

ITEM 10
EXECUTIVE DIRECTOR'S REPORT
Workload, Budget, New Practices, and Next Meeting(s)

I. WORKLOAD

A. PENDING COMMISSION CASELOAD (Info)

Type of Action	November 1, 2010
Test Claims ¹ to be Heard and Determined	46
Test Claims to be Reconsidered	0
Test Claims to be Reconsidered or Reinstated Based on Court Action	0
Incorrect Reduction Claims to be Heard and Determined	153
Incorrect Reduction Claims to be Reconsidered Based on Court Action	0
Reasonable Reimbursement Methodologies/Statewide Estimate of Costs	2
Proposed Parameters and Guidelines	13
Proposed Parameters and Guidelines Amendments	5
Requests to Review Claiming Instructions	1
Parameters and Guidelines to be Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action	0
Statewide Cost Estimates to be Adopted	10
Revised Statewide Cost Estimates to be Adopted Following Amendment to Parameters and Guidelines Based on Court Action	1
New Test Claim Filings to be Reviewed	37
New Incorrect Reduction Claim Filings to be Reviewed	1
Appeals of Executive Director's Decision	0
Regulatory Actions Pending	3

¹ This includes 30 test claims filed by school districts and 16 filed by local agencies.

B. PENDING REQUESTS TO JOINTLY DEVELOP LEGISLATIVELY DETERMINED MANDATES

Type of Action	
Notice of Intent to Pursue Legislatively Determined Mandates	3

C. APPLICATIONS FOR FINDINGS OF SIGNIFICANT FINANCIAL DISTRESS

Type of Action	
Applications for Findings of Significant Financial Distress Pending	0

No applications have been filed.

II. BUDGET

Commission's Budget

The 2010-2011 Budget Act (Stats. 2010, ch. 712 (SB 870)) includes \$1,579,000 in funding for the Commission's budget.

Furlough and Leave Programs

The Commission's staff will be on different furlough and leave programs, depending on whether their bargaining units have contracts in place. Five staff members belonging to Bargaining Units 1 and 4 and have tentative contract agreements with the state. Beginning November 2, 2010, these staff members will be subject to a 12-month personal leave program where each employee receives one personal leave day each month for 12 months in lieu of one day of pay per month. During this time period, no further furloughs will be implemented for these employees.

Excluded employees (Chief Counsel, Assistant Executive Director and Executive Director) are also subject to these provisions.

Three staff members belonging to Bargaining Unit 2 have no tentative or final contract in place. Therefore, these employees will continue to be subject to three furlough days per month. The furloughs are self-directed, and the office remains open five days per week.

Other Pay Provisions

All Commission staff are subject to increased retirement contributions, and loss of two paid holidays. Staff with Bargaining Units 1 and 4 and excluded staff will receive two "professional development" days per fiscal year for professional development, and effective July 1, 2013, maximum steps in pay will be increased by 3%.

III. NEW PRACTICES

The Commission adopted amendments to the regulations at the September 30, 2010 hearing that allow for increased electronic filing of documents and posting of documents on the website. Staff is developing policies and procedures for accepting electronic filings and posting them to the website. Staff will conduct a workshop on December 2, 2010 to review the new process, and will implement the new process on January 3, 2011.

IV. SCHEDULING

Test Claims. Commission staff is trying to complete all draft staff analyses that are in progress by early December. These drafts and comments received would then be reviewed by the next executive director before they are issued as final analyses and set for hearing. As these drafts are completed, new test claims will be started for review by the next executive director. We are nearing the end of the infamous 2002 claims that were filed in response to the new statute of limitations.

Incorrect Reduction Claims: Investment Reports. We have proposed an alternative process for resolution of the remaining 70 incorrect reduction claims on the *Investment Reports* program. Earlier this year, the Commission adopted decisions on the County of Los Angeles and the City of Tustin's incorrect reduction claims. To the extent that issues have been decided in these two claims, we understand that the State Controller's Office and some claimants may be willing to resolve pending incorrect reduction claims on the same issues without requiring a Commission staff analysis and hearing on each claim. On remaining issues of first impression, claims will be analyzed and set for hearing if the parties do not reach agreement. So far, we have held meetings with the State Controller's Office and a representative of Maximus to discuss this alternative process. We will meet with the remaining claimant representatives as soon as meetings can be scheduled.

Remaining Incorrect Reduction Claims. As staff resources permit, we will review the remaining 83 pending incorrect reduction claims by program to determine if claims with the same issues can be consolidated for analysis and hearing. It is unlikely that any of these claims will be set for hearing during fiscal year 2010-2011 because of the test claim backlog and the fact that no new positions were added to the Commission's budget this year.

IV. TENTATIVE AGENDA ITEMS FOR NEXT NINE MONTHS

The tentative agenda items are subject to change based on Commission staff's actual authorized work days, workload, litigation, requests for extensions of time to file comments on draft staff analyses, hearing postponements, pre-hearing conferences, and the complexity of the statutes and executive orders that are pled.

A. Test Claims (15)

1. *Discrimination Complaint Procedures*, 02-TC-46
Los Rios, Santa Monica and West Kern Community College Districts,
Claimants (December)
2. *Employment of College Faculty and Instructors*, 02-TC-27
Santa Monica Community College District, Claimant (January/March)
3. *Notice to Students and Minimum Conditions for State Aid*,
02-TC-25 and 02-TC-31
Los Rios and Santa Monica Community College Districts, Claimants
(January/March)
4. *School Facilities Funding Requirements*, 02-TC-30, 02-TC-43, 09-TC-01
Clovis Unified School District, Claimant (January/March)
5. *Community College Construction*, 02-TC-47, Santa Monica Community
College District (January/March)
6. *Developer Fees*, 02-TC-42, Clovis Unified School District (May/July)

7. *Deferred Maintenance*, 02-TC-44 and 02-TC-48, Clovis Unified School District and Santa Monica Community College District, Claimants (May/July)
8. *California Public Records Act*, 02-TC-10 and 02-TC-51, County of Los Angeles and Riverside Unified School District, Claimants (July)
9. *Public Contracts (K-14)*, 02-TC-35
Clovis Unified School District and Santa Monica Community College District (September)
10. *Design Build Contracts*, 02-TC-45
Clovis Unified School District and Santa Monica Community College District (September)

B. Parameters and Guidelines (7)

1. *Expulsions II* (96-358-03, 03A, 03B, 98-TC-22., 01-TC-18), *Pupil Suspensions II* (98-TC-23) and *Educational Services Plan* (97-TC-09), San Juan Unified School District, Claimant (January/March)
2. *Comprehensive School Safety Plans II, and Amendment*, 02-TC-33 07-TC-11
Bakersfield City School District, Sweetwater Union High School District, Claimants (December)
3. *Municipal Stormwater and Urban Runoff*, 03-TC-04, 03-TC-20, 03-TC-21
County of Los Angeles, Cities of Artesia, Azusa, Beverly Hills, Carson, Commerce Norwalk, Rancho Palos Verdes, Westlake Village, Vernon, Bellflower, Covina, Downey, Monterey Park, and Signal Hill, Claimants (January/March)
4. *Interagency Child Abuse and Neglect (ICAN) Investigation Reports*, 00-TC-22
County of Los Angeles, Claimant (March/May)
5. *Discharge of Stormwater Runoff*, 07-TC-09, County of San Diego, et al, Claimants (May/July)
6. *Modified Primary Election*, 01-TC-13
County of Orange, Claimant (July)
7. *Voter Identification Procedures*, 03-TC-23
County of San Bernardino, Claimant 9July)

C. Requests to Amend Parameters and Guidelines (2)

1. *Habitual Truants*, 01-PGA-06
Clovis Unified School District, Requestor (January)
2. *Enrollment Fee Collection and Waivers*, 08-PGA-02
Los Rios, Cerritos, Citrus, El Camino, Gavilan, Kern, Long Beach, Mt. San Jacinto, Palomar, Pasadena Area, San Bernardino, Santa Monica, State Center, Sierra Joint, Victor Valley, West Kern, and Yosemite Community College Districts, Requestors (January/March)

D. Statewide Cost Estimates (10)

1. *Local Government Employment Relations*, 01-TC-30
City of Sacramento and County of Sacramento, Claimants (December)
2. *Integrated Waste Management (Post-Litigation)*, 05-PGA-16 (00-TC-07)
Santa Monica and Lake Tahoe Community College Districts,
Claimants (December/January)
3. *Tuition Fee Waivers*, 02-TC-21
Contra Costa Community College District, Claimant (December)
4. *Local Agency Formation Commissions*, 02-TC-23
Sacramento Metropolitan Fire District, Claimant (December)
5. *Cal Grants*, 02-TC-28
Long Beach Community College District, Claimants (January)
6. *Prevailing Wage Rates*, 01-TC-28
Grossmont Union High School District, Claimant
(January)
7. *Academic Performance Index*, 01-TC-22
San Juan Unified School District, Claimant (March)
8. *Child Abuse and Neglect Reporting*, 01-TC-21
San Bernardino Community College District, Claimant
(May)
9. *Crime Victims' Domestic Violence Incident Reports II*, 02-TC-18
County of Los Angeles, Claimant (May)
10. *Crime Statistic Reports for Department of Justice*,
02-TC-04, 02-TC-11, 07-TC-10
City of Newport Beach and County of Sacramento, Claimants
(July)