

Anti-Martis Valley West group to host mixer

Mountain Area Preservation is hosting an event on June 21 to educate people about Martis Valley West, the development along Highway 267.

It will be at 5pm at Mellow Fellow, 10192 Donner Pass Road in downtown Truckee.

The event will feature a 3D model of the proposed development, a video simulation of the project's impacts, and regional experts who can speak to the specific issues surrounding this project. There will be beer specials and a raffle.

All proceeds will offset the expenses Mountain Area Preservation is incurring in its fight against Martis Valley West.

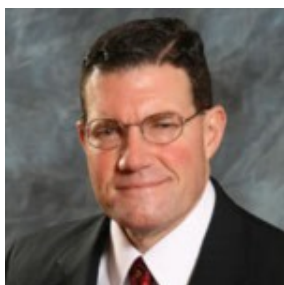
Mountain Area Preservation is an environmental advocacy nonprofit organization based in Truckee.

Barton Health faces lawsuit from former CFO

By Kathryn Reed

Steve Neff, who was the chief financial officer for Barton Health from August 2014-March 2015, has filed a lawsuit against his former employer that is scheduled to go to trial in July.

The lawsuit sites 11 causes of action. They include violation of labor law, fraud, breach of contract, harassment, unlawful termination and defamation.



Steve Neff

"I can give no comment on the case at this time. The allegations in the complaint are public record and the case will be decided based on the evidence presented at trial," Patricia Kramer with Neasham & Kramer law firm in Folsom told *Lake Tahoe News*. She is representing Neff.

The case will be heard by El Dorado County Superior Court Judge Steve Bailey. There is still a chance for the parties to settle out of court, but at this point those efforts have failed. However, a settlement conference is scheduled for June 23, with the trial slated to start July 17.

"It's a complex case with a lot of legal issues," Tom Perry with Kroloff, Belcher, Smart, Perry & Christopherson legal firm in Stockton told *Lake Tahoe News*. "We dispute the allegations in the complaint."

Perry is representing Barton Health and the employees involved.

Before coming to South Lake Tahoe, Neff had been a partner with Renaissance Healthcare Partners in Massachusetts for 17 months. He has been in health care for more than 32 years. He is now running the BrightStar Care home care franchise in Carson City.

Court documents state that Neff had expressed a desire to relocate only if Barton's intent were for him to be with the organization for a number of years.

"During the interview process, Barton representatives Don Whiteside and Clint Purvance also told Neff that the current CEO would soon be retiring, that Purvance, the CMO, had no desire to fill that position and that the CFO position Neff was being recruited for would be the perfect segue for Neff to become CEO of Barton. Purvance told Neff that if he accepts the position, Purvance would personally mentor and groom Neff to fill the position as CEO once [John] Williams left," the lawsuit says.

Five months after Neff's departure it was announced that Purvance would take over as CEO when Williams retired.

The lawsuit talks about how Neff and Purvance were both vying for the top job. Neff is alleging slanderous comments were made about him to hospital board members who would be part of the hiring process, as well as to Whiteside, who is a recruiter.

The lawsuit questions Williams' leadership and accounting methods.

Allegations include Purvance preaching Christianity on multiple occasions to Neff; Neff made it clear he was Jewish. This relates to the harassment claim. Purvance was Neff's immediate boss and in charge when Williams was gone.

Neff is also fighting for severance pay he claims he is entitled to.

While no dollar amount is requested in the lawsuit, Neff wants compensatory damages, general damages, statutory damages, punitive damages and attorneys' fees.

The suit says the CEO job at Barton that Neff never got was

worth \$900,000/year in salary and bonuses. The CFO job came with a three-year contract, an annual base salary of \$285,000, and an incentive plan worth up to 36 percent of that figure.

Opinion: TRPA misses the mark with transportation

By Jeffrey Spencer

In TRPA's latest publication *Tahoe In Depth* there is an article about their latest plan for transportation. The article outlines transit improvements, trails and technology. What is interesting to me is their thinking is reactionary rather than visionary; 19th century thinking for 21st century problems.

We all have experienced the gridlock caused by tourists following alternative routes provided by Waze and Google Maps to try and divert around closures and delays. Our local streets have become impassible during peak travel on weekends and holidays. We residents cannot conduct our lives during these times. Simple tasks such as getting groceries or going to church are nearly impossible. God forbid an emergency happens.

I have been working in planning, and especially the transportation sector for over 20 years. My focus has been in implementing technology to address mobility across California and in transit across the U.S. In order to address growing concern about local issues such as peak congestion and localized traffic, I have been suggesting technology improvements for traveler information and demand management to TRPA since 2013, without any success.

A meeting was held in February at the Meyers center, with the county supervisor addressing the issue supported by a host of officials from planning, the sheriff's office and CHP. I proposed a solution using current technology that can be easily deployed. I also spoke about the impacts and costs, and how we can recover those costs to improve our roads. Everyone seemed to agree this was a logical approach. Sue Novasel stated she would put me in touch with TDD about that proposal, but not a thing has happened yet.

According to TRPA's plan, they now seem to think that providing transit around the basin will get visitors out of their cars and lessen congestion. The national average of transit mode share is 2 percent, and less in rural communities. Rural transit tends to most serve those dependent on transit, such as workers without cars and elderly dependent for work, medical, shopping, etc. When was the last time you drove to visit somewhere and then rode the bus? I can just see the masses loading the bus with their mountain bikes, kayaks, SUPs, coolers and grills to enjoy the many recreational opportunities Tahoe offers. Right! According to studies performed here, the likely riders were casino patrons and elderly.

The bus service is dismal. Folks that are truly dependent on bus service cannot get to work on time nor home if they work after 7pm. Folks in Meyers have no bus service at all. Kids that don't drive can't get into town unless a parent drives them. The response to that problem is "it isn't cost effective." One highlight proposed in their plan is free bus service. That plan is supposed to be cost effective? Like any other commodity, we have a simple economics problem between supply and demand.

Look at the recent "improvements" done at Camp Richardson. The pedestrian crossing is clearly marked and signalized, but the signal cycles about every 15 seconds so folks can get to their ice cream and coffee. Meanwhile, traffic is backed up nearly

two miles to 15th Street and hundreds of cars wait endlessly to pass, meanwhile spewing their emissions while idling in the gridlock.

At issue here is the TRPA and county have their own solutions looking for a problem without a lick of common sense. There is so much focus on how to collect taxes through growing business and tourism, but nothing on how to truly mitigate the impacts of attracting all these tourists, addressing the conditions of our roads, or improving the quality of life for residents. Building a tourist-focused bus service that bangs and bounces along on the plethora of potholes is not going to be attractive to anyone. A purely tourist-focused economy only builds low-paying service jobs and ignores the needs of residents.

We collect gas taxes based on our population, but that population swells to more than four times on weekends and holidays. The tourists are not paying for their impacts to our system. We need a comprehensive plan that looks at all modes, including the future of shared-mobility and automation. We need a plan that monetizes the commodity of mobility in the basin and either reduces or offsets the impact to our roads. We need fair and equitable solutions and not expect to balance the road and transit budget solely on the backs of the local taxpayer.

Jeffrey Spencer is resident of Christmas Valley.

Murder suspect apprehended in

S. Lake Tahoe

Four people are behind bars facing murder charges related to the May death of a Sacramento man.

Raelyn Bergsten, 20, was apprehended in South Lake Tahoe.

The other suspects are Jerry Vang, 32, Jimmy Vang, 34, and Chane Anne Xiong, 33. All four face murder charges and are being held without bail. Bergsten is in the Placerville facility.

The body of Tu Duc Nguyen, 38, was discovered in a Placer County field. According to Placer County sheriff's deputies, he had been shot multiple times.

The sheriff's department has not released a motive.

– Lake Tahoe News staff report

Employment tests often favor white men

By Will Evans, Reveal

There's a hidden form of discrimination blocking job seekers across the country.

It's not a cabal of racist, sexist hiring managers colluding to give white men an advantage – though it can have the same effect.

It's the misuse of employment tests – which measure reading, math and other cognitive skills – that can unfairly

disadvantage minorities and women without the employers or the job applicants even realizing it.

Take the popular job tests called WorkKeys. They're timed multiple-choice exams like the ones students take in school, developed by the well-known testing company ACT Inc. and promoted across the country with taxpayer money. Major employers, including the Campbell Soup Co., Unilever, Mars Inc., Siemens and Medtronic, make applicants take the tests to get hired for some positions. Millions of people have taken them to get a "career readiness" certificate that they hope will give them a leg up in the job hunt.

But federal officials have blamed WorkKeys tests for illegal discrimination in six cases over the past decade, affecting more than 1,000 people of color and women, according to Labor Department records obtained under the Freedom of Information Act.

At a California factory for Leprino Foods Co., the world's largest producer of mozzarella cheese, WorkKeys put 253 Latino, black and Asian applicants at a disadvantage, the department found. Leprino Foods eventually agreed to pay \$550,000 and hire 13 of the rejected job seekers.

At a chemical plant in Virginia, an auto parts factory in upstate New York and an engine plant in Alabama, the tests also illegally screened out minority applicants, according to Labor Department records. At a General Electric Lighting plant in Ohio and an aluminum factory near Spokane, Washington, WorkKeys unfairly hurt the chances of female applicants, officials found.

The tests didn't adequately measure whether an applicant would be good at the job, violating civil rights protections, according to the government. The employers paid a settlement to unsuccessful applicants and scrapped the tests.

"People aren't being accorded a fair shot, and the employers

are getting screwed because they're not getting the right people," said Richard Fischer, who served as the top testing expert for the Labor Department's Office of Federal Contract Compliance Programs from 2004 until 2013.

Math skills, for example, weren't critical for an entry-level job "inspecting products, monitoring equipment and maintaining sanitation" at the Leprino Foods cheese plant, officials found.

How much change, asks a sample WorkKeys math question, is due to a customer who buys a \$3.84 can of coffee with a \$20 bill? How many square-foot tiles are necessary to cover the floor of a room measuring $15\frac{1}{2}$ feet by $18\frac{1}{2}$ feet?

Another WorkKeys test gives questions about graphics, such as how to read a pressure gauge or how much crosswind is indicated on an airline pilot's chart.

A test itself isn't illegal – it depends on how it's used and for which jobs. But when WorkKeys tests came up in Labor Department cases, Fischer said, they routinely were found to be discriminatory.

How a worker will perform on the job mostly can't be predicted by a standardized test. But psychologists consider cognitive ability tests to be relatively good indicators of job performance, especially for more complex jobs.

In the WorkKeys cases, the companies targeted by the government used them for entry-level or industrial jobs.

Black and Latino people, on average, score lower than white people on these tests. There's no consensus on the reason, but some researchers argue that the differences stem from disadvantages in income, education and home environments as children, among many other factors. As far back as the 1920s, the test score gaps were used to trumpet racist theories of Nordic superiority.

Unequal outcomes are acceptable, under federal civil rights law, as long as the test is closely related to the job. If employers use a test that isn't appropriate for the job, then they may be screening out women or people of color based on factors that aren't relevant. And that's when it becomes illegal.

ACT, a giant nonprofit company known for its college preparation tests, stands by WorkKeys.

"When used correctly, we think it's a valid and reliable and important tool," said Scott Montgomery, an ACT senior vice president.

ACT's own research found that people of color, in general, do worse than white people on its core tests. But the company commissioned a study defending WorkKeys by two prominent psychologists who believe that most cognitive ability tests are fair for virtually any job and that federal regulations are outdated.

Montgomery put the onus on companies that he said might have misused WorkKeys.

"It's not about us, it's about how employers are using the test," he said.

But employers often rely on reports put together by ACT-trained consultants, who tell them which tests and passing scores to use for each job.

"One of the problems with an illegal test is the employers take the word of a test publisher," Fischer said. "It's not really the employer's fault, yet they can be left holding the bag."

When tests have little to do with the job

No matter who was responsible, Katherine Olvera couldn't figure out what the questions on her WorkKeys tests had to do

with the laborer job she wanted at a local cheese factory.

In 2005, Olvera was working at a Wal-Mart in California's agricultural San Joaquin Valley. She was eyeing the better-paying jobs at a plant run by Leprino Foods. First, though, she had to pass a series of tests.

Sitting with other test takers, Olvera remembers feeling stumped by questions about amps and cylinders.

"It started talking about things that I had no idea, never learned about them," she said. "I thought to myself, 'What does this have to do with working here?'"

She figured she wouldn't get the job, and she was right. She stayed at Wal-Mart. Years later, Leprino Foods agreed to pay back wages to 253 applicants of color who were rejected like Olvera.

"Leprino Foods' hiring process simply doesn't pass the sniff test," Patricia Shiu, then-director of the Labor Department's anti-discrimination office, stated when she announced the complaint. "When workers are denied employment because of factors that have nothing to do with their ability to perform the job, something is not right."

Olvera said she never got any money. A Labor Department spokeswoman said Olvera initially qualified, but there's no record showing she responded to a settlement offer in time.

Between ACT's marketing and the government's crackdown, "employers are stuck between a rock and a hard place if they're buying that test," said Sandra Rappaport, a San Francisco attorney who represented Leprino Foods.

She said the company didn't agree with the government but settled to avoid costly litigation.

The cases faulting WorkKeys represent just a sample of potential problems in the job market, because the government

agency that brings them audits a small fraction of federal contractors each year. That office could shrink under President Trump, who has called for slashing the Labor Department budget overall by 21 percent.

Other common employment tests also have come up in federal investigations of job discrimination.

Fastenal Co., a national distributor of industrial products, for example, agreed to pay more than \$1.2 million in 2015 and hire 154 black applicants and 17 women to settle charges that it discriminated against them with PreVisor tests.

A spokeswoman for CEB Inc., which acquired PreVisor, said in an email, "We are confident that CEB's tests are fully compliant."

The U.S. Equal Employment Opportunity Commission also occasionally has taken on discrimination-by-test. The retail chain Target Corp. handed out \$2.8 million in 2015 to settle a commission investigation of its hiring tests. Neither Target nor the commission would disclose which tests caused problems.

Job applicants could sue, but most people don't realize they're facing potentially illegal hiring practices when they fail these tests.

Marian Kerner wasn't an ordinary job seeker, though, when she applied for a clerical job with the city and county of Denver in 2007. Decades before, she was an anti-discrimination investigator for the Equal Employment Opportunity Commission.

She'd worked for the city before, too, so she knew she could do the job. But there was a new test, called Accuplacer, which she didn't pass. She realized later that she had responded to a writing prompt with a few sentences when it wanted an essay – but said no one had explained that to her at the time.

Kerner needed a job. She was having trouble paying her

mortgage and trying to help her adult daughter and grandchildren on her retirement income.

“There were times I couldn’t buy food for myself because I didn’t have a dime,” she said.

This test, she was certain, had nothing to do with her ability to do the job.

Another woman in the testing room, who was black like Kerner, started crying as she struggled with the test. Kerner wasn’t sad – she was livid.

“I was so mad I couldn’t see straight,” she said. “I had never failed a test before.”

Kerner went online and found that Accuplacer was designed to measure college preparedness, not job skills. She remembered, from her days investigating discrimination, that tests could be illegal if they weren’t job related. She filed a federal complaint. She even fired off an angry letter to the mayor.

Still determined to go back to work, Kerner later retook the test, passed it and landed a temporary job.

Last July, nine years later, a federal judge awarded about \$1.7 million in damages to benefit 912 black and Latino job applicants, including Kerner. She hasn’t received anything yet.

Kerner said she can’t forget about that other woman who sat there crying, saying she needed the job to support three children and avoid foreclosure.

“It just brings me to tears sometimes when I think about how these people were being affected,” she said.

State governments love these tests

“Take the guesswork out of hiring with a proven methodology,”

Alaska's workforce agency says.

"Time is money. Save both," Arkansas says. "Fair and objective," Kentucky says. "Useful for all industries and jobs at every level," Missouri says.

They tout the National Career Readiness Certificate, earned through a series of WorkKeys tests, as a valuable tool for hiring and a way for job seekers to stand out. Based on their scores, test takers can get a bronze, silver, gold or platinum certificate – sometimes signed by the governor. More than 16,000 employers recognize the certificate, according to ACT, and some require it.

Officials embrace the tests to show they're developing a skilled workforce and making their state attractive to employers.

"Strengthening Virginia's workforce is my top priority as governor," Gov. Terry McAuliffe says in a video endorsement of the career readiness credential.

Some states use taxpayer money to subsidize the tests for job seekers and employers. Indiana spent \$1.25 million in federal funds over the last two years. New Mexico's three-year contract with ACT is worth \$521,000. Other states, such as South Carolina and Oregon, use state funds to bankroll the tests.

Karen Humelbaugh, director of Oregon's Office of Workforce Investments, said the state's data indicates people of color who take the tests don't experience any disadvantage in the job market.

In all, 17 states have contracts with ACT related to WorkKeys, according to the company. Still others, such as Alabama and Michigan, require high school students to take it.

Public agencies also sometimes use WorkKeys to screen for

their own job openings, potentially putting them at risk of legal action as well. Some municipalities in North Carolina, for example, use WorkKeys to hire firefighters. Albuquerque, New Mexico, uses the tests to hire animal handlers and garbage truck drivers.

The campaign to bring WorkKeys to New Mexico started as a way to help “high-risk youth” without strong résumés break into the workforce, said Jamai Blivin, CEO of the nonprofit Innovate+Educate, which focuses on job training and employment. Screening out minorities wasn’t a concern, she said, “because people were getting screened out more without it than with it.”

State and local agencies promoting WorkKeys tend not to mention the potential for discrimination. Some, such as the state of Wisconsin, called the WorkKeys system “EEOC-compliant.” ACT used to say that on its website, too.

Rich Tonowski, chief psychologist at the Equal Employment Opportunity Commission, laughed at the term. “Be exceedingly wary,” he said. A government seal of approval is “not bloody likely,” because a test’s legality depends on how it’s used.

After being asked about the issue, the Wisconsin Department of Workforce Development changed the language “out of an abundance of caution,” said spokesman Tyler Tichenor. He shrugged off the discrimination cases around the country, saying that in Wisconsin, “we haven’t had any complaints.”

ACT advises employers to get a job profile, a report that says which WorkKeys tests and cutoff scores should be used for a specific job. Some state officials said that should protect companies from legal problems.

But employers such as Leprino Foods and General Electric did just that, and the Labor Department argued again and again that those reports were not adequate evidence that the tests matched the jobs.

Jim Kuthy, a testing expert with Biddle Consulting Group in California, has examined WorkKeys' job profiles for attorneys defending employers. He determined they were "not very solid" and wouldn't hold up to legal scrutiny.

Letter: Sister church helps at Bread & Broth

To the community,

"It was a great experience to celebrate Memorial Day with the local community, sharing the traditional holiday fare of hamburgers, hot dogs, barbecue beans and much more!" exclaimed Ed Day while taking a break from serving dinners to Bread & Broth Monday meal guests. Day continued that he was also "taken back by the quality of the cuisine and attention to detail to serve a great meal."

Day, his wife Debra and good friend Shelly Zimbler crewed the Friends of Our Lady of Tahoe Catholic Church's Adopt A Day of Nourishment sponsorship team that volunteered for about three hours on May 29 at Grace Hall.

B&B's Monday meal is served weekly and provides a full-course dinner along with food give-away bags filled with dairy products (milk, butter and eggs), fresh fruit and vegetables, miscellaneous canned foods and breads and pastries, in addition to second servings and left over to go containers.

The AAD sponsor \$250 donation provided by Friends of Our Lady of Tahoe covered the cost of food, utilities and dinner supplies needed to feed the 93 hungry folks attending the evening's dinner. But the best part of the AAD program is the

opportunity to participate in the experience of helping others and seeing the impact your time and funds has on the very grateful dinner guests. B&B would like to thank the Friends of Our Lady of Tahoe for their kindness and generosity in improving the lives of others.

Carol Gerard, Bread & Broth

Drowning fears surge as snowmelt fuels raging rivers



Rafters this month paddle through the class V Maytag rapid on the Yuba River. Photo Copyright 2017 Carolyn E. Wright

By Scott Smith and Hallie Golden, AP

Massive waterfalls in Yosemite National Park and rivers raging in mountains throughout the western United States are thundering with greater force than they have for years – and proving deadly as warm weather melts the deepest mountain snowpack in recent memory.

Record snowfall on towering Western peaks this winter virtually eliminated California's five-year drought and it is now melting rapidly.

But it has contributed to at least 14 river deaths and prompted officials to close sections of rivers popular with swimmers, rafters and fishing enthusiasts.

Read the whole story

EDC supervisors ready to adopt annual budget

The El Dorado County Board of Supervisors on June 20 is expected to adopt the 2017-18 budget.

Special presentations that day will be as follows:

9am – Senior legal services

10am – Road work plan

11am – Mental Health Services Act.

At 2pm, the electeds will discuss the whole budget.

The meeting will be in the board Hearing Room at 330 Fair Lane, Placerville.

Snippets about Lake Tahoe

- Lake Tahoe Wildlife Care needs snap-trapped or live trapped (never poisoned) mice/voles to feed their 10 great-horned owls, two barn owls and two red-tailed hawks. Put mice in baggy and freeze them. The animal rehab center will take fish of any size – fresh or frozen – to feed the two river otters.
- Sarah Hockensmith of the Tahoe Institute for Natural Science returns to the South Lake Tahoe Library on June 20 at 6pm to talk about the diverse wildflowers of the Tahoe region. She will cover the basic structures of flowers, some of the best locations to find wildflowers at Lake Tahoe, and what wildflowers to expect at those locations. The talk is free; the library is on Rufus Allen Boulevard.
- Erika Cole Gillette, a former faculty member and administrator at Sierra Nevada College, has started **Writing Rockstar**. In addition to college admissions counseling, she offers a full spectrum of academic coaching services, from simple tutoring to supervised one-on-one accountability programs.
- The Douglas County Public Library presents storytime at Dangberg Home Ranch Historic Park on June 30 at 11am. Children of all ages are invited to the Minden ranch.
- Spencer McLaughlin, who lived in Douglas County and Smith Valley during his youth, is the newest Douglas County sheriff's deputy.

Climate change could burn a hole in USFS budget

By Anshu Siripurapu, McClatchy

Climate change appears to be fueling more wildfires as U.S. Forest Service officials are increasingly concerned they don't have the funds to effectively handle another devastating season.

While Forest Service Chief Tom Tidwell told senators last week he's got enough budget funds to deal with most of the 7,000 fires that occur annually in national forests, "it's that 1 to 2 percent of our fires, that when we have a very active fire season, that goes way beyond our capability to handle within our appropriations."

In 1995, 16 percent of the Forest Service was dedicated to fire, according to a 2015 agency report. Now, it's more than half. Tidwell said the Forest Service predicts that fire programs will be 67 percent of the budget by 2025. In an op-ed in July of last year, Tom Vilsack, former secretary of Agriculture, the agency that runs the Forest Service, lamented that the agency was becoming "the Fire Service."

[Read the whole story](#)