

FCMAT

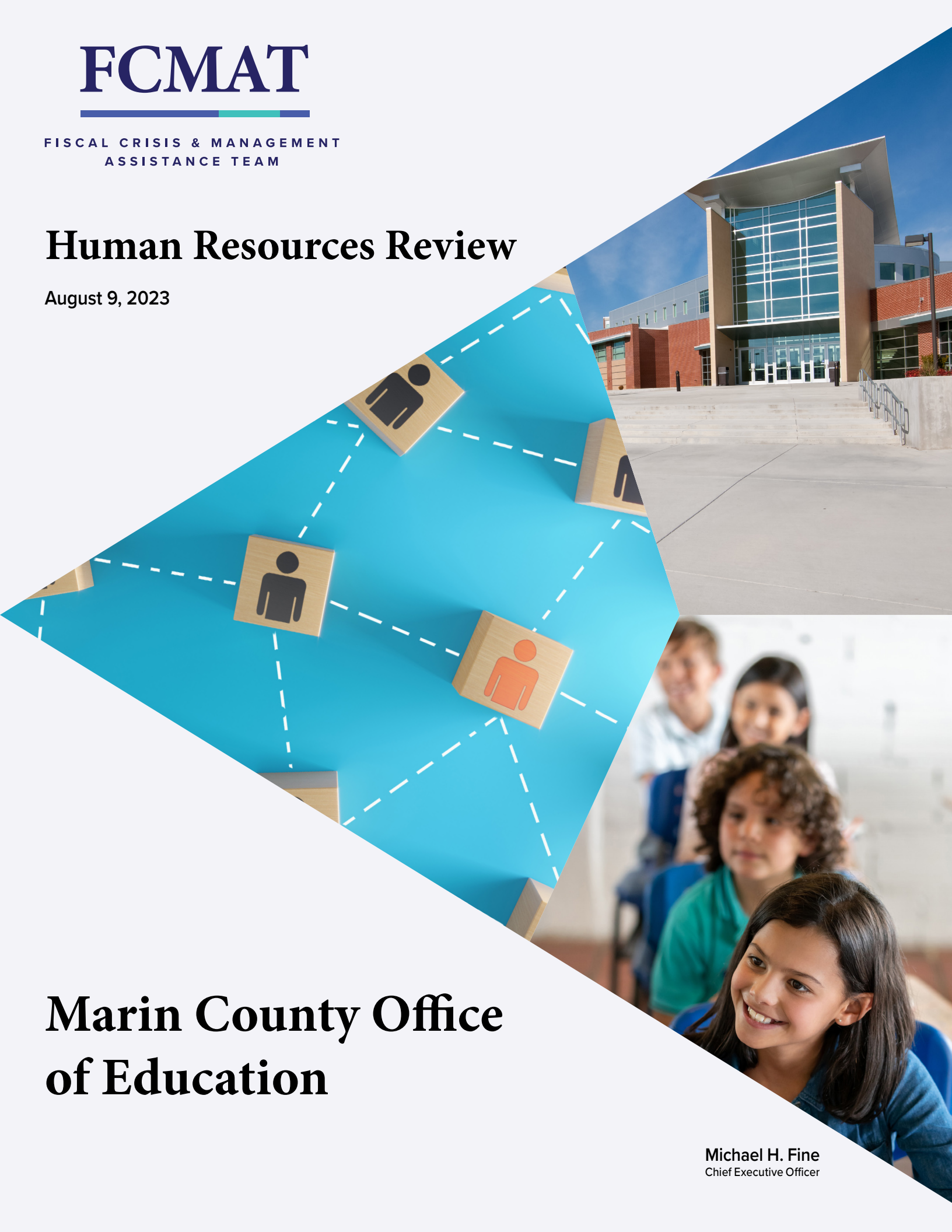
FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

Human Resources Review

August 9, 2023

Marin County Office of Education

Michael H. Fine
Chief Executive Officer



August 9, 2023

John Carroll, Superintendent
Marin County Office of Education
1111 Las Gallinas Avenue
San Rafael, CA 94903

Dear Superintendent Carroll:

In February 2023, the Marin County Office of Education and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to conduct a review of the county's Human Resources Department. The agreement stated that FCMAT would perform the following:

1. Review operational processes and procedures in the Human Resources Department and make recommendations for improved efficiency, if any, in the following areas:
 - Recruitment, selection and hiring practices
 - On/Off-boarding
 - Workers' compensation
 - Employee benefits
 - Employee compensation
 - Employee leave management
 - Employee relations
 - Credentialing
2. Review job duties and evaluate the current workflow and distribution of functions in the above department and make recommendations for improved efficiency, if any.
3. Conduct an organizational and staffing review of the above department and make recommendations for staffing improvements, if any.

This final report contains the study team's findings and recommendations. FCMAT appreciates the opportunity to serve the Marin County Office of Education and extends thanks to all the staff for their assistance during fieldwork.

Sincerely,



Michael H. Fine
Chief Executive Officer

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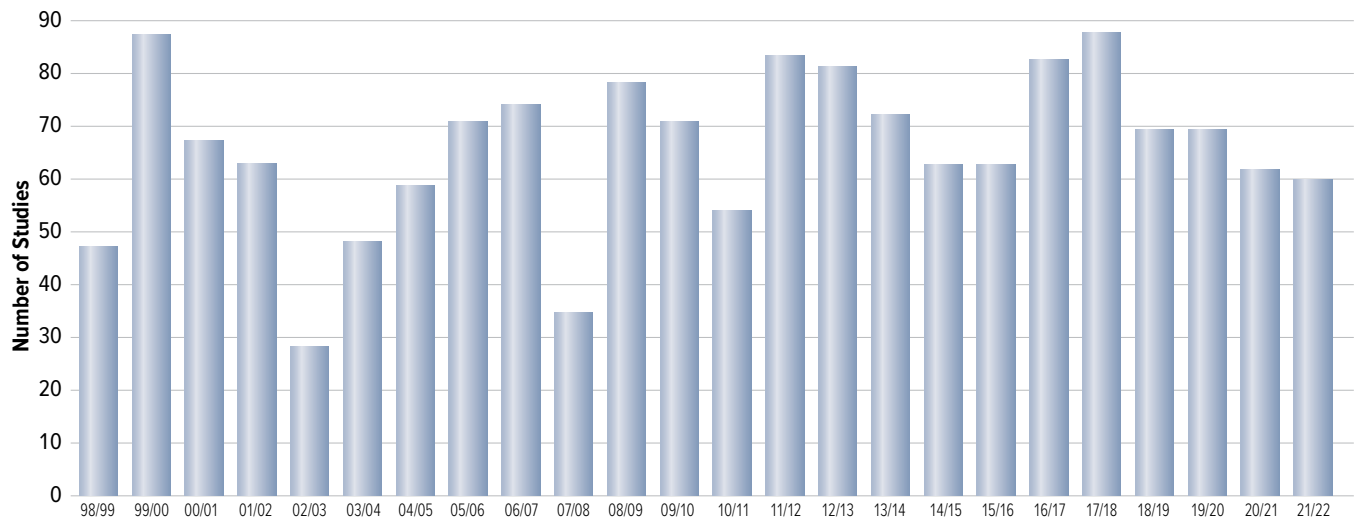
About FCMAT

FCMAT's primary mission is to assist California's local TK-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 TK-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) 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 1,400 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 Marin County Office of Education is located in the city of San Rafael and serves approximately 29,236 students at 17 districts, including students in transitional kindergarten through grade 12 (TK-12), and students enrolled in special education and alternative education programs. It also operates several schools and programs for approximately 511 students with unique needs.

The county office serves as an intermediary between its local districts and the California Department of Education (CDE). It provides financial oversight to the individual districts within its boundaries and supports them with tasks that can be performed more efficiently and economically at the county level. The county office offers services in the areas of human resources, business, technology, professional development, emergency services, and maintenance and operations. It also provides direct services to several school districts within Marin County.

Study and Report Guidelines

In February 2023, the Marin County Office of Education and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to conduct a review of the county office's Human Resources Department's operational processes and procedures and to provide an organizational and staffing review.

FCMAT visited the county on March 29 through March 31, 2023, to conduct interviews with county office staff, collect data and review documents. 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:

Marcus Wirowek, CFE
FCMAT Intervention Specialist

Norma Gonzales
FCMAT Consultant

Cassady Clifton
FCMAT Technical Writer

Those members of this study team who are otherwise employed by a local educational agency (LEA) were not representing their respective employers but were working solely as independent contractors for FCMAT.

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

Executive Summary

The county office's senior director of human resources/personnel and the vacant senior administrative secretary positions report to both the county office and to the Personnel Commission. According to a 2017 report by the California School Personnel Commissioners Association (CSPCA), A Report on Lessons Learned from Recent Merit System Loses [sic] in California, this may lead to difficulties in maintaining neutrality because these positions serve two different boards or elected officials.

Following staff interviews and a review of the county office's documents, FCMAT identified an issue in which an employee was assigned to a position that lacks an approved job description and salary schedule. Essentially, this means that the employee was placed in a nonexistent role within the organization, which can create legal and practical problems for both the employee and the county office.

The county office has several highly outdated board policies and employee handbooks that need to be updated. Board policies and employee handbooks must be kept up to date to ensure adherence to state and federal laws, reduce the risk of legal liabilities, and provide employees with clear expectations and guidance. The county office's operating procedures must also be updated and revised to ensure they remain relevant, accurate and aligned with the county office's evolving needs and standards.

The county office must update its job descriptions with the key job elements (as defined in the "Job Duties: Classified Job Descriptions" section later in this report), so they can be used in the interactive process. The workers' compensation program uses this process to identify reasonable accommodations for employees with work-related injuries and those that may require a workplace accommodation. Outdated job descriptions directly impact the safe work environment and the effective contributions of injured employees. Adding to the challenges faced by the workers' compensation program is its high claim volume, which has resulted in the county office occasionally shifting workers' compensation tasks from the Human Resources/Personnel Department to the Special Education Department. However, the Special Education Department should not perform workers' compensation functions because of competing interests, the specialized knowledge required, and the increased workload placed on staff.

The county office would benefit from assigning additional Human Resources Department staff members to manage employee benefits. During the hiring process, the administrative assistant or secretary provides new employees with benefits packets and answers basic questions. More complex benefits-related questions are forwarded to the senior director of human resources/personnel or to the third-party benefits administrators. Distributing these responsibilities among multiple employees will help staff to manage the workload more effectively, in addition to ensuring work is completed even when employees are absent. It also increases the department's capacity to handle complex issues and adapt to changes in employee needs.

Employee compensation comprises wages or salaries, health benefits, and additional incentives or "fringe benefits" such as cell phone stipends. Policies and procedures regarding employee compensation should specify how staff are compensated and what additional benefits they may receive. However, the county office's policies regarding salaries and fringe benefits for administrative/support staff are outdated and lack clarity. Administrative Regulation 4431 – Salaries and Fringe Benefits was last updated in 1989 and lacks a clear definition of fringe benefits for administrative/support staff. In addition, the county office's website lists a salary schedule that has different effective dates.

Moreover, the Human Resources Department must train its employees on leaves of absences. This will enable employees to provide timely customer service to leave requests, prevent burnout, and ensure compliance with legal requirements. Additionally, it will reduce dependency on a single individual, allowing others to step in and provide support when necessary, minimizing workflow disruptions.

The Human Resources Department's staff needs training relevant to human resources and personnel functions, so they can maintain compliance with legal requirements and provide service and support to the county office's employees. County office staff also have limited training and experience in human resources and personnel functions.

The county office plays a multifaceted role in credentialing, providing support to certificated staff and local districts within Marin County and serving as districts' liaison to the California Commission on Teacher Credentialing. The county office assists educators in obtaining teaching credentials, evaluates credentials from other states or countries, and supports credential renewal and maintenance. However, only one position is allocated to credentialing duties, and there was no evidence of cross-training among staff.

Job descriptions cannot include language or requirements that discriminate against individuals with disabilities, and the county office needs to ensure its job descriptions are written accordingly. Moreover, it would benefit the county office to create job descriptions that can help management set goals and objectives for employees. FCMAT examined a random sample of classified and certificated job descriptions and found that some had not been updated since the 1970s. Some job descriptions included key elements, but others were outdated and potentially misleading regarding the duties assigned to the positions.

The chief negotiator is responsible for creating and facilitating a clear and efficient process for negotiations and the implementation of the agreements. However, the county office lacks clarity about who is responsible for leading labor relations. To better serve his employees, the county superintendent must clearly define this role. The county office must also incorporate the Business Services Department and the senior director of human resources/personnel into the negotiations process. The county office's collective bargaining agreements also need to be updated.

Organizational charts should reflect an organization's structure and the relationship of all positions to one another, so staff understand the chain of command and each employee's responsibilities. The county office's Human Resources Department's organizational chart does not accurately show the department's reporting structure. Some positions lack clarity regarding their responsibilities, while others, such as the director of credentials/special education/County-Wide Personnel (CWP) group, report to multiple superiors.

The county office website houses the Human Resources Department's Staff Directory. The directory lacks phone numbers for all but one position, and it does not indicate which employee is responsible for the department's various essential functions, such as for employee benefits, substitutes, attendance, risk management, and workers' compensation. In interviews, staff indicated that their assignments are inconsistent, and some are unclear about their responsibilities. Some staff are also unaware of which positions are represented by an association and which are unrepresented.

Findings and Recommendations

Human Resources and Personnel departments

Human Resources Department Functions

Functions pertaining to human resources are critical to an LEA's daily operations, affecting every level of the organization. Human resources staff are responsible for coordinating all aspects of personnel services, including employee recruitment, selection, onboarding and training. Human Resources departments assist with employee evaluation and management processes and oversee employee benefits and salaries. They also develop and implement policies and procedures to ensure compliance with collective bargaining agreements and labor laws and regulations. An LEA relies on its Human Resources Department to effectively manage personnel matters and develop a high-performing workforce.

Effective Human Resources departments are skilled in communication, conflict resolution, and employee development. They are proactive in providing guidance on workplace policies and practices, and they actively solicit feedback from employees to foster a positive work environment. They also promote positive employee relations and a fair and respectful work environment, all of which contributes to an LEA's long-term success and fiscal solvency.

Personnel Department Functions

In a merit system¹ LEA, the Personnel Commission is responsible for overseeing certain aspects of the LEA's human resources functions (explained further in the "[Personnel Commission](#)" section of this report). Under the direction of the Personnel Commission, Personnel Department staff provide administrative support functions similar to those in the Human Resources Department. Personnel Department staff must uphold the merit system while strategically aligning with the LEA's hiring needs and priorities and ensuring compliance with the California Education Code.

Use of "Human Resources/Personnel Department"

Because of its small size, the Marin County Office of Education has a combined department for personnel and human resources functions, hereafter referred to as the "Human Resources/Personnel Department." In addition, this report refers to staff serving human resources functions as "human resources staff," and to those serving the Personnel Commission as "personnel staff."

¹A system for hiring, retention and training. Refer to the "[Personnel Commission](#)" section of this report for additional information.

Personnel Commission

The California Education Code provides guidelines for optional merit systems in transitional kindergarten through grade 12 (TK-12) LEAs. These systems include provisions for employee selection, retention, promotion, and training and are intended to improve workforce efficiency and promote the public good. According to the CSPCA, this system is based on “merit, fitness, and the principle of ‘like pay for like work.’”

A Personnel Commission is an independent body that provides oversight to an LEA’s merit system. Personnel Commissions are responsible for certain personnel matters affecting classified school employees. They are comprised of three members that are appointed for staggered three-year terms by the LEA, the local classified association, and a neutral party who is appointed by the other two board members. Commission members are unpaid, but they may receive health benefits.

According to the SPCA’s and NC’s *Guidebook for the Selection of Personnel Commissioners, An Overview of Merit System Principles, and Requirements for Recruiting and Appointing Personnel Commissioners*:

The Personnel Commission has three core responsibilities as defined in the California Education Code. These are as follows:

1. Oversee a personnel management program based on merit principles that ensure the selection and promotion of employees is based solely on qualifications through competitive examination.
2. Develop and administer policies governing employment matters to ensure the fair and equitable treatment of employees within the classified service.
3. Conduct appeal hearings on matters involving employee disciplinary action, employment examinations, and personnel policies and procedures.

It goes on to state that:

To execute its responsibilities, the Personnel Commission performs the following duties:

1. Establishes and maintains a position classification plan which includes creating job descriptions, setting minimum qualifications, and allocating classifications on salary schedules using standards that provide equal pay for equal work.
2. Adopts guidelines to analyze jobs and develop [sic] valid employment examinations.
3. Adopts rules and procedures to be followed concerning such employment subjects as applications, examinations, employment eligibility, hiring, promotions, transfers, layoffs, compensation, performance evaluation, discipline, and other rules necessary to carry out classified personnel administration.

The 2017 CSPCA report on recent merit system losses addresses difficulties in maintaining neutrality when one position serves two different boards or elected officials. The senior director of human resources/personnel and the vacant senior administrative secretary positions report to both the Personnel Commission and to the county office. The senior director dedicates 0.4 and 0.6 full-time equivalent (FTE) to the Personnel Commission and to the county office, respectively. The secretary dedicates 0.5 FTE to each the Personnel Commission and to the county office. When interviewed, staff expressed uncertainty about what should happen were there an issue or conflict of interest between the Personnel Commission and the county office.

Although the county office and the Personnel Commission share a good relationship, it would be beneficial for both to collaboratively develop a conflict resolution policy to address conflicts of interest and issues. This policy must be effectively communicated to all staff to ensure that everyone is fully aware of the procedures and guidelines they must follow during such situations. Implementing a conflict resolution policy will help prevent confusion and miscommunication.

Moreover, this policy must be reviewed and updated annually to incorporate best practices, guidelines, and changes in laws, regulations, or the organizational structure. Doing so will help facilitate the Human Resources/Personnel Department's continued operations and the successful resolution of conflicts.

Recommendations

The county office should:

1. Develop and adopt a conflict resolution policy between the county office and the Personnel Commission.
2. Ensure all staff are aware of the newly developed conflict resolution policy.
3. Review and update its conflict resolution policy annually.

Position Filled Before Personnel Commission Approval of a Job Description and Salary Schedule

Upon review of the county office's documents and interviews with staff, FCMAT found that an employee was assigned to a position that lacked an approved job description and salary schedule. In essence, the employee was placed in a position that did not exist within the organization, leading to potential legal and practical issues for both the employee and the county superintendent.

From a legal standpoint, it would be difficult for the county superintendent and the Personnel Commission to demonstrate that the employee is qualified for the position without an approved job description. This is because job descriptions typically outline the minimum qualifications required for the position, as well as the role's essential duties and responsibilities.

In addition to legal concerns, the lack of a job description can also affect the practical aspects of the employee's work. Without a clear understanding of their duties and responsibilities, employees may struggle to effectively perform their job functions, resulting in inefficiencies, mistakes and confusion regarding their responsibilities. This can hinder productivity and impact overall organizational performance.

To avoid these issues, the Human Resources/Personnel Department must ensure that all positions have an approved job description before hiring staff.

Recommendations

The county office should:

1. Obtain the Personnel Commission's approval for each reclassified or newly developed classified job description before starting any recruitment efforts.
2. Ensure every job description has an assigned salary range or placement.

On-/Off-boarding

Superintendent and board policies, administrative regulations (ARs), and employee handbooks are crucial to the onboarding process because they provide essential guidance and information for new employees. These documents simplify and standardize the onboarding process. They also outline the county office's values, expectations and procedures, ensuring that new employees are aware of their rights and responsibilities. Relevant and up-to-date policies, regulations and handbooks also help employees quickly adapt to their new role, so they can better serve the LEA and the public.

Superintendent and Board Policies

The elected superintendents and boards of county offices of education create and adopt written policies that communicate the guidelines and limits under which staff may act. Education Code (EC) 1240 defines an elected county superintendent's responsibilities for adopting and implementing policies, and EC 1040 defines a county board's responsibilities regarding policies. Superintendent and board policies provide a clear and consistent framework for governing county offices' of education operations and ensuring compliance with legal requirements. They are based on laws contained in numerous codes, including the Education, Government, and Public Contract codes, as well as the Code of Federal Regulations, case law and individual LEA practices.

Superintendent and board policies are formal statements that outline the LEA's goals, expectations, and procedures for various areas such as student discipline, personnel management, and fiscal operations. They provide direction and define responsibilities, which creates stability and continuity. These policies also help communicate the LEA's guidelines to the community, including administrators, teachers, staff, parents and students. This promotes transparency and accountability because the community can refer to the policies to understand how decisions are made and how they can participate in the decision-making process.

To be effective, policies must include all requirements imposed by laws or regulations and should include language that the LEA is fully capable of implementing. They should not contain any provisions outside of the LEA's legal authority. And in today's rapidly evolving legal landscape, it is imperative that LEAs review and revise their policies as necessary to ensure compliance with all laws and legal requirements. This practice instills confidence in the community, helps protect the organization from legal challenges, and ensures that the superintendent, board and staff are actively working to keep the LEA legally compliant and to mitigate risk. LEAs that fail to update their policies risk:

- **Legal consequences:** Failure to update policies can put the LEA at risk of violating federal and state laws and regulations. For example, if an LEA is noncompliant with laws related to student safety, it could be found liable if a student is harmed. Similarly, if an LEA is non-compliant with laws related to employment practices, it could be found in violation of those laws and face legal action.
- **Financial consequences:** Failure to update policies can negatively affect the LEA's budget. For example, if an LEA is found to be noncompliant with federal or state laws, it may lose funding or face fines. Additionally, if an LEA is sued for a policy violation, it may incur legal fees and other costs.
- **Reputational consequences:** Failure to update policies can damage an LEA's reputation among staff, parents, students and the community. For example, if an LEA is found to be

noncompliant with laws or policies related to student safety, it may lose the trust of the community and face negative publicity.

A regular review of superintendent and board policies is a vital practice that can help safeguard an LEA's compliance with the law while also promoting effective and efficient operations. By staying up to date with legal requirements and adopting policies that incorporate best practices and industry standards, LEAs can reduce the risk of negative consequences, promote effective and efficient operations, and ensure that they are providing a safe and equitable learning environment for all students.

FCMAT conducted a random sample of the county office's policies related to human resources and personnel, as shown below.

Policy	Approved	Last Revised
4211 - Vacancies*	8/8/1989	Unknown
4213 - Assignments and Transfer	8/8/1989	Unknown
4215 - Benefits Upon Resignation	8/8/1989	Unknown
4231 - Evaluation	8/8/1989	Unknown
4232 - Complaints by Certificated Staff	8/8/1989	Unknown
4310 - Classified Service	8/8/1989	Unknown
4320 - Merit System	8/8/1989	Unknown
4331 - Vacancies*	8/8/1989	Unknown

*The 4200s and 4300s refer to policies specific to certificated and classified staff, respectively.

Source: [Marin County Office of Education website](#).

The superintendent and board policies are highly outdated, with some policies dating to 1989. FCMAT could not determine if any of the sampled policies have been updated or revised since they were first approved.

Any changes or updates to the policies, procedures and regulations should be communicated to employees in a clear and timely manner, such as through employee meetings, memos and updated handbooks. This can help prevent confusion and ensure that all employees understand their rights and responsibilities in the workplace.

Administrative Regulations

Administrative regulations provide detailed instructions as to how staff will implement superintendent and board policies. As part of its analysis, FCMAT examined a sample of the county office's ARs to review their approval and revision dates, as shown below.

Administrative Regulation	Approved	Last Revised
4410 - Administrative Support Staff Positions	8/8/1989	3/12/2002
4431 - Salaries and Fringe Benefits	8/8/1989	Unknown
4442 - Sick Leave	8/8/1989	Unknown
4444.4 - Maternity Disability Leave	8/8/1989	Unknown
4450 - Professional Development	8/8/1989	Unknown
4510 - Confidential/Classified Management Positions	8/8/1989	6/13/2000
4532.4 - Rest Breaks	8/8/1989	Unknown
4532.5.5 - Part-Time Employees	8/8/1989	Unknown

Administrative Regulation	Approved	Last Revised
4542 - Paid Sick Leave	8/8/1989	Unknown

Source: [Marin County Office of Education website](#).

Similar to its superintendent and board policies, many of the county office's sampled administrative regulations have not been updated since 1989. FCMAT could not determine if any of these regulations have been revised since they were first approved.

Employee Handbooks

Employee handbooks serve as an important communication tool between employers and employees. They provide clear expectations, policies, and procedures that employees are expected to follow, ensuring that everyone shares the same understanding. Handbooks also prevent legal disputes, promote consistency and fairness, improve productivity, and help employees understand the culture and values of the organization. Well-written employee handbooks typically include topics such as:

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

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

The county office's website lists employee handbooks for the following groups:

- Administrative/Support/Classified Management/Confidential Staff
- Certificated Staff
- Classified Staff
- Walker Creek Classified Staff
- Personnel Commission Handbook

The Administrative/Support/Classified Management/Confidential Staff handbook is outdated and has references to policies 4400 and 4500, which are also outdated. Moreover, this handbook is dated 7/2013, and staff indicated that it has not been recently updated. The handbooks for classified and certificated staff are also dated 7/2013, and FCMAT could not determine whether this date represents the most recent update to the handbooks.

Employee handbooks typically outline an organization's policies and procedures, while collective bargaining agreements establish the terms and conditions of employment negotiated between the employer and

the employees' union. Conflicting employee handbooks and collective bargaining agreements can create confusion and legal issues in the workplace.

FCMAT's comparison of the county office's employee handbooks to their respective collective bargaining agreements found discrepancies in the language. For example, the certificated handbook and the certificated bargaining agreement differ in the language used for employees' initial salary placement. The certificated employee handbook states that a maximum of six years will be used for salary placement, while the collective bargaining agreement states that credit will be provided for up to 13 years of service. Similarly, the Personnel Commission's handbook, the classified employees' collective bargaining agreement and the handbook all contain different versions of the section on holidays. Additionally, with the exception of the "Recognition" section in the classified employees' collective bargaining agreement, FCMAT could not determine which classified handbook applied to which classified employee group.

When the language in an employee handbook conflicts with that of the collective bargaining agreement, it can be difficult to determine which takes precedence. The collective bargaining agreement will typically supersede the employee handbook because it is a legally binding agreement between the employer and the union. For any issues relating to conflicting language, the county office should carefully review its handbooks and collective bargaining agreements, seek guidance from legal counsel, and speak with the union's representatives.

Recommendations

The county office should:

1. Explore contracting with the California School Boards Association to assist with the county office's superintendent and board policies and administrative regulations.
2. Conduct a thorough review of all superintendent and board policies and administrative regulations to ensure legal compliance.
3. Communicate all new superintendent and board policies and administrative regulations to staff.
4. Review all policies annually to ensure they are aligned with legal requirements, industry standards, and best practices.
5. Update all employee handbooks with references to any updated policies as needed.
6. Ensure employee handbooks are updated annually and that they do not conflict with language in the collective bargaining agreements.

Workers' Compensation

The senior director of human resources/personnel is responsible for managing the workers' compensation program for all county office employees. When an employee is injured, human resources staff process the claim and then review it with management. Staff interviewed expressed two concerns with their workers' compensation process.

First, the county office's job descriptions need to be updated and revised, as discussed in the "Job Duties: Classified Job Descriptions" and "Certificated Job Descriptions" sections in this report. Accurate job descriptions play a vital role in the interactive process when it comes to workers' compensation. The "interactive process" refers to the legally required collaborative effort between LEAs and employees to identify reasonable accommodations for individuals with work-related injuries or those with disabilities. During this process, an LEA will review the job description of a particular role to understand its essential functions and to assess whether accommodations can be made to help an employee with an injury or a disability to perform those functions. An accurate job description will provide a comprehensive overview of the job's requirements and allow the LEA to make an informed decision regarding suitable accommodations.

Precise job descriptions help employers to engage in meaningful discussions with employees about potential modifications, such as adjusting work schedules, modifying workstations, or providing assistive devices. These types of potential accommodations are essential for promoting a safe and inclusive work environment and ensuring that injured workers can continue to contribute to the organization. Additionally, by addressing individual needs and making necessary adjustments, LEAs can foster a supportive atmosphere that prioritizes employee well-being and maximizes productivity.

Furthermore, accurate job descriptions foster transparency. They help set realistic expectations and facilitate open communication between LEAs, employees and insurance providers throughout the workers' compensation process. This ensures that workers' needs are properly addressed, leading to better outcomes for the employees and the organization. It also promotes a fair and consistent approach to managing workers' compensation claims, enhancing the overall efficiency and effectiveness of the process.

FCMAT recommends that the county office updates its job descriptions with the key elements discussed later in the "Job Duties: Classified Job Descriptions" section of this report. In the interim, FCMAT recommends that the county office defines employees' essential functions during the interactive process. This would allow the county office to determine whether it can provide employees with a reasonable accommodation.

Secondly, staff interviews indicated that workers' compensation responsibilities are sometimes shifted from the Human Resources/Personnel Department to the Special Education Department because of the volume of claims coming from the Special Education Department. FCMAT advises against this practice for several reasons:

1. Human Resources departments typically consist of staff that have been trained in employment-related matters, including workers' compensation. They are trained in working with third-party vendors to navigate the legal and administrative aspects of managing workplace injuries and are tasked with ensuring compliance with relevant laws and regulations. Shifting this responsibility to the Special Education Department, whose primary focus is on supporting students with special needs, could impede the effective management of workers' compensation cases.
2. The Human Resources/Personnel Department already manages tasks and policies similar to workers' compensation, including those related to employee recruitment, benefits, and

compliance. They also provide workers' compensation information, training and forms during the onboarding process. Assigning the task of managing workers' compensation to the Special Education Department could impact the department's ability to provide necessary support and services to students with special needs.

3. Placing workers' compensation under the Special Education Department might create a competing interest. The Special Education Department's primary objective is to provide appropriate educational services and support to students with special needs. Workers' compensation, however, focuses on addressing workplace injuries and ensuring employee rights. Combining these two distinct functions within the same department could lead to conflicts in prioritization and could potentially compromise the efficient management of both areas.

FCMAT recommends that the administrative task of workers' compensation remains solely within the Human Resources/Personnel Department.

Recommendations

The county office should:

1. Include questions related to the employee's essential functions during the interactive process for any positions with job descriptions that have yet to be updated.
2. Ensure that the administrative task for workers' compensation remains with Human Resources/Personnel Department staff.
3. Ensure that staff are adequately trained in the interactive process.

Employee Benefits

The county office's Human Resources/Personnel Department is responsible for administering a wide variety of employee benefits, including medical, dental and vision benefits. According to staff interviews, the administrative assistant and/or secretary provides new employees with informational benefits packets that are specific to their employee group. Staff interviews also indicated that Human Resources/Personnel Department employees assist with basic benefit questions, while more complex questions are forwarded to either the senior director of human resources/personnel or the third-party benefits administrators. Once appropriate benefits forms are completed, the senior director of human resources/personnel forwards them to the appropriate department(s). The senior director of human resources/personnel also manages the tasks associated with the annual open enrollment period, which allows for employees to enroll in, disenroll from, or change health benefits plans for themselves and their families.

It would benefit the county office to assign the responsibility of managing employee benefits to additional staff members within the Human Resources/Personnel Department. This task is crucial for ensuring the physical, mental and emotional well-being and satisfaction of all employees. The county office should not rely on a single individual or position within the organization to carry out these responsibilities.

By distributing the task among multiple employees, the workload can be effectively managed, and the organization can maintain continuity even in the absence, leave, or resignation of Human Resources/Personnel Department staff. This approach ensures that others can step in to facilitate benefits processes and minimizes disruption. It also helps staff to adapt to changes without compromising essential department functions and increases the department's capacity to manage complex issues and a growing workforce. As the organization and employee needs change, having a team dedicated to managing employee benefits will promote collaboration and efficient workflow management within the organization.

In addition, the county office's Benefits Information and Matrices webpage provides a variety of information and resources for staff. Human Resources/Personnel Department staff indicated that they are responsible for the benefits of specific employee groups. However, the county office's website does not include these assignments. Consequently, employees with benefits-related questions may erroneously contact the senior director of human resources/personnel for assistance. This may be time-consuming for the senior director and could result in delayed customer service as the queries are routed to the appropriate individuals. To improve efficacy, it would benefit the county office to indicate on its website which Human Resources/Personnel staff are responsible for which employee group.

Recommendations

The county office should:

1. Assign the responsibility for benefits administration to an additional Human Resources/Personnel Department staff member, and consider dividing the functions by certificated and classified staff.
2. Ensure that the staff members assigned to administer employee benefits are adequately trained in employee benefits.
3. Update its website to indicate the positions and staff responsible for administering employee benefits.
4. Indicate on its website which employee is responsible for each union association regarding general benefit questions.

Employee Compensation

Employee compensation typically includes a combination of wages or salary, benefits, and additional incentives or fringe benefits. Wages or salary refer to the direct financial compensation for the work performed. Additional incentives or fringe benefits may include shift differentials, longevity pay, stipends for education, cell phone costs or automotive expenses, and more. LEAs' policies and procedures should clearly outline how staff are compensated and the additional incentives or fringe benefits they may be entitled to.

The county office's AR 4431-Salaries and Fringe Benefits for administrative support staff was last updated on August 8, 1989. There is no evidence that the policy has ever been revised or reviewed. The policy states, "A salary schedule for Administrative/Support Staff personnel which includes fringe benefits shall be reviewed and adopted annually by the Superintendent/Governing Board."

Although it appears that the Administrative/Support Staff Salary Schedule for certificated staff has been revised, the schedule listed on the county office's website has conflicting effective dates. The webpage lists the salary schedule as effective August 22, 2022, but the schedule itself states, "Approved May 11, 2021."

In addition, the salary schedule references "Fringe Benefits." However, FCMAT could not locate evidence that the county office has clearly defined "fringe benefits" in relation to the 4400 series of policies that are specific to administrative support staff. FCMAT found that this term was defined for other employee classifications.

Lastly, FCMAT's review found that the Administrative/Support (certificated) management salary schedule and the Management and Confidential (classified) salary schedule are not comparable to one another. The management and confidential salary schedule has five annual defined raises (steps) and indicates the salary range. It also indicates career service increment incentives (longevity stipends) for the sixth, eighth, 10th, 12th, 14th, 16th, 18th, 20th, 22nd and 26th years of service and their respective rates. Employees are entitled to a monthly stipend at the respective rate once they reach these milestones. Conversely, the administrative/support management salary schedule includes annual longevity stipends only for the 15th, 18th, 20th, and 25th years of service at a respective rate. It also appears that certificated management do not receive annual steps for compensation purposes. These employees would need to increase their contracted days to receive any salary increase aside from a cost-of-living adjustment.

Recommendations

The county office should:

1. Review and update Administrative Regulation 4431.
2. Define the "fringe benefits" for administrative/support staff.
3. Ensure that salary schedules have a clearly defined effective date.
4. Consider revising the administrative/support management and management and confidential salary schedules to achieve both equity within the county office and salaries that are competitive with those offered by other county offices of education.

Employee Leave Management

Local educational agencies should ensure that several Human Resources Department staff members are trained in leaves of absences for several reasons. Firstly, it ensures continuity within the organization. Training multiple employees in this area results in less dependency on a single individual. If one human resources staff member is unavailable, another can step in and manage the leaves processes without interruption. This helps maintain smooth operations and prevents delays in addressing leave requests. It also helps preserve institutional knowledge should a position with leaves management responsibilities become vacant.

Secondly, having multiple staff members trained in leaves management allows for a timely response to leave requests. Leaves of absence often require prompt attention and action, and county offices of education assist both their own employees as well as those of their local districts. Additional support in this area will ensure prompt responses, thorough documentation review, timely communication with employees, and the completion of necessary paperwork within the required timeframes. This helps both employees and their districts receive the support they need and minimizes the disruption caused by absences.

Thirdly, allocating the workload among multiple trained human resources professionals helps prevent burn-out and ensures a more equitable distribution of responsibilities. Leaves of absence can be complex and time-consuming to manage, so it is important the department provides sufficient support to employees in this area. Doing so will lead to a more efficient and effective Human Resources Department.

Staff interviews indicated that the task of leaves management resides solely with the senior director of human resources/personnel. FCMAT recommends that the county office work within the existing Human Resources/Personnel Department's staffing structure to develop and train other staff members regarding compliance with legal requirements when managing and providing advice on leaves of absences. This will allow these employees to collaborate on and ensure adherence to relevant employment laws, regulations and policies. Lastly, once additional staff members have been adequately trained, the county office should provide these employees' contact information to the local districts as additional resources for matters pertaining to leave management.

Recommendations

The county office of education should:

1. Assign the task of employee leaves of absence to multiple staff within the Human Resources/Personnel Department.
2. Ensure that staff are appropriately trained on employee leaves of absence.
3. Share Human Resources/Personnel Department staff contact information with other departments and local districts.

Employee Relations

Employee relations involves establishing positive communication, trust and understanding between employees and the organization. This is typically achieved by ensuring that the organization has a clear organizational structure with sufficient staffing levels to meet the organization's goals. It requires providing adequate and appropriate training to staff, maintaining department calendars, and fostering a harmonious work environment. Additionally, strong employee relations contribute to improved customer service, because satisfied and engaged employees are more likely to provide exceptional service to students, parents and the community. Consequently, this enhances customer satisfaction, builds trust and loyalty, and strengthens the organization's reputation.

Human Resources/Personnel Department Staff Website and Directory

LEAs' websites should provide information about the programs and services available to students, parents, staff and the community. Websites should use a clean and user-friendly design, with easy navigation to various sections specific to students and staff. They must also be accessible to individuals with disabilities. LEAs should also consider posting news and announcements to help keep the public informed about recent events and updates. Websites must also be kept up to date with any organizational changes.

The county office's website features a Personnel Department section with nine webpages housing information and resources for staff, including a Staff Directory. Excepting the credentials analyst position, this directory lacks telephone numbers that staff and the community can use to contact Human Resources/Personnel Department employees. The directory also lacks clarity regarding which personnel staff are responsible for general classified and certificated employee functions, employee benefits, substitutes, attendance and leaves, risk management, and workers' compensation.

The ambiguity regarding staff assignments is pervasive outside of the staff directory. During interviews, personnel staff reported inconsistencies in employee assignments. Human Resources/Personnel Department senior management expressed uncertainty about which employees were responsible for benefits, leaves of absence, and workers' compensation.

Some staff were also unclear about which Human Resources/Personnel Department positions are represented and which are nonrepresented, possibly because the same job title is used in multiple salary schedules. Knowledge of position classifications is crucial for the smooth operation and management of the Human Resources/Personnel Department, in part because staff should only be assigned tasks and responsibilities within their classification.

Recommendations

The county office should:

1. Update the Human Resources/Personnel Department's webpages with staffs' telephone numbers and their functions.
2. Share updated staff information with the county office's internal and external partners.

Desk Manuals

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

- Assist with training gaps that can remain after employee turnover.
- Provide guidelines for training (including cross-training), help preserve institutional knowledge, and eliminate dependency on a single employee.
- Ensure employees follow the latest and most efficient procedures.
- Effectively document and monitor segregation of duties.

These documents are particularly important when employees either leave an LEA, are on vacation, or are absent for a long time because of illness. Although the county office has desk manuals, they are relatively outdated and have not been revised in several years. Staff acknowledged that this is an area of concern but explained that they lack the time necessary to update the manuals.

Staff also indicated that they lack the time needed to create and update new standard operating procedures (SOPs) for inclusion in the desk manuals. SOPs provide employees with clear and concise step-by-step instructions for performing routine tasks. They facilitate efficiency, enhance output quality, promote consistent performances, and reduce miscommunication and noncompliance with policies and regulations.

During interviews, staff indicated that the individual in the senior administrative secretary position has been in the role for less than a year and lacks prior experience in both personnel and human resources. This employee relies heavily on the executive secretary (who has only been in her own position for six months) for training and guidance. Despite both individuals having worked for the county office for several years, FCMAT found that their knowledge and experience in personnel matters was quite limited. This situation highlights the county office's pressing need for updated and comprehensive desk manuals and SOPs.

Recommendations

The county office should:

1. Require staff to document a comprehensive, step-by-step SOP for each of their job duties and include this information in a desk manual.
2. Create a template to be used for each process and procedure to ensure consistency.
3. Ensure that employees are adequately cross-trained to understand and perform all duties when an employee is absent or needs assistance, or when a position is vacant.

Training

Most Human Resources/Personnel Department staff lack relevant experience, having joined the department through promotional opportunities, and they have received little guidance on their duties and responsibilities. Most of their training has been “hands-on,” with staff performing job tasks while receiving limited instruction. Staff indicated that they have been trained in various software programs, but they have not received any training specific to human resources or personnel matters. No evidence was provided suggesting that the Human Resources/Personnel Department cross-trains its staff, but it should facilitate this practice considering the potential challenges that may arise from any absences within its small staff.

Personnel staff expressed a need for additional training, which was evident when they could not answer basic questions related to personnel functions in areas such as workers’ compensation, benefits administration, and/or leaves of absence provisions. Accordingly, the Human Resources/Personnel Department would immediately benefit from topic-specific training provided by outside agencies such as the California County Superintendent’s Personnel Administrative Services Committee (PASCo), School Services of California, California Association of School Business Officials, and Association of California School Administrators. The development of an annual budget for training that aligns with the tasks and functions outlined in staffs’ job descriptions would also help both the county office and its employees.

In addition, some staff indicated that they are performing tasks that are not in their respective job descriptions. Some duties have been distributed among staff because of the vacant senior administrative secretary position. The process by which these duties were distributed and whether they were equitably and appropriately assigned is unclear.

Recommendations

The county office should:

1. Ensure that staff are properly and continually trained for the position to which they are assigned.
2. Ensure that the Human Resources/Personnel Department develops a written plan and budgets for annual staff training.
3. Ensure that Human Resources/Personnel Department management and staff regularly attend training in relevant human resources and personnel matters.
4. Consider assigning specific duties related to certificated and classified employees to Human Resources/Personnel Department management and staff, and facilitate cross-training to help preserve institutional knowledge.
5. Ensure that staff are performing tasks and functions that align with their job description.

Human Resources Yearly Operational Calendar

The purpose of a Human Resources Department's yearly operational calendar is to organize and plan the execution of the department's tasks and responsibilities. These calendars should assign specific tasks to each position and department, providing clear guidance to employees and improving accountability and efficiency. This can also help to ensure compliance with legal and regulatory requirements.

The Human Resources/Personnel Department's yearly operational calendar does not indicate the individuals or positions assigned to each task. Ambiguity about who is responsible for certain tasks may result in delays, errors, or overlooked tasks that can have serious consequences for the county office. Accordingly, the Human Resources/Personnel Department needs to revise its calendar to include clear assignments so that all employees understand their responsibilities and all tasks are completed efficiently and timely.

Meetings with other departments, like business, should also be included in the revised Human Resources/Personnel Department's yearly operational calendar. These meetings facilitate departments' relationship-building and collaboration on important projects and initiatives, the communication of essential information, and a better understanding of the organization. This can also help inform human resources-related policies and initiatives and contribute to the organization's long-term success.

Recommendations

The county office should:

1. Revise its Human Resources/Personnel Department's yearly operational calendar to assign tasks and/or functions to specific positions within the department.
2. Ensure staff are appropriately trained in the newly assigned task and/or function.
3. Share the newly updated Human Resources/Personnel Department's yearly operational calendar with other departments to encourage communication and meetings between departments.

Credentialing

County offices of education have a dual responsibility in regard to credentialing² — they must provide credentialing support not only to their own certificated staff, but also to their districts. In conjunction with the Commission on Teacher Credentialing (CTC), county offices of education are responsible for: assisting educators in obtaining teaching credentials; evaluating credentials from other states or countries; and supporting the renewal and maintenance of teaching credentials. The Marin County Office of Education also provides additional credentialing support to its smaller districts, many of which have an average daily attendance of less than 1,000.

The county office's [Credentials webpage](#) is highly informative, offering various resources for both teachers and districts. It states that teachers are provided support with the following:

- Credential information for those prepared in California
- Credential information for those wanting to transfer a credential, or license, from out of state or out of country
- Credential information for those with private school teaching experience
- Application assistance with Child Development Permits
- English Language Learner authorization information

It further states that districts are provided support with the following:

- Legal Compliance
- Temporary County Certificates
- District & Teacher Assistance
- Certificated Assignment Monitoring & Reporting
- Deciles 1, 2, 3 ELLA Review
- Districts' Payroll Processing Support

The Credentials webpage also provides the credentials analyst's contact information and the credential meetings schedule. Virtual meetings are available for those who cannot meet in person. To improve efficiency for both the county office and its districts, it would be beneficial for the credentials analyst to schedule dedicated meeting times specifically for districts, considering the volume of their requests and the time of year. FCMAT also recommends that the county office continue providing the credentialing services discussed on the Credentials webpage.

Furthermore, during interviews staff indicated that additional positions were needed within the Credentialing Department. Before the county superintendent adds any positions to this department, FCMAT recommends that the department first conduct a time study to determine its needs. A "time study" refers to the systematic process of observing and analyzing how staff allocate their time and perform their tasks. Time studies involve measuring and documenting the time taken by employees to complete specific job activities, tasks or processes. Their primary objective is to gather accurate data on the time required for different work elements and activities, with the goal of improving productivity, identifying areas for process optimization, and facilitating better workforce planning and resource allocation. They are more than simple reviews of employees' overtime — they help LEAs to determine the tasks that are vital to the organization's

²The process used to permit teachers to legally work within designated areas, such as a specific grade level or a subject.

success, while revealing the tasks that may no longer be important. Once the Credentialing Department's time study is complete, the county office can determine whether additional staffing is required and whether any tasks can be eliminated.

Lastly, the county office only has one position dedicated to credentialing. Credentialing is a highly technical task. County offices of education have additional responsibilities beyond those of other LEAs, including reporting to the CTC and providing support to their local districts. Consequently, FCMAT recommends that the Marin County Office of Education immediately start cross-training other employees in credentialing. Doing so will greatly assist the county office in the event of an unexpected leave of absence.

Recommendations

The county office should:

1. Provide dedicated separate credential meetings for both teachers and districts.
2. Continue to maintain the Credentials webpage and content.
3. Perform a time study on the employee within the credentialing department.
4. Determine appropriate tasks and staffing levels according to the time study.
5. Develop a cross-training plan to train additional staff in credentialing.

Job Duties: Classified Job Descriptions

One of the Personnel Commission's primary responsibilities is to develop and maintain job descriptions for all classified staff positions. This duty is often mandated by state and federal employment laws and regulations, such as the Fair Labor Standards Act, which requires employers to accurately classify positions and pay employees based on their job duties and responsibilities.

Each job description should provide candidates and employees with a clear understanding of the position and its responsibilities. A comprehensive job description will typically include the following key elements:

- **Job Title:** The job title should accurately reflect the position and its responsibilities. This can help ensure compliance with state and federal employment laws, such as those related to wage and hour regulations and overtime eligibility.
- **Purpose:** The job's purpose should be clearly defined, including the position's overall goals and objectives. This can help ensure that the position is properly classified and compensated in accordance with applicable employment laws and regulations.
- **Duties and Responsibilities/Essential Functions:** A thorough description of the position's specific duties and responsibilities should be included, outlining the tasks and functions that the employee will be responsible for. This can help ensure that the position is classified correctly and that employees are paid in accordance with their job duties and responsibilities.
- **Minimum Qualifications:** The minimum qualifications required for the position should be clearly stated, including the education, experience, credentials or certifications necessary for the job. This can help ensure compliance with employment laws related to hiring and equal employment opportunity.
- **Preferred Qualifications:** Any preferred qualifications, such as additional education or experience that may be beneficial for the position, can also be included if they do not discriminate against any classes of people who are protected under employment laws.
- **Working Conditions:** A description of the working conditions associated with the position should be included, such as the physical demands of the job, work schedule, and any other relevant information. This can help ensure compliance with employment laws related to workplace safety and with accommodations for employees with disabilities.

Use of these key elements can help LEAs ensure that they are in compliance with legal requirements and guidelines. LEAs can also use their job descriptions to set goals and objectives to align employees' performances with the LEAs' goals and desired outcomes. Moreover, job descriptions can identify areas where an employee may need additional training or development. Management can help employees who are not meeting the requirements outlined in their job descriptions by providing them with feedback and coaching to improve their skills.

Comprehensive job descriptions are vital for maintaining compliance with the Americans with Disabilities Act (ADA), which requires that employers make reasonable accommodations for employees with disabilities. Job descriptions should state the essential functions of a position, including tasks that cannot be removed without changing the job's nature. Accurate job descriptions can help LEAs determine reasonable accommodations for employees with disabilities that do not compromise positions' fundamental duties. LEAs should avoid listing requirements that are not essential to the job.

The ADA requires the use of an interactive process in which employers engage in a dialogue with employees or job applicants with disabilities to determine whether a reasonable accommodation can be made that would enable them to perform the essential functions of the job. The interactive process is an ongoing conversation that involves sharing information about the employee's limitations and the job's requirements, as well as potential accommodations that may be effective. The goal is to identify an accommodation that enables the employee to perform their job without creating an undue hardship on the employer. Employers can be held liable for their failure to engage in the interactive process and/or to provide reasonable accommodations.

Personnel commissions should also update their job descriptions periodically to align with best practices and industry standards. According to staff interviews, the Personnel Commission does not consistently update its job descriptions.

FCMAT examined a random sample of classified job descriptions to assess their condition, as shown below.

Job Title	Approved/Last Revised
Classified Management	
Accountant	12/14/1999
Director of Personnel	5/8/2001
Ranch Conference Manager	3/10/1991
Senior Systems Programmer	12/9/1975
Classified	
Accounting Assistant	3/10/2020
Brailist	1/14/1986
Distributor IMC	6/7/1971
Graphics Technician	6/7/1971
Information Systems Specialist	1/9/2007
Maintenance Custodian	3/12/2019
Offset Equipment Operator	7/19/1971
Para Educator Auto Technician	7/1/2006
Para Educator Special Education - Therapeutic Learning Center	7/1/2006
Para Educator Welding	7/1/2006
Confidential	
Senior Administrative Secretary	2/10/2015
Walker Creek Ranch*	
Cook	6/27/2017
Naturalist	12/12/2017

*Walker Creek Ranch is an outdoor education and retreat center staffed by the Marin County Office of Education.

Source: Marin County Office of Education website.

Some of the job descriptions were approved within the last decade and include key elements of an appropriate job description. However, several job descriptions are outdated by over five decades, and it is unclear if they have ever been revised. At the time of fieldwork, the county office provided FCMAT with a draft report that indicated the Personnel Commission plans to review all classified job descriptions. The Personnel Commission needs to revise all job descriptions to include the key elements noted earlier in this section. Doing so will also help to ensure compliance with the ADA.

In addition, the county office needs to note when it has discontinued the use of a specific job title/description to ensure that staff and the public have access to the correct files.

Recommendations

The county office should:

1. Work with the appropriate union and the Personnel Commission to revise all classified job descriptions.
2. Hire an outside firm that is familiar with California school operations to revise all its job descriptions at the same time, and encourage the Personnel Commission to do the same.
3. Ensure all classified job descriptions contain the key elements of each position.
4. Ensure all job descriptions comply with the ADA and any relevant laws.
5. Review and/or revise its job descriptions annually, and encourage the Personnel Commission to do the same.
6. Communicate with staff when their job descriptions are updated.
7. Ensure that job titles/descriptions that are no longer in use are clearly marked as such.

Certificated Job Descriptions

It would benefit the county office to revise all its certificated management and certificated job descriptions with the key job elements discussed earlier in the “Classified Job Descriptions” section of this report. Comprehensive job descriptions help to ensure that employees have a clear understanding of their roles, responsibilities, expectations and performance criteria. They also enable employees to align their efforts with the county superintendent’s objectives and contribute to the county office’s success. Moreover, well-crafted job descriptions can help the county office to attract and retain talent by providing a transparent and fair assessment of each position’s requirements.

As part of its review, FCMAT conducted a random sampling of the county office’s certificated management job descriptions. Upon review, FCMAT found minimal differences among the job descriptions for the senior deputy superintendent, deputy superintendent, and assistant superintendent positions. In addition, these job descriptions lack the positions’ minimum qualifications, required education and/or credentials and physical requirements. They are also vague and offer little information about the positions’ duties and responsibilities.

Documents provided to FCMAT indicate that the senior deputy superintendent job description was either board approved or last revised in June 2022. However, information regarding any revisions or board approval dates is lacking for the deputy superintendent and assistant superintendent job descriptions. Staff members indicated that these job descriptions may have remained unchanged for several years or even decades.

According to the county office’s 2022-2023 Administrative/Support Staff Salary Schedule, all three job titles are on different salary schedules:

Job Title	Annual Salary
Senior Deputy Superintendent	\$242,056-\$262,321
Deputy Superintendent	\$202,902-\$219,889
Assistant Superintendent	\$178,530-\$193,476

Source: County office-provided document.

The lack of key elements and clear and distinct characteristics in the job descriptions for these positions creates ambiguity, may cause confusion, and can result in a range of legal complications. Firstly, these job descriptions may not comply with the ADA. Secondly, it is unclear whether these positions are classified appropriately as certificated management. Thirdly, an employee in one of these positions may file a discrimination claim for being inadequately or unfairly paid because the duties and responsibilities of these positions are so similar. The county superintendent needs to address the lack of key elements and differentiation among these job descriptions.

FCMAT also reviewed several other certificated management and certificated job descriptions, as shown below.

Job Title	Approved/Last Revised
Certificated	
Special Day Class Teacher	12/1/1991
Resource Specialist Teacher	12/1/1991
County Community Class Teacher	12/1/1991
Regional Occupation Program Teacher	12/1/1991

Job Title	Approved/Last Revised
Certificated Management	
Project Manager	Unknown
Assistant Project Manager	Unknown
Project Consultant	3/12/2002
Project Coordinator	Unknown
Project Supervisor	3/12/2002
Assistant Project Supervisor	3/12/2002

Source: Marin County Office of Education website.

Several county office certificated management and certificated job descriptions were last approved in the early 1990s, and it is unclear if they have since been revised. Other descriptions lack superintendent approval/revision dates entirely. FCMAT also found that many of these job descriptions are vague, with minimal information about the positions' duties and responsibilities. Unclear job descriptions may make it difficult for the county superintendent to attract talented candidates to its organization. In addition, some of these job descriptions lack the positions' physical requirements. This could create challenges for the county office when identifying the jobs' essential functions during the interactive process for applicants and employees requiring accommodations. It may also leave the county office open to legal challenges under the ADA.

Recommendations

The county office should:

1. Work with the appropriate union to revise all certificated job descriptions.
2. Hire an outside firm that is familiar with California school operations to revise all certificated management and certificated job descriptions at the same time.
3. Ensure all certificated management and certificated job descriptions contain the key elements of each position.
4. Ensure all certificated management and certificated job descriptions comply with the ADA and any relevant laws.
5. Review and/or revise its certificated management and certificated job descriptions annually.
6. Communicate with staff when their job descriptions have been updated and approved.

Labor Relations

Fostering positive labor relations can be key to establishing a cooperative and healthy work environment. Positive labor relations can lead to better communication, increased job satisfaction, and reduced conflict. This, in turn, can result in increased productivity, higher quality work, and lower turnover rates. Positive labor relations also contribute to a favorable public image, which can help an LEA to attract talent. Ultimately, positive labor relations can play a vital role in an LEA's long-term success and sustainability.

Despite positive relations between the county superintendent and his labor partners, it is unclear which employee is responsible for facilitating negotiations and their implementation as the chief negotiator. The assistant superintendent of personnel and special education indicated that she is the chief negotiator for all four unions. However, the superintendent indicated that the assistant superintendent is the chief negotiator for only three, with the deputy superintendent serving as the chief negotiator for the California School Employees Association. The deputy superintendent himself was unaware of this responsibility. Adding to the ambiguity, FCMAT found that the chief negotiator job task is not present in either of the job descriptions for the deputy superintendent or the assistant superintendent of personnel and special education positions.

Staff indicated that at times, the county office has not appropriately “sunshined” its proposals for collective bargaining. “Sunshining” refers to the legal requirement that requires public sector employers to provide advance notice of their intent to enter into collective bargaining negotiations with a union representing their employees. The term refers to the idea of shedding light on the bargaining process and ensuring it is transparent. This failing underscores the importance of having a defined and efficient process for negotiations and their implementation. The county superintendent needs to establish a clear understanding of the chief negotiator position, the singular individual assigned to the job, and their role and responsibilities.

FCMAT also found that key departments and staff are not always included in labor negotiations. For example, although staff account for most of the county office's budget, its Business Department has not typically been included in negotiations. This department needs to be included in this process. Moreover, the position responsible for ensuring contract compliance, the senior director of human resources/personnel, has not been involved in the negotiations process either. This position needs to be included in the negotiations process from start to finish. Doing so will help to ensure that all parties share the same understanding, and that any potential compliance issues are identified and addressed early on.

Interviews also indicated that the collective bargaining agreements are outdated. The certificated collective bargaining agreement has not seen any substantive revisions since 1991, with the bargaining teams focusing mostly on salary and benefits. The county office needs to update its collective bargaining agreements to ensure that it can effectively serve its employees and its operations.

Recommendations

The county office should:

1. Establish a clear understanding of which position is the singular designated chief negotiator for labor relations and negotiations with the unions.
2. Ensure that its collective bargaining agreements are current and up to date.
3. Follow and adhere to all appropriate Sunshine procedures.

4. Create a timeline for the bargaining process, and work with the Business Department and site/department leaders to ensure that the bargaining teams are aligned with the county office's goals.
5. Schedule regular meetings with the associations' leaders to foster collaboration and positive working relationships.
6. Include the senior director of human resources/personnel in labor relations meetings and/or negotiations to support the implementation of negotiated agreements.
7. Ensure the business department is involved with developing analyses for any type of proposed compensation increases or settlements.

Organizational Structure

County offices' organizational structures should establish the framework for their leadership and the delegation of all staff members' specific duties and responsibilities. These structures should maximize resources and support organizational goals. They should be adapted when services provided to districts are increased or reduced. County offices should be staffed according to basic, generally accepted theories of organizational structure and the standards used in other agencies of similar size and type. It is a best practice to ensure that the organizational structure specifies key areas of authority and responsibility, and that lines of authority and reporting are logical and clearly identified, established and communicated.

Organizational Chart

The purpose of any organizational structure is to help management make key decisions that facilitate student learning while balancing financial resources. Organizational designs should outline the management process and its specific links to the formal system of communication, authority, and responsibility necessary to achieve the LEA's goals and objectives. The department's organizational chart should consist of staff positions capable of fulfilling the department's goals and responsibilities. A well-crafted organizational chart should reflect all positions so staff understand the chain of command. Organizational charts need to be updated when an LEA's structure changes.

The Human Resources/Personnel Department's organizational chart lacks clarity and does not provide an accurate picture of the department's structure and assignments. The chart shows that an assistant superintendent heads both the Personnel and Special Education departments, but interviews indicated that it is the deputy superintendent who oversees the Personnel Department. The assistant superintendent reports to the deputy superintendent and has limited experience with personnel, so staff rely on the senior director of human resources/personnel for day-to-day operations. The assistant superintendent also oversees the Special Education Department's hiring process, which can cause inconsistencies in the county office's overall recruitment practices.

Staff expressed confusion about the reporting structure of the split director position. Half (0.5 FTE) of this position serves as the director of credentials/special education/CWP and reports to the senior director of human resources/personnel. The other half (also 0.5 FTE) serves as the director of education services and reports to the assistant superintendent of education services and alternative education. It would benefit the county office to have the director of credentials/special education/CWP role report directly to the assistant superintendent of personnel and special education, to better align the Human Resources/Personnel Department's reporting structures and workflows.

One executive secretary and two senior administrative secretary positions (one of which was vacant at the time of fieldwork) report to the senior director of human resources/personnel. Interviews indicated that one confidential administrative assistant also supports the assistant superintendent of personnel/special education, but this position is not included on the Human Resources/Personnel Department's organizational chart.

In addition, the vacant senior administrative secretary's duties have been split between the executive secretary and the other senior administrative secretary, but it is unclear which of these three positions are represented and which are nonrepresented. The county office needs to verify these positions' classifications to ensure that these individuals are not performing the work of another classification.

Recommendations

The county office should:

1. Revise the Human Resources/Personnel Department's organizational chart to reflect its line of authority pursuant to job descriptions.
2. Review and revise the Human Resources/Personnel Department's organizational chart as organizational changes occur.
3. Provide the newly developed Human Resources/Personnel Department's organizational chart to staff.

Human Resources/Personnel Department Staffing

The county office's Human Resources/Personnel Department's staffing at the time of fieldwork is shown below.

Job Title	FTE
Assistant Superintendent	0.1
Senior Director of Human Resources/Personnel	1.0
Director	0.5
Executive Secretary	1.0
Credentials Analyst	1.0
Senior Administrative Secretary	2.0
TOTAL	5.6

Source: County office-provided documents.

FCMAT conducted a comparison of enrollment and Human Resources Department FTE of districts located within Marin County. The county office's Human Resources/Personnel Department's total FTE was included in this comparison because various functions related to the recruitment of classified positions must be carried out regardless of the presence or absence of a Personnel Commission. Data was sourced from Ed-Data.org, the county office's and the districts' websites, or obtained directly from the county office and the districts. When using data from the websites, FCMAT assumed that the positions were full time (1.0 FTE). In some cases, a portion of an FTE was split among or between various departments (which is common in smaller districts). This information is shown below.

Marin County Office of Education Districts		2021-22 Enrollment	Human Resources Department FTE*
1	Bolinas-Stinson	94	0.50**
2	Kentfield	1,034	0.00
3	Laguna Joint	21	0.00
4	Lagunitas	180	0.50**
5	Larkspur-Corte Madera	1,354	1.50**
6	Mill Valley	2,415	2.00
7	Miller Creek Elementary	1,762	1.50**
8	Nicasio	36	0.00
9	Novato Unified	7,419	6.00
10	Reed Union	1,022	2.00**
11	Ross	369	2.00**
12	Ross Valley	1,748	4.00**
13	San Rafael City Schools	4,277***	5.00
14	Sausalito Marin City	394	1.00**
15	Shoreline Unified	485	1.00**
16	Tamalpais Union High	5,060	3.00
17	Marin County Office of Education*	511	5.60
AVERAGE****		1,658	2.09

*Total FTE includes staff serving the Personnel Commission.

**Human Resources Department FTE is shared with other departments and is not dedicated solely to human resources.

***Includes the total enrollment from both San Rafael City Elementary and San Rafael City High school districts.

****Marin County Office of Education was included in the calculation of this average.

Sources: Ed-Data.org, and county office's and districts' websites and staff.

Marin County districts' student enrollment ranged from a low of 21 to a high of 7,419, with an average of 1,658. Districts' Human Resources departments' FTE ranged from a low of 0 FTE, with no employee specifically assigned to the Human Resources Department, to a high of 6.00 FTE. Marin County districts employed an average of 2.09 FTE in their Human Resources departments. Nine districts in Marin County had an enrollment of under 1,000, and they may not have a dedicated human resources professional because of their small size. Consequently, the Marin County Office of Education provides services to help some of these districts meet their human resources needs.

FCMAT also conducted a comparison of enrollment, county class (county offices of education with an average daily attendance between 15,000 and 29,999), and human resources FTE. FCMAT sourced and analyzed the data in the same manner discussed previously, as shown below.

Class V*	County Offices of Education*	2021-22 P2 Average Daily Attendance	Human Resources Department FTE
1	Marin	29,236	5.6
2	Butte**	26,253	13.0
3	El Dorado	28,512	9.0
4	Humboldt	15,926	7.0
5	Kings	26,544	7.0
6	Madera	28,346	14.0
7	Napa	17,437	6.0
8	San Luis Obispo	29,944	8.0
9	Shasta	23,624	8.0
10	Sutter	22,247	7.0
11	Yolo	26,932	8.0
AVERAGE****		25,000	8.4

*Average daily attendance of 15,000 to 29,999.

**Total FTE includes staff serving the Personnel Commission.

***Payroll-related staffing were removed for comparison purposes.

****Marin County Office of Education was included in the calculation of this average.

Sources: Ed-Data.org, informal FCMAT survey, and county offices' of education websites and staff.

County offices' of education student enrollment ranged from a low of 15,926 to a high of 29,944, with an average of 25,000. Their Human Resources departments' FTE ranged from a low of 5.60 FTE to a high of 14.00 FTE, with an average of 8.4 FTE.

While comparative information can provide valuable insights, it should not be the sole determinant of suitable staffing levels, because each county office of education is unique in the students it serves and the services it provides to districts. That said, the Marin County Office of Education's Human Resources/Personnel Department appears to be understaffed. However, to justify the hiring of additional staff, the county office needs to determine the additional services it will provide to the districts within Marin County.

Senior management indicated that the county superintendent intends to continue providing support to the county's smaller school districts, which often depend on it for help with matters related to human resources. The county office needs to determine the needs of its districts (if any) and the specific services it will provide to them. Once those needs or services have been identified, the county office can appro-

priately staff and train its Human Resources/Personnel Department. FCMAT does not recommend adding positions unless the county office determines the needs of or the services to be provided to its districts.

Regarding the vacant senior administrative secretary position, FCMAT recommends reclassifying this position into either a human resources technician or an analyst to support the county office's smaller districts. The newly classified technician or analyst position would bridge the gap between the administrative assistants and the senior director of human resources/personnel. The individual in this position needs to be provided training so that they can serve as districts' direct point of contact for matters related to human resources. The senior director of human resources/personnel could also provide districts with assistance as necessary.

If the county superintendent reclassifies an existing position into a human resources technician or analyst, he will need to create or revise a job description for the position to clarify the newly assigned tasks. The organizational chart will also need to be updated accordingly, to ensure that all staff have a clear understanding of the position's tasks and/or functions and how it fits into the county office's overall structure.

Recommendations

The county office should:

1. Identify the human resources services needs of Marin County districts.
2. Identify the external human resources services to be provided to Marin County districts.
3. Recruit and train accordingly for the identified needs and services related to human resources.
4. Reclassify the vacant senior administrative secretary position into a human resources technician or analyst.
5. Develop and implement a training schedule for the reclassified human resources technician/analyst position.
6. Notify its smaller districts of the additional support that will be provided and share the human resources technician's/analyst's and other staffs' contact information.
7. Update the Human Resources/Personnel Department's organizational chart to show the reclassified position and its assigned tasks and/or functions.

Appendix

Appendix A — Study Agreement

Study Agreement



FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM DRAFT STUDY AGREEMENT February 2, 2023

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the Marin County Office of Education, hereinafter referred to as the COE, mutually agree as follows:

1. BASIS OF AGREEMENT

The team provides a variety of services to local educational agencies (LEAs). The COE has requested that the team assign professionals to study specific aspects of the county 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.

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

1. Review operational processes and procedures in the Human Resources Department and make recommendations for improved efficiency, if any, in the following areas:
 - Recruitment, selection and hiring practices
 - On-/Off-boarding
 - Workers' compensation
 - Employee benefits
 - Employee compensation
 - Employee leave management
 - Employee relations
 - Credentialing
2. Review job duties and evaluate the current workflow and distribution of functions in the above department and make recommendations for improved efficiency, if any.

3. Conduct an organizational and staffing review of the above department and make recommendations for staffing improvements, if any.

B. Services and Products to be Provided

1. Orientation Meeting – The team will conduct an orientation session at the COE to brief COE 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 COE 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 COE 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 COE’s administration for review and comment.
6. Final Report – Electronic copies of the final report will be delivered to the COE’s administration following completion of the review. The final report will be published on the FCMAT website. Printed copies are available from FCMAT upon request.
7. Follow-Up Support – If requested by the COE within six to 12 months after completion of the study, FCMAT will return to the COE at no cost to assess the COE’s progress in implementing the recommendations included in the report. Progress in implementing the recommendations will be documented to the COE in a FCMAT management letter. FCMAT will work with the COE 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 the 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> |

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 team 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 COE 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 COE's acceptance of the final report.

Based on the elements identified in section 2A, the total not-to-exceed cost of the study will be \$23,000.

- 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 at 1300 17th Street, City Centre, Bakersfield, CA 93301.

5. RESPONSIBILITIES OF THE COE

- A. The COE will provide office and conference room space during on-site reviews.
- B. The COE 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 COE 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 COE shall upload all requested documents.
- C. The COE'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 COE 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
Preliminary 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 COE 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 COE 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 COE does not provide written notice of termination prior to completion of fieldwork, the team will complete its work and deliver its report and the COE will be responsible for the full costs. The COE 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 COE 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 COE. 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 COE in any manner without prior express written authorization from an officer of the COE.

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 COE, automobile liability insurance in the amount required under California state law, and workers' compensation as required under California state law. Upon the request of the COE and the receipt of the signed study agreement, FCMAT shall provide certificates of insurance, with Marin County Office of Education named as additional insured, indicating applicable insurance coverages.

10. HOLD HARMLESS

FCMAT shall hold the COE, its board, officers, agents, and employees harmless from all suits, claims and liabilities resulting from negligent acts or omissions of FCMAT's board, officers, agents and employees undertaken under this agreement. Conversely, the COE shall hold FCMAT, its board, officers, agents, and employees harmless from all suits, claims and liabilities resulting solely from negligent acts or omissions of the COE's board, officers, agents and employees undertaken under this agreement.

11. COVID-19 PANDEMIC

Because of the existence of COVID-19 and the resulting shelter-at-home orders, local educational agency closures and other related considerations, at FCMAT's sole discretion, the Scope of Work, Project Costs, Responsibilities of the District (Sections 2, 4 and 5 herein) and other provisions herein may be revised. Examples of such revisions may include, but not be limited to, the following:

- A. Orientation and exit meetings, interviews and other information-gathering activities may be conducted remotely via telephone, videoconferencing, etc. References to on-site work or fieldwork shall be interpreted appropriately given the circumstances.
- B. Activities performed remotely that are normally performed in the field shall be billed hourly as provided as if performed in the field (excluding out-of-pocket costs).
- C. The district may be relieved of its duty to provide conference and other work area facilities for the team.

12. FORCE MAJEURE

Neither party will be liable for any failure of or delay in the performance of this study agreement due to causes beyond the reasonable control of the party, except for payment obligations by the district.

CONTACT PERSON

Contact person: John Carroll, County Superintendent
Telephone: (415) 499-5801
E-mail: jcarroll@marinschools.org



John, County Superintendent
Marin County Office of Education

2/2/23

Date



2/6/23

Michael H. Fine
Chief Executive Officer
Fiscal Crisis and Management Assistance Team

Date