

Livermore Area Recreation and Park District Staff Report

TO: Chair Faltings and Board of Directors

FROM: Mathew Fuzie, General Manager
Megan Shannon, Human Resources Officer

DATE: January 12, 2022

SUBJECT: **Personnel Commission Candidates**

PRIOR REVIEW: Personnel Committee on December 14, 2021

Recommendation:

That the Board of Directors adopt Resolution No. _____, appointing a candidate to the Personnel Commission for the January 2022-January 2026 term.

Background:

Mr. Jack Roach has served as a Personnel Commissioner with the Livermore Area Recreation and Park District since 2011. Because his term expires in January of 2022, the upcoming vacancy was advertised to the community.

Applicants:

After a three-week advertisement period, the District has received materials from three interested candidates. Attached for your review are letters of interest and resumes for each of the candidates as follows: Barbara Kraybill, Robert Nuddleman, and Jack Roach, who is requesting reappointment.

Directors Furst and Boswell are prepared to make a recommendation based on a discussion held at the December 14, 2021 Personnel Committee meeting.

Attachments:

Candidate Information:

- a. Barbara Kraybill
- b. Robert Nuddleman
- c. Jack Roach

December 9, 2021

Megan Shannon
Human Resources
Livermore Area Recreation and Park District
4444 East Ave.
Livermore, CA 94551

Dear Ms Shannon and Personnel Commission:

My name is Barbara Kraybill and I am a resident of Livermore and have been for 49 years. I raised three children in this community and have one daughter and three grandchildren still living in Livermore.

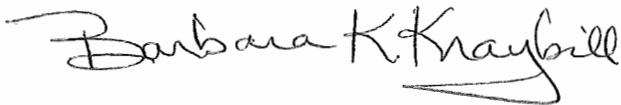
While I came to Livermore with a degree in Zoology from the University of Illinois, I continued my education at California State East Bay for my Masters in Early Childhood Education. In addition to working for Larpd for almost 30 years, I taught Administration and Supervision classes at Las Positas College. I also owned and successfully operated a small business for 10 years in Livermore (Barbara's Hallmark)

In my experience with Human Resources, I have hired, coached, counseled and terminated many employees. In my teaching career, I first educated myself and then educated student about California Labor Law regarding hiring and termination as it applied to Government, non-profit, and private for profit chid care businesses. I have had experience with the labor board and with documenting behavior for lawful termination both for LARPD and for my own business.

I am interested in serving on the Personnel Commission as a positive way of contributing to my community and to LARPD specifically.

If selected I believe my experiences with working with people and my understanding of the mission and functions of Larpd will be an asset.

Sincerely,

A handwritten signature in cursive script that reads "Barbara K. Kraybill". The signature is written in black ink and is positioned to the left of the typed name below it.

Barbara K. Kraybill

BARBARA K KRAYBIL



EDUCATION

University of Illinois
Cal State East Bay

BS in Zoology
MS in Early Childhood Education

WORK EXPERIENCE

U of Illinois

Research Assistant III for the Agronomy Department

LARPD

I started work as a Preschool Teacher and became the pre-school coordinator.
i started a pilot program for school age child care (ESS) and was hired full time as a supervisor
Wrote grant for providing subsidized care for \$100,000
Expanded program to 12 sites
Wrote grant and was awarded over \$1M for buildings
Started a teen program and hired a Coordinator for the program

Became involved with advocacy at the state for programing for Middle School programs and opened PAL at the 3 Middle schools in Livermore

Was selected as a Senior Supervisor for Preschool, ESS, PAL, and Teen Program

Wrote grants for the programs I supervised

I served on County and State Committees involved in Child Care, Preschool and Teen Issues.

Was selected as Youth Services Superintendent. Managed \$3.5M budget. Continued to write grants for youth programs and the district.

College Teaching

Las Positas College classes included Administration, Supervision, Play and Play Materials and Human Growth and Development

Pacific Oaks class was Supervision

San Joaquin Delta College class was Human Growth and Development

Cal Sac

Consulting and Training

Hallmark

Owner of small business with up to 10 part-time employees

PROFESSIONAL EXPERIENCE

Served on the National School Age Child Care Association Board

Presented at conferences for the State Department of Education
Child Care Licensing, CARPD, CalSac, and the National
Association for the Education of Young Children. and the National
School Age Child Care Association.

PERSONAL

Lived in Livermore for 49 years
Have three children and 7 grandchildren
Volunteer on the Board of Directors for Fertile GroundWorks

NUDDLEMAN

LAW FIRM, P.C.

December 3, 2021

VIA U.S. MAIL

Megan Shannon
LARPD
444 East Ave.
Livermore, CA 94550

Re: Volunteer for Personnel Board

Dear Ms. Shannon:

I saw the article in *The Independent* indicating LARPD is seeking a volunteer for its personnel board. I would be happy to volunteer. I have lived in Livermore for 21 years, and all three of my children enjoyed participating in LARPD camps and activities. Our whole family appreciates the hard work of LARPD staff and I would appreciate the opportunity to give back to such a great organization.

I am an employment attorney, representing employers and employees for over 24 years. My main office is in Pleasanton, and I have a satellite office in San Jose. I routinely advise companies and individuals regarding personnel policies, best practices and legal ramifications of various actions. I also act as a private mediator and as a fee arbitrator for the San Mateo County Bar Association.

Enclosed is a copy of my most recent CV. If you have any questions, or if I can assist in any way, please contact me at your convenience.

Sincerely,



Robert E. Nuddleman, Esq.
NUDDLEMAN LAW FIRM, P.C.

REN:ms

ROBERT E. NUDDLEMAN, ESQ.

5820 STONERIDGE MALL ROAD, SUITE 207
PLEASANTON, CA 94588
PHONE AND FAX (925) 400-9052
E-MAIL ROBERT@NUDDLEMAN.COM

PROFESSIONAL EXPERIENCE

2015 – Present Nuddleman Law Firm, P.C. Pleasanton and San Jose, CA

Principal Attorney

- Principal attorney for law firm handling employment law matters as well as other civil litigation including contract disputes, unfair competition, debtor-creditor issues.
- Advice and litigation, including depositions, discovery, civil law and motion work, in wide ranging areas of employment law, including: wage and hour, discrimination, harassment, Family Medical Leave Act, breach of contract, disability accommodations, including defense and prosecution of individual and representative actions and actions under the Labor Code Private Attorney General Act,
- Represent employees and employers in State and Federal Courts, as well as before administrative agencies such as the Department of Fair Employment and Housing, Equal Employment Opportunity Commission, State Labor Commissioner, Unemployment Insurance Appeals Board.
- Advise employers and conduct training and seminars regarding personnel policies and practices.
- Represent fiduciaries and families in hiring caregivers and other home care workers and litigate employment law cases regarding failure to pay wages and wrongful termination.

2000 – 2008; 2009 - 2015 Philip J. Griego & Associates San Jose, CA

Associate Attorney

- Senior Associate for law firm handling employment and business dispute law matters.
- Prepared for and conducted trials, court appearances, depositions, discovery, civil law and motion.
- Represented employees and employers in State and Federal Courts, as well as before administrative agencies such as the Department of Fair Employment and Housing, Equal Employment Opportunity Commission, State Labor Commissioner, Unemployment Insurance Appeals Board.
- Advised employers and conducted training and seminars regarding personnel policies and practices.
- Drafted and modified handbooks and contracts to comply with current legislation and case law and provide updates for employers regarding new developments in employment law.

2009 Sayar Fausto, LLP

Los Altos, CA

Litigation and Employment Associate

- Lead the civil litigation department and the employment law division at a boutique firm in Silicon Valley.
- Litigation cases included wage and hour, breach of contract, foreclosures, construction defect, harassment, discrimination, elder abuse, non-compete agreements, trade secrets, debtor/creditor rights, real estate litigation, unfair competition and other employment and business-related litigation. Litigation forums included federal and state court as well as private mediation and arbitration.
- Represented business clients before state and federal agencies such as the Division of Labor Standards Enforcement, Workers' Compensation Appeal Board, Bureau of Field Enforcement, Equal Employment Opportunity Commission, Department of Fair Employment and Housing, Employment Development Department.
- Acted as outside Human Resource department including drafting handbooks and employment agreements, conducting investigations, advising regarding best practices and changes in the law, sexual harassment training, in-house instruction regarding employee performance and misconduct issues.

1998 - 2000 Law Offices of Robert E. Nuddleman San Jose, CA

Private Practice

- Solo practice focusing in employment law.
- Handled primarily employee based, plaintiff cases including discrimination, harassment, wage & hour, unemployment insurance and other employment matters.
- Significant amount of employer based matters including advising and representing employers regarding discrimination, wage & hour issues, staffing issues, some workers compensation.
- General civil practice work including malicious prosecution, negotiating and drafting end-user license agreements for software developer.
- Independent contractor for other employment firms, representing both employees and employers.

EDUCATION

1994 - 1997 Santa Clara University, School of Law Santa Clara, CA

Juris Doctor

- President, Jewish Law Students Association
- Newsletter coordinator, Intellectual Property Association
- Pro Bono Project Award Recipient: 1995, 1996, 1997
- Mediation Training
- Winner, 1996 Client Counseling Competition
- Member, Advanced Trial Team
- Student Counselor for the Workers Rights Clinic

1992 - 1994 Webster University Geneva, Switzerland

Bachelor of Arts: Psychology

- Dean's list
- President, Student Council

1988 - 1991 Chabot College

Hayward, CA

Associate's Degree: Emphasis in Psychology

SAMPLE RECENT SPEAKING ENGAGEMENTS

Employment Law Update for Non-Profits – TVNPA (2020)

What Every Trust and Estate Lawyer Needs to Know About Employment Law in the Elder and Homecare Community - National Academy of Elder Law Attorneys Chapter Meeting (2019)

Working With Caregivers: Solutions to Common Problems - Professional Fiduciary Association of California (2019)

Growing Your Fiduciary Practice - Northern California PFAC Ed Day (2019)

Is this Reasonable? Navigating Employee Leave Laws – SCCBA Labor & Employment Law Section (2019)

Sexual Harassment Prevention Training for NonProfits – TVNPA (2019)

Paying Right! Common Wage & Hour Pitfalls for Our Clients - Stanislaus County Estate Planning Council (2019)

Employment Law Update – San Mateo County Bar Association (2018)

Employment Laws That Impact Your Practice and Your Clients – East Bay PFAC (2018)

That's Not My Employee! How the Supreme Court Killed the Independent Contractor - SCCBA Labor & Employment Law Section (2018)

In Today's Mobile World, What Hours Really Count as Work? – SCCBA Wage & Hour Conference (2017)

Properly Paying Caregivers for SNT Beneficiaries – Special Needs Symposium (2017)

Employing Workers and Paying Them Correctly - Central Valley Human Resource Management Association (2017)

Hiring Caregivers and Other Household Employees – Golden Gate Enrolled Agents (2017)

California and Federal Wage and Hour 101, Part I & II – Wage & Hour Conference (2016)

Understanding Wage and Hour Laws When Paying Caregivers – (2015) Attorney Fiduciary Summit

California and Federal Wage and Hour 101, Parts I & II – (2015) California Bar Association Basic Wage & Hour Conference

California's Paid Sick Leave – (2015) SCCBA Wage and Hour Update

Hiring, Employing Supervising and Disciplining Workers – (2015) Professional Fiduciary Association of California Annual Conference

Solutions: Workplace Policies and Procedures for Caregivers - (2015) Professional Fiduciary Association of California

RECENT REPRESENTATIVE CASES

Valdiva, et al. v. Di Pietro Todd – Post Street, LLC, et al. (2017); Superior Court, San Francisco - Represented a class of hair stylists and assistants in unpaid wage claims, including pay stub violations, missed meal and rest breaks, failure to pay minimum wage, overtime and commissions. Court approved settlement of \$1,000,000.00.

Telesmanic v. State Electric (2015); Workers Compensation Appeals Board – represented defendant-employer in wrongful termination/Labor Code §132a claim. Case dismissed at trial.

Aurora Perez & Rosa Betancourt v. M.A. Jones, Inc. (2015); Department of Industrial Relations – Represented defendant-employer in claims by two former employees alleging unpaid wages, missed meal and rest periods, and penalties. Order, Decision or Award in Defendant's favor. Plaintiffs awarded nothing.

Vasquez v. Sandman, Inc. (2014); Superior Court, Santa Clara County - Represented defendant-employer in claims by former employee who alleged he failed to receive adequate pay stubs in violation of Labor Code section 226 and brought a claim on behalf other similarly-situated employees under the Labor Code Private Attorney General Act (PAGA). Court awarded judgment for Defendant.

Hogue v. Law Offices of Maynard & Hogan (2014); Labor Commissioner, Santa Clara County – Represented a former secretary in a law office, who was misclassified as an exempt employee and was not paid overtime. The employer did not maintain accurate records of the hours worked. At the hearing, the employer tried to argue that a discretionary bonus was part of the employee's guaranteed salary, and that the employee was performing exempt duties. \$184,785.60 award for Plaintiff.

Ellis v. Jill Alexander (2103); Superior Court, Santa Cruz County – Represented defendant-employer in trial de novo appeal from adverse decision in small claims court regarding unpaid bonus and expenses. On appeal, the court awarded judgment for Defendant.

PROFESSIONAL MEMBERSHIPS & ASSOCIATIONS

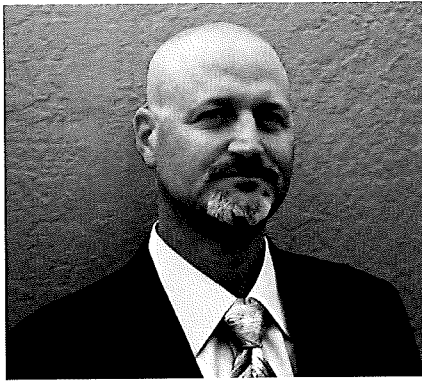
Former Chair of the Executive Committee for the Alameda County Bar Association's Labor and Employment Law Section

Past Chair for the Executive Committee of the Santa Clara County Bar Association's Labor and Employment Law Section

Past Chair for the Katharine & George Alexander Community Law Center Advisory Board

Board Member for the Tri-Valley NonProfit Alliance

California Bar Association, Labor and Employment Law Section



Robert E. Nuddleman
Employment & Business Law

Pleasanton: 925-400-9052

San Jose: 408-498-7642

Fax: 408-400-9052

E-mail: robert@nuddleman.com

Emphasis:

Employment Litigation

Employment Counseling

Caregiver Laws

Overtime and Compensation Issues

Discrimination/Harassment/Retaliation

Contract Negotiation

Trade Secrets and Unfair Competition

Leaves of Absence Issues

Employment Policy Review

Pro Bono & Public Service Work

Assistant Scout Master of Troop 999,
Livermore, CA

Board Member, Tri-Valley Non-Profit
Alliance

Member, Kiwanis Club of San Ramon
Valley

Robert Nuddleman is the owner and primary attorney at the Nuddleman Law Firm, P.C. He represents individuals and companies in federal and state court and various administrative agencies such as the California Department of Industrial Relations (Labor Commissioner), Equal Employment Opportunity Commission, Department of Fair Employment and Housing, and Unemployment Insurance Appeals Board. A significant focus of Mr. Nuddleman's practice relates to wage and hour claims, breach of contract, trade secret protection, claims of sex, race, age, and pregnancy discrimination and/or harassment and accommodating persons with disabilities. Mr. Nuddleman advises and represents business clients in employment and business matters in an attempt to avoid litigation and reduce potential exposure to claims of all kinds in light of developing law.

A particular focus of Mr. Nuddleman's practice includes advising caregiver agencies, trustees, conservators, families, residential care facilities, care homes and others regarding wage and hour and employment laws in the elder care industry. Mr. Nuddleman frequently presents seminars and workshops regarding workplace disputes and compliance with federal, state and local employment laws.

Representative Seminars and Presentations:

- Paying Right! Common Wage & Hour Pitfalls for Our Clients – (2019) Stanislaus County Estate Planning Council; (2019) Golden State Pooled Trust
- Sexual Harassment Prevention Training – (2019) Tri-Valley Non-Profit Alliance
- Is this Reasonable? Navigating Employee Leave Laws – (2019) Santa Clara County Bar Association
- Growing Your Fiduciary Practice - (2019) Professional Fiduciary Association of California
- Working With Caregivers: Solutions to Common Problems - (2019) Professional Fiduciary Association of California
- What Every Trust and Estate Lawyer Needs to Know About Employment Law in the Elder and Homecare Community – (2019) National Academy of Elder Law Attorneys
- Employing Workers and Paying Them Correctly – (2017) Central Valley Human Resources Management Association
- That's Not My Employee! Why the California Courts and Government Disagree – (2018) Santa Clara County Bar Association; (2017) East Bay Association of Enrolled Agents; (2016) Cal-CPA
- Retaliation and Whistleblower Roundtable – (2015) Alameda County Bar Association
- Hiring, Employing, Supervising and Disciplining Workers – (2015) Professional Fiduciary Association of California

Megan Shannon

From: Jack/Chris Roach <j-c.roach@comcast.net>
Sent: Friday, December 3, 2021 1:13 PM
To: Megan Shannon
Subject: Application

I wish to apply for another term on the LARPD Personnel Commission. I will drop my resume off this afternoon.

John P. Roach



Resume

EDUCATION

UC Santa Barbara
History, B.A. (1966)

San Jose State
Standard Services Teaching Credential (life) (1967)
History, English, physical education

San Jose State
Public School Administration, M.A. (1976)

EXPERIENCE

2005-2009: Supervisor, student teachers/interns, CSUEB
2005: Early Assessment Program, Coordinator, CSUEB
2002-2004: principal, Newark Memorial H.S.
1997-2002: principal, Newark Junior High
1992-1997: Coordinator, Secondary Education/English Department Chair, Newark
USD
1990-1991: Deputy Superintendent, NUSD

1987-1991: Director of Human Resources, NUSD

1982-1987: assistant principal, Newark JHS

1978-1982: principal, Silva Intermediate School, NUSD

1967-1978: taught English and served in various administrative capacities

1980-1985: Newark Planning Commission

2007-2009: Fremont Unified Financial Advisory Committee

2011-2021: LARPD Personnel Commission