA Fact
Sheet Page 7

Where in the
World... Page 8

Patient Protection and Affordable Care Act The Basics of Obamacare...

The debate on reforming the American healthcare system has been a political flashpoint for decades. Franklin Roosevelt, as a complement to his proposed New Deal, mounted one of the earliest efforts at establishing a universal healthcare system. Roosevelt was forced to compromise on the issue however, in order to succeed in passing other parts of the New Deal, most notably Social Security. Lyndon Johnson attempted to enact similar legislation as part of his Great Society in the 1960s, as did Bill Clinton during his presidency, but these initiatives proved unsuccessful as well. It wasn't until the 2008 presidential campaign that the push for universal health care gained legitimate traction. Following his election that year, President Barack Obama made such legislation a key focus of his administration.

Despite strong partisan political opposition, on March 23, 2010, the President signed into law the Patient Protection and Affordable Care Act, colloquially known as "the ACA" or "Obamacare," systematically imposing sweeping changes to the insurance and medical fields. Many states and private parties filed suit almost immediately, alleging that various provisions of the ACA violated the Constitution of the United States. Months of legal and political wrangling ensued, but on June 28, 2012, in a watershed moment for the history of American healthcare, the United States Supreme Court rendered a landmark decision in *National Federation of Independent Business v. Sebelius*, 567 U.S. ____ (2012). By a close 5-4 decision, the Court

upheld all of the major provisions of the ACA.

The ACA's most controversial provision was the "individual mandate," which requires virtually every American to obtain some form of health insurance by 2014, either through personal policies or through Medicare, Medicaid, or employer-purchased policies. The Court held this mandate to be constitutional, stating that Congress can require individuals to obtain insurance by penalizing them via a tax for failing to do so. Failure to obtain an acceptable health insurance policy by 2014 will result in a penalty of \$95 per individual, or up to 1% of total income above the filing minimum, whichever amount is greater. By 2016, this penalty will increase to at least \$695 per individual, or 2.5% of total income above the filing minimum, whichever amount is greater. There are a few extremely narrow exemptions to the individual mandate, but these are primarily religious in nature or limited to individuals who cannot reasonably afford any form of health insurance.

Although the individual mandate received the majority of attention surrounding the ACA's debate, certain employers stand to be profoundly affected as well. Often lost in the debates regarding the ACA is the fact that its tax penalty provisions only affect "large employers," which are those businesses employing fifty or more full-time equivalent employees. Quite simply, if a business employs fewer than fifty full-time equivalent employees, that business is not a "large

Continued on Page 3...

Do You Know Where Your Children Are? The Importance of Active Supervision

We often have a strange phenomenon occur in the law office of Ronald V. McGuckin and Associates whereby one child care agency will call seeking advice or representation regarding a specific legal issue, only to be followed, in subsequent weeks and months, by other child care agencies seeking legal advice on an almost identical issue. We've never quite been able to explain these "trends" that seem to occur in the child care world, but the most recent trend we're seeing has left us quite concerned and perplexed. In the last year or so, we've been called by several child care agencies regarding **a most serious infraction.....that of losing a child in their care.**

This is serious business that can, and should, have serious consequences. Anytime a child is not adequately supervised, even if for a few minutes, the result can be disastrous. Our first and foremost concern is always the well being of the child, not to mention concern for the parent or family once they have discovered their child has not been adequately supervised.

With that being said, there can be dire consequences for the child care agency as well. Although there are exceptions to this rule, our motto in the law office has always been "Lose a child, Lose your license." As a law office that often represents agencies in this situation, despite everyone's good efforts, we've seen this scenario played out numerous times. And in the event you are able to retain or reacquire your license, the price you've paid monetarily and/or personally can be quite substantial.

Imagine being a center owner/director having spent your entire career building a well respected, well run, profitable child care facility only to have your license revoked due to a lapse in supervision. As a director, you need to recognize that the "buck stops with you," so to speak. Although it might be one or more staff members whose lapse in judgment and/or supervision resulted in the lost child, it is ultimately the director's responsibility to ensure that staff is well trained and safeguards are in place so that this type of incident NEVER occurs.

Perhaps one of the most disturbing factors regarding several of the recent incidents involving a lost child is the fact that no one recognized that the child was "gone" for a substantial amount of time.

In certain instances, it was the police who found or otherwise acquired the child, bringing him/her back to the center, only to surprise the staff that the child was not in their care. This should NEVER happen. With that being said, following are some suggestions to not only best protect your children but the integrity and well being of your business as well.

As per licensing regulations, children on the facility premises and on facility excursions must be supervised at all times and the staff person shall know the names and whereabouts of the children in his assigned group. In order to ensure compliance, assign staff "primary care groups" and have a system in place that children under a staff person's supervision can be quickly identified and named. We particularly like using a bulletin board system in each classroom, identifying primary care groups with the name and picture of each child currently in attendance listed under the staff person who is assigned primary care of the child. A

Continued on Page 5...

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Publisher

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Continued from Page 1

employer” and is therefore outside the scope of the ACA’s requirements.

The language used in the ACA follows similar language in other federal statutes, notably the Family Medical Leave Act. Like the FMLA, the ACA dictates the calculation used to determine whether or not an employer has fifty or more full-time equivalent employees. To begin, both full-time and part-time employees are included toward the calculation of full-time equivalence. Full-time employees are those who work thirty or more hours per week, excluding full-time seasonal employees working for less than 120 days each year. Those working less than thirty hours per week are considered part-time. In order to determine the full-time equivalency of these part-time employees, an employer must add together the total number of hours that part-time employees worked during each month, and then divide that number by 120. The resulting calculation is the number of full-time equivalent employees used by the employer. If the total of full-time employees and full-time equivalent employees is fifty or more, then the ACA will apply to that employer.

The ACA states that if an employer has fifty or more full-time equivalent employees, it must offer those employees some sort of insurance coverage, otherwise that employer may have to pay a tax penalty. The current penalty is set at \$2,000 annually, multiplied by the number of full-time employees minus thirty, but this amount will change from year to year depending on national insurance premiums. It is important to keep in mind, however, that the penalty provisions of the ACA only apply to those employers who employ fifty or more full-time equivalent employees. To reiterate, a business with less than fifty full-time equivalent employees is not subject to the provisions of the ACA.

Additionally, if an employer offers its employees a health insurance policy, but that policy does not pay for at least 60% of an individual’s covered health expenses, or if an individual has to pay more than 9.5% of his or her annual family income for the employer’s offered coverage, that employer will have to pay a tax penalty for not offering sufficiently “affordable” coverage. This penalty is currently set at \$3,000 annually for each full-time employee receiving his or her own personal tax credit up to \$2,000, multiplied by the number of full-time employees minus 30. However, this too will change from year-to-year, ultimately tracking the national average for health insurance premiums. Because these calculations are complex, variable, and subject to periodic change, an accountant is perhaps the best-suited individual to help an employer determine its precise tax penalty, if any, if it decides not to offer some form of health insurance to its employees.

The ACA is not entirely focused on penalizing individuals and corporations for failing to obtain or offer health insurance. One particular provision of the ACA allows some small businesses to claim a tax credit in certain limited situations. This tax credit is aimed at defray-

ing the potentially high cost of health insurance coverage for employees. It is available to employers that have twenty-five or fewer workers, pay an average salary of \$50,000 or less, and cover at least half of its employee’s health insurance premiums. The precise amount of the tax credit is variable, based on a formula set forth in the text of the ACA, and set to a sliding scale. The Government Accountability Office recently reported that the average tax credit is approximately \$2,700. As noted above however, employers are best advised to contact an accountant, who is likely to be quite familiar with the precise mechanics of these tax credits and how they are specifically calculated and applied in each individual situation.

The announcement of the Supreme Court’s *Sebelius* decision was a highly publicized event, as both supporters and opponents of the ACA vocalized their reactions. Shortly after the ACA was upheld as constitutional, members of the Republican-controlled United States House of Representatives introduced numerous pieces of legislation proposing to repeal the law. These efforts proved entirely futile however, ultimately failing to pass in either the House or the Democratic-controlled Senate. Political promises to repeal the ACA are likely to ring hollow as well. Throughout its entire history, the Supreme Court rarely overturns its own precedent, thus the ACA is unlikely to be overturned judicially. Furthermore, legislative repeal of a federal law requires an Act of Congress and subsequent approval of that Act by the President. In order for the opponents of this law to successfully repeal it, both the House and the Senate would need to pass the repeal bill by a simple majority vote, which would then need to be signed by the President. If the President vetoes the repeal bill, both houses would then need a two-thirds vote, a so-called supermajority vote, to subsequently override that veto. A viable repeal effort will require opponents of the ACA to be elected in large enough numbers to both houses of Congress to constitute at least a majority, if not a supermajority; a monumentally difficult task to say the least. Because of this fact, the traditional system of checks and balances will likely preserve the ACA for quite some time.

The Patient Protection and Affordable Care Act is the culmination of decades of effort to implement a universal health care system in America. A politically polarizing law, it is as wildly popular as it is unpopular. An incredibly complex and widely expansive work, it is subject to misunderstanding and may even be intimidating to those unfamiliar with it. Fortunately for most individuals however, the ACA itself is reasonably straightforward in its application. But like Social Security and Medicare before it, now that it has passed constitutional muster, the ACA is likely to become a social fixture and, as such, every American should become familiar with its requirements.

The government’s website for the ACA has a great deal of easy to read and understand information on specific sections of the law. For more information be sure to visit <http://www.dol.gov/ebsa/healthreform>

Ronald V. McGuckin and Associates Announces:

Wednesday Webinar Series



Join us on the first and third Wednesday every month from 1:00 p.m. until 2:00 p.m. for a live Webinar Professional Development Session. Each session is just \$29.00/person. Professional Development Participation Certificates will arrive in the mail to you within one week of the session. Live Webinar platform allows for discussion with the presenter as well as instant messaging questions and comments. Webcam link also allows you to see the presenter on your computer screen or you may participate by phoning in and listening to the discussion. For more details please call Dawn Martini (215) 785-3400 or email dkgt0409@aol.com.



- _____ July 18, 2012: Kindergarten Readiness
- _____ August 1, 2012: Your Contract for Service/Fee Agreement
- _____ Aug 15, 2012: Mandated Reporting/Child Abuse & Neglect (SPECIAL 2 hrs. 1pm to 3pm EST)
- _____ September 5, 2012: Custody Orders and the Release of Children
- _____ September 19, 2012: Confidentiality in the ECE Setting
- _____ October 3, 2012: Social Networking and Maintaining Professionalism
- _____ October 17, 2012: Defending against Unemployment Compensation Claims
- _____ November 7, 2012: Harmony in the Workplace
- _____ December 19, 2012: Evaluating Employee Performance
- _____ January 16, 2013: Tattoos, Piercings and Thongs...Dress Codes
- _____ Feb. 6, 2013: Mandated Reporting/Child Abuse & Neglect (SPECIAL 2 hrs. 1pm to 3pm EST)
- _____ February 20, 2013: Parent and Grandparent Involvement
- _____ March 6, 2013: Leave Policies: PTO, Sick, Unpaid, FMLA, Maternity Leave

No. of Sessions: _____
x \$29.00
Total Due: _____

REGISTRATION AND PAYMENT INFORMATION

Name: _____ email: _____

Agency Name: _____ phone: _____

Address: _____ fax: _____

City: _____ State: _____ Zip Code: _____

Please select payment option:

_____ Visa/MC/Discover: _____ Exp: _____ Sec Code: _____

_____ Check payable to RONALD V. MCGUCKIN AND ASSOC is enclosed.

Mail payment to: Post Office Box 2126, Bristol, PA 19007 or fax registration with credit card payment information to (215) 785-3401. One registrant per form please. Login information will be emailed the Monday prior to your session(s) and again the morning of the session(s).

Continued from Page 2

child's name and picture is then added or removed from that bulletin board when he or she arrives at or leaves from the classroom, so that the list is an accurate reflection of the present attendance within that classroom. If a child is moved to another classroom, that child's name will be removed from the first classroom's bulletin board and placed on the second classroom's bulletin board, so that the child will be appropriately counted in the new classroom's ratio.

As an alternative to the bulletin board system, you can implement a system whereby staff uses a spiral keychain that is carried at all times. A child's name and picture is laminated on an index card that is hole-punched and clipped onto a keychain. Staff shall, upon the child's sign-in, clip the child's index card onto the staff person's keychain, thus representing that staff person's "primary care" grouping. When a child is transferred to another staff person's care, that child's index card will be switched to the other staff person's keychain.

Staff will carry his or her own keychain at all times. (This keychain system should not be used in the infant room, because having the keychain on a staff person's wrist or arm can disrupt personal interaction with the infant.)

Children should be accounted for frequently and at regular intervals throughout the day. Regular accounting for children cannot be stressed enough as it immediately alerts staff if a child is not with the group. It is especially important to account for all children at times of transition, when you leave one place and go to another, accounting for children prior to leaving the first area and again at arrival at the destination (and, if necessary, times in between). Special attention should be paid to accounting for children when things are more hectic in the center, for example at drop off and pick up times or if sponsoring a parent day, etc.

Whenever you take children off the center premises, whether to a local park or on a more adventurous field trip, extreme care needs to be taken regarding ac-

counting for all children. An unfamiliar environment accompanied by the excitement of the off premises excursion can add to confusion and the possibility of a child wandering away from the group. You might want to consider having the children wear the same colored shirt identifying the name and phone number of the program. (Children should never wear name tags). Another option is to take the program's digital camera and take a waist-up snapshot of each child as he or she boards the bus or van, thus enabling you to immediately provide authorities with a photograph if a child should go missing. When exiting the bus or van, care should be taken to again account for all children. A staff member should walk to the back of the bus, and again to the front, doing a full visual sweep of the bus to ensure that all children have exited as directed.

Staff should be trained on the importance of supervision upon hire, and at the very least, on a yearly basis. Frequent "supervision" reminders to staff throughout the year can also reinforce the significance of good supervision. Management staff should take immediate disciplinary action should a staff member fail to provide adequate supervision to children in his or her care. At no time should staff become complacent when it involves caring for children. It is only through directors and staff working together, fully understanding the importance of active supervision and taking the appropriate related steps that children can be kept safe and programs can continue to provide an important service to their community.



CHILD CARE PROVIDER RETAINER PROGRAM

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

With the recent addition of **Attorney Christopher A. Hawthorne**, we have been able to open the retainer program to a limited number of new clients in **Pennsylvania and New Jersey**. 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.

Over 25 years of Experience Representing Child Care Providers

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

Most Frequent Legal Mistakes Owners and Directors Make

Recently we were asked by a colleague to compile a list of the most common legal mistake we see our Early Care and Education Directors and Owner make. As with most things in the world, the mistakes that are made and the legal issues we are defending or helping folks work through change with the season and seem to trend hot and cold.

The following list represent the mistakes that have effected our clients the most in this past year.

- ♦ Not dealing with an issue in a timely manner. Ignoring the issue will not make it go away and it is likely to be even bigger and more pervasive when you finally "can't stand it anymore!"
- ♦ NOT developing a Field Trip Plan, including staffing, documentation, chaperones and transportation. NOT reviewing Field Trip/Transportation Procedures before every trip with staff. We have seen more violations and licensing removals in the last two years as a result of children being left on vans, buses and at field trip locations. You can never review this information too much! **LOSE A CHILD...LOSE YOUR LICENSE!**
- ♦ Not calling the insurance company as soon as a potential claim is presented to the agency. This delay often leads to the denial of a claim that may have otherwise been covered by the policy.
- ♦ Failure to develop and implement primary care group tracking. Children and ratios should be tracked and documented throughout the day. It is crucial to account for every child at least hourly and before and after each major transition, like going in and out of the building, changing rooms or going on or off a bus/van.
- ♦ Not reducing interactions and conversations to written form. Everything should be followed up on in writing!
- ♦ Not calling the attorney as soon as a potential claim, documents from court or an administrative agency are presented to them. Even if you think you know how to respond or what is required it is always better to check before making an incurable mistake. Appeals, answers and general court filings require a specific response, in a specific timeframe. Your attorney will be able to guide you accordingly, but only if you give them the information as soon as you receive it.
- ♦ Not paying non-exempt employees for all hours worked including training hours and not paying OT according to DOL/Wage and Hour Regulations.
- ♦ Asking employees if they can or want to do something when you really mean to tell them, especially related to changes of assignment, OT etc. If you ask and they say no...where does that leave you? It's not insubordination if they say no when you ask! If you need them to do something then simply tell them to do it. Be direct. Be specific. If they say no then they are being insubordinate and you should take disciplinary action.
- ♦ NOT being organized. For each legal issue start a file and keep copies of all documentation sent and received in the file. Be sure your attorney receives a copy of everything you receive and have related to the issue. Not being able to find a piece of documentation or the delay created by having to find something may make a difference in mounting an effective defense.
- ♦ Withholding or making deductions from a final paycheck as a consequence for not returning agency property, not giving notice or other reason.
- ♦ Being lenient with employees you "like" and being a stickler on policies and details with other employees. Policies apply to everyone equally as written in the manual. Unequal application of written policies can lead you to claims of illegal discrimination.

If you need assistance with any of these issues please contact us at (215) 785-3400.

Small Businesses and the Affordable Care Act

You know the value of providing health insurance to your employees. But it can be a real challenge for small businesses. On average, small businesses pay about 18% more than large firms for the same health insurance policy. And small businesses lack the purchasing power that larger employers have. The health care law provides tax credits and soon - the ability to shop for insurance in Exchanges that help close this gap.

Top Things to Know for Small Businesses

- If you have up to 25 employees, pay average annual wages below \$50,000, and provide health insurance, you may qualify for a [small business tax credit of up to 35% \(up to 25% for non-profits\)](#) to offset the cost of your insurance. This will bring down the cost of providing insurance.
- Under the health care law, employer-based plans that provide health insurance to retirees ages 55-64 can now get financial help through the [Early Retiree Reinsurance Program](#). This program is designed to lower the cost of premiums for all employees and reduce employer health costs.
- Starting in 2014, the small business tax credit goes up to 50% (up to 35% for non-profits) for qualifying businesses. This will make the cost of providing insurance even lower.
- In 2014, small businesses with generally fewer than 100 employees can shop in an [Affordable Insurance Exchange](#), which gives you power similar to what large businesses have to get better choices and lower prices. An Exchange is a new marketplace where individuals and small businesses can buy affordable health benefit plans.
- Exchanges will offer a choice of plans that meet certain benefits and cost standards. Starting in 2014, members of Congress will be getting their health care insurance through Exchanges, and you will be able to buy your insurance through Exchanges, too.
- Employers with fewer than 50 employees are [exempt from new employer responsibility policies](#). They don't have to pay an assessment if their employees get tax credits through an Exchange.



Watch [this video](#) to learn how small businesses now have more affordable options for health coverage.

Resources for Small Businesses

Use these resources to learn more about important features of the health care law:

- Learn more about the Early Retiree Reinsurance Program at www.errp.gov.
- See if you qualify for the small business tax credit at www.irs.gov.

Use these resources to get the most out of your insurance:

- [Find and compare health plans](#) for your employees.
- Find answers to [frequently asked questions for small business, large business, and the self-employed](#).





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 Dawn Martini at (215) 785-3400, dkgt0409@aol.com to see if we can visit your program when we are in town.

Dec 1 - 5: NHSA Annual Parent Conference, Dallas, Texas For information go to www.nhsa.org

Dec 4 and 5: Director's Boot Camp: Administrators Professional Development Retreat Austin, Texas Contact Dawn Martini for registration information: dkgt0409@aol.com

Dec 11 and 12: Director's Boot Camp: Administrators Professional Development Retreat Hamilton, New Jersey Contact Dawn Martini for registration information: dkgt0409@aol.com

Jan 29 and 30: Director's Boot Camp: Administrators Professional Development Retreat Pittsburgh, PA Contact Dawn Martini for registration information: dkgt0409@aol.com

Jan 29 and 30: Director's Boot Camp: Administrators Professional Development Retreat Houston, TX Contact Dawn Martini for registration information: dkgt0409@aol.com

Feb 14 to 16: Virginia Association for Early Childhood Education Annual Conference, Reston, VA. For information go to www.vaece.org

March 1 and 2: NJ CITE Conference, Iselin, NJ. For information go to www.njcite.org

March 16: Lebanon Valley AEYC Annual Conference, Jonestown, PA. For information go to www.lvaeyc.org

April 4 to 8: Early Care and Education's Spring Training Cruise from Galveston, TX to Cozumel. For information go to www.tymthetrainer.com

April 10 and 11: Pennsylvania Head Start Spring Conference, Gettysburg, PA. For information go to www.paheadstart.org

April 11 to 13: Indiana AEYC Annual Conference, Indianapolis, IN. For information go to www.iaeyc.org

April 24 to 26: Academy for Early Learning Leaders (Formerly NACCP) Annual Conference, Nashville, TN. For information go to www.naccp.org

June 9 to 12: NAEYC Institute for Early Childhood Professional Development Conference, San Francisco, CA. For information go to www.naeyc.org

Aug 15 to 18: RVM and Associates Professional Development Cruise: NYC to Halifax and Nova Scotia. For information email Dawn Martini at dkgt0409@aol.com

We are always adding Conference Events to our schedule. If you would like us to submit an RFP to your local, state or regional professional development event please contact Jan at janice91455@aol.com

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April 2013
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On the Inside...

Summary of
New Health-
Care Law Page 1

2011 Firearm
Statistics in the
USA Page 2

We
Remember Page 2

2013 Director's
Training
Cruise Page 4

PA and NJ
Firearm Laws Page 5

Disciplinary Actions
When CPS is
Called Page 6

Wednesday
Webinar Series
Program Page 7

Where in the
World... Page 8

Guns: What Can You Control?

For many of us, 2012 will be remembered as a year filled with an astonishing number of mass shootings throughout the nation. In the aftermath of these tragedies, our office has received numerous calls from child care providers across the country, asking us what they can do in an effort to prevent similar occurrences at their facilities. An overview of federal gun regulation is essential toward an understanding of the rights and responsibilities associated with this serious subject.

It would be remiss to discuss any gun-related subject without first touching upon its American bedrock, the Second Amendment to the Constitution. Conceived as part of the Bill of Rights, the Second Amendment mandates: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Since being first penned over two centuries ago, these twenty-seven words have become inextricably intertwined with gun regulation in America.

For many of us, 2012 will be acting with that property. This point cannot be understated. Any private business owner can flatly deny any other individual's Second Amendment right while that individual is on the private business owner's property, effectively self-imposing a mini-ban on firearms. When it comes to firearms, their rights end where your property begins.

Despite the seemingly broad language of the Second Amendment, the federal government has also constitutionally regulated firearms through numerous pieces of legislation, dating back to the National Firearms Act of 1934. Prominent legislation includes the Omnibus Crime Control and Safe Streets Act of 1968, the Gun-Free School Zones Act of 1990, and the Brady Handgun Violence Prevention Act of 1993. The Bureau of Alcohol, Tobacco, Firearms and Explosives, popularly known as the ATF, is tasked with enforcing all federal gun laws and regulations.

Although most of these laws are still in effect and shape the contours of current gun regulation in this country, a few may have particular application for child care providers. The first is the Gun-Free School Zones Act of 1990, codified at 18

Continued to Page 3

The Astonishing Statistics: Murders and Firearms in the United States

The Newtown, Connecticut tragedy brought forth, **once again**, the issue of the senseless murders that occur each year in this country. While we certainly do not believe that there is one simple or quick answer to the issue of gun violence in our country the statistics regarding death among our youngest members of society are quite astonishing.

A total of 12,664 murders occurred in the United States in 2011. Of those 12,664 murders, **67%**, or 8,583 **were caused by firearms**. Of the 2,945 individuals under the age of 22 who were murdered in the U.S. in 2011, 2,044 or approximately 70 % were killed by a person using a firearm.

The statistics are just as troubling regarding the youngest children in our society. In 2011:

- ♦ 301 children, 1 to 4 years of age, were victims of homicide, 46 killed by a person using a firearm.
- ♦ 84 children, 5 to 8 years of age, were victims of homicide, 34 killed by a person using a firearm.
- ♦ 65 children, 9 to 12 years of age, were victims of homicide, 30 killed by a person using a firearm.
- ♦ 300 young teens, 13 to 16 years of age, were victims of homicide, 238 killed by a person using a firearm.
- ♦ 1,069 older teens, 17 to 19 years of age, were victims of homicide, 909 (85%) killed by a person using a firearm.
- ♦ 196 infants were victims of homicide, 9 of them killed by a person using a firearm.

RVM and Associates remembers and honors the 20 children and their teachers who lost their lives on December 14, 2012 in the tragic and senseless Sandy Hook Elementary School Shooting

- | | |
|------------------------|--------------------|
| ♥ Charlotte Bacon | ♥ Grace McDonnell |
| ♥ Daniel Barden | ♥ AnneMarie Murphy |
| ♥ Rachel Davino | ♥ Emilie Parker |
| ♥ Olivia Engel | ♥ Jack Pinto |
| ♥ Josephine Gay | ♥ Noah Pozner |
| ♥ Ana Marquez-Greene | ♥ Caroline Previdi |
| ♥ Dylan Hockley | ♥ Jessica Rekos |
| ♥ Dawn Hocksprung | ♥ Avielle Richman |
| ♥ Madeleine F. Hsu | ♥ Lauren Rousseau |
| ♥ Catherine V. Hubbard | ♥ Mary Sherlach |
| ♥ Chase Kowalski | ♥ Victoria Soto |
| ♥ Jesse Lewis | ♥ Benjamin Wheeler |
| ♥ James Mattioli | ♥ Allison N. Wyatt |

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...Continued from Page 1

U.S.C. §922(q), which makes it unlawful for any individual to knowingly possess most firearms at a place that the individual knows, or should know, is a school zone. The GFSZA defines a "school zone" as being within one thousand feet of the grounds of a public, private, or parochial school, while noting that the term "school" is defined by each individual state's own definition of "school." Therefore, if your program falls within the definition of a "school" under your state's laws, you are within the protection of the GFSZA.

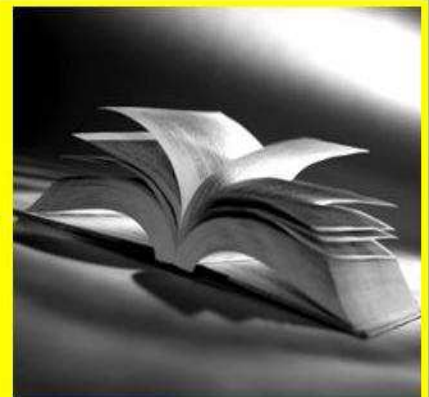
Another important federal law is the Law Enforcement Officers Safety Act (LEOSA), which allows bona fide law enforcement personnel to carry concealed firearms throughout the country, immune from any contrary state or local laws. The LEOSA is important to child care providers because of its impact on other federal firearms legislation, notably the GFSZA. For example, the GFSZA provides an exception to any on-duty law enforcement officer who is acting pursuant to his or her official duties: these are the only individuals authorized by the federal government to carry a firearm in any school zone. Interestingly left out of the GFSZA, there is no exception for off-duty law enforcement officers. As with any other private citizen, an off-duty law enforcement officer cannot carry a firearm within one thousand feet of a school zone.

And finally, pursuant to the Brady Handgun Violence Prevention Act of 1993, certain groups of individuals are absolutely precluded from owning or carrying a gun anywhere at any time. Among others, these individuals include convicted felons, unlawful users of certain drugs, those currently operating under a dangerous mental illness, and most minors under the age of eighteen for long guns and under the age of twenty-one for handguns. Not only are these individuals prohibited from carrying a gun near a school, they are forbidden from so much as holding a gun. If your program becomes aware that one of these individuals is in possession of a firearm, you should immediately contact law enforcement.

Because Congressional legislation speaks only to the federal control of firearms, setting a "floor" of regulation, so to speak, the individual states have been left to establish further laws, provided that those laws are within the limitations of the Second Amendment. In fact, all states and even some local municipalities have passed gun laws. Although some federal legislation, such as LEOSA, overrides these state and local laws, the majority of firearm regulations have been enacted below the federal level. Therefore, it is important that you familiarize yourself with the laws and regulations pertaining to your particular state.

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



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.

2013

Ronald V. McGuckin and Associates

Directors' Training Summer Cruise

From NYC to Nova Scotia and Halifax, August 15 – 19, 2013



Virtual tour: www.carnival.com/cruise-ships/carnival-glory

Theme: "The Most Common Mistakes Directors of ECE Programs Make"

We are thrilled to bring you this new adventure and look forward to sailing with you this summer!

Cruise Info

- **Departs** Manhattan Cruise Terminal: August 15 @ noon. **Returns** to port: August 19 @ 10am.
- **Prices begin @ \$635/person** (double occupancy).
- Contact **Mikaela Walker**, Cruise One Travel Agency, with cruise-related questions (800-765-0346 or mwalker@cruiseone.com). Include "Ronald McGuckin Cruise" in email subject line.
- Guests not attending conference can still book cruise through Cruise One to receive special group cruise pricing.

Conference Info

- **10 hours of professional development** while at sea.
- **Conference-only fee***: \$200/person (\$175 for ECE Retainer Clients or previous attendees of Ronald McGuckin programs).
- Contact Dawn Martini with conference-related questions (215-785-3400, 215-380-1710, or dkgt0409@aol.com).
- For terms of conference-fee refunds only, see the information below.
- **Cruise booked separately.*

Booking Info

- **Register online:** <http://tinyurl.com/cxnods7>.
- Complete form for each conference attendee.
- Fees are due when submitting form, via the PayPal link.
- Mikaela Walker from Cruise One will contact you within 24 hours to book your cruise and pay the deposit. She will also provide you with the payment schedule for the cruise.

The Conference Fee ONLY is refundable as follows. Cancellations received less than 30 calendar days prior to the first day of the seminar will not be refunded. Cancellations received between 31 and 60 calendar days prior to the seminar are subject to a 25% cancellation fee. Cancellations received more than 61 calendar days before the seminar will be refunded 100%. Cruise refunds are subject to the terms of Carnival Cruise Lines and Cruise One Travel Agency.



Ronald V. McGuckin and Associates
is currently accepting new clients for our
Retainer and Consulting Program
for
EARLY CARE AND EDUCATION PROVIDERS

RVM and Associates is pleased to open our retainer/consulting program to a limited number of new clients **nationwide**. The Early Care and Education Professional Retainer/Consulting Program offers special hourly rates to Private Early Care and Education Programs, Corporate Agencies, Head Start Programs, Family/Home Based Providers, and School Age Programs. Special hourly rates are only available when you join before experiencing a law suit requiring representation. Attorney's are licensed in PA and NJ, and provide consulting only services in all other states. Program members also received discounts on all Professional Development programs hosted by RVM and Associates.

Over 35 years of Experience Representing Early Care and Education Professionals

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

Key Firearm Laws, State by State:

Ronald V. McGuckin and Associates represents clients in legal matters in Pennsylvania and New Jersey. As such, our office has extensively researched gun laws in only these two states. If you are located elsewhere but would like us to research the laws of your particular state, please feel free to contact us to discuss the matter further.

PENNSYLVANIA

Pennsylvania is a generally moderate regulator of firearms, compared to other states. In addition to all pertinent federal laws, Pennsylvania has set forth several notable regulations of its own. For example, it is a misdemeanor to carry a firearm or other dangerous weapon into a courthouse or onto school property. Under Pennsylvania law, "schools" are any elementary or secondary educational institutions that have been licensed by the Pennsylvania Department of Education. Most child care centers, which are licensed by the Department of Public Welfare, are not considered a "school" by Pennsylvania law. Although child care center owners can forbid someone from carrying a gun on the child care center owner's property, there is no state law preventing someone from carrying a gun immediately outside that area, unless it is near a school zone, per the federal Gun-Free School Zones Act.

NEW JERSEY

New Jersey has been characterized as having slightly more restrictive firearm laws than the rest of the United States. In addition to passing state legislation, New Jersey allows most local municipalities to issue their own ordinances pertaining to gun control as well. As such, New Jersey has a wide and varied patchwork of laws. New Jersey State Law also forbids anyone from carrying a firearm "in or upon any part of the buildings or grounds of any school, college, university or other educational institution or on any school bus." Therefore, if your organization falls within the definition of any of these groups, it is protected by this law.

For guidance drafting and adopting personnel and/or parent policies related to staff and/or parents carrying firearms into your facility please contact Dawn Martini in the office (215) 785-3400 or by email: dkgt0409@aol.com. We can design language to meet your state's specific concealed weapons/carry laws.

Mandated Reporting as Public Policy

Every state has a child protective services law that mandates child care providers report any suspected child abuse or neglect to the appropriate authority as identified in the law. It is an important responsibility that the states place upon child care providers; that of being a voice and advocate for the children in our care. Child Protective Services Law's mandate to report applies to the **individual**, not the child care agency. While state child care licensing regulation may require the agency to report child abuse or neglect to the licensing agency, the CPS law requires the individual provider to make that call and report any suspicions of child abuse and neglect to the CPS designated appropriate authority.

To ensure proper reporting many child care agencies routinely implement a personnel policy which requires an employee who suspects child abuse or neglect to report the suspected abuse/neglect to a designated individual within the agency. This designated individual is then responsible for making the report to Child Protective Services. Although we don't necessarily frown on having such a policy, we have found that difficulties can arise with this procedure. We've been involved in cases where the designated reporter of the agency disagreed with the employee's suspicion of abuse or neglect, and he/she decided not to make the report to CPS. We've also seen designated reporters who are reluctant to report suspicions of abuse/neglect for fear of breaching confidentiality, liability risk or parent retaliation. The repercussions for this failure to report may be great; the child may be placed at continued or further risk, and the individual who first suspected the abuse/neglect, **who is a mandated reporter by law to report such suspicions**, has now failed to abide by the law.

Because the law applies to the individual, we have always encouraged that the individual who suspects the abuse or neglect make a report to Child Protective Services. If the agency has a designated reporter who also makes the call then the worst that will happen is that two people

have alerted CPS to a possible abuse/neglect situation.

What we **DO** take umbrage with (and are still quite surprised when it occurs) is a child care employee being disciplined or terminated by their employer because the employee made a call to Child Protective Services for what the employee believed was a form of abuse or neglect. We were recently involved in a case whereby a child care employee suspected neglect, informed the director of the program of her suspicion, who then instructed the employee to wait to make the report to give the parent time to address the issue. The employee, uncomfortable with this directive for fear it might pose additional risk to the child, knowing the family and the excuses that had been provided for all manner of care of the child, **and following the law as a mandated reporter**, called CPS and reported the suspected neglect. Shortly thereafter the employee faced disciplinary action in the form of a suspension. The employer claims the suspension was for insubordination (calling when told to wait) not actually calling and making the report. It is never insubordination to comply with the law. Employers should never tell a Mandated Report to not call but should provide guidance and then allow the individual to determine whether they should call. The law mandates that child care providers report any suspected child abuse or neglect and disciplining someone for following the law is an action that goes against **public policy** and could subject the employer to a possible lawsuit for wrongful termination, constructive discharge and/or retaliatory employment action.

The converse however, IS cause for disciplinary action. If a Mandated Reporter **DOES NOT** call and report suspected abuse, this is a violation of the CPS Law, child care licensing regulations and the employee should be disciplined.

For assistance with developing a comprehensive personnel policy and procedure for Mandated Reporting of Suspected Child Abuse and/or Neglect please contact our office, (215) 785-3400.

Ronald V. McGuckin and Associates Announces

Wednesday Webinar Series



Join us on the first and third Wednesday every month from 1:00 p.m. until 2:00 p.m. (EST) for a live Webinar Professional Development Session. Each session is just \$29.00/person. Professional Development Participation Certificates will arrive in the mail to you within one week of the session. The Live Webinar platform allows for discussion with the presenter as well as instant messaging questions and comments. Webcam link also allows you to see the presenter on your computer screen or you may participate by phoning in and listening to the discussion. For more details please call Dawn Martini (215) 785-3400 or email dlgt0409@aol.com.



- _____ Feb. 6, 2013: Mandated Reporting/Child Abuse & Neglect (SPECIAL 2 hrs. 1pm to 3pm EST)
- _____ February 20, 2013: Parent and Grandparent Involvement
- _____ March 6, 2013: Leave Policies: PTO, Sick, Unpaid, FMLA, Maternity Leave
- _____ April 3, 2013: Social Networking and Maintaining Professionalism
- _____ April 17, 2013: Kindergarten Readiness
- _____ May 1, 2013: Mandated Reporting/Child Abuse & Neglect (SPECIAL 2 hrs. 1pm to 3pm EST)
- _____ May 15, 2013: Custody Orders and the Release of Children
- _____ June 5, 2013: Confidentiality in the ECE Setting
- _____ June 19, 2013: The Hiring Process
- _____ July 17, 2013: Using Your Personnel Policy Manual Effectively
- _____ August 7, 2013: Defending against Unemployment Compensation Claims
- _____ August 21, 2013: Employee Onboarding: The New Orientation Process
- _____ September 18, 2013: Tattoos, Piercings and Thongs...Dress Codes
- _____ October 2, 2013: Protected Classes and Employment Discrimination

No. of Sessions: _____
x \$29.00
Total Due: _____

Sessions begin at 1:00 p.m. EST. Login Information will be sent to your email address. Please login 10 min prior to the start.

REGISTRATION AND PAYMENT INFORMATION

Name: _____ email: _____

Agency Name: _____ phone: _____

Address: _____ fax: _____

City: _____ State: _____ Zip Code: _____

Please select payment option:

_____ Visa/MC/Discover: _____ Exp: _____ Sec Code: _____

_____ Check payable to RONALD V. MCGUCKIN AND ASSOC is enclosed.

Mail payment to: Post Office Box 2126, Bristol, PA 19007 or fax registration with credit card payment information to (215) 785-3401. One registrant per form please. Login Info will be emailed the Monday prior to your session(s) and again the morning of the session(s).



WHERE IN THE WORLD...

We certainly don't mind adding a day or two to our travel schedules to work with you.

Contact Dawn Martini at (215) 785-3400, dkgt0409@aol.com 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.

April 10 and 11: Pennsylvania Head Start Spring Conference, Gettysburg, PA. For information go to www.paheadstart.org

April 11 to 13: Indiana AEYC Annual Conference, Indianapolis, IN. For information go to www.iaeyc.org

April 24 to 26: Academy for Early Learning Leaders (Formerly NACCP) Annual Conference, Nashville, TN. For information go to www.naccp.org

June 9 to 12: NAEYC Institute

for Early Childhood Professional Development Conference, San Francisco, CA. For information go to www.naeyc.org

July 16 to 18: RVM and Associates Advanced Policy Writing Retreat. Mt. Airy Casino Resort, Mt. Airy, PA. For information email Dawn Martini at dkgt0409@aol.com

Aug 15 to 18: RVM and Associates Professional Development Cruise: NYC to Halifax and Nova Scotia. For information email Dawn Martini at dkgt0409@aol.com

We are always adding Conference Events to our schedule. If you would like us to submit an RFP to your local, state or regional professional development event please contact Jan at janice91455@aol.com

E *The Childcare Professional*
EXPERIENCE

E *The Childcare Professional* EXPERIENCE

July 2013
Volume 5 Issue 3

A Quarterly Journal for Childcare Providers Discussing Legal, Administrative & Professional Issues

On the Inside...

Confidentiality
Overview Page 1

12 Character
Traits of
Corporate
Leaders Page 2

Obamacare
Major Provision
Delayed Page 4

Director's Boot
Camp Fall/Winter
2013/2014 Page 5

Reasons Your
People Hate
You! Page 6

Wednesday
Webinar Series
Program Page 7

Where in the
World... Page 8

Confidentiality in the ECE Setting

The very job that you do as a child care provider allows you access to a great deal of information regarding the children and families you service. Upon enrollment and throughout the year, parents provide you with their personal information so you can best care for their child, however they provide you with this information with the EXPECTATION that this personal information will be kept confidential. Maintaining confidentiality is an important aspect of the job that you do as a child care provider.

Despite the emphasis on maintaining confidentiality in early care, violations of rights to privacy and breaching of confidentiality occurs frequently in early care settings. Common reasons that breach of confidentiality occurs in the child care setting:

- Staff loses sight of the fact that they have a "professional" relationship with the families and children they service. When a professional relationship melds into a personal relationship, familiarity and comfort often set in and confidentiality can be breached.

- We find ourselves emotionally involved with the children that we service and our hearts go out to them. Their difficulties may lay heavy on our hearts and we may discuss their situation with others to "unburden" ourselves, thus breaching confidentiality

- Human nature makes us a "chatty" society...we like to talk about others. As a society, we seem to have lost our sense of privacy. The media has saturated us with "reality" shows, where anything goes... as well as pharmaceutical commercials describing maladies in detail.

Having roots in the Constitution, Confidentiality and Rights to Privacy are something Americans hold near and dear to them. Thus, violations of Confidentiality and Rights to Privacy often end up in the Court System.

Who in the child care setting is guaranteed Rights to Privacy?

- Child
- Families
- Staff

What information is to be kept Confidential? Basically ALL personal information is to be kept private, however there are exceptions and certain situations where you may need, or be required, to share information.

Sharing of childrens' information:

*** *WITHIN the Child Care Agency.*** At times it is necessary to share information about a child in your care to best service that child. Decide who to share information with, on a need-be, case-by-case basis.

Continued to Page 3

12 Character Traits of Corporate Leaders

- ♦ Positive Attitude: People respond and relate better when you are positive and encouraging. When you have to point out something negative be sure to be constructive and relate it back to the expectations of the job and the overall corporate culture.
- ♦ Tenacity: Nothing would ever be accomplished if people gave up after trying once and not succeeding.
- ♦ Tolerance: Mistakes happen...learn from them and move on. Dwelling or reliving mistakes will make others in your organization feel that no matter what they do they can't get away from a past mistake. Remember...you can also grow and learn something unexpected from mistakes too.
- ♦ Honesty: Nothing is more off putting than a liar. Nothing will undermine your credibility more than lies...even little white ones. If you can't answer a question because of confidentiality or because it is not something you are able to share at the time...you need to be honest and state that instead of making something up.
- ♦ Purposeful/Simple/Direct Communications: Know what you want to say, think about the best way to say it, don't become muddled and confusing when presenting ideas or decisions.
- ♦ Confidence: Do you project confidence in yourself, your people, and your systems?
- ♦ Modesty: Are you tooting your own horn? Do you accept compliments gracefully? Do you share responsibility with those that helped you achieve a goal and acknowledge their part in the process.
- ♦ Style: Do you look the part? Remember while you may be running a child care program...you are no longer in the classroom with children. You are managing a business.
- ♦ Humble/Willing to Admit Mistakes and Limitations: Just because you are the leader doesn't mean you know everything...or that other people don't know more about something than you.
- ♦ Loyalty: Believe in the people with whom you have chosen to surround yourself. Support them trust in their areas of expertise and use their knowledge and experience.
- ♦ Calm in Face of Adversity: If you are flipping out...they will flip out! Learn to ride the Roller Coaster and have fun doing it!
- ♦ Curiosity: Explore new ideas, learn new things, consider everything.

The Childcare Professional EXPERIENCE

Publisher

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Ask yourself **WHO NEEDS TO KNOW THIS INFORMATION TO BEST SERVICE THIS CHILD?** Different scenarios will yield different answers.

Sharing of childrens' information:

* ***OUTSIDE the Child Care Agency:*** Information can only be shared outside of the child care agency with the written permission of the child's parent (or guardian). This written permission should include the following : what information can be shared, to whom the information can be shared, the reason for sharing the information, and a statement that the permission can be rescinded by the parent at any time. The document must be signed and dated by the parent.

Exceptions to the Above:

Subpeona related to release of information

Court Order related to release of information

Mandated Reporting of Suspected Child Abuse & Neglect

Sharing of families' information:

What is a family? Basically, the accepted definition is: those people living within a household. All information about the families you service should be kept confidential. This applies to information you get within or outside of the agency. Remember you have a professional relationship with the family 24 hours a day, seven days a week. Ask yourself "Who Needs to Know?" Unless it is a serious safety concern, in most instances, the answer will be **"no one needs to know"**

Sharing of staff/employee information:

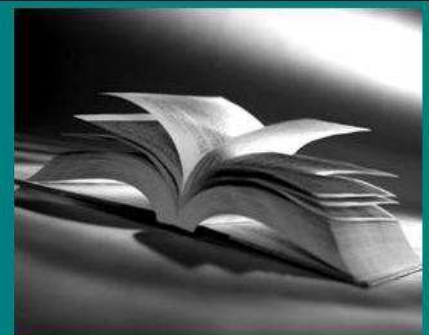
Employees' *personnel* information: Personnel information should be kept in a locked cabinet with limited access. Remember the information in the file belongs to the employee. In order to share personnel information., (let's say if the employee is applying for a mortgage or car loan), the employer needs written permission from the employee granting permission that the information can be released, who it can be released to and the reason it is being released. Again, the document needs to be signed by the employee and dated.

Employees' *personal* information: The individual employee owns the "personal" information about him or herself. Just because you have information about someone doesn't give you the right to share it! If you know something about someone and you are tempted to share it, ask yourself several questions: Who owns this information? Who needs to know it ? Is it true? (You may not know the whether it is true or not, but just think how hurtful it could be if it isn't true), and finally, What is my motivation for sharing it? Remember once information is out there, it can't be rescinded, and remember that sharing of information is "gossip" and gossip in the workplace is dangerous.

Breach of confidentiality and violation of rights of privacy can have huge ramifications. Not only can the child care agency be held liable, but the individual child care provider can be held liable as well. Recognize yourself as the professional that you are... and recognize that your professional responsibility to your clients (the children and families you service) includes maintaining their confidentiality and respecting their rights to privacy.

ADMINISTRATIVE SUPPORT RESOURCES FOR CHILD CARE PROGRAMS

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- ◆ Model Forms for Child Care Agencies
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Over 35 years of Experience Representing Early Care and Education Professionals

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PPACA: Employer Mandate Delayed until 2015

Beginning January 1, 2015, employers with 50 or more FULL TIME employees or equivalents that DO NOT offer healthcare coverage to their FULL TIME employees will be subject to a tax penalty of \$2,000.00 per full time employee (minus 30) if at least one of the employers full time employees receive a premium tax credit or subsidy to purchase healthcare coverage through a government-run health insurance exchange established under the PPACA.

Under the PPACA, a FULL TIME employee is defined as an employee who averages 30 or more hours of work per week. The tax penalty is waived for the first 30 full time employees, represented above by the (minus 30).

Employees with a HOUSEHOLD income between 100% and 400% of the Federal Poverty guidelines may be eligible for tax credits or subsidies for exchange coverage if they do not have access to affordable employer-sponsored coverage. Affordable employer-sponsored coverage is defined as the employee contribution of the premium of not more than 9.5% of the employees HOUSEHOLD income.

If employers with 50 or more full time employees or equivalents DO offer healthcare coverage to their full time employees but the coverage is unaffordable (9.5% of HOUSEHOLD income or higher) to certain employees or does not provide a minimum value (the employer's share of the total cost of benefits under the plan is less than 60%) the employer may face a penalty of \$3,000.00 per full time employee receiving a premium tax credit/subsidy for exchange coverage.

This delay did not change any of the requirements of employers under the law, it has just given employers an additional year to come into compliance as many of the methods for reporting employee coverage and data collection have not been ironed out completely. Employers who are currently UNDER the 50 or more full time or equivalents requirement of PPACA, but expect growth over the coming year, should begin discussions with their Benefits Administrator and Tax Accountant in anticipation of the 2015 deadline. Since this is a whole new game, the data collection and reporting portions of this law will likely be some of the more frustrating parts.

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 11 & 12, 2013 — SCRANTON, PA
Hampton Inn—Montage Mountain
 Montage Mountain Road, Scranton, PA 18507
 (570) 342-7002
 Sleeping Room Rate: \$104 per night

NOVEMBER 12 & 13, 2013 — HOUSTON, TX
Hampton Inn & Suites—Pasadena
 4741 E. Sam Houston Pkwy S., Pasadena, TX 77505
 (281) 998-3300
 Sleeping Room Rate: \$109 per night

NOVEMBER 18 & 19, 2013 — PHILADELPHIA, PA
Hampton Inn—Plymouth Meeting
 2055 Chemical Road, Plymouth Meeting, PA 19462
 (610) 567-0900
 Sleeping Room Rate: \$139 per night

NOVEMBER 18 & 19, 2013 — DALLAS, TX
Hampton Inn—Grapevine
 1750 N. Highway 121, Grapevine, TX 76051
 (972) 471-5000
 Sleeping Room Rate: \$129 per night

DECEMBER 2 & 3, 2013 — HAMILTON, NJ
Hilton Garden Inn
 800 US Highway 130, Hamilton, NJ 08690
 (609) 585-6789

DECEMBER 2 & 3, 2013 — TAMPA, FL*
Hampton Inn & Suites—Tampa North
 75 and Fletcher Ave
 8210 Hidden River Parkway, Tampa, FL 33637
 (813) 903-6000
 Sleeping Room Rate: \$89 per night

DECEMBER 16 & 17, 2013 — ORLANDO, FL*
Hampton Inn—Convention Center
 8900 Universal Blvd., Orlando, FL 32819
 (407) 354-4447
 Sleeping Room Rate: \$97 per night

DECEMBER 17 & 18, 2013 — PITTSBURGH, PA
Hampton Inn—Pittsburgh Airport
 8514 University Blvd., Moon Township, PA 15108
 (412) 264-0020
 Sleeping Room Rate: \$129 per night

JANUARY 21 & 22, 2014 — AUSTIN, TX
Holiday Inn—Round Rock
 2370 Chisholm Trail, Round Rock, TX 78681
 (512) 246-7000
 Sleeping Room Rate: \$95 per night

JANUARY 21 & 22, 2014 — HERSHEY, PA
Hampton Inn and Suites
 749 East Chocolate Ave., Hershey, PA 17033
 (717) 533-8400
 Sleeping Room Rate: \$89 per night

*Cells available through FLAETC.

AGENDA

DAY ONE

- 9:00 am Welcome and Introductions
- 9:15 am Communications Skills for Managers and Leaders
- 10:45 am Break
- 11:00 am 12 Traits You Need at the Top
- 12:00 pm What's Your Leadership Style?
- 1:00 pm Lunch
- 2:00 pm 8 Reasons Your Staff Hates You
- 3:45 pm Break
- 4:00 pm How to Deal with Difficult People: Employees and Clients
- 5:45 pm Wrap-up of the Day's Events

DAY TWO

- 9:00 am Conflict Resolution: The Bomb Shelter Problem
- 10:45 am Break
- 11:00 am Most Common Mistakes Directors Make
- 12:30 pm Using Your Personnel Policies as an Effective Management Tool
- 1:45 pm Conference Wrap-up, Evaluation, and Certificates

REGISTRATION INFORMATION

Name _____

Agency Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

Email Address _____

Location/Attending _____

Fees

Fee: \$250.00 per person—submit additional registrants on separate forms.
Discount: \$215.00 per person if registering three or more people or if you are a previous attendee of Cape May, Director's Boot Camp, Mt. Airy Retreat, or are a Law Office Retainer Client.

Registration Fee includes Tuition ONLY. Meals and Accommodations are not included. For hotel reservations, please contact the hotel directly and state that you are a part of the Ronald V. McGuckin and Associates group to receive the special discounted rates.

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

VISA/MC/Discover 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
 (215) 785-3401 (fax)

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 confirmation of your registration and confirmation that the session will be held.**

Registrant Cancellation Policy

Cancellations received less than 20 business days prior to the first day of the seminar will not be refunded or credited. Cancellations received between 21 and 30 business days prior to the start of the seminar will be offered full credit for future participation in a RVM and Associates training program. Cancellations received 31 or more business days prior to the start of the seminar will be fully refunded in the manner in which the registration fee was originally paid.

8 Reasons Your People Hate You!

You are indecisive.

Employees want to perform and want to perform well. If they are not given clear direction or are stuck waiting around for you to decide what you want them to do they will get annoyed and become disinterested in the work to be done. If you assign work and then change what you expect or need part way through the assignment without good reason, your people will become frustrated with having to repeat or redo work they already began. Before delegating, be sure you have a clearly defined path and final expectations.

You keep your people in the dark.

There is a balance between giving too much information and just enough. To be invested in the work, the process and the outcome your people need to know what is going on, what the goal is and what the road getting there looks like. When not provided with information, your people will make things up for themselves to try and make sense of things...better to hear it directly from you, framed in a way that creates buy-in and accountability.

You micro-manage every little thing.

If you know how to do it better, faster or "the right way" then "do it your damn self" is the attitude you will get from your people when they are not given the room to "do what they do best." Learn to delegate and provide support when needed/asked. Trust the people you have chosen to do the job. Instead of fixing it when it is not done to par, meet, discuss and ask for it to be redone and be sure to provide additional guidelines. Also except that there may be more than one acceptable way to complete a task.

You are a work-a-holic.

It puts pressure on your people and gives them the idea that you expect them to work,

work, work too! If you do work "off hours" wait to send that email until the office is open...wait to call until they get back into the office on Monday...It makes you seem more human...more real. Share some of your interests outside of the office that your people may also share....reading certain popular books, watching popular T.V shows. Be careful though...bragging about your trip to Europe or that you spend Christmas every year in Vail could make them end up hating you even more.

You don't have their backs.

Employees need to feel that you will support them with upper management and/or clients when complaints come in. Make sure you address a complaint with the employee to get their side of the story before addressing it with a client. While it is important to see that your clients are satisfied, it is equally important that your employees feel you won't throw them under the bus with clients to save face.

You treat them like tools or property.

Take time to know your people. (This is different than getting involved in their personal lives) What makes them tick...what parts of their job do they love, do well, what motivates them? What professional goals do they have? Always talk to them with respect and courtesy. SAY THANK YOU!!!

You don't prioritize.

You act like everything is a FIRE! Everything is last minute or rushed. Become a better planner by prioritizing and getting organized.

You are a show-off.

They know you make more, they know you have a "better schedule" or more flexibility. Off handed comments like "Well, I'm outta here" can be very off-putting!

Ronald V. McGuckin and Associates Announces

Wednesday Webinar Series

\$29.00
per webinar

Join us on the first and third Wednesday every month from 1:00 p.m. until 2:00 p.m. (EST) for a live Webinar Professional Development Session. Each session is just \$29.00/person. Professional Development Participation Certificates will arrive in the mail to you within one week of the session. The Live Webinar platform allows for discussion with the presenter as well as instant messaging questions and comments. You may participate by phoning in and listening to the discussion as well. For more details please call Dawn Martini (215) 785-3400 or email dkgt0409@aol.com.



- _____ June 5, 2013: Confidentiality in the ECE Setting
- _____ June 19, 2013: The Hiring Process
- _____ July 17, 2013: Using Your Personnel Policy Manual Effectively
- _____ August 7, 2013: Defending against Unemployment Compensation Claims
- _____ August 21, 2013: Employee Onboarding: The New Orientation Process
- _____ September 18, 2013: Tattoos, Piercings and Thongs...Dress Codes
- _____ October 2, 2013: Protected Classes and Employment Discrimination
- _____ October 16, 2013: Social Networking and Professionalism
- _____ November 6, 2013: FLSA: Wages, Overtime, Training Pay
- _____ November 20, 2013: Evaluating Employee Performance
- _____ December 4, 2013: The Hiring Process
- _____ December 18, 2013: Employment Contracts and Non-Compete Agreements
- _____ January 15, 2014: Mandated Reporting/Child Abuse & Neglect (SPECIAL 2 hrs. 1 to 3pm EST)
- _____ February 5, 2014: Parent and Grandparent Involvement
- _____ February 19, 2014: Kindergarten Readiness

No. of Sessions: _____

x \$29.00

Total Due: _____

Sessions begin at 1:00 p.m. EST. Login Information will be sent to your email address. Please login 10 min prior to the start.

REGISTRATION AND PAYMENT INFORMATION

Name: _____ Email: _____

Agency Name: _____ phone: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Please select payment option:

_____ Visa/MC/Discover: _____ Exp: _____ Sec Code: _____

_____ Check payable to RONALD V. MCGUCKIN AND ASSOC is enclosed.

Mail payment to: Post Office Box 2126, Bristol, PA 19007 or fax registration with credit card payment information to (215) 785-3401. One registrant per form please. Login Info will be emailed the Monday prior to your session(s) and again the morning of the session(s). State specific certificates will be issued for PA, TX and LA, as our trainers are Certified Trainers in these states.



WHERE IN THE WORLD...

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

Contact Dawn Martini at (215) 785-3400, dkgt0409@aol.com 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

July 16 to 18: RVM and Associates Advanced Policy Writing Retreat. Mt. Airy Casino Resort, Mt. Airy, PA. For information email Dawn Martini at dkgt0409@aol.com

Sept 26 to 29: FLAIEYC Annual Conference. Orlando, FL. For information visit www.flaeYC.org

Sept 28: Lancaster Area AEYC Annual Conference, Lancaster Mennonite High School Lancaster, PA. For information visit www.laeYC.org

Oct 5: Bucks County AEYC Annual Conference, BCCC New-

town Campus, Newtown, PA. For information visit www.bcaeYC.org

Oct 18 and 19: New Jersey AEYC Annual Conference, Atlantic City, NJ. For information visit www.njaeYC.org

Nov 11 and 12: RVM and Associates Director's Boot Camp. Montage Mtn. PA. For information email Dawn Martini at dkgt0409@aol.com

Nov 12 and 13: RVM and Associates Director's Boot Camp, Houston, TX. For information email Dawn Martini at dkgt0409@aol.com

We are always adding Conference Events to our schedule. If you would like us to submit an RFP to your local, state or regional professional development event please contact Jan at janice91455@aol.com

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