



Montana **A**ssociation of **S**chool **B**usiness **O**fficials

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Membership News

We Have New Email Addresses!

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The Summer Conference Brochure and Registration are available on our web site! To access the information you must go to our

Summer Conference page. The link to the Summer Conference page is on the left side of the home page.

New this year... Now you will register for the conference online. Make sure you print out a copy of the registration form **BEFORE** you confirm for you own records. Questions or concerns call Jane at (406) 443-0631

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"MASBO IS DEDICATED TO TRAINING AND SUPPORTING THE PEOPLE RESPONSIBLE FOR BUSINESS OPERATIONS OF MONTANA SCHOOLS. THE GOAL IS TO ENABLE MEMBERS TO MANAGE THE BUSINESS IN ORDER TO SUPPORT EDUCATION FOR MONTANA CHILDREN"

Don't Forget About Silent Auction Items

The silent auction is for financial assistance to one or more of our members who have had their lives impacted severely because of their or their family's illness. All money is given out, nothing remains with the MASBO organization. Get your creative hat on and bring something for the auction. The auction will be held Wednesday night so bring the item(s) and give them to the MASBO registration table when you check in for the conference. This turned out to be really fun last year. This year's recipients will be: Robyn Dietz, Eastern Yellowstone Cooperative and Julia Lillethun, Yellowstone County Superintendents Office.

MASBO helping MASBO



Greetings to my friends and colleagues,

In contemplating what I should write in my first article for the newsletter, I wanted to honor the group that has taught me much of what I know today. Therefore, this is dedicated to the association that has come a long ways in the 20+ years I have been a member.

MASBO, over the years, has been a benefit to all of us starting in the school business. The number one thing we have learned is that if you wait five minutes the legislature will change the law and someone else will change the rules. As an organization MASBO keeps up with all the updates by including OPI and having a user-helping-user philosophy. A mentor program along with the new clerk workshops are programs developed to help new clerks. What would we all do if we couldn't call our fellow school officials? OPI would certainly have to hire extra people to answer our borage of questions.

For all of you reading this and have never joined or attended summer conference, you are missing a great chance to educate yourself by folks that know their subject. You can learn from others mistakes (which we all make), and share your knowledge as well. Classes are meant to encourage and give you a hands on learning experience. If you leave conference with only one idea, a new computer program to make your job easier, or even a new friend, the conference will be a success for you.

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I encourage all to come to summer conference June 14-16, in Great Falls. We have workshops for school secretaries as well as personnel secretaries. Include your secretaries and join the association that has something for everyone. I hope to see you all there.

Zella Witter
Region 2 Director

Exploring Interest-Based Bargaining

Submitted by: Pam Owen, Polson Schools, Region 1 Director

The Polson School District has historically done collective bargaining for their negotiations process with their two unions. In previous years, it has sometimes been a struggle but both sides have come to a fairly civil consensus. That has changed. In the past few years our struggle has become a battle; thus, bringing the Board to look at the process of Interest-Based Bargaining. We have hired a facilitator to lead this process with the hopes the District will learn from her and continue the process in the future with a facilitator or on their own.

Interest-Based Bargaining or negotiation is a process based on principles. Issues are discussed and decided on their merit rather than positions, values, emotions, opinions and biases. Participants are hard on

issues, soft on people. Involved parties are enabled to be fair while protecting against those who would take advantage of fairness. The basic elements do not change even though every issue is different.

This process has been a breath of fresh air for our District. The team consists of Board members and an equal number of teachers. The team is considered one unit. An audience can be present; we have me as Business Manager and the Superintendent present at each meeting. We are only allowed to be involved if asked by the team. The team works as a whole or may have breakout groups that consist of both parts of the team. Both parts of the team develop guiding principles and rules to allow the team to work and there must be 100% consensus on each piece. The process should take approximately 8 meetings.

This process has brought the learning and educational piece to the teachers and the Board. They are learning how a budget really evolves and how all pieces fit together. Each part of the team has also found that the negotiating team members are really human!

The information contained herein is offered on an informational basis; always seek competent professional advice/council regarding specific questions. Mention of a product or service is not an endorsement.



Identity Theft

Submitted by:
Elaine Stanhope,
Baker Schools,
Region 6
Director

Identity Theft has become the quite fear of just about everyone. In the last few months Time Warner, Cingular Wireless, Wal-Mart and CitiGroup have all had security breaches that have resulted in lawsuits and huge bills for "damage control". Time Warner predicted a debt of over a million dollars to provide a credit-watch service for the employees that were affected by their breach. After reading an article about all of these companies I started to think about what I was doing to protect the district's employees. How many places do we use our employees social security number to identify them. Where do we store these records, and how would I start to fix a problem if one ever occurred. In December 2003, Congress passed the Fair and Accurate Credit Transactions Act (FACTA) which requires that anyone who has or maintains consumer information for a "business purpose" must use reasonable measures to ensure that no one gains unauthorized access to it. On June 1, 2005 the new employee identity-theft regulation went fully into effect. Failure to comply can result in: Potentially huge actual damages; Statutory damages of up to \$1,000 per

employee; civil fines of up to \$2,500 per employee; lawsuits. With this in mind I went on line to see what information I could find to develop a policy for our district that would give our office personnel a guideline for protection of our employee's information. Of course, "secure files" was the first thing on the list. I thought to myself, I have a handle on this.

As I started to look around my office I decided maybe I should read this article a little closer as every report I do has social security numbers on it, from payroll to personnel files. To make a long story short, this project is on my high priority list. By the end of this summer I hope to have a policy in place to address not only protection of my employees' identity, but also a plan of attack in case of a breach, including how to notify those affected and how to help them minimize or correct the damage.

Litigation is Unsafe at Any Speed

Excerpted from [California Employment Law Letter](#), written by attorneys at the law firms [Perkins Coie LLP](#). This article was contributed by Mark I. Schickman, an attorney with [Freeland Cooper & Foreman LLP](#).

by Mark I. Schickman

Litigation is like a car wreck. You can try to repair the damage. Maybe you'll walk away from it with only a few bumps and bruises and a major scare. That is, if you're lucky. But like a car crash, litigation can be more than painful and expensive - it can be disfiguring,

inflicting permanent damage on the organism. Even if you get over your fear of driving, you may never be the same.

That's why we spend so much time and effort to avoid car crashes. We maintain our tires and brakes, honk at blind curves, decrease speed on wet roads, and make an art of defensive driving. It may add time and expense every day, but it avoids the major catastrophe. We should feel the same way about our practices and procedures to protect against the major life disruption of litigation.

Litigation air bag

Amazingly, it's clients who have never been sued who are the most frustrated about the nitpicky requirements of employment law compliance. They don't know the alternative; they don't have the proper respect for being in litigation.

"We are an at-will employer," says one president of a 150-employee company. "Why do we have to give any warnings before we fire a bad performer?" "We need an experienced receptionist," says another executive. "I can't give her time off to see her doctor every time she has a medical problem." "We are not going to make our employees sign in and out; nobody will sue us anyway." "We don't want to scare people off with this 'at-will' business." Famous last words.

These employment-related safety features are as basic as carrying car insurance, buckling up your seatbelt, replacing bald tires, and adjusting your mirror. It may be a hassle every time you have to do it, and it may be unnecessary 99 percent of the time; but one time in a thousand, it will prevent a major loss. In the employment world, too, you want to avoid the sinking feeling you get when you cross a double yellow line to pass and a state trooper - or worse yet, a big rig -

suddenly appears in the foreground. I wish we could develop an air bag that would deploy at the first sign of a supervisor mistake.

Best-case scenario

How bad is employment litigation? In the best case, consider this: If I'm your lawyer and you've given me enough to win on "summary judgment" - which means that you're indisputably innocent (a tough standard to meet) - it will cost you \$100,000 in legal fees. You'll spend 30 hours explaining all the facts to me and another 100 staff hours collecting documents and answering questions for the other side.

Then figure that you and your employees will be grilled in depositions for another 25 hours, with a similar period required to prepare for being questioned. Finally, without fanfare, the court throws out the case, you pay your lawyer for a job well done, and you go back to work.

That's the best case - the perfect wave. It goes way downhill from there. How far? Trust me, you don't want to know. That's a Stephen King novel for another day, another column. You just want to do whatever you reasonably can to avoid it.

Sometimes your car gets broadsided, and sometimes your tires spin out on invisible black ice; some car accidents are unavoidable. The same is true of employment litigation. Sometimes you do everything right, but the lawsuit is as inevitable as the impact at the end of a greasy hydroplane during winter's first storm. The unavoidable cases usually involve either (1) a bad hire, (2) your predecessor, or (3) alcohol consumed at a company function. In those cases, you need to call in the best professional help you can get and hope that at the end of the day, the jury gets it right.

A necessary evil?

I believe that juries get it right at least 75 percent of the time. But lest we get too down on courtrooms, let's remember what they replaced. There was trial by water (in which the innocent sank) and trial by fire (in which the guilty blistered). Hey, you have to admit that this is an improvement.

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The Association of School Business Officials International's 92nd Annual Meeting and Exhibits

October 13–16, 2006

Pittsburgh, Pennsylvania

Register by August 18 and save \$100 off your registration fee.

1) ONLINE:

www.asbointl.org/2006AnnualMeeting

2) FAX: 703/478-0205

3) MAIL: ASBO International, 11401

North Shore Drive, Reston, VA 20190

For any questions regarding registration please call us toll free at 866/682-2729 x7080.

2006 Governmental Audit Accounting Financial Reporting Conference

The Montana Society of CPAs' Governmental Audit, Accounting and Financial Reporting Committee is proud to present a conference that focuses on accounting, auditing and reporting issues affecting Montana's local governments. This conference has been designed for auditors of local governments; representatives of city, county, town and district governing boards; and accountants from city, county, town and district business offices. *Non-CPAs welcome!*

For more information and to register visit the web site below or click the hyperlink.
<http://www.mscca.org/cde.cfm?event=115604>

Calendar of Events

May 25 - 2006 Governmental Audit Accounting Financial Reporting Conference (Helena – Red Lion Colonial)

June 14-16 – Annual Summer Conference (Great Falls – Heritage Inn)

October 13-16 – ASBO's 92nd Annual Meeting and Exhibits in Pittsburgh, Pennsylvania

October 18-20 - MCEL Conference in Billings

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So You Think Your School District is Unique...

Well, at Gardiner Public School, there is a nuisance that is large and in charge – bison. But not just bison “elk, deer, coyotes, wolves, and antelope are regular visitors to the football field in front of our school. At times we have both elk and bison on our field and in the spring the effects of their droppings provide a skill development opportunity for my detention students,” says Principal Kenneth R. Ballagh. “At times the bison are on the lawn next to our building forcing me to remove my suit jacket, wave it over my



Pictures provided by: Debbie Winkle

head, and charge the bison much in the manner of Don Quixote tilting at windmills. Because the bison are territorial and can provide a threat to the safety of our children, we sometimes contact the Yellowstone Park Rangers to assist in moving them from our entrances or bus area.” Coming from an urban setting, this is absolutely a unique experience, but for the students and residents of the communities surrounding Gardiner, bison and elk are common.

Source: NAFIS, Impact Newsletter, May/June No.3, Pg.9



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