

Study: Wildfire pollution worse than thought

By Doyle Rice, USA Today

Monstrous wildfires not only devastate communities and sometimes kill dozens each year in the U.S., but they also release a toxic brew of hazardous pollution, a new study found.□

That pollution, often in the form of microscopic specks known as aerosols, is “a hazard to human health, particularly to the lungs and heart,” said study lead author Greg Huey from the Georgia Institute of Technology.

In fact, the study found that fires emit these fine particles – which are much smaller than a grain of sand or a human hair – into the air at a rate three times as high as standards set by the Environmental Protection Agency.

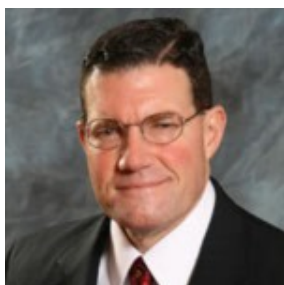
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Barton Health faces lawsuit from former CFO

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.

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.

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

How tourist destinations deal with era of crisis events

By Chris Kudialis, Las Vegas Sun

Security experts from across the world discussed the components of a robust tourism industry, including safety, health and enjoyment Tuesday at the International Tourism Safety Conference in Las Vegas.

“Tourism security means economic well-being, health well-being and safety well-being,” said renowned tourism security scholar Peter Tarlow.

The event drew more than 320 participants from law enforcement and the hotel, security and tourism industries, representing 20 countries, including Israel, China, Brazil, Cuba, Switzerland and Nigeria. The two-day conference concludes today.

Tarlow is a nationally renowned Texas-based scholar and author whose tourism security projects include working with police for the 2014 World Cup in Brazil and last year's Summer Olympic Games.

Read the whole story

Trump budget would crush weather data program

By Benjamin Spillman, Reno Gazette-Journal

A trove of nationwide weather data that keeps wildland firefighters safe and helps farmers plant crops is in jeopardy under the budget proposed by President Trump.

Regional Climate Centers, a little-known network of weather data gathering and processing centers, face an existential threat in the form of a recommended 82 percent budget cut in Trump's proposed budget.

Centers manage weather information that helps fire managers battle wild land fires, helps farmers decide where and when to plant crops and helps engineers design dams and bridges that can stand up to extremes.

Operators of the climate centers, including the Western Regional Climate Center in Reno, say if Trump's vision becomes reality the centers would run out of money in March.

Read the whole story

State senator's wife facing fourth DUI charge



Sherese C.
Settelmeyer

The wife of the Nevada state senator who represents Lake Tahoe is scheduled to be arraigned June 26 on felony driving under the influence charges.

Sherese C. Settelmeyer, 52, is the wife of state Sen. James Settelmeyer, R-Minden.

She was arrested on Jan. 5 in Gardnerville with a blood alcohol level of 0.136. She faced the same charges in 1995, 2010 and 2013.

In 2013 she pleaded guilty to driving under the influence. At the time of her arrest her blood alcohol level was four times the legal limit. Her sentence was 20 days of house arrest and a \$1,200 fine.

– Lake Tahoe News staff report

Pro-union workers against SLT Whole Foods

By Kathryn Reed

A labor union is trying to derail the Whole Foods project in South Lake Tahoe.

While the fight fizzled with the city, proponents are now taking their case to the California Tahoe Conservancy.

Local resident Donna Gilpin had filed an appeal challenging the Planning Commission's May 11 decision to approve what is locally known as the Whole Foods project. The project is formally called the Bijou Creek Watershed Project. It involves tearing down the Knights Inn on Highway 50.

Gilpin works for Safeway and is part of the United Food and Commercial Workers International Union. Besides Safeway, UFCW represents employees at CVS, Rite-Aid, Kroger, Fred Meyer, Ralphs, King Soopers, Albertsons, Vons and other businesses. And like most unions, it tends to dislike non-union competitors.

Whole Foods workers are not unionized.

UFCW and other unions have a history of trying to block projects they don't want based on challenging aspects of the California Environmental Quality Act, while at no time stating the truth about the union issue.

"This is an abuse of the environmental process," City Manager Nancy Kerry told *Lake Tahoe News*.

UFCW could not be reached for a comment, and Gilpin did not return multiple calls.

The union had people handing out anti-Whole Foods propaganda

in residential areas.

In order to challenge a project a local person who could be affected by it has to file the paperwork. That's where Gilpin came in.

The city on June 12 received Gilpin's four-sentence letter addressed to Kevin Fabian in Development Services saying she was withdrawing her appeal: "As we discussed I am not opposed to the city's Whole Foods project. Therefore, I hereby withdraw and disclaim my appeal and the attached letter. I agree that the project will ... improve the environment and am satisfied that the reasons for the appeal have been adequately addressed by the mitigated negative declaration for the project. After reconsideration I do agree that the Planning Commission acted appropriately in approving the project."

This is an about-face to what she said in her appeal where she cited five reasons she disagrees with the Planning Commission's decision; most having to do with the mitigated negative declaration.

In other locales this deceptive union tactic has cost taxpayers hundreds of thousands of dollars in legal fees. Even South Lake Tahoe sought outside legal counsel when the appeal was filed.

There is a group on Facebook called Keep Lake Tahoe Local which is opposed to the Whole Foods 365 being built near the corner of Ski Run and Highway 50. That page is wanting people to sign a petition and to go to Thursday's California Tahoe Conservancy meeting. That board is considering allowing the city to manage seven parcels that it owns in the Bijou watershed project area. Those parcels would be part of the stream environmental zone restoration process.

The mitigated negative declaration is also on the agenda.

Despite the roadblocks being presented, the project is moving

forward. The now former owner of the Knights Inn and his family should be moving out next week. Demolition of the asbestos-ridden hotel is expected in mid-July.

The city owns the property and by the end of the month should close escrow with Halferty Development to acquire the land. That company also owns the parcel at 50 and Ski Run and will be developing the two sites in unison.

Verbal fireworks at LTUSD meeting regarding coach

By Kathryn Reed

Lake Tahoe Unified School District's board meeting got a little rowdy Tuesday night, so much so that audience members were told they had to leave the room for a bit.

There was no middle ground on what people think of Mark Salmon, South Tahoe High School girls' soccer coach. The love and the hate were clearly felt at the June 13 meeting as an equal number of people spoke for and against him.

Parents and athletes were at the meeting to express their opinions about Salmon. This comes on the heels of **Lake Tahoe News' June 9** story about the disharmony within the soccer community.

As high school student Ahlyssa Gonzalez started to break down, someone from the audience shouted a profanity about Salmon. That is when board President Barbara Bannar insisted the room be cleared.

However, she let three high school staff members stay – Brian

Hogan, Holly Greenough and Amy Jackson.

Gonzalez said Salmon has instigated bullying and gets the girls to harass her. Soccer, for her, is no longer fun. After the meeting, her mom, Victoria Gonzalez, told *Lake Tahoe News*, "You can't base anything off of two minutes when this has been going on for 10 years."

Hogan, who is the girls' assistant junior varsity coach, tried to refute what the younger Gonzalez was saying but was cut off by Bannar because he already had his two minutes to talk. During his time he said had never seen any drinking at away games, which had been mentioned earlier.

While parent Paul Palant mentioned an incident of marijuana laced brownies being consumed by players while out of town, Hogan said it wasn't brownies, but then added no one admitted guilt.

The district earlier told *LTN* it has investigated the allegations of bullying, inappropriate texts, drinking by players and Salmon, and academically ineligible players being allowed to play. The findings have not been made public. The end result, though, is Salmon would be allowed to keep coaching at STHS. A letter was supposed to go to those who brought the charges, but even as of June 13 not all had not received one.

The board members were rather stoic as the drama played out.