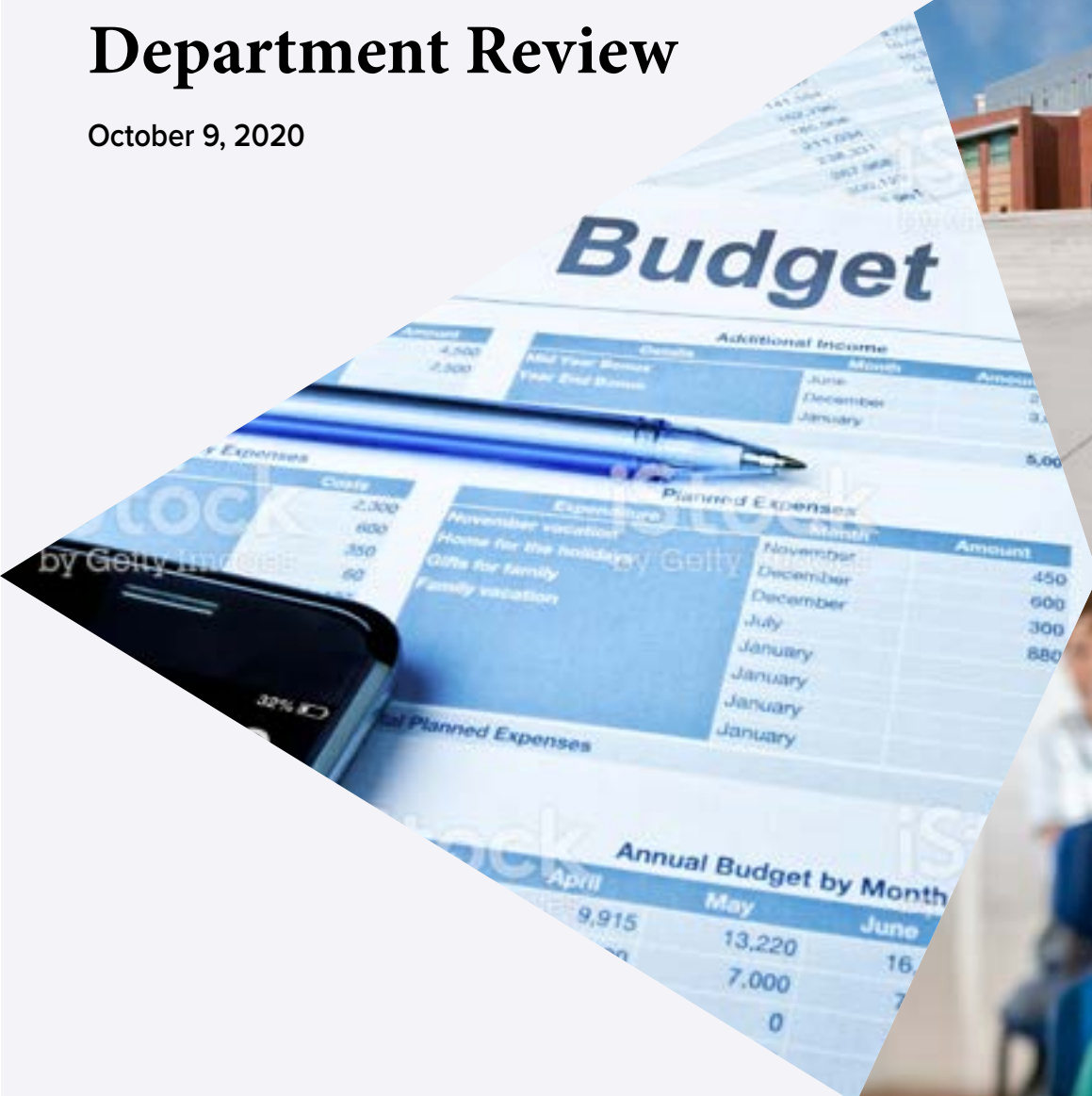


# FCMAT

FISCAL CRISIS & MANAGEMENT  
ASSISTANCE TEAM

## Human Resources Department Review

October 9, 2020



## Alisal Union School District

Michael H. Fine  
Chief Executive Officer

# FCMAT

FISCAL CRISIS & MANAGEMENT  
ASSISTANCE TEAM

October 9, 2020

Jim Koenig, Superintendent  
Alisal Union School District  
155 Bardin Road  
Salinas, CA 93905

Dear Superintendent Koenig:


In March 2020, the Alisal Union School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to conduct a review of the district's Human Resources Department. The agreement stated that FCMAT would perform the following:

1. Conduct an organizational and staffing review of the Human Resources Department and make recommendations for staffing improvements, if any.
2. Evaluate the current workflow and distribution of functions within the Human Resources Department and make recommendations for improved efficiency, if any.
3. Review the operational processes and procedures of the Human Resources Department and make recommendations for improved efficiency, if any.

This report contains the study team's findings and recommendations.

FCMAT appreciates the opportunity to serve the Alisal Union School District and extends thanks to all the staff for their assistance during fieldwork.

Sincerely,



Michael H. Fine  
Chief Executive Officer

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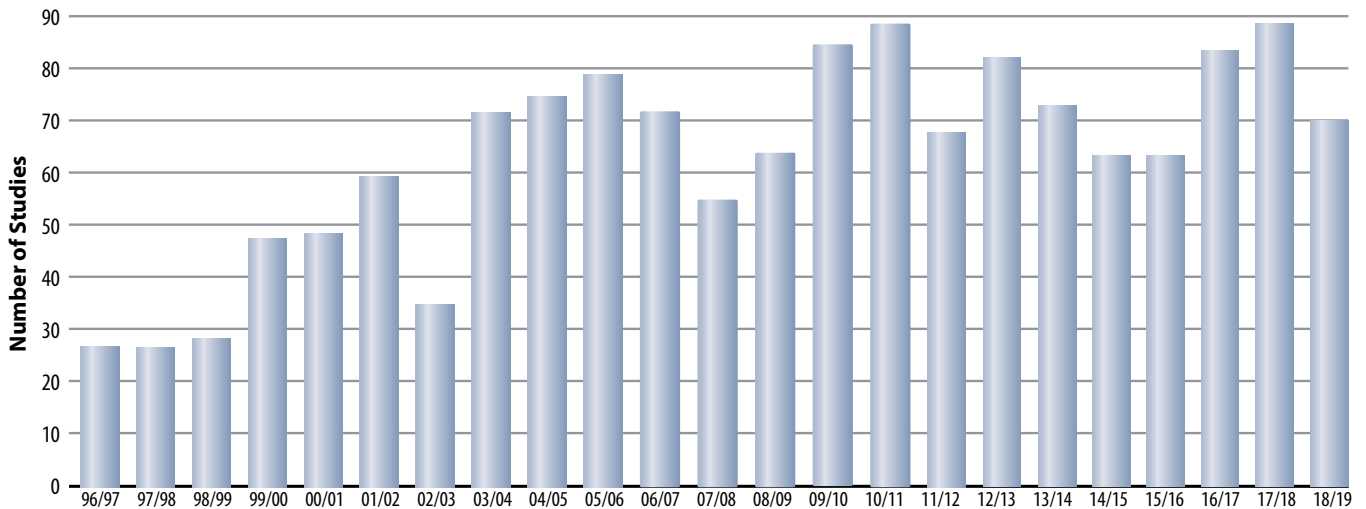
# About FCMAT

FCMAT’s primary mission is to assist California’s local K-14 educational agencies to identify, prevent, and resolve financial, human resources and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related school business and data services. FCMAT’s fiscal and management assistance services are used not just to help avert fiscal crisis, but to promote sound financial practices, support the training and development of chief business officials and help to create efficient organizational operations. FCMAT’s data management services are used to help local educational agencies (LEAs) meet state reporting responsibilities, improve data quality, and inform instructional program decisions.

FCMAT may be requested to provide fiscal crisis or management assistance by a school district, charter school, community college, county office of education, the state Superintendent of Public Instruction, or the Legislature.

When a request or assignment is received, FCMAT assembles a study team that works closely with the LEA to define the scope of work, conduct on-site fieldwork and provide a written report with findings and recommendations to help resolve issues, overcome challenges and plan for the future.

### Studies by Fiscal Year



FCMAT has continued to make adjustments in the types of support provided based on the changing dynamics of K-14 LEAs and the implementation of major educational reforms. FCMAT also develops and provides numerous publications, software tools, workshops and professional learning opportunities to help LEAs operate more effectively and fulfill their fiscal oversight and data management responsibilities. The California School Information Services (CSIS) division of FCMAT assists the California Department of Education with the implementation of the California Longitudinal Pupil Achievement Data System (CALPADS). CSIS also hosts and maintains the Ed-Data website ([www.ed-data.org](http://www.ed-data.org)) and provides technical expertise to the Ed-Data partnership: the California Department of Education, EdSource and FCMAT.

FCMAT was created by Assembly Bill (AB) 1200 in 1992 to assist LEAs to meet and sustain their financial obligations. AB 107 in 1997 charged FCMAT with responsibility for CSIS and its statewide data management work. AB 1115 in 1999 codified CSIS’ mission.

AB 1200 is also a statewide plan for county offices of education and school districts to work together locally to improve fiscal procedures and accountability standards. AB 2756 (2004) provides specific responsibilities to FCMAT with regard to districts that have received emergency state loans.

In January 2006, Senate Bill 430 (charter schools) and AB 1366 (community colleges) became law and expanded FCMAT's services to those types of LEAs.

On September 17, 2018 AB 1840 was signed into law. This legislation changed how fiscally insolvent districts are administered once an emergency appropriation has been made, shifting the former state-centric system to be more consistent with the principles of local control, and providing new responsibilities to FCMAT associated with the process.

Since 1992, FCMAT has been engaged to perform more than 1,000 reviews for LEAs, including school districts, county offices of education, charter schools and community colleges. The Kern County Superintendent of Schools is the administrative agent for FCMAT. The team is led by Michael H. Fine, Chief Executive Officer, with funding derived through appropriations in the state budget and a modest fee schedule for charges to requesting agencies.

# Introduction

## Background

The Alisal Union School District is located in the city of Salinas, Monterey County, and serves approximately 8,800 students at 12 schools in transitional kindergarten (TK) through sixth grades.

In 2019-20, 61.8% of the district's students were English learners compared to 34.3% in Monterey County and 18.6% statewide, according to the California's Department of Education (CDE). Further, 92.8% of the district's students were Hispanic as compared to Monterey County at 80.5% and the state at 54.9%. Spanish is the native language of more than half of the district's students.

The district has faced obstacles in providing services to English learners. Alisal Union was one of the state's most effective districts in serving migrant and English learners approximately 20 years ago; however, 10 years later, it ranked last on a list of the state's lowest-performing districts. In May 24, 2010, the State Education Board appointed a state trustee, making Alisal Union California's first district to be brought under state receivership because of poor academics.

In May 2012, the state returned the district to local control, and Alisal Union has made a concerted effort to maintain academic stability. One of its goals is to hire highly competent teachers and staff members. As a result, the district decided to contract with the Fiscal Crisis and Management Assistance Team (FCMAT) for this study.

## Study and Report Guidelines

In March 2020, the district and FCMAT entered into an agreement for FCMAT to conduct a review of the district's Human Resources Department.

Because of the impact of COVID-19, FCMAT conducted its interviews with district and school site staff via video conferencing on May 11-13, 2020 and collected data and reviewed documents via SharePoint, a cloud-based service for document sharing. Following fieldwork, FCMAT continued to review and analyze documents. This report is the result of those activities.

FCMAT's reports focus on systems and processes that may need improvement. Those that may be functioning well are generally not commented on in FCMAT's reports. In writing its reports, FCMAT uses the Associated Press Stylebook, a comprehensive guide to usage and accepted style that emphasizes conciseness and clarity. In addition, this guide emphasizes plain language, discourages the use of jargon and capitalizes relatively few terms.

# Study Team

The study team was composed of the following members:

Julie Auvil, CPA, CGMA, CICA FCMAT Intervention Specialist	Leonel Martínez FCMAT Technical Writer
Marcus Wirowek, CFE FCMAT Intervention Specialist	Rita Beyers FCMAT Consultant

Each team member reviewed the draft report to confirm accuracy and achieve consensus on the final recommendations.

# Executive Summary

Many areas reviewed by FCMAT for this report would benefit from assessment and revision, primarily in communication. For example, many of the district's board policies and administrative regulations are considerably outdated. Some are as many as 32 years old, and a number no longer comply with state law.

The Human Resources (HR) Department lacks a comprehensive policies and procedures manual. This document would be helpful in ensuring that tasks performed by more than one individual are completed in the same manner. A policies and procedures manual can help other departments and sites comprehend how they interrelate with the HR Department and understand HR processes. HR Department staff also lack desk manuals that include step-by-step instructions for each task they perform.

FCMAT found that the department has no protocol or policy for customer service. As a result, customers noted many problems in this area. Staff interviewed indicated that HR representatives sometimes fail to attend scheduled meetings. FCMAT also found several concerns with the district's hiring processes.

Approximately 27.5% of certificated evaluations had not been completed in 2018-19 compared to a 100% completion rate for classified employees. Evaluations for management/confidential staff should be completed annually; however, Board Policy 4315 Evaluation/Supervision allows some certificated administrators and supervisory employees to be evaluated every five years.

FCMAT received reports of issues in the employee discipline process. Many staff members expressed concerns regarding preferential treatment in HR processes and support and fear of retaliation if they were to point out these problems.

Professional development is lacking in the HR Department, and interviewees' responses during interviews indicated they were either uninformed or had not attended recent training on relevant HR issues. This is especially concerning because Human Resources is highly technical, and related laws constantly change. Mistakes in the HR Department can be costly.

The job descriptions of the HR Department personnel and the job duties statements created by the employees do not match. This practice demonstrates a lack of direction from department management.

There is no comparability between the certificated management salary schedule and the classified version or between cabinet-level salary schedules. The district also promotes management employees without a corresponding change in the job description. This invites potential PERS/STRS issues since these agencies monitor circumstances that affect retirement salaries.

Position control is a system of tracking information based on positions rather than employees and is used in the district's budgeting. This system becomes even more important with the district's 2019-20 second interim report showing that personnel costs make up 80.3% of unrestricted general fund expenditures. However, the district has several issues with its position control process.

The district has a strong relationship with its collective bargaining units, but some improvements could be made such as establishing monthly labor relations meetings with all three units.

FCMAT performed staffing comparisons with five other districts of similar size and composition. These comparisons found that while staffing at the supervisory level of the department appears adequate, the district is overstaffed at the clerical support level and should consider reducing one clerical position or reducing the hours of one clerical position.



# Findings and Recommendations

## Organizational Structure

A school district's organizational structure establishes the framework for leadership and the delegation of specific duties and responsibilities for all staff members. As a district's enrollment increases or declines, the organizational structure should adapt as necessary to the changes. School districts should be staffed according to the basic theories of organizational structure and the standards used in other school agencies of similar size and type. The most common theories of organizational structure are span of control, chain of command, and line and staff authority.

### Span of Control

Span of control refers to the number of subordinates who report directly to a supervisor. Although there is no agreed-upon ideal number of subordinates for span of control, the span can be larger at lower levels of an organization than at higher levels because subordinates at lower levels typically perform more routine duties, and therefore can be more efficiently supervised (Principles of School Business Management by R. Craig Wood, David C. Thompson, Lawrence O. Picus and Don I. Tharpe).

### Chain of Command

Chain of command refers to the flow of authority in an organization. Chain of command is characterized by two guiding principles: unity of command, meaning that a subordinate is accountable to only one supervisor, thus eliminating the potential for an employee to receive conflicting direction and instruction from a variety of supervisors; and the scalar principle, meaning that subordinates at every level in the organization follow the chain of command and only communicate through their immediate supervisor. The result is a hierarchical division of labor in the organization.

### Line and Staff Authority

Line authority is the relationship between supervisors and subordinates and refers to the direct line in the chain of command. For example, in Alisal Union, the superintendent has direct line authority over the associate superintendent of HR, and the associate superintendent has direct line authority over the director in the department. Conversely, staff authority is advisory. Staff personnel do not have the authority to make and implement decisions; rather, they act in support roles to line personnel. The organizational structure of local educational agencies has both line and staff authority.

The purpose of any organizational structure is to help district management make key decisions to facilitate student learning while balancing financial resources. The organizational design should outline the management process and its specific links to the formal system of communication, authority and responsibility necessary to achieve the district's goals and objectives. Authority in a public school district originates with the elected governing board, which hires a superintendent to oversee the district. Through the superintendent, authority and responsibility are delegated to the district's administration and staff.

Management positions are typically responsible for supervising employees and overseeing the work of their respective divisions. They must ensure that staff members understand all district policies and pro-

cedures and perform their duties in a timely and accurate manner. Managers must also serve as a liaison between their division and others to identify and resolve problems and design and modify processes and procedures as necessary. Management positions should typically not be responsible for the division's routine daily functions; these should be assigned to division support staff.

The district provided FCMAT with its 2019-20 organizational chart dated May 7, 2020 and a HR Department organizational chart dated January 27, 2020. With the exception of the assistant principals, the district chart clearly shows the chain of command and functional areas of responsibility as well as the structure and relationships between positions. However, the assistant principals are shown without connection to any other position, which can cause confusion in understanding the chain of command and can call into question supervisory and job duty assignments.

Alisal Union's HR Department is composed of an associate superintendent, director, two HR technicians, administrative assistant, clerk and secretary II. While the department's organizational chart reflects a chain of command, this structure is not shown in the supervisory responsibilities of the job descriptions of those within the department. A staff position should have only one supervisor. The department's organizational chart's lines of authority can be interpreted to mean that both of the department's management positions supervise the staff positions. Some members of the department expressed that misunderstanding to FCMAT. Of the five staff positions in the department interviewed by FCMAT, two reported that they were supervised by both management positions. The other three reported that their supervisor was the associate superintendent of HR. Job descriptions of three of the staff positions show they are responsible to the director of HR, and the other two are responsible to the "[a]dministrator of the area of assignment and/or designee." The latter potentially conveys supervisory responsibility to either department management position. A well-crafted organizational chart should reflect all positions and clearly relate who reports to whom. Additionally, the director of HR's job description shows this position is directly responsible to the deputy superintendent; however, the district has no such position.

## Recommendations

*The district should:*

1. Revise its organizational charts to ensure that every position connects to another to ensure clear assignment of duties and supervisory responsibilities.
2. Revise its HR Department's organizational chart to reflect its line authority pursuant to job descriptions.
3. Review and revise its organizational charts as changes occur.

# Board Policies and Administrative Regulations

## Updating

Board policies, administrative regulations and board bylaws should incorporate the laws behind them and reflect district policies and practice. They serve as the guiding principles that all school districts follow. These policies, regulations and bylaws are set by the board and should be updated regularly to reflect changes in law as well as changes to district practice.

In any California school district, the personnel section of the governing board's policies divides policies and administrative regulations as follows: 4000s are generic policies applicable to all employees; 4100s are applicable to certificated employees; 4200s apply to classified employees; and 4300s apply to management and confidential employees. For this reason, three different policies are frequently adopted, for example 4111, 4211 and 4311, which address the same topic and often include identical language. The language sometimes differs to address the specific needs of each employee group within a specific topic.

The district subscribes to the California School Boards Association's GAMUT board policy service to manage its board policies. GAMUT issues updates five times each year in March, May, July, October and December to help districts ensure their policies are up to date. However, FCMAT compared the district's set of 317 personnel policies to the CSBA Sample 275 personnel policies and found the following (Additional instances, as they relate to the area analyzed, are also included in the report):

- 187 policies, or 58.99% did not include the date they were last updated in the index posted via the district's website.
- Many undated policies are out of date and need updating. For example, the district last updated BP 4112.4, 4212.4 and 4312.4 Health Examinations on June 3, 1993. GAMUT's last update was December 2014.
- Of the 130 district policies that were dated, 34 or 26% were out of date and in need of updating.
- 100 or 31.5% of the district's listed policies no longer exist in GAMUT's sample policies.
- 60 or 21.8% of GAMUT's sample policies were missing from the district's listed personnel policies.
- Many policies duplicate or can contradict one another as shown by the following examples:
  - BP 4251 Employee Compensation and 4252 Employee Compensation. The district updated both as of October 11, 2017, but they are identical. BP 4251 does not exist in the GAMUT sample policies, but BP 4252 does.
  - BP 4260 Leaves and Vacations and 4261 Leaves. Both relate to employee leaves/vacations; however, BP 4260 was last updated on February 23, 1988 and BP 4261 was last updated on January 14, 2015. GAMUT's sample policies show that BP 4260 does not exist, and that BP 4261 should have been updated effective July 2008 indicating that the district's policy was out of date for approximately 6.5 years.

The district and HR Department use these policies and administrative regulations to perform their duties. While routinely reviewing and updating a comprehensive set of policies and regulations can be time-consuming, it is a necessary part of the district's system of internal controls; Having the policies in such dis-

array does not serve the district or its employees well. FCMAT did not review the district’s other board policies, but if they are in a similar condition, GAMUT offers its members a Policy Development Workshop on updating policies en masse.

## Recommendations

The district should:

1. Immediately review and update its board policies and administrative regulations and consider utilizing GAMUT’s Policy Development Workshop to update them en masse.
2. Develop and implement procedures to ensure that board policies and administrative regulations are reviewed and updated at least annually.

## Policies and Procedures Manuals

The HR Department lacks a departmental handbook/policies and procedures manual and individual desk manuals (see also the Workflow and Distribution of Functions section below for additional discussion on this subject). During FCMAT’s interviews, staff expressed confusion about whether a policies and procedures manual even exists, and evidence indicated that the same task is performed differently by separate employees.

Departmental handbooks/policies and procedures manuals are designed to communicate important policies and expectations and are usually provided to employees when they begin employment with a school district. They typically include items such as the following:

The district’s mission/vision statement	A department mission/vision statement (if one exists)
Contact information for employee resources	Salary schedules
Employment-related definitions	Employee calendars
Rules on attendance, leaves, and tardiness	Employee union information
Board policies and administrative regulations pertinent to the employees addressed	A disclaimer that the handbook does not address every possible situation or create a contract for employment.

Providing handbooks to employees is not required but well-written handbooks provide important information and support consistency of practice.

FCMAT’s review of the district’s Leadership Team Procedure Manual dated July 1, 2020 found that it does not instruct departmental employees on various department processes. Instead, the document informs personnel outside of the department about accomplishing processes related to the HR Department. For example, in a process related to evaluations, a true HR policies and procedures manual would establish the department’s process for using the Escape system to determine who should be evaluated and how to print that report, provide the sites/departments with information on who needs an evaluation and when that evaluation is due. This is especially important to ensure probationary employees do not become permanent without being evaluated since those dates happen randomly throughout the year. The manual would also provide information on the following:

- How to compile packets of information for probationary and permanent employees at the sites/departments.
- How and when to follow up with evaluators in completing the process.

- What to do with the evaluations once they are submitted to the HR Department.
- What to do if site/department leaders do not complete the process.

The Leadership Team Procedure Manual provides a site/department leader with information from the user's perspective; the classes of employees being evaluated, where to get the timelines for each class along with timeline information and the forms used. Lastly, the manual provided to FCMAT was dated for the next fiscal year, which was outside the scope of work and did not include a date showing board approval, suggesting it was a draft.

The departmental manual may provide more information than necessary for anyone outside the department. However, once established, this document should be made available to the district office, school sites and other divisions/departments as applicable to assist with transactions and best practices. Establishment of this manual can ensure each department employee correctly completes tasks. It can also help change the perception that the district has an unfair, inequitable and questionable hiring process and practice by ensuring everyone has access to the steps in writing and can hold the department accountable for any deviations.

Desk manuals are documents that are created for each position and include step-by-step procedures for job duties and workflow diagrams to ensure a better understanding of duties and their timelines. Ensuring another employee tests the manual's written procedures assists with necessary revisions and cross training. These manuals also do the following:

- Ensure consistent application of internal controls and designate the responsibilities that each position has for that process.
- Assist with training gaps that can remain after employee turnover and are especially helpful to new staff.
- Provide guidelines for training, including cross training, help preserve institutional knowledge and eliminate dependency on one person.
- Ensure staff members follow the latest and most efficient procedures and affectively document and monitor segregation of duties.

These documents become particularly important when employees leave the district, are on vacation or absent for a long time because of illness. Most of the employees interviewed indicated they did not have desk manuals, and none were included in the documents provided by the district to FCMAT.

## Recommendations

*The district should:*

1. Develop a comprehensive departmental policies and procedures manual ensuring that it is updated regularly but not less than annually. The district could also consider utilizing a third party to prepare the manuals to ensure they are consistent in format across all policies/procedures and do not detract from staff time to assigned duties.
2. Develop comprehensive desk manuals for each employee in the HR Department, ensuring they are regularly updated as described in the recommendation above. The district could also consider utilizing a third party to prepare the manuals as described above.
3. Store both the departmental policies and procedures manual and individual desk manuals on an electronic shared drive for easy access for all department personnel.

# Workflow, Distribution of Functions and Operational Processes and Procedures

## Communication/Customer Service

Communication was reported as an issue in many FCMAT interviews. Communication can be in many forms – oral or written and both can come in many types. Oral communications can be via phone or in person -- either one-on-one or with multiple people present such as a meeting. Written communication can be in the form of memos, e-mails, policy and procedures manuals, BP/AR, forms, handbooks and desk manuals, to name a few.

In the case of Alisal, it lacks many of the components of communication listed above as well as follow through with those that do exist. Because of those lapses, employees and board members have developed their own methods of handling HR issues. This generates inconsistencies in how HR matters are handled and breeds the perception that the district's hiring processes are based on favoritism, nepotism and cronyism.

Many of those interviewed cited concerns with the HR Department's customer service and lack of timeliness and accuracy. Among the issues mentioned in FCMAT's interviews were: Information not provided timely, incorrect information, emails ignored, processes and procedures not consistent and, once an error is identified, taking several weeks to correct the error. FCMAT also received comments from those interviewed that meetings are scheduled with HR staff, and yet when the employee shows up for the meeting, the HR representative has gone home for the day.

Interviewees indicated it is difficult to support employees, make timely decisions, and be confident of districtwide consistency when communication is uneven or unreliable. Comments included that staff often need to repeatedly contact HR staff for responses and information, receive overly detailed responses to simple questions, and fail to receive timely information on employee issues. The department's July 1, 2020 Leadership Team Procedure Manual states the administrator's protocol should be to check emails, texts, and phone messages throughout the day and respond within 24 hours. This time frame is appropriate, but does not appear to be an HR Department standard.

Adoption of a district standard time to return telephone calls and emails is critical to efficient and effective communication. Department and site administrators could then be held responsible for implementing and enforcing this standard, and the community could ensure that everyone is treated consistently and fairly. This standard is important even if a complete response will take longer to develop. All those affected need to know they have been heard and their concerns will be addressed.

Communication within the HR Department also needs improvement. Some HR Department employees reported that the department held monthly meetings, but others stated these are held only sporadically. The district provided FCMAT with agendas and meeting minutes for three HR Department staff meetings in the 2019-20 fiscal year. Staff meetings are an important part of establishing a cohesive department by sharing ideas, providing an environment for everyone to ask questions, develop solutions, sharing knowledge and preventing miscommunications and misunderstandings. To be effective, staff meetings should have an agenda to keep everyone on task, a time limit and a designated mediator. Topics could include items such as current district events, how they affect the department, current department priorities, scheduled department tasks and activities, progress on long-term projects, and training opportunities.



The mediator should not set the agenda alone. These documents should be developed as a group, and each individual in the department should have the opportunity to add topics to ensure all voices are heard. Ensuring regular departmental staff meetings can help form a cohesive team that understands department mechanics and processes; this may dispel the perception that the district does not have an open, fair and equitable hiring process. Well-facilitated, staff meetings can help improve verbal and written communication between personnel, provide a consistent avenue of reliable information, promote openness on decisions, and improve communication and relationships throughout the district.

Communication and teamwork has further suffered because of the isolation between the district's departments. Formal communications should be a priority, especially during the uncertainty surrounding COVID-19. HR Department leadership is needed to facilitate better communication among staff members and management in the HR Department. Department staff members did not appear adequately informed of important issues and activities in the district and department, and indicated they receive inadequate input on the department's operations. For example, an employee received incorrect information on their start date and work calendar. This error could lead to PERS/STRS issues and potential penalties. Based on comments and documentation FCMAT received during fieldwork, the HR Department provided incorrect salary placements, resulting in employees being underpaid for as long as one year and nine months. In another instance, an employee was placed on an incorrect step on the salary schedule. This error was not discovered for several months and resulted in an overpayment.

During FCMAT's interviews, district employees mentioned the lack of interdepartmental meetings and constant errors. They reported that meetings occurred at the cabinet level, but other meetings have not included everyone in a department or between departments. This can result in a decreased understanding of other people's processes and how tasks interrelate. It can also create distrust between employees and departments and potentially lead to duplicate efforts. This lack of coordination was especially evident between Business Services and HR as noted in the examples above. No interdepartmental meetings occur between these two departments, and they do not have a joint calendar of major events or responsibilities even though they are linked through the hiring, payroll, and position control functions. It is imperative for the two departments to operate together to ensure that employees are paid correctly and on time and that information is accurate for financial reporting periods and budget development.

FCMAT's review of written communications developed by HR staff members found several contained grammatical errors. For example, the July 1, 2020 Leadership Team Procedure Manual contained this statement: "Check you (sic) emails, texts and phone message throughout the day." A review of a monthly HR newsletter sent to district administrators, established it includes appropriate reminders regarding, for example, evaluation timelines, as well as information regarding upcoming events such as recruitment fairs and employee recognition events. Although the newsletters appear professional, FCMAT found in each edition errors that should have been corrected via spell and grammar check. Examples include: "As a reminder, are (sic) to be evaluated annually;" "We have may (sic) deserving employees;" and a request that forms be completed prior to without including a date.

FCMAT's review of the district's website found that while it has a page for the HR Department listing staff members by name, title, and an email link, it does not provide clear information on each department member's job duties to assist customers with their questions or other information. Even though the HR Department's October 28, 2019 staff meeting minutes indicates "24 hour return messages acknowledge we received," staff stated requests for information from internal customers reportedly had severe lag times. For example, it often takes several months to learn the status of salary adjustments due to additional units submitted that result in salary schedule movement. This salary schedule movement is common to all HR departments. In this example, the delay could be due to several reasons such as: inadequate training of internal staff, lack of an integrated human resources information system (HRIS), or generally poor customer

service. An HRIS is separate from a position control system and tracks information on items not contained within position control such as training, leaves, credentials, annual notifications, etc. While FCMAT could not determine the reason for this lapse, sufficient references and examples were provided in interviews confirm this was not an isolated incident.

## Recommendations

*The district should:*

1. Ensure HR Department staff understand the district's expectation to focus on providing efficient and timely communications along with excellent customer service for both applicants and employees.
2. Establish a district standard for returning emails and telephone calls. If it will take longer to provide a complete response, ensure that the return communication includes an estimated time for providing the response.
3. Consider providing the HR Department staff members with customer service training to assist them in helping the public and other district employees.
4. Ensure HR Department leadership work to facilitate better communication and team building among its staff.
5. Ensure monthly HR Department meetings are held and include agendas and minutes for each.
6. Ensure that interdepartmental meetings between Business Services and HR occur at least monthly, and more frequently during financial reporting periods. Meetings should be memorialized with agendas and meeting minutes.
7. Establish procedures, such as spelling and grammar checks, to ensure that written communication is consistently error free.
8. Develop and distribute an HR Department staff list that provides the person's name, phone number, email address and job duty areas to assist customers in directing their questions and requests to the appropriate person.

## Hiring Process

Recruiting staff is a major function of any HR Department and must be done in a legal, timely, and efficient manner. The district must have clear well-written procedures for staff to know their roles in the process. During interviews, employees expressed concerns about inconsistencies in the district's hiring process. While the concerns that were raised were centered around paper screening, interview panels, and reference checks, FCMAT found issues in other aspects of the district's hiring process. To create a clear, unbiased and efficient recruitment processes, standard forms, routing procedures, approvals, and roles for staff pertaining to the recruitment process should be developed and implemented.

## Application Process

The district's application process is the same for certificated, classified and management/confidential positions for candidates who are not employed by the district. Positions are posted on EdJoin, a nationwide online job board used by many districts to recruit candidates. Candidates may apply online via EdJoin, or



by using a paper application that is posted on the district's website and available at the district office. The district uses the same application for management and nonmanagement positions. However, FCMAT's review of the certificated application showed that it includes questions regarding management positions. The classified application does not. Once a position closes, all applications are printed in preparation for paper screening.

This process can increase errors because it includes two ways to apply for positions, which increases the possibility that candidates will be overlooked. The best practice would be to have a single process. An online process will decrease the paper needed and allow for tracking of a candidate's progress. Further, it can ensure all candidates are held to the same deadlines and standards, and if candidates lack personal access to a computer, provisions could be made for them to apply online in the HR Department office.

## Paper Screening

Paper screening is the first review of an applicants' qualifications. In FCMAT's interviews with HR Department personnel, several staff members indicated they are responsible for screening potential candidates, and this task takes a considerable amount of time. It is unclear why essentially the entire department is responsible for this task although the recruitment process understandably has busier times, such as the in spring and summer when additional help may be warranted. This issue appears to result from a lack of direct guidance about who is responsible for each process, which can lead to duplication of effort.

The district's paper screening process is inconsistent. While some HR staff members stated they paper screen applications, personnel from outside the department indicated they perform the initial screening. Candidates are sometimes scheduled for interviews even though they were screened out of the process or not paper screened at all, according to staff. The standard for being screened in or out of interviews appears inconsistent. An online system would allow screeners to review applications and document reasons for screening candidates in or out of the next level, and this criteria can be viewed by others if questions arise. This provides a level of accountability and documentation of a consistent, legally defensible process.

The best practice is for HR staff members to conduct the initial screening of applications to ensure that candidates have met the position's minimum qualifications as stated in the job description. When reviewing applications for certificated positions, consideration is given to whether candidates are properly credentialed. Administrative candidates are frequently in the process of completing credentials as they apply for positions. When this occurs, candidates should provide documentation within the application specifying when completion of the credential is expected. If credentialing will be completed before the start of the position, candidates are typically paper screened to the next level of screening. An HR staff member should be responsible for this initial screening since these personnel should be most familiar with the minimum qualifications for each position.

The administrators/supervisors of the department with the vacancy should perform the second level of paper screening. The best practice would be to have at least two supervisory employees review the applications as one might see something the other misses. Currently, it was reported that administrators must come to the HR Department in order to review the paper copies of the application packets. If all applications are in an online system, the reviewers would be able to do this at their work sites rather than coming to the HR office to review paper applications. At this level, paper screening should consist of reviewing the applicants' experience and its alignment with the job responsibilities of the vacant position. This information can be included within an online system. Applicants who pass this level of screening would then be scheduled for the first round of interviews.

## Interviews

The district routinely uses panel interviews to select the top candidates for vacant positions. During FCMAT's fieldwork, their interviewees expressed concerns about how interview panels are selected, including the timeliness of notification that a panel is being created and the method of choosing members.

Panel interviews are those where more than one interviewer is present, and their primary purpose is to create a broader picture of the candidate than a one-on-one interview. Since each panel member brings a different set of experiences, thoughts, beliefs, and biases to the interview process, panel interviews are used to gain perspective from a variety of people in and sometimes outside the organization. The use of panel interviews is based on the philosophy that the involvement of multiple interviewers increases the accuracy of assessing a candidate's match for the position. Typically, panel interviews are coordinated by a facilitator who may or may not be a participant.

FCMAT reviewed the recruitment files for the last five positions recruited in the certificated, classified and management classifications. In those 15 recruitment files, panels were composed of two to 10 interviewers, a range that is not unusual for districts, especially when the panels include union representatives. Panels typically included a site principal as a designated facilitator; however, these positions are not always as well versed on HR policies. The associate superintendent participated as the designated facilitator in three of the 15 panels. The use of an HR Department facilitator ensures that all department protocols and policies are followed.

FCMAT also found that the union representation on interview panels varied between certificated and classified positions. While the contract does not require an Alisal Teachers Association (ATA) representative to participate on interview panels, FCMAT's review of the 15 recent panels found that a representative was included in four, three of which were for management-level interviews. The classified bargaining agreement with the California School Employees Association (CSEA) requires at least one union member to serve on interview panels for all bargaining unit positions. The CSEA president appoints the panelist by classification using the CSEA representative list, which is to be provided to the district annually. FCMAT's review of the panelists in the 15 recruitment files showed a CSEA representative participated in 10 panels, five of them for nonbargaining unit positions.

HR Department employees reported that requests for panel members are usually sent a week before interviews. Employees in specific job classifications are sometimes invited to participate as panelists, such as another director when there is a vacant director's position. Other times, panel members are invited because the vacancy is at their school site or department. Emails are often sent to employee groups such as principals, and panel members are selected based on a first-come, first-served basis depending on who wants to participate. A community member or manager from another district is occasionally invited to participate on a panel. At the time of FCMAT's fieldwork, the superintendent's executive cabinet was reviewing panels to ensure a variety of people and perspectives were represented.

Some staff perceive that three particular employees participate on interview panels too frequently and therefore have undue influence on employee selection. Of the 15 most recent panels, two district employees had not participated in any panel and one had participated on one.

Interviewees reported that each position has standard sets of approved questions that are position-specific and have not been changed in many years. For example, the questions and sets used for principal candidates are always the same. This ensures equity and legally defensible interviews; however, it is not necessary for questions to be identical each time a position opens. The best practice is to review and revise questions to meet the needs of the specific position. Using identical questions regardless of the school site does not acknowledge individual site needs. Other positions that are more uniform, such as entry-level food service positions, should have two or three sets of questions that may be rotated. Without these

types of precautions, the district increases opportunities for candidates and others to share questions and responses with friends and colleagues. This can create unfair advantages and disadvantages among applicants. Interviewees stated the district uses Cooperative Organization for the Development of Employee Selection Procedures (CODESP); however, interviewees did not indicate that the HR Department utilized CODESP's online test item bank to generate interview questions, which would facilitate this task.

## Reference Checks

Reference checks are useful in verifying or gathering information about job applicants. However, some employers may be concerned that former employees may file defamation lawsuits if the district provides negative information in response to a reference request. To deal with this issue, California and other states have enacted laws protecting employers from claims by former employees for defamation of character.

Under California law, truthful communications about job performance or employment qualifications of a current or former employee are privileged as long as they are based on credible evidence and made without malice (CA Civ. Code Sec. 47(c)). Privileged communication includes answering the question, "Would you rehire the employee?" Effective January 1, 2019, current or former employers can disclose whether a decision not to rehire is based on the employer's determination that the former employee engaged in sexual harassment. However, a wide range of criminal records cannot be accessed by California employers, including arrests that did not lead to a conviction. Because of the complexity of laws governing reference checks, it is critical for school districts to have a consistent, legally defensible practice for performing this task. As a result, information received informally by nonemployment channels should not be considered when making employment decisions.

During FCMAT's interviews, district administrators raised concerns about reference checks including uncertainty about whether they are conducted, who conducts them, and whether the process has a consistent format. Staff indicated some candidates were hired despite the existence of negative information about them; however, this information was provided informally by people who are not current or previous employers. These FCMAT interviewees seemed unaware that this type of information cannot be considered in making employment decisions.

Several HR staff members indicated they conduct reference checks; however, FCMAT's review of their job descriptions and self-authored task lists found this process was not included. Some site administrators and department managers stated they do not conduct reference checks because HR staff members do this. Others said this responsibility was either assigned to them by the HR Department or they took it upon themselves. In some cases, HR provided managers with reference check documents, but in others, they used their own judgment and documents.

FCMAT reviewed two HR Department reference check forms for classified positions, one entitled Pre-hiring Candidate Reference Information Classified Positions form and dated July 2003. This document contains the reference person's contact information and the name of the staff member performing the reference check. It requests feedback on skill levels in competency, reliability, punctuality, self-starting, judgment, confidentiality, and people skills. The form also asks if the reference would hire or rehire candidate and how the applicant's coworkers view him or her.

The second form, titled Employment Reference Check, is undated and does not specify when it should be used or for which classifications. One paragraph is to be read to the party providing the reference, and the form includes 11 questions about the candidate's work performance such as the job title; length of time the reference was their supervisor; comments about attendance, dependability, overall attitude; interaction with people; strengths and weaknesses; personal difficulties that interfered with their work; the reason for leaving; and whether the former employer would rehire the candidate.

The HR Department did not provide FCMAT with any written procedures on reference checks and they are not included in these forms, allowing for inconsistency in the process. The best practice is to designate specific personnel to conduct reference checks and clearly communicate the process for doing so. This may include HR Department staff members and district managers/supervisors as long as there is clear organizational understanding of the circumstances under which each conducts reference checks. Reference check forms should clearly state when and how they should be used and include consistent opening statements and questions which are critical for the district to create a legally defensible process.

## Timelines

During interviews, staff expressed concerns about the length of time it takes to fill positions. According to interviewees, classroom teaching positions are usually filled within approximately one to two months, but specialized teaching positions such as special education and instructional coaching can take up to four months. If a teaching vacancy occurs mid-year, finding an appropriately credentialed teacher is often difficult.

Other concerns focused on the number of teachers hired without teaching credentials who teach with either a provisional internship permit or a short-term staff permit. These permits are authorized by the California Commission on Teacher Credentialing and allow districts to fill immediate staffing needs by hiring individuals who have not met certain competence requirements. This occurs across all types of classrooms including regular education classes. However, Alisal Union's high need for these permits is unusual, especially in an elementary school district where a multiple subject credential is the primary requirement among its classroom teachers. As reported by the state commission in its most recent Title II report for California (using data from 2017-18), the multiple subject credential is the most common subject area credential in the state, with 39.5% of all teachers prepared in this area. The provisional internship permit and short-term staff permit are more common among hard-to-recruit positions, such as those in special education, math, and science.

At the time of FCMAT fieldwork, the district's general teaching positions were almost fully staffed. Any remaining vacancies were in special education, where there is a severe state shortage. FCMAT's fieldwork occurred in May, one of the final months of the school year when few teaching vacancies would be expected. However, several district employees indicated that finding fully credentialed teachers at the beginning of the school year can be difficult. Interviewees also noted that late resignations are common because employees want to maintain health benefits through the summer.

The district terminates employees' health benefits at the end of the month that their resignations take effect, but the collective bargaining agreements, board policy, or administrative regulation do not cover this item. For example, if an employee resigns effective mid-June, his/her health benefits end on June 30. This practice has led to some employees submitting resignations in July and August to provide them with uninterrupted health and welfare benefits until they start their new position at another district. However it also affects the district's ability to hire quality, fully credentialed teachers and leads to the district's having to employ an increased number of permits as described above.

Interviewees indicated that staffing classified positions tends to take longer than certificated, and some positions, such as campus supervisors and crossing guards, are consistently difficult to fill. Interviewees stated that they often need to closely monitor HR to fill classified positions in a timely manner. Substitute employees sometimes became probationary employees by default because they have worked in a vacant position for more than 60 days pursuant to Education Code Section 45103(d)(1).

Complicating classified hiring is that the collective bargaining agreement covering those employees states that the district may actively recruit outside candidates only after the contract's hiring process has been ex-

hausted. The process for internal candidates includes interviewing employees who want to be considered for a voluntary transfer and those who would like to be considered for promotion. The provisions extend the timeline for filling these positions.

## Onboarding

Documentation indicates employees do not receive orientation or an explanation of position pay and a work schedule. While none of these items were included in new employee checklists, a page from the July 2019 HR newsletter states that the HR team will provide orientation sessions for classified positions and includes a list of subjects and departments to be included. It does not include the dates, times or locations of the orientation session(s).

The district's Classified Employee Handbook and Guest Teacher Handbook, both dated July 1, 2020, contain important information for new employees. However, given the dates of these documents, they appear to have been created in response to FCMAT's review and are intended for future use. No handbook was provided to FCMAT on certificated employees.

## Recommendations

*The district should:*

1. Add management information to its classified application, or develop a separate application for management positions.
2. Transition to an online application system to eliminate paper applications.
3. Ensure online applications provide differentiation for certificated, classified, and/or management positions.
4. Revise its procedure regarding paper screening so that specific HR Department personnel perform an initial screening of applicants to ensure they have met the minimum qualifications. Two district administrators should complete the second stage of paper screening .
5. Ensure that all interview panels include an HR Department facilitator and union representation, as appropriate, to ensure that protocols and policies are followed.
6. Consider developing guidelines to compose interview panels and including them in the department's policies and procedures manual. These should include a statement on conflicts of interest to minimize the appearance of selecting favored candidates.
7. Create at least two, preferably three, sets of interview questions that could be used for each position. Consider using CODESP for this task.
8. Rotate and revise interview questions frequently to ensure they meet the district's needs and reduce the opportunity to provide unfair advantages/disadvantages to applicants.
9. Develop, review and update, as needed, reference check forms for classified, certificated, and management positions.
10. Provide training to all HR Department staff members and district managers/supervisors on when and how reference checks are conducted, and ensure everyone uses the correct district forms.



11. Evaluate the savings that may be realized by terminating the health benefits of resigning employees at the end of the month when their resignations are effective with the impact of this process on the district's ability to recruit fully credentialed, high-quality employees. Determine whether the savings outweighs the disadvantages to students.
12. Communicate frequently with hiring managers about the timeline and progress in filling classified positions.
13. Review and revise the process as needed and allowed in the contract to ensure that classified positions are filled within 60 days to ensure substitute employees do not gain a position by default.
14. Develop orientation schedules for all classifications of new employees.
15. Develop a certificated employee handbook and ensure that all handbooks are updated at least annually to reflect changes in law or district practice.

## Evaluations

Employee evaluations are conducted to promote communication, provide feedback to improve job performance and improve working relationships. California Government Code 3543.2 states the procedures used to evaluate employees are subject to negotiation with employee unions. Board Policy and Administrative Regulation 4115 and 4215 Evaluation/Supervision state evaluations will be performed in accordance with the procedures specified in negotiated contracts.

During the FCMAT interviews, some staff indicated evaluations are not completed as required; however, interviewees supervisors consistently stated they complete the annually required evaluations for certificated and classified employees.

FCMAT reviewed district documentation of its efforts to inform administrators of their responsibilities and timelines for evaluations such as the Leadership Team Procedure Manual, dated July 1, 2020. This document states that certificated and classified employees are to be evaluated based on the provisions in their respective contract, and that the HR team will provide managers with a list of all employees to be evaluated annually. The manual also includes various forms and documents such as the following:

- A pyramid of evaluation for certificated staff
- A certificated evaluation form
- A classroom visitation form
- A preobservation form
- An evaluation procedure for classified employees
- A classified evaluation form
- A classified performance assistance plan

However, the manual does not appear to have been distributed to administrators since the date included is in the future.

FCMAT was also provided with copies of agendas for the superintendent's monthly roundtable meeting with principals and leadership council meeting for the 2019-2020 fiscal year. Evaluation processes and timelines were discussed at the September 2019, November 2019, December 2019, January 2020, Febru-

ary 2020 and March 2020 meetings. The January 2020 HR newsletter contained information about certificated evaluation timelines, the items that should be included in a Goal Setting Conference, the process for any unsatisfactory rating, and the new probationary period for classified employees under AB 1353.

The agenda for the September 2019 meeting shows that an evaluation timeline titled Temporary, Probationary, and Performance Improvement was discussed. However, the document was dated 2013-14 with a note that it was revised on July 24, 2013.

HR staff members send certificated and classified evaluation lists to supervisors at the beginning of each school year. When evaluations are submitted the HR Department, HR staff review the documents, enter the date of the completed evaluation into the Escape system, and provide information on evaluations to their supervisors. HR supervisors review the evaluation if it is below standard.

HR supervisors are responsible for contacting administrators who have not completed all the required evaluations and remind them of the deadlines. These are June 30 for classified staff and 30 days before the last school day scheduled on the school calendar for certificated staff. Multiple interviewees agreed that some administrators do not complete all the required evaluations. For those who do not, the administrators' supervisors are notified to allow the omission to be included in the administrators' evaluations.

Documentation provided to FCMAT indicated procedures for annual employee evaluations are well-documented, and administrators reported that they were informed of the procedures and deadlines. However, the district appears to lack consequences for those who fail to complete evaluations. Implementing these is a best practice.

## Certificated Employees

Board Policy and Administrative Regulation 4115 Evaluation/Supervision outline the procedures for evaluating certificated employees. The administrative regulation states that if the policy and/or regulation conflict with the collective bargaining agreement, contract procedures will be implemented. FCMAT was also provided with the following documents that the district gives administrators:

- Certificated Evaluation Form, updated in September 2015;
- School Counselor Evaluation, established by a Memorandum of Understanding (MOU) in October 2019;
- School Nurse Evaluation Form, established by an MOU in October 2019; and
- Certificated Psychologist Evaluation Form, established by an MOU in October 2019.

The forms dated October 2019 are intended for use in the 2019-20 evaluations. Since these evaluation forms are negotiable, they were initially developed with input from the teachers' union and reviewed and negotiated with district representatives. FCMAT compared the contract to the documents provided to administrators and the district's policies and regulations and found they align with one another.

Some interviewees stated that evaluations of certificated staff members are not performed routinely or timely. FCMAT requested documentation of the completed certificated staff evaluations for 2018-19 and 2019-20, and the table below shows the 2018-19 data. This table shows that 50, or 27.5%, of the scheduled evaluations were not completed. Particular school sites and departments failed to perform this task, most of the uncompleted evaluations were for tenured certificated staff members. In the 2018-19 school year, 35.2% of the scheduled evaluations for tenured staff members were not completed. At the time of the FCMAT's analysis, the Escape report provided for the 2019-20 school year did not include any data on completed certificated evaluations even though it was dated May 29, 2020.

Approximately 89.5% of both probationary and intern certificated staff members were evaluated during the 2018-19 school year. While nontenured certificated staff members may be released without explanation during the probationary period, effective and timely evaluation provides an opportunity for administrators to communicate the need for improvement and implement appropriate support measures. HR staff stated that some probationary employees had probably attained permanent positions without being evaluated. When administrators do not evaluate nontenured certificated staff members, the possibility of granting tenure to ineffective employees increases.

Administrators who do not complete the required evaluations, especially those for nontenured employees, should face appropriate consequences.

**CERTIFICATED EMPLOYEE EVALUATIONS, 2018-19**

School	5-Year Evaluation		Permanent Employee Evaluations		Probationary Employee Evaluations		Interim Employee Evaluations		Total Employee Evaluations		
	To Be Completed	Completed	To Be Completed	Completed	To Be Completed	Completed	To Be Completed	Completed	Total To Be Completed	Total Completed	Percentage Not Completed
Alisal Community	9	8	3	3	1	1	1	1	14	13	7.1%
Bardin*	2	2	4	4	4	4	2	2	12	12	0.0%
Fremont	4	4	2	2	1	1	3	2	10	9	10.0%
J Sanchez	2	2	12	12	2	2	1	1	17	17	0.0%
F Paul	1	0	9	9	5	4	2	2	17	15	11.8%
VR Barton**	0	0	6	3	0	0	1	1	7	4	42.9%
Steinbeck	0	0	6	2	3	3	2	2	11	7	36.4%
OF Loya	1	1	3	3	3	3	7	7	14	14	0.0%
C. Chavez	2	2	2	1	3	3	2	2	9	8	11.1%
Creekside^	5	4	3	1	1	1	4	4	13	10	23.1%
MLK Academy	0	0	12	0	1	1	1	1	14	2	85.7%
Maintenance			1	1					1	1	0.0%
Monte Bella	0	0	17	14	2	2	1	1	20	17	15.0%
District Off			1	1					1	1	0.0%
Ed Services			4	2	1	0			5	2	60.0%
Special Ed	1	0	13	0	1	0	2	0	17	0	100.0%

\* 1 teacher at Bardin not included in count because eval postponed due to FMLA  
 \*\* 1 teacher at VR Barton not included in count because eval postponed due to lengthy illness  
 ^ 1 teacher at Creekside not included in count because eval postponed due to FMLA



## Recommendations

*The district should:*

1. Provide updated annual training for all administrators on evaluation practices, forms, and timelines.
2. Hold all administrators and managers accountable for turning in required evaluations on time.
3. Determine appropriate consequences for failing to complete evaluations by contractually designated deadlines. Ensure consequences are implemented when necessary.

## Classified Employees

During FCMAT's fieldwork, district staff expressed concerns that classified employees are either not held accountable through evaluation, or exemplary work is not documented. The district's BP 4215 Evaluation/Supervision supports documentation of positive work and holding employees accountable. The CSEA collective bargaining agreement focuses on the importance of documenting exemplary work, but acknowledges that evaluations can be used to improve performance. A best practice is to clarify the purpose(s) of evaluations and ensure the same form is used consistently across the district. While administrators have been trained in the use of the evaluation form (as verified by the superintendent's monthly roundtable meeting with principals and Leadership Council meeting agendas), some administrators indicated it is unclear whether employees understand the full scope of evaluation.

Principals sometimes lack the opportunity to provide input into the evaluations of employees assigned to work at a specific school site, according to interviews. Principals recognize that these evaluations are properly assigned to the department supervisor; however, obtaining site administrator input would provide a full understanding of how the employee performed during the school year.

FCMAT also requested evaluation completion data for classified employees. The following table is the result of FCMAT's analysis of that data and shows that all required evaluations of classified staff were completed for the 2018-19 school year. A review of the information indicates not all evaluations for the 2019-2020 school year had been provided to HR at the time of FCMAT's review. However, 87.76% of all classified evaluations had been performed by June 3, 2020 which was the date that the report was uploaded for FCMAT's review.

**CLASSIFIED EMPLOYEE EVALUATIONS COMPLETED**

School	FISCAL YEAR 2018-19			FISCAL YEAR 2019-20		
	Total To Be Completed	Total Completed	Percentage Completed	Total To Be Completed	Total Completed	Percentage Completed
Alisal Community	16	16	100.00%	15	14	93.33%
Bardin	18	18	100.00%	18	18	100.00%
Fremont	25	25	100.00%	20	19	95.00%
J Sanchez	26	26	100.00%	14	14	100.00%
F Paul	21	21	100.00%	18	16	88.89%
VR Barton	20	20	100.00%	14	14	100.00%
Steinbeck	22	22	100.00%	16	16	100.00%
OF Loya	23	23	100.00%	17	16	94.12%
C. Chavez	17	17	100.00%	14	11	78.57%
Creekside	23	23	100.00%	21	21	100.00%
MLK Academy	14	14	100.00%	11	11	100.00%
Maintenance	16	16	100.00%	13	13	100.00%
Monte Bella	19	19	100.00%	14	13	92.86%
District Office	5	5	100.00%	5	4	80.00%
Ed Services	4	4	100.00%	6	6	100.00%
Special Ed	7	7	100.00%	8	4	50.00%
Technology	10	10	100.00%	10	0	0.00%
Transportation	30	30	100.00%	33	32	96.97%
Food Service	48	48	100.00%	47	47	100.00%
AFRC	16	16	100.00%	17	8	47.06%
ECE				12	0	0.00%
Custodial				40	39	97.50%
HR				1	1	100.00%
Totals	380	380	100.00%	384	337	87.76%

**Recommendations**

*The district should:*

1. Clarify evaluation purposes and processes for all employees.
2. Consider broadening the opportunities to receive input regarding on performance, especially when department employees are assigned to specific school sites.

**Management/Confidential Employees**

Management/confidential employees should be evaluated annually like personnel in other classifications. However, most interviewees in this classification reported that they had not been evaluated in at least two years with some reporting that they had not been evaluated in as many as 10 years.

Some employees within the management/confidential classification have individual employment contracts, primarily the superintendent and associate/assistant superintendents. FCMAT reviewed the superinten-

dent's contract and found that it provides timelines for annual evaluation, but adds that the completion of this process will have no impact on the position's salary.

Contracts for the HR associate superintendent and assistant superintendent include a statement that the superintendent or designee will supervise and evaluate both positions, and attempt to complete the evaluation by June 30 of each year. This language does not hold either the superintendent or the associate/assistant superintendent responsible for measurable standards annually. The contracts also state salary increases depend on an evaluation that is satisfactory or better. Without annual evaluations, this section of the administrative regulation is not enforceable. Revising the language in individual contracts to commit to setting goals and evaluating accomplishments conform to the best practice and ensure proper implementation of the contracts.

Board Policy 4315, last revised January 14, 2015, governs the evaluation of administrative and supervisory personnel. An exhibit attached to this policy is entitled Personnel Division Management Performance Review, which provides the opportunity to rate administrators in characteristics, educational leadership, communication ability, management ability, and professional growth and self-improvement. FCMAT was also provided with the evaluation forms used by the district in evaluating its management/confidential employees. A comparison to the exhibit shows that it does not appear to be used for certificated management, classified management, or confidential evaluations.

The language in BP 4315 Evaluation/Supervision on evaluation of certificated administrative and supervisory employees is consistent with the evaluation language in the teachers' collective bargaining agreement. Specifically, BP 4315 states the following:

Each certificated administrative and supervisory employee shall be evaluated every other year. However, an employee may be evaluated every five years provided he/she has been employed by the district for at least 10 years, his/her previous evaluation rated him/her meeting or exceeding standards, and the evaluator and the employee agree to this schedule.

According to this policy, the superintendent is responsible for developing evaluation guidelines and standards. These standards may include those of the California Professional Standards for Education Leaders (CPSEL) as well as other standards and criteria developed by the board and superintendent. Interviewees described different systems of evaluation and were unclear as to when and how evaluations would be done for the 2019-20 school year. None spoke about the option of having an evaluation occur every other year or every five years as delineated in BP 4315.

The CPSEL was adopted by the Commission on Teacher Credentialing in 2014. Its purpose is to identify what a school or district administrator must know and do to demonstrate and sustain effective leadership. The CPSEL standards emphasize: Development and implementation of a shared vision, instructional leadership, management and learning environment, family and community engagement, ethics and integrity, and external context and policy. The website provides elements and indicator examples for each of the six standards, and the CPSEL is used by many districts as the basis for administrators' evaluations. The Alisal Site Administrator Performance Evaluation Form, provided to FCMAT and dated 2013-14, appears to be generally aligned to the CPSEL sections.

An evaluation every five years, as would be allowed by board policy, does not hold employees accountable for annual improvement and growth of students. The 2013 book, *Principal Evaluation*, by James H. Stronge, Xianxuan Xu, Lauri M. Leeper, and Virginia C. Tonneson, discusses the importance of effective, meaningful evaluation of principals to improved student achievement, rigorous curriculum, and quality instruction. It suggests that a quality evaluation system includes meaningful and timely feedback, consequences based on the evaluation, clear communication of criteria and standard protocols, ways to enhance principal moti-

vation and improve performance, and alignment to professional standards. This type of evaluation system requires that administrators be evaluated annually.

Classified senior management and supervisory employees are to be evaluated in accordance with procedures developed by the superintendent or designee and approved by the board. The district provided FCMAT an evaluation document, "Classified Management/Supervisors/Confidential Evaluation Form." The form includes a checklist rating and sections that may be used to record goals, strengths, and deficiencies. The form also provides the opportunity to rate employees on 23 work skills and practices and nine management factors. The work skills are similar to those found on the classified employee evaluation form while the management factors focus on supervision and department management. The evaluation form is overly focused on work skills, and the best practice would be to focus it on the person's management and supervision of the assigned department.

## Recommendations

*The district should:*

1. Develop a tracking system to ensure that every manager, supervisor, and confidential employee is evaluated in accordance with timelines outlined in board policy.
2. Consider holding the board and superintendent accountable to evaluation standards similar to those for other management employees.
3. Revise associate superintendent contracts to ensure annual evaluations are completed.
4. Revise BP 4315 to include annual evaluations of management, supervisory, and confidential employees and remove the exhibit attached to this policy.
5. Review and update management/confidential evaluation forms and revise further as needed.
6. Ensure all management, supervisory, and confidential employees understand the expectations and evaluation criteria prior to the beginning of their annual evaluations.

## Employee Discipline

Interviewees stated FRISK training is routinely provided to administrators, and some interviewees stated they attended this training as recently as December 2019. The FRISK acronym stands for: Facts (what happened); Rule (what rule was violated); Impact (what was the effect); Suggestions/Directions (what needs to be improved or corrected); and Knowledge (personnel file rights). The FRISK model, developed by a legal firm, is designed for public sector evaluators to use while correcting employee misconduct or promoting improvement in substandard employee performance. The process is designed to be positive, corrective, and progressive.

Interviewees expressed concern that some employees are disciplined more severely than others. They had several opinions about why, including: preferential treatment is given to one employee group over another (for example certificated employees over classified employees); and district administrators' and/or board members' friendships, family relationships or politics are potentially taken into account in determining disciplinary consequences for their actions.

Employees who are responsible for supervising others stated that they work with HR staff on discipline issues. However, there was a general consensus that HR responses are not always timely, processes are

slow, and the advice provided is not always what was needed. Interviewees noted HR ensures collective bargaining agreements are followed and provide some consistency in interpretation.

Staff indicated it is difficult to implement disciplinary measures beyond written reprimands, and they perceive that this is often because employee unions exert undue influence on the process. Comments suggested that supervisors have to weigh which would be worse: Following the proper course and incurring a political consequence or ignoring the behavior and avoiding political liability. During FCMAT's interviews, several staff members expressed concern about the lack of consistent discipline for district employees. Interviewees described incidents in which seriously inappropriate conduct occurred, such as texting nude photographs to other employees, and the conduct did not seem to receive appropriate consequences, e.g., being transferred to another site/department instead of more serious discipline. The district subjects itself to increased liability when it does not appropriately address the issue.

Relationships, whether personal or political, should play no role in supervising employee behavior. The best practice would be to ensure that the system used for correcting employee behavior is applied fairly, consistently and in accordance with applicable board policies and employee contracts.

## Recommendations

*The district should:*

1. Provide annual training to supervisors to ensure consistent use of the FRISK model in conjunction with board policies and collective bargaining agreements.
2. Provide explicit communication to all employees regarding the district's commitment to hold all employees accountable for professional, appropriate behavior that benefits students and their learning.
3. Hold supervisors responsible for keeping employees accountable for their behavior and implementing appropriate discipline when needed. The HR Department should provide support to supervisors as needed.

There are contractual, legal, and board policy differences between potential consequences for certificated and classified staff. FCMAT interviews indicated there may be some confusion in this area, and opinions expressed may be based on the lack of communication. The following subsections present these differences:

## Certificated Employees

The collective bargaining agreement (CBA) between the district and the ATA includes an appendix G, which contains the following language:

Article 23 D of the 2006-2008 ATA CBA states: "Both ATA and the District agree that the Board Policy 4118 and Administrative Regulations and 4118 on Discipline discussed and adopted in 1988, will be attached to the current contract as an appendix."

The 1988 Board Policy 4118 contains a definition of suspension without pay and progressive discipline procedures, which include a statement that discipline less than dismissal will be in accordance with the procedures listed in the policy. The administrative regulation lists the reasons that a certificated employee may be dismissed, which are those in California Education Code 44932. The administrative regulation has not been revised since February 23, 1988.

The board policy was subsequently revised on January 14, 2015, but is not included in the agreement. Board policy states the superintendent or designee may do the following:

...take disciplinary action as he/she deems appropriate in light of the particular facts and circumstances involved and based on the severity of the misconduct. Disciplinary actions may include, but not be limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave, or dismissal.

The best practice would be for the collective bargaining agreement to include the current board policy and administrative regulation on discipline and dismissal for certificated employees. Having two documents delineating disciplinary processes may not necessarily create a conflict, but it can lead to unnecessary confusion about the disciplinary process.

Article 11.E. of the contract provides for the involuntary transfer and reassignment of certificated employees in four circumstances: Downsizing, loss of program, or changes in enrollment (involuntary displacement); not providing adequate service to students as evidenced by the employee's written evaluation(s); superintendent determination that it is in the best interests of students, school, and/or district learning and/or work environment; and site principal determination that it is in the best interests of the students and/or school learning and/or work environment to reassign an employee. The contract states the superintendent may transfer/reassign up to five certificated employees per year and principals may reassign one teacher per year.

Some interviewees perceive that problematic teachers are involuntarily transferred from site to site instead of being disciplined. However, most staff agreed that moving teachers from site to site and/or assigning them to other grade levels does not correct the problematic behavior, and students' education can be harmed by keeping ineffective teachers in the district. Some certificated employees reportedly engage in inappropriate conduct knowing the maximum discipline will be transfer to another school. The best practice is to use involuntary transfer and reassignment in conjunction with documentation of the inappropriate behavior and how it results in ineffective/inadequate service to students in teacher discipline.

In California, the process for dismissing a tenured teacher includes extensive documentation of items such as the teacher's performance deficiencies; the rule(s) or standard(s) violated by the employee; and the district's efforts at remediation. If there is no improvement, the district brings forward a statement of charges that is presented to the governing board. If the board moves to proceed with dismissal, the employee has an opportunity to request a hearing that must be held within six months of the date of request. The hearing is held by a three-person panel called a Commission on Professional Competence. The commission's chairperson is an administrative law judge employed by the California Office of Administrative Hearings. The employee and the district each select one panel member. The three-member commission conducts the hearing and determines if the employee will be dismissed. This can be a very expensive and lengthy process.

The March 15, 2014 edition of *The Economist* published an article entitled, "The Dance of the Lemons," acknowledging the extensive process required for teacher dismissal and described how ineffective teachers are frequently moved from school to school (the dance of the lemons) in lieu of engaging in the discipline/dismissal process. This appears to be the district's method of dealing with problematic teachers. The best practice would be to do the following:

- Develop a consistent standard of behavior aligned to board policy and state and federal laws.
- Hold all employees accountable to that standard.
- Appropriately discipline employees who fail to maintain it.



## Recommendations

*The district should:*

1. Review and update Board Policy and Administrative Regulation 4118 on certificated employee discipline and dismissal as well as Board Policy and Administrative Regulation 4218 on classified employee discipline and dismissal.
2. Ensure the Alisal Teachers Association contract includes the current Board Policy and Administrative Regulation 4118 as well as any revisions in the future.
3. Provide annual training to district administrators on the use of FRISK and district policies to appropriately document and discipline certificated employees as needed.
4. Use involuntary transfer and reassignment as a part of the discipline process rather than the primary consequence for inappropriate behavior.

## Classified Employees

Staff indicated there is a lack of consistent discipline for classified employees, and consequences do not match the offenses. Interviewees provided that improvement plans seemed to be the most severe discipline available and there are some employees who do not improve regardless of how many improvement plans are created.

The contract between the district and CSEA Chapter 577 contains Article 20 outlining contractual processes for classified employee discipline. The article pertains to permanent employees in any classified position and includes definitions, causes for disciplinary action, time frame, statement of charges, discovery, informal hearing, evidentiary hearing, immediate suspension and disciplinary settlements.

Administrative Regulation 4218 regarding classified employee discipline was last revised on October 11, 2017; however, there are discrepancies between the contract and the administrative regulation. For example, the contract includes the option of an informal hearing, but the board policy does not. The CBA states the evidentiary hearing (in the regulation, this is the hearing) will be conducted by a hearing officer jointly selected by CSEA and the district, and the hearing officer's decision is final. The administrative regulation indicates the board may conduct the hearing or assign the hearing to a hearing officer, but in either case, the board decision is final.

The inconsistencies between the board's administrative regulation and the collective bargaining agreement can create confusion as well as inconsistent practice. The procedural differences between certificated and classified employees are the result of the district's compliance with Education Code. The best practice would be to ensure all employees understand the rules and regulations that govern their employment as well as the differences required between the employee groups.

## Recommendations

*The district should:*

1. Collaborate with the CSEA bargaining unit to determine a path for resolving the inconsistencies between AR 4218 and the CBA.
2. Provide annual training to district administrators on the use of FRISK, district policies, and the collective bargaining agreement, to appropriately document and discipline classified employees as needed. Once the inconsistencies are resolved between Administrative Regulation 4218 and the contract, provide immediate training to the district administrators on the changes to the discipline process.



# Preferential Treatment

A major theme through FCMAT's Interviews on HR topics was a concern about preferential treatment in HR processes and support. Board Policies 4112.8, 4212.8, and 4312.8 prohibit the appointment of any person to position that his/her relative supervises in any way. Employees are prohibited from participating in any decision that singularly applies to any of their relatives. The policies provide a list of relatives. A majority of interviewees discussed incidents that they believe demonstrate that preferential treatment is a normal practice in the district's HR processes.

## Preferential Hiring

Staff indicated they have observed preferential treatment during hiring. Personnel throughout the district perceive that some employees, primarily friends of the associate superintendent, have undue influence in hiring selections. They believe the associate superintendent's friends are overly represented on interview committees, especially those for district administrative positions, and that those recommended for positions are likely to be friends of the associate superintendent, particularly those in management. Some commented that when candidates who are not paper screened are still scheduled for interviews, the assumption is that they were a friend or relative of a cabinet member, a favored administrator, or a board member.

The district's Board Bylaw 9000 Role of the Board states:

The Board shall fulfill its major responsibilities, which include:

2. Establishing an effective and efficient organization structure for the district by:
  - a. Employing the Superintendent and setting policy for hiring of other personnel

In other words, the board of trustees hires one employee, the superintendent, to oversee the district. The superintendent is responsible for hiring all other personnel, and the board sets the policies for this process. If employees do not perform in accordance with their job duties and district policies, the superintendent would utilize his or her expertise to deal with the discipline, in conjunction with other management positions. In the district's case, the board often hears and makes hiring decisions in closed session for employees other than the superintendent. These occurrences normally coincided with hiring for management positions, which is supported by online board minutes of closed session items for meetings from May 23, 2018 – October 24, 2018 and September 25, 2019 – April 15, 2020. It is not uncommon for boards to be interested in the qualifications and terms of individual executive-level positions/contracts and hear these matters in closed session; however, these minutes show that the board has been involved in hiring decisions at the director level, which do not typically involve individual contracts.

In several instances, the closed session agenda lists various positions under "Public Employee Appointment/Employment." In some instances, closed session actions are reported, and in others, no action is taken and the item returns at a later session. Staff reported the perception that the latter situation occurs when board members reject hiring recommendations because their preferred candidate was not recommended.

The board's involvement in hiring lower-level management positions goes beyond its role as established in Board Bylaw 9000. Absent an explanation, holding a series of meetings to discuss the same position fosters the perception that the district does not have fair, equitable and transparent hiring practices. This also

suggests that the district does not follow the chain of command or its own organizational chart, and that it is permissible for the board to interfere in the hiring process.

Pursuant to that same Board Bylaw, the board should set policies for hiring district employees. All district personnel should follow these policies, allowing the hiring process to proceed unimpeded to a conclusion reached via the interview and reference checking processes. The board should review the HR Department's Employment Report, provide questions and comments regarding items on the report and approve (or disapprove) the item in open session.

Some staff indicated that individuals sometimes approach the board directly with their hiring concerns or desires. These included instances when individual board members lobbied employees for support of particular candidates, or candidates and their advocates lobbied board members for inclusion in interviews.

While people can seek the opinions of trustees as a sounding board, trustees should not act on these concerns, but instead take them to the superintendent. The superintendent would then submit these to the appropriate district administrator for investigation and action in accordance with board-approved policies. If the request received by the board member is a desire for district employment, the person inquiring should be directed to the district's open positions on EdJoin and encourage them to apply.

Interviewees stated that hiring outcomes sometimes appear predetermined, especially for management positions. Perceptions such as these can affect the quality of the candidate pool for many positions because some will not be interested in going through an application/interview process if they perceive the outcome is predetermined. Candidates who were not approved by the board should not be expected to apply again in instances when a decision cannot be made on the first hiring recommendation. Quality candidates will most likely opt to work for a district that has more support for the superintendent's recommendations.

Interviews indicated that some staff fear retaliation if they raise any concerns, while other personnel are perceived to be favored, and their requests are honored. Many were reluctant to speak to FCMAT and had to be reassured that the conversation would be kept confidential. FCMAT has subsequently received e-mail messages or phone calls from a number of people to describe their issues.

An HR Department that is perceived as having opaque hiring practices and an insular nature toward reporting issues does not promote a reputation that will draw the best employees. It is important to maintain transparency in the district's hiring process as well as precise standardization that can withstand scrutiny and be legally defensible. Each person must commit to upholding his or her role in the process and be consistent in his or her actions no matter who the applicants are.

Many districts that face similar issues implement an anonymous reporting hotline that allows their employees to report compliance/ethical issues without fear of retaliation. Another option is to encourage employees to move up the chain of command if they are uncomfortable reporting the issue to their supervisor. While the latter system could be implemented with an in-house reporting structure, the level of distrust observed by FCMAT indicates that such an arrangement would most likely fail. An outside reporting service may help resolve this issue. Multiple services can be found by running an internet search for "anonymous reporting system." The key to improvement in this area will be not just a means for employees to report concerns anonymously, but the district's subsequent follow-up actions.

## Equity and Discrimination

The district has various board policies and administrative regulations on equity and nondiscrimination. BP 0410 Nondiscrimination in District Programs and Activities, last revised March 9, 2011, commits the district to nondiscrimination in all district programs and activities. BPs 4111, 4211, and 4311 Recruitment and Selec-

tion, last updated January 14, 2015, August 9, 1988, and August 23, 1988 respectively, commit the district to employing personnel based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination. BP 1312.3 Uniform Complaint Procedures, last updated October 28, 2015, outlines the process for filing a Uniform Complaint, including complaints against the district's compliance officer who is the associate superintendent of HR. The set of board policies (4111.1, 4211.1, and 4311.1 Affirmative Action: Recruitment and Selection) on affirmative action, which were adopted by the district on February 23, 1988, are illegal in California and should be removed. Additionally, BP 0410 Nondiscrimination in District Programs and Activities, 4111 Recruitment and Selection, 4211 Recruitment and Selection, 4311 Recruitment and Selection and 1312.3 Uniform Complaint Procedures require updating pursuant to the dates of these policies as listed in GAMUT's online sample policies.

Interviewees reported concerns about perceived discrimination because of race and sex. Some interviewees stated they believe women and non-Hispanic candidates are given fewer opportunities in the district than men and Hispanics. Some said that if employees voiced issues with the associate superintendent, they were retaliated against by being given unappealing assignments and/or being screened out of opportunities.

An analysis of management and supervisory positions as listed on the district's website provided the following information:

- A total of 20, or 43%, men and 26, or 57%, women hold administrative/supervisory positions;
- Hispanics hold 36, or 78%, of positions and white employees, 10, or 22%.
- Of the 36 positions held by Hispanics, women hold 19, or 53%, and men hold 17, or 47%,.
- Of the 10 positions held by white employees, women hold seven, or 70%, and men hold three, or 30%.

The website's district demographics list the district students as 92% Latino and 1% White.

A 2018 Brookings Institute article titled, "School leadership: An untapped opportunity to draw young people of color into teaching," by Michael Hansen and Diana Quintero, discusses the importance of racial and ethnic diversity within school leaders. Among the strengths noted were the following:

More frequent exposure to people of color, in authoritative positions, can replace stereotyping and unconscious biases with acceptance and trust; leaders of color have a distinct advantage when interacting with community members that share their racial or ethnic background, and leaders of color can contribute nuance and perspective for academic programs targeting students of color.

FCMAT's analysis of those holding management and supervisory positions found that the district's leadership percentages are aligned with the article's perspective. The team's analysis of these district positions did *not* confirm the perception that women do not receive equitable opportunities. FCMAT was not provided with any formal complaints that had been filed against HR in the 2017-18, 2018-19, and 2019-2020 school years. The best practice is to conduct an annual analysis of leadership positions to ensure that opportunities are balanced.

## Preferential Support

Some staff commented that the associate superintendent of HR appears to support and protect certain administrators more than others. The examples mentioned included protecting administrators who do not follow collective bargaining agreements, requiring more paperwork and justification from some administrators, keeping some administrators better informed than others, giving priority to certain administrators' requests, not promptly investigating complaints on certain administrators, and not giving appropriate consideration to individual site and/or department needs.

These concerns are difficult to quantify and verify. The number of interviewees who voiced these indicates that the perception is widespread and likely significantly affects the HR Department's operations. These concerns point to a lack of transparency in HR decisions. Without this information, employees will make assumptions based on observations.

Consistency is important in all HR processes to help counter the perception of preferential support. Staffing timelines should be the same for all sites, and administrators/managers concerns/inquiries into the process should be promptly discussed. For example, some interviewees commented that certain sites have vacancies filled quickly while others wait months, and that discussing these concerns with the associate superintendent of HR does not result in any changes.

Equity in treatment is critical to rectifying this situation. Some interviewees stated they were treated as if they did not know what they were doing and received limited assistance from the HR Department because they were female or were not friends of the associate superintendent of HR.

The best practice is to be as transparent as possible regarding HR decisions and processes. While confidentiality can be a concern, transparency can be practiced in processes and procedures. Difficult decisions and assignments should be distributed equitably. When administrators reach consensus on hiring or assignments, HR should honor it. This is especially important when working with site administrators on school staffing. It is important to balance sites and have open discussions with site administrators to ensure that balance.

## Recommendations

*The district should:*

1. Train all HR Department staff on the appropriate procedures for managing recruitment and hiring. Ensure that no one receives more assistance than what is required legally or within the collective bargaining agreements. Monitor processes to ensure district policies are followed.
2. Define each employee's and board member's role in the hiring process. Commit to keeping one another accountable for defined roles.
3. Abstain from bringing hiring decisions, beside those related to the superintendent, to closed sessions of board meetings. Consider having open-session discussion of management appointments at board meetings.
4. Ensure board members redirect hiring desires/concerns to the superintendent to be acted on by the appropriate district administrator.
5. Investigate and implement an anonymous reporting hotline that allows employees to report compliance/ethical issues without fear of retaliation. Once a reporting system has been

implemented, work with the vendor to develop and implement a system of follow-through on complaints received.

6. Eliminate Board Policies 4111.1, 4211.1, 4311.1.
7. Conduct an annual analysis of district leadership positions to evaluate and ensure equity with regard to race, ethnicity, and gender.
8. Encourage the superintendent to have a direct discussion with the associate superintendent of HR and other district administrators on his and the board's and expectations of the HR Department's supports, processes, and procedures. Establish procedures and practices that are equitable for all, and hold one another accountable for this.

# Training

Throughout FCMAT interviews, the responses of HR Department staff indicated they are either uninformed or did not attend recent training on relevant HR issues. Their responses showed a lack of awareness of changes in law in areas such as credentialing, leaves, contract management and workers’ compensation. This lack of training is especially concerning because Human Resources is a highly technical area, and the related laws constantly change. HR Department mistakes can be costly. Training for the HR Department staff should be selected annually and included in a written plan to ensure that staff receive the knowledge necessary to better support the district and understand their many job requirements. This includes new staff. Developing a training schedule as soon as HR personnel are hired provides technical support and may also fill knowledge gaps to facilitate their duties and protect the district.

Clearly defined and communicated department processes and procedures for each job duty or function ensure proper internal control and provide a better understanding of each position’s responsibilities and how they fit into the department. Written internal processes and procedures provide valuable guidance and organizational continuity as well as improve the district office’s functionality. HR Department management lacks clear written and oral expectations for employees and vice versa. Written expectations should be provided to all employees, reviewed at least annually and used during in evaluations, allowing HR staff to understand their role, provide better customer service and promptly correct information.

The HR Department divides the duties of its staff between those that process certificated employees and those that handle classified employees. This has limited the type of customer service staff can provide to their internal and external customers. If the staff member who works solely on certificated staff is on vacation or leave, the HR Department is hindered in its ability to serve those customers. The department has no current plan or training schedule to ensure the continuity needed for timely completion of the department’s work or to make certain that HR customers receive timely answers to questions. Reorganizing the HR Department and reassigning job duties would better align responsibilities between department management and staff-level positions. Instead of the delineation between those who serve certificated and classified staff, each HR Department staff members could be assigned both types of personnel duties. For example, the district could assign certificated and classified staff by last name according to the chart below. This ensures both HR technicians are cross-trained in both functions and duties.

HR Technician	HR Technician
Certificated: Last name beginning with A-M	Certificated: Last name beginning with N-Z
Classified: Last name beginning with A-M	Classified: Last name beginning with N-Z

This approach provides staff with cross training to staff so that they are well versed in processes for both employee classifications. It should increase overall department efficiency and morale by allowing employees to work together, support one another, understand the differences between classifications, respect the expertise/knowledge of other staff, and provide better service.

The director of human resources and the associate superintendent of human resources have also split their duties based on serving either certificated or classified staff. For maximum efficiency, management and line staff should be knowledgeable both certificated and classified laws, regulations, and policy.

## Recommendations

*The district should:*

1. Ensure that the HR Department develops an annual written training plan for HR staff to better support the district.
2. Ensure that HR Department management and staff regularly attend training in relevant HR issues.
3. Develop and provide clear, written expectations for both HR Department management to staff and staff to management.
4. Consider revisions to HR Department management and staff duties so each employee is assigned duties related to both certificated and classified personnel.



# Job Descriptions

During FCMAT's visit, the HR staff interviewed seemed unaware of their specific job duties and/or expectations. Several interviewees in site-level staff and management indicated these personnel spend a large portion of their time screening applicants. Redundancy seems to exist in the function of screening applicants. Furthermore, the job descriptions provided do not match the actual job duty statements provided by the employee in each position. For example, the HR technicians' duties seem unequally divided, with a significant number assigned to one of the positions while the other is assigned a lighter role that is not responsible for the following duties:

- Prepares letters, reports, forms, policies, proposals, tentative agreements, collective bargaining agreements and confidential information relating to grievances and collective bargaining.
- Prepares and attend negotiations.
- Serves as a liaison between the Human Resources Division and employees.
- Conducts new employee orientations, as scheduled.
- Develops, prepares, and completes forms for the Human Resources Division, including requests for leaves and unemployment insurance forms.
- Records and maintains statistics, including applicant tracking and affirmative action data.

This practice demonstrates a lack of direction from department management. Actual duties should match the job description of the staff member(s) holding the position. If this practice continues, some positions could end up working out of class or in a lower classification, or jeopardizing the position's confidential status. The HR Department should review each position to determine the functions that should be part of its responsibilities.

Additionally, FCMAT reviewed the job descriptions of HR Department personnel and found the following:

- Three job descriptions for the position administrative assistant II/human resources (senior executive secretary I), administrative assistant II/human resources and administrative assistant II/personnel services. All three state that they are "...to serve as a confidential secretary and assistant to the Director..." of HR or Personnel.
- With the exception of the Secretary II job description, which was updated May 29, 2019, job descriptions are out of date and require updating. Some are more than 18 years old.
- During the FCMAT interviews, most HR staff indicated they are involved in the recruitment process. Yet, when asked what they specifically did, the staff responded with "review applicants" and "set up interviews".
- One HR Technician performs duties that are not confidential, as defined in Government Code 3540.1
- According to the board-approved job descriptions, both the associate superintendent of human resources and the director of human resources are assigned as the district's chief negotiator.

## Recommendations

*The district should:*

1. Ensure that the job description for each position in the HR Department reflects the tasks assigned to each position in the department.
2. Immediately update all job descriptions of personnel with the HR Department.

# Salary Schedules

The board's AR 4351 Salary Guides includes salary guides for managers, supervisors and confidential employees. It was due for update in May 2020 pursuant to GAMUT's sample policies and was last revised on December 3, 1997. The regulation governs initial salary placement, advancement on the salary schedules, and reclassification and promotion on these schedules. It states the initial salary placement may not be higher than step eight on the relevant salary schedule and provides for a \$500 stipend to certificated managers for each degree above a bachelor's they hold.

Three relevant management/confidential salary schedules are available on the HR webpage: certificated management, classified management and confidential. There is an additional salary schedule for assistant and associate superintendents. The district divided the associate and assistant superintendents' schedules by certificated and classified at its June 24, 2020 board meeting. These schedules are routinely attached to the associate and assistant superintendents' contracts.

FCMAT's review found there is not comparability between the certificated management salary schedule and the classified salary schedule or between the cabinet level salary schedules. The confidential salary schedule has 26 steps, which aligns with the classified schedule. The classified manager salary schedule has 26 steps for all but the director III with master's degree (five steps), director III (10 steps), and director II with master's degree (five steps). The certificated manager, certificated associate/assistant superintendent and classified assistant superintendent schedules have five steps. The classified associate superintendent schedule has eight steps, and the certificated schedule has 30 steps.

The salary schedules for management positions appear inequitable and somewhat haphazard. For example, it is unclear why a master's degree is worth \$500 for a certificated manager and the classified management salary schedule provides for a minimum of \$7,524 differential for a master's degree for director III, step 1, and a high of \$38,403 differential for a director II, step 2, with a master's degree.

The certificated and classified management salary schedules and the cabinet-level salary schedules do not appear equitable, aligned with one another, or competitive with other districts. In addition, it is difficult for the district to comply with the section of AR 4351 on placing new employees no higher than on step eight. The certificated management salary schedule and some sections of the classified management and cabinet-level schedules do not go beyond step five making it impossible to allow for placement of new employees at either steps six, seven or eight. The best practice would be to have calibrated salaries based on salary surveys of comparable districts. The variance between number of steps and stipends for master's degrees promotes confusion and does not inspire confidence in how managers are compensated or valued by the district.

Staff indicated the district uses the salary schedules as a basis to reclassify and promote managers. For example, at the district's June 17, 2019 board meeting, eight (two certificated, six classified) managers were reclassified/promoted from one managerial level to another. This was done in accordance with the district's prior practice. Under that practice, someone who has been in that position for three or more years and is at the highest step may qualify for promotion/reclassification to a higher level through an action brought to the board for approval. Under these circumstances, employees may move from director II to director III without a change of job description. The premise provided to FCMAT was that employees have either already taken on higher-level duties or will do so once promoted. This type of promotion/reclassification also occurs at the assistant/associate superintendent level and typically result in a five to 10 percent salary increase. FCMAT was not informed of how or whether this practice is implemented for principals and assistant principals. The team was also not provided with any district policy/procedure on this process and could not locate a board policy/administrative regulation allowing the practice.

Promoting management employees to higher-level positions without a corresponding change to the job description invites potential PERS/STRS issues since these agencies are alert to circumstances that affect retirement salaries by artifice. Changing job titles without documented increases in job responsibilities invites review by these two retirement systems with the potential for penalties if irregularities are found.

The best practice would discourage promoting staff to new positions based on years of service and instead base promotions with expanded duties/responsibilities on a fair and equitable hiring process. If the district wants to reward management/confidential employees for their years of service, a more common means would be longevity pay. This type of compensation is often paid when employees reach a certain number of years of service such as five, 10, 15, 20, 25 years, etc. Many districts, including Alisal Union already have longevity pay in their collective bargaining units' salary schedules. No matter what practice the district chooses to follow, appropriate board-approved policies and procedures should be developed.

When recruiting for management positions, the district frequently posts positions with two options, one higher than the other such as its recent posting for assistant/associate superintendent of business and operations. That reportedly allows the district to remain competitive and recruit the best person. However, this recruitment practice implies that the district's needs are fluid and depend on people, not positions. As a result, it promotes the perception that favoritism and preferential treatment guide the district's hiring practices. It is unclear how this recruitment practice is applied to principal and assistant principal recruitments.

## Recommendations

*The district should:*

1. Publish the associate and assistant superintendent salary schedule on the district's website along with all of the other salary schedules on the HR Department's webpage.
2. Review and update AR 4351.
3. Consider a compensation study for the HR Department to ensure that all employees receive competitive compensation for their work.
4. Consider revising the certificated and classified management salary schedules to ensure comparability and equity within the district and competitive, comparable salaries with surrounding districts.
5. Provide specific job descriptions for each management and confidential position and ensure there are distinct differences between the levels.
6. Determine how it wants to reward management employees' accomplishments and years of service and document that practice in both the HR Department's policies and procedures manual and the district's board policies and administrative regulations.
7. Revise recruitment to ensure it is for a specific position, and not open to the perception that a specific person is being recruited.

# Position Control

Position control is a system of tracking information based on positions rather than employees. It is a framework of positions for all jobs in the organization regardless of whether an incumbent is in a specific job. Employees should not be hired without a position to which they will be assigned. Position control includes creating, maintaining and monitoring positions and the budgets for them, and in school districts, it is usually managed collaboratively between the HR and Fiscal departments.

Salary and benefit costs are the largest component of any school district's budget, averaging approximately 87% of the unrestricted general fund budget in districts statewide for the 2018-19 fiscal year. Alisal Union's 2019-20 second interim report shows that personnel costs make up 80.3% of unrestricted general fund expenditures. While the district is below the statewide average, maintaining an effective position control system is critical in managing the cost of salaries and benefits, to properly reflecting those expenditures in the district's budget and ensuring that they remain within a reasonable ratio to total expenditures.

A reliable position control system establishes positions by site or department and helps prevent over- or underbudgeting of staff by including all district-approved positions. In addition, a reliable position control system prevents the omission of routine annual expenses that are tied to district positions in the budget process, such as step-and-column salary increases, substitutes, extra duty pay, stipends, vacation payouts, retiree health and welfare payments and other contract items. Position control is also necessary to accurately identify the cost savings from open positions and/or attrition, and model adjustments to salary schedules. To be most effective, the position control system must be integrated with other financial modules such as budget and payroll. There should also be segregation of duties within and between position control functions to ensure proper internal controls and a reliable position control system. Those controls must ensure that only board-authorized positions are entered into position control, the HR Department only hires board-authorized positions, and payroll only pays employees hired by HR for board-authorized positions. A fully functioning position control system helps districts maintain accurate budget projections, employee demographic data, and salary and benefit information.

Internal controls help ensure efficient operations, reliable financial information and legal compliance. They also help protect the district from material weaknesses, serious errors and fraud. These controls should be part of any position control system. The following table provides a suggested distribution of labor between the Business Services and HR departments to help provide the necessary internal control structure.

Task	Responsibility
Approve or authorize position	Governing Board
Enter approved position into position control with estimated salary/budget. Each position is given a unique number. Eliminate positions	Business Services Department
Enter demographic data into the main demographic screen, including: Employee name Employee address Social Security number Credential (if applicable) Classification Salary schedule placement Annual review of employee assignments	Human Resources Department
Update employee benefits Review and update employee work calendars	Business Services and Human Resources Department
Annually review and update salary schedules. This may need to be completed more frequently such as in the case of collective bargaining settlements.	Business Services Department and Human Resources Department
Account codes Budget development Budget projections Multiyear projections Salary projections	Business Services Department

The district uses the county office accounting software called Escape, which includes an position control module that can be integrated with budget development and payroll. Alisal Union’s position control system drives its payroll system which means that if an employee was not entered into position control, payroll cannot process a payment for those services.

The HR Department should ideally work with a position control report in conjunction with the information in the position control system. This will allow it to know at any time which positions are vacant and being actively recruited and which positions are frozen because of funding decreases. Each position should possess a unique position number.

Changes to positions should be driven by the Recommended Personnel Action (RPA) form. This is a paper document, last revised in September 2018, that allows 16 different actions to be taken such as hiring, resignation, transfer, promotion, retirement, etc. It also includes information such as account coding, salary details and whether the position is included in the current year’s budget. Requests to hire/replace/transfer an employee require that the site/department head complete and sign the RPA, which is then manually routed to HR and checked for accuracy. The RPA is then routed to the associate superintendent of human resources, who reviews the form and submits it to the weekly executive cabinet meeting for discussion and approval. During the weekly cabinet meeting, signatures from the superintendent and associate/assistant superintendents of business services, educational services, HR and The Whole Child Department gather to move forward in the recruitment process (The Whole Child Department ensures that each child is healthy, safe, engaged, supported and challenged. The district is restructuring and the Whole Child Education Department is being eliminated.). Once all signatures are obtained, the form is forwarded to the HR administrative assistant to initiate the recruitment process. If the form approves a new position, a few additional steps are required such as obtaining board approval to add the position and assigning a work calendar to the position in position control. When the position is filled, HR technician attaches/assigns the new employee to the approved position in position control and enters the employee’s demographic data, salary information, hire date, and other specific personnel-related information. The completed RPA is also distributed to the HR and Business departments as well as the employee’s payroll file and the originator.

The Business Department works with sites and departments to ensure the accuracy of position control information by providing site principals and department heads with lists of their employees, the associated account coding and full-time equivalent (FTE) assignment associated with each position. Administrators review the lists and ensure the information is accurate.

While the district's process has an appropriate segregation of duties and the RPA form contains information necessary to maintain its position control system, the process is being performed manually, which can make it slow and inefficient. FCMAT interviewees reported that the following complaints and concerns:

- RPAs sometimes get lost. To deal with this problem, the HR Department's administrative assistant is assigned to track all of the RPAs generated.
- RPAs can take between 5-10 days and two months to process and generate a person filling the position.
- Some RPAs in the past lacked complete approvals.
- Approval signatures are gathered in between executive cabinet meetings to expedite posting a position.
- Positions are posted before board approval and/or receiving the RPA.
- More than one RPA can be generated, causing confusion and additional work for everyone in the process.
- The Payroll Department is not included in the onboarding/offboarding process in a timely manner to avoid overpayments/underpayments of employees. Overpayment or incorrect placement on the salary schedule has occurred several times. Of the seven examples provided, one was corrected within a month or two, but the other six extended beyond approximately six months or more, with one employee being underpaid for almost two years.
- The Payroll Department is not notified about which stipends are to be paid to certificated employees in a timely manner. These notifications can be delayed as much as a year. As a result, staff received the stipend late, which subjected the district to STRS penalties.
- Employees were not fully entered into position control, hampering the Payroll Department's ability to issue a payroll warrant.

In addition, FCMAT found that some staff were unsure of the RPA process, and some management employees differed in their interpretation of it.

The exceptions and confusion have resulted in some positions being created without sufficient budget and increased the perception that some administrators are given preferential treatment.

Interviewees expressed confusion about whether positions could be processed without board approval. Some thought all positions, including those for replacements, required board approval before being posted; others believed that some positions could be filled and ratified by the board afterward. Yet others understood that only new positions needed to be board approved before being filled.

Staff interviewed were unclear about the process for increasing FTE for an existing position. Some thought the recommended increase needed to be board-approved before implementation, and others indicated superintendent executive cabinet approval was sufficient. Again, this lack of clarity can create a perception that some administrators receive preferential treatment.



There is also confusion about the process for employee resignation. Some thought the resignation should be processed before board approval. Others believe it could not be processed until the board approved the resignation, which is the process followed by most HR Department staff. Board Policies 4117.2, 4217.2, and 4317.2 state that the superintendent or designee is authorized to accept an employee's written resignation and set the effective date. Once accepted by the superintendent or designee, the resignation may not be withdrawn by the employee. The HR Department's adherence to the process described above has resulted in numerous instances when the Payroll Department was not informed of resignations, resulting in overpayments. These unnecessary overpayments may unduly affect the district's budget because it can be difficult to obtain repayment from former employees and can be considered a gift of public funds.

Many of these questions and concerns in the position control and RPA processes could be handled through the following:

- Development of a comprehensive HR Department policies and procedures manual that includes detailed information on both the RPA and position control process.
- Implementation of the meetings between all of the departments handling and contributing to the position control process.
- Development of regular annual refresher training for those who use the position control and RPAs

Process and procedures for position control should be transparent and aligned with board policy. Increases to existing positions and creation of new positions should be board-approved before implementation. Ratification of other personnel actions supports the efficient processing and filling of vacancies as well as timely payroll actions. Consistency is critical to managing position control with clearly defined roles for both HR and Business department staffs. An effective way of monitoring and managing position control is through a data management system such as Escape, which is used by the district.

Easily accessing data from the position control system is important for operational efficiency and accuracy. The May 11, 2020, position control report reviewed by FCMAT contained active positions including the employee history behind each position and a summary of each job category by employee number, FTE and hours per day. The document was 233 pages long. However, the district did not provide FCMAT with the report requested, which would have shown all benefits for each position along with an Excel version of the report. It is unclear whether FCMAT's instructions were not conveyed to the person producing the reports, or there is an issue in generating some reports in Escape.

A paper-generated process is inefficient as is demonstrated by the questions and concerns above, as well as the necessity of incorporating the duty to track RPAs into one person's duties. The county office indicated that the Escape system now has a module that can electronically perform the duties involved in the district's manual processing of RPA forms. Implementation of this module could make the RPA process more efficient and allow the RPA process and position control system to communicate, further automating both processes. FCMAT did not investigate the cost of implementing the Escape module, but other online systems can also make the district's RPA process electronic (such as Informed K-12 or Chalk forms) and provide the district with cost comparison information.

## Recommendations

*The district should:*

1. Ensure that HR Department forms, including the RPA form, are revised as changes occur in the district's structure.

2. Ensure that the HR Department policies and procedures manual includes a detailed process for both position control and the request RPA forms. Include a coordinated auditing process between the HR and Business departments to ensure position control is tightly monitored.
3. Immediately implement intra-departmental meetings of all positions/divisions/departments that contribute to the position control/RPA process to ensure that everyone knows the job duties of the other participants, how their actions affect the position control module and work to collaboratively resolve issues in the position control/RPA process.
4. Schedule annual refresher training on position control and RPA forms.
5. Investigate converting the district's manual process for RPA forms into an electronic process either by implementing the module through the Escape system or through another online system such as Informed K-12 or Chalk forms.

## Labor Relations

The district has three collective bargaining partners; the ATA representing its certificated staff, CSEA for its classified staff and the United Substitute Teachers Union (USTU) representing substitute teachers. The district and its labor partners generally report that they have a strong relationship; however, some interviewees expressed concern about the district's communications regarding settlements, the number of grievances and consistency in contract interpretation.

Interviewees stated that the district and union representatives meet periodically to discuss issues informally. ATA and CSEA attempt to meet with district representatives bimonthly to discuss and resolve concerns; however, these meetings do not always take place. When they do, the agendas are created jointly by the district and the union.

Regular meetings are critical to strong labor relations, and monthly agendas should include information such as communication plans and training updates as well as items submitted by the bargaining units. Collaboration on agendas promotes cooperation and mutual respect. Agenda items should not become negotiations by creating practices or documents not aligned with the contracts. The best practice is to create an annual calendar of monthly meetings for all bargaining units and only reschedule for emergencies.

FCMAT received documentation of the grievances filed by ATA and CSEA for both 2018-19 and the current year. Three ATA grievances were filed in the 2018-19 school year, and at the time of FCMAT fieldwork, none had been filed in the 2019-2020 school year. The CSEA did not report any grievances for either school year. Of the three ATA grievances filed in 2018-19, one was resolved within four workdays; one was resolved in four and a half months; and one in approximately two weeks. These timeframes are appropriate for grievance resolutions.

## Recommendations

*The district should:*

1. Collaborate with bargaining unit members to create agendas which, at a minimum, address concerns, communication plans, and training.
2. Calendar monthly labor relations meetings with all bargaining units annually.
3. Continue to resolve grievances within reasonable timelines.

# Worker's Compensation

Board Policies and ARs governing worker's compensation include BPs and ARs 4152.1 regarding modified duty and return to work program for work injuries. These policies were adopted on September 18, 1996 and not revised since. These BPs and ARs assign the return to work program to the Business Department for administration and the assistant superintendent of business and operations for overall supervision. The ARs also delineate the work to be done when returning an employee to work after a work-related injury. However, the GAMUT online sample policies no longer contain this BP/AR, indicating that it is obsolete.

The worker's compensation program resides in the HR Department. The HR director manages the program including initial processing, coordination with the third-party administrator, and return to work process. The director provided information regarding the processing of work-related injuries in the January 2020 HR newsletter. The district also provided FCMAT with a copy of a document entitled Reasonable Accommodation/Interactive Process Checklist that explains the process to provide permanent modified job determinations for employees.

The director is in regular contact with the district's third-party administrator regarding the worker's compensation claims. FCMAT received an oral estimate of approximately 80 open claims, some longstanding; however, no documentation was provided to support that assertion. Evidence provided to FCMAT indicates file reviews, in which difficult or extended claims are discussed with the district's third-party administrator, are completed annually.

The director usually conducts the interactive process for employees' return to work by herself but occasionally has another HR Department staff member attend and take notes.

## Recommendation

*The district should:*

1. Review and update all worker's compensation board policies and regulations. In particular, revise the policy to reflect the district's practice related to placement of the program within a particular department and revise the BP/AR accordingly.

# Staffing Comparisons

Data for a comparison of the HR department's staffing was solicited from five California elementary school districts with student enrollments similar to that of Alisal Union. Alisal Union chose two that it had used as comparable districts in collective bargaining. The comparison districts surveyed were Salinas City Elementary (Monterey)^^, San Ysidro Elementary (San Diego)^^, Greenfield Union Elementary (Kern County), Hueneme Elementary (Ventura County), and Hawthorne (Los Angeles County) school districts. Of the five listed, Salinas City Elementary district did not have its phone operating system operating. After the interim assistant superintendent of HR was finally reached via e-mail, he declined to confirm the information on the district's website or answer further questions about the HR Department. As a result, in-depth analysis of that district's HR Department is limited to information gathered through online sources.

Although comparative information is useful, it should not be considered the only measure of appropriate staffing levels. School districts are complex and vary widely in demographics and resources. Careful evaluation is recommended because generalizations can be misleading if unique circumstances are not considered. FCMAT considered district type, student enrollment, special education enrollment, unduplicated pupil percentage and general fund revenues per student in choosing the comparison districts. Statistical data for the comparison was also taken from CDE's Dataquest and Education Data Partnership (Ed-Data) websites, and division staffing information was obtained directly from the comparison districts.

Not all comparison districts had a receptionist position in their department and many of those that had the position did not include HR duties as a major part of its day-to-day duties. As a result, the total FTE for Alisal Union and each comparative district are shown by two numbers. The first is that of the total department. The second reflects the FTE in the department that perform HR Department duties. FCMAT's analysis will utilize the latter when discussing district staffing because it provides a more consistent approach between all districts in the study.

As shown in the following staffing comparison chart, the districts surveyed, including Alisal Union, reported their HR Department office staff within the above parameters of this study consisting of between 4 FTE and 8 FTE, with a five-district average of approximately 5.14 FTE. Alisal Union's HR Department staffing totals 6.2625 FTE, placing it at 1.12 FTE above the five-district average and also placing it as the second largest of the group included in the staffing comparison survey.



All of the districts in the comparison study were not merit-based and all had a department head; however, the title of that department head varied. Each department head also had 1 FTE clerical assistance. All of the comparison districts had a supervisory level with 1 FTE in their HR Departments with the exception of Greenfield Union Elementary, which has no one in a supervisory role other than assistant superintendent. One district, San Ysidro Elementary has a person in a supervisory role who also performs tasks at the support staff level. Based on this analysis, Alisal Union appears to be sufficiently staffed within the category of supervisory personnel in the HR Department.

Support staff within the HR departments of the five comparison districts were a bit more varied, with Alisal Union having 2 FTE in technician level of support staff. The five comparison districts reported between 1 FTE and 4 FTE with between 491 and 833 employees. A review of the number of employees reported by the CDE for 2018-19 and the number of technician-level staff members indicates employee-to-HR-technician ratios that ranged from 490.99 to 215.51 and an average of 388.40. Alisal Union's ratio was 347.92, which places it 40.48 employees per HR technician below the average. Using the number of recruitments reported by four of the comparison districts and Alisal Union, and the number of technician level staff members indicates recruitment-to-technician ratios ranging from 65.5 to 9.0 and an average of 40.34. Alisal Union's ratio was 65.5, which places it 25.16 recruitments above the average. Since Alisal Union is declining in enrollment and is anticipated to do so for the near future, the district appears to be adequately staffed within the technician level of support staff personnel in the HR Department.

Alisal Union reports two HR employees in clerical support, but not all of their duties are performed for the HR Department. The clerk III/receptionist reports 60% of her duties are related to the HR Department, and the associate superintendent of HR reports 12.5% of her duties are related to the HR Department. FCMAT used an average of the two, or 36.25%, for its calculations. The secretary of HR and educational services reports 90% of her duties are related to the HR Department. Using this 1.2625 FTE and the clerical positions within the support staff of the other five comparative districts, results in an average of 0.342 FTE in clerical staff within the support-staff level. This places the district 0.9205 FTE above this average. Based on this analysis, the district appears to be overstaffed within the clerical support level of support staff personnel in the HR Department.

Additionally, given that Secretary of HR and Educational Services position splits duties between two departments, FCMAT reviewed the account coding assigned within the Positions with Assignments and Accounts report from its position control system. Based on the information in that report, FCMAT found:

- The secretary to HR and educational services' time is not divided between the two departments in proportion to the duties she performs but is assigned 100% to an instructional support function and the LCAP Professional Development program.
- The department's administrative assistant and both of its HR technicians are coded to Object 2300 which is "classified supervisors' and administrators' salaries". None of these positions supervise other employees, making this object code incorrect.

Some pertinent issues that arose during FCMAT's review are as follows:

- FCMAT recommended in the Training section above that support staff positions, specifically the HR technicians, handle duties related to both certificated and classified employees to facilitate cross training. Of the five comparison districts, all had employed this concept within their support staff-level positions.
- The district questioned whether the number of provisional internship permits/short-term staff permits it required at the beginning of the school year compared favorably with similar school districts. FCMAT asked each of the four comparative school districts for their three-



year average, and the responses ranged from zero to 36.67 with a three-year average of 10.17. The district's three-year average is 32.67, which is 22.5 (or 221%) above its four comparison districts. Based on this information, the district does not have a level of provisional internship permits/short-term staff permits that is comparable to the similar districts at the beginning of its school year.

- The district can also use worker's compensation claims frequency to compare itself with the four similar districts. Of these districts, three handled worker's compensation claims within their HR Departments and one within their Business Department. The three-year average number of claims between the district and these four districts was from 44 to 55.0 claims with a four-district average of 48.67 claims. The district's three-year average is 35, which is 13.67 claims above its comparison districts. Based on this information, the district HR Department does handle a higher worker's compensation load.
- FCMAT recommended in the Salary Schedules section above that the district determine how it wished to reward employees for years of service and accomplishments. All of the comparison districts had longevity for years of service, and only San Ysidro Elementary School District had added steps to the salary schedules instead of a stipend.

## Recommendations

*The district should:*

1. Consider eliminating or reducing the hours of one clerical support-level position.
2. Review the accounting coding assigned to the secretary of HR and Education Services and administrative assistant to parallel the duties and departments serve.

# Appendix

# Appendix A - Study Agreement



## FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM STUDY AGREEMENT February 12, 2020

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the Alisal Union School District, hereinafter referred to as the district, mutually agree as follows:

### 1. BASIS OF AGREEMENT

The team provides a variety of services to local education agencies (LEAs). The district has requested that the team assign professionals to study specific aspects of the district's operations. These professionals may include staff of the team, county offices of education, the California Department of Education, school districts, or private contractors. All work shall be performed in accordance with the terms and conditions of this agreement.

In keeping with the provisions of Assembly Bill 1200, the county superintendent will be notified of this agreement between the district and FCMAT and will receive a copy of the final report. The final report will also be published on the FCMAT website.

### 2. SCOPE OF THE WORK

#### A. Scope and Objectives of the Study

1. Conduct an organizational and staffing review of the Human Resources Department and make recommendations for staffing improvements, if any.
2. Evaluate the current workflow and distribution of functions within the Human Resources Department and make recommendations for improved efficiency, if any.
3. Review the operational processes and procedures of the Human Resources Department and make recommendations for improved efficiency, if any.

#### B. Services and Products to be Provided

1. Orientation Meeting – The team will conduct an orientation session at the district to brief district management and supervisory personnel on the team's procedures and the purpose and schedule of the study.
2. On-site Review – The team will conduct an on-site review at the district office and at school sites if necessary.

3. Exit Meeting – The team will hold an exit meeting at the conclusion of the on-site review to inform the district of significant findings and recommendations to that point.
4. Exit Letter – Approximately 10 days after the exit meeting, the team will issue an exit letter briefly memorializing the topics discussed in the exit meeting.
5. Draft Report – Electronic copies of a preliminary draft report will be delivered to the district’s administration for review and comment.
6. Final Report – Electronic copies of the final report will be delivered to the district’s administration and to the county superintendent following completion of the review. Printed copies are available from FCMAT upon request.
7. Follow-Up Support – If requested by the district within six to 12 months after completion of the study, FCMAT will return to the district at no cost to assess the district’s progress in implementing the recommendations included in the report. Progress in implementing the recommendations will be documented to the district in a FCMAT management letter. FCMAT will work with the district on a mutually convenient time to return for follow-up support that is no sooner than eight months and no later than 18 months after completion of the study.

### 3. **PROJECT PERSONNEL**

The FCMAT study team may include:

<i>A. To be determined</i>	<i>FCMAT Staff</i>
<i>B. To be determined</i>	<i>FCMAT Consultant</i>
<i>C. To be determined</i>	<i>FCMAT Consultant</i>

### 4. **PROJECT COSTS**

The cost for studies requested pursuant to Education Code (EC) 42127.8(d)(1) shall be as follows:

- A. \$800 per day for each staff member while on site, conducting fieldwork at other locations, preparing or presenting reports, or participating in meetings. The cost of independent FCMAT consultants will be billed at their actual daily rate for all work performed.
- B. All out-of-pocket expenses, including travel, meals and lodging.
- C. The district will be invoiced at actual costs, with 50% of the estimated cost due following the completion of the on-site review and the remaining amount due upon the district’s acceptance of the final report.

**Based on the elements noted in section 2A, the total not-to-exceed cost of the study will be \$22,100.**

D. Any change to the scope will affect the estimate of total cost.

Payments for FCMAT's services are payable to Kern County Superintendent of Schools - Administrative Agent, located on 1300 17<sup>th</sup> Street, City Centre, Bakersfield, CA 93301.

## **5. RESPONSIBILITIES OF THE DISTRICT**

A. The district will provide office and conference room space during on-site reviews.

B. The district will provide the following if requested:

1. Policies, regulations and prior reports that address the study scope.
2. Current or proposed organizational charts.
3. Current and two prior years' audit reports.
4. Any documents requested on a supplemental list. Documents requested on the supplemental list should be provided to FCMAT only in electronic format; if only hard copies are available, they should be scanned by the district and sent to FCMAT in electronic format.
5. Documents should be provided in advance of fieldwork; any delay in the receipt of the requested documents may affect the start date and/or completion date of the project. Upon approval of the signed study agreement, access will be provided to FCMAT's online SharePoint document repository, where the district will upload all requested documents.

C. The district's administration will review a draft copy of the report resulting from the study. Any comments regarding the accuracy of the data presented in the report or the practicability of the recommendations will be reviewed with the team prior to completion of the final report.

Pursuant to EC 45125.1(c), representatives of FCMAT will have limited contact with pupils. The district shall take appropriate steps to comply with EC 45125.1(c).

## **6. PROJECT SCHEDULE**

The following schedule outlines the planned completion dates for different phases of the study and will be established upon the receipt of a signed study agreement:

Orientation:	to be determined
Staff Interviews:	to be determined
Exit Meeting:	to be determined



Draft Report Submitted:	to be determined
Final Report Submitted:	to be determined
Board Presentation:	to be determined, if requested
Follow-Up Support:	if requested

## **7. COMMENCEMENT, TERMINATION AND COMPLETION OF WORK**

FCMAT will begin work as soon as it has assembled an available and appropriate study team consisting of FCMAT staff and independent consultants, taking into consideration other jobs FCMAT has previously undertaken and assignments from the state. The team will work expeditiously to complete its work and deliver its report, subject to the cooperation of the district and any other parties from which, in the team's judgment, it must obtain information. Once the team has completed its fieldwork, it will proceed to prepare a draft report and a final report. Prior to completion of fieldwork, the district may terminate its request for service and will be responsible for all costs incurred by FCMAT to the date of termination under Section 4 (Project Costs). If the district does not provide written notice of termination prior to completion of fieldwork, the team will complete its work and deliver its report and the district will be responsible for the full costs. The district understands and agrees that FCMAT is a state agency and all FCMAT reports are published on the FCMAT website and made available to interested parties in state government. In the absence of extraordinary circumstances, FCMAT will not withhold preparation, publication and distribution of a report once fieldwork has been completed, and the district shall not request that it do so.

## **8. INDEPENDENT CONTRACTOR**

FCMAT is an independent contractor and is not an employee or engaged in any manner with the district. The manner in which FCMAT's services are rendered shall be within its sole control and discretion. FCMAT representatives are not authorized to speak for, represent, or obligate the district in any manner without prior express written authorization from an officer of the district.

## **9. INSURANCE**

During the term of this agreement, FCMAT shall maintain liability insurance of not less than \$1 million unless otherwise agreed upon in writing by the district, automobile liability insurance in the amount required under California state law, and workers' compensation as required under California state law. FCMAT shall provide certificates of insurance, with Alisal Union School District named as additional insured, indicating applicable insurance coverages upon request prior to the commencement of on-site work.

