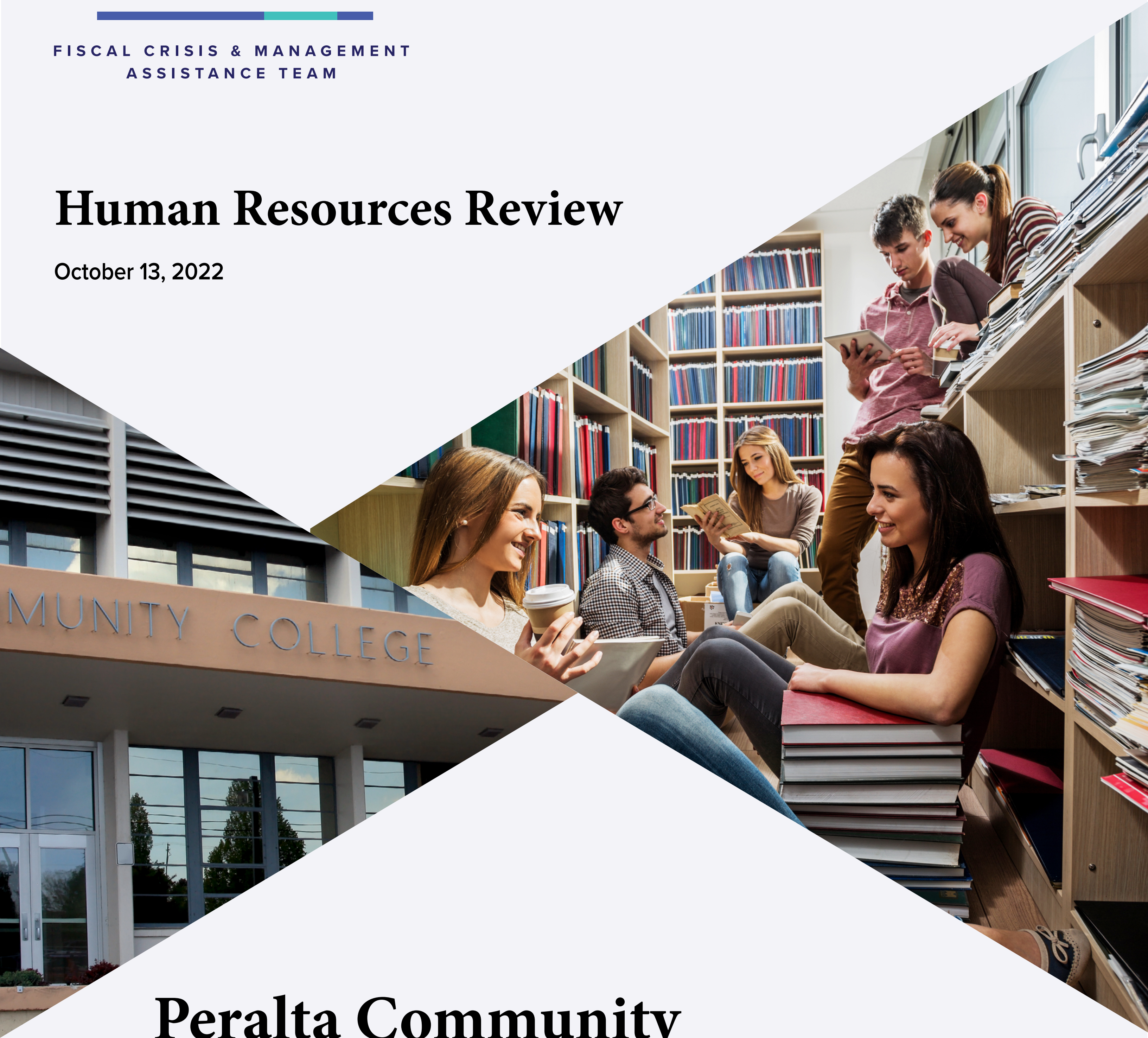
FCMAT

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM

Human Resources Review

October 13, 2022



Peralta Community College District

Michael H. Fine
Chief Executive Officer

FCMAT

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM

October 13, 2022

Lizette Navarette, Ed.D.
Executive Vice Chancellor
California Community Colleges
Chancellor's Office
1102 Q Street, 6th Floor
Sacramento, CA 95811

Dear Executive Vice Chancellor Navarette:

In January 2021, the California Community College Chancellor's Office and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to conduct a review of Peralta Community College District, in accordance with Education Code Section 84041. The agreement stated that FCMAT would perform the following:

1. Review the district's human resources (HR) policies, procedures, and operational practices including, but not limited to recruitment, retention, compensation (placement and advancement on salary schedule), employee benefits, performance management (supervision, evaluation, and disciplinary policies and procedures), employee relations, and training and development. Identify whether specific practice areas or processes comply with legislative requirements and are adequate and effective. Provide recommendations of implementation strategies for improvements, if any. Prioritized recommendations will be included to address the gaps in an effort to minimize regulatory violations, as well as to achieve and maintain effectiveness in key human resource practice areas.

2. Review current HR indicators (e.g., number of unfilled positions, the time it takes to fill a new position, turnover, employee satisfaction, internal grievances filed, number of legal complaints, absenteeism rates) and make recommendations for improvements, if any.

3. Review staffing of the HR Department and make recommendations for staffing improvements, if any.

4. Evaluate the current workflow and distribution of functions in the HR Department to provide recommendations for improved efficiency and practice, if any.

5. Provide technical coaching assistance, such as training on best practices and compliance, for improving HR policies, procedures, and operational practices with the ultimate goal of improving the district's overall fiscal health. This technical assistance would be provided based on the findings identified and recommendations provided in the review.

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

Michael H. Fine • Chief Executive Officer
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FCMAT appreciates the opportunity to serve the California Community College Chancellor's Office and the Peralta Community College District and extends thanks to all the staff for their assistance during fieldwork.

Sincerely,

Michael H. Fiine

Chief Executive Officer

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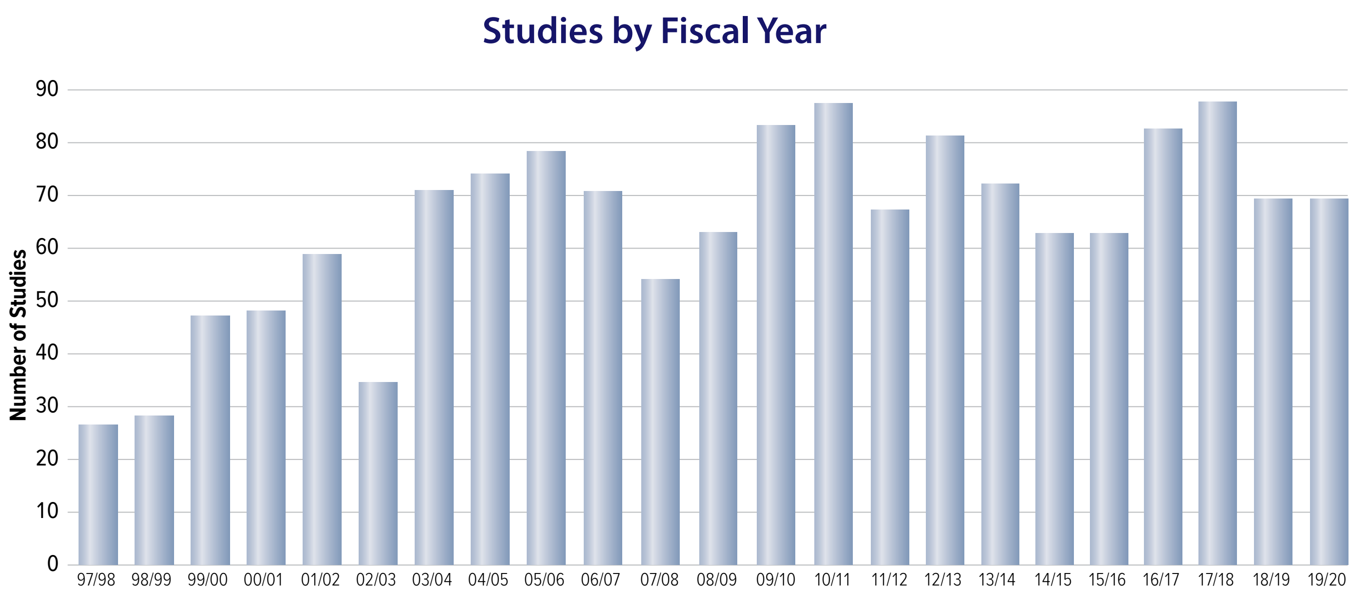
About FCMAT

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

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

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



FCMAT has continued to make adjustments in the types of support provided based on the changing dynamics of K-14 LEAs and the implementation of major educational reforms. FCMAT also develops and provides numerous publications, software tools, workshops and professional learning opportunities to help LEAs operate more effectively and fulfill their fiscal oversight and data management responsibilities. The California School Information Services (CSIS) division of FCMAT assists the California Department of Education with the implementation of the California Longitudinal Pupil Achievement Data System (CALPADS). CSIS also hosts and maintains the Ed-Data website (www.ed-data.org) 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 Peralta Community College District was formed on July 1, 1964. The district is a collaborative community of colleges comprised of Berkeley City College, College of Alameda, Laney College, and Merritt College. The colleges primarily serve the residents of Oakland, Berkeley, Alameda, Piedmont, Emeryville, and Albany in northern Alameda County. The Peralta colleges offer various educational programs and services, including two-year degrees, certificates and university transfer programs to more than 30,000 students.

In January 2021, the California Community Colleges Chancellor's Office requested that FCMAT assist the district by conducting a review of the human resources department staffing and services and providing technical coaching assistance.

Study and Report Guidelines

In January 2021, the California Community College Chancellor's Office and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to conduct a review of the Peralta Community College District, in accordance with Education Code Section 84041. The agreement stated that FCMAT would perform the following:

1. Review the district's human resources (HR) policies, procedures, and operational practices including, but not limited to recruitment, retention, compensation (placement and advancement on salary schedule), employee benefits, performance management (supervision, evaluation, and disciplinary policies and procedures), employee relations, and training and development. Identify whether specific practice areas or processes comply with legislative requirements and are adequate and effective. Provide recommendations of implementation strategies for improvements, if any. Prioritized recommendations will be included to address the gaps in an effort to minimize regulatory violations, as well as to achieve and maintain effectiveness in key human resource practice areas.

2. Review current HR indicators (e.g., number of unfilled positions, the time it takes to fill a new position, turnover, employee satisfaction, internal grievances filed, number of legal complaints, absenteeism rates) and make recommendations for improvements, if any.

3. Review staffing of the HR Department and make recommendations for staffing improvements, if any.

4. Evaluate the current workflow and distribution of functions in the HR Department to provide recommendations for improved efficiency and practice, if any.

5. Provide technical coaching assistance, such as training on best practices and compliance, for improving HR policies, procedures, and operational practices with the ultimate goal of improving the district's overall fiscal health. This technical assistance would be provided based on the findings identified and recommendations provided in the review.

FCMAT conducted video interviews with district and college site staff from April 26 to April 28, 2022, collected data and reviewed documents. Following remote 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:

Michelle Giacomini Deputy Executive Officer	School Services of California, Inc. Community College Consultants
Marcus Wirowek, CFE FCMAT Intervention Specialist	Leonel Martínez FCMAT Technical Writer

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

Executive Summary

The Fiscal Crisis and Management Assistance Team (FCMAT) performed an operational review of Peralta Community College District's Human Resources Department. The review determined whether specific practice areas or processes comply with legislative requirements and are adequate and effective. To conduct this review, FCMAT relied upon information gathered during interviews with staff and the review of numerous documents that were provided by the district, such as organizational charts, job descriptions, policies and procedures, and collective bargaining agreements.

As part of the research, FCMAT conducted interviews with district administrators and staff to gain an understanding of job responsibilities, staff workload, channels of communication, division of responsibilities, and the perceived effectiveness and efficiency of the current organizational structure for the department.

FCMAT believes the recommendations in this report are connected and should be implemented together for maximum effectiveness. The reorganization of duties of the HR generalist and HR analyst positions is the top priority since a department's structure is foundational to effective processes and procedures. Staff training and professional learning are essential to ensuring that capacity is established in the department, and staff are well-informed and prepared to provide support to each other and the department's customers. Communication is key in developing and implementing procedures that ensure consistent day-to-day practices.

Employee recruitment and hiring are significant issues. The department has difficulty attracting fully qualified candidates for faculty, management, and classified positions. FCMAT recognizes that the severe staffing shortages experienced in the workforce throughout the state is central to the problem; however, the department's operational practices contribute to hiring bottlenecks. A review of the district's practices indicates that it has procedures, and district staff comply with the hiring practices. However, the procedures are outdated, do not reflect current job market trends and severely affect the district's ability to hire qualified candidates. The district should fill positions with qualified staff, develop clear expectations for employee performance and provide multilevel support and resources to those who are struggling. Interim appointments in the executive leadership positions should be kept to a minimum. It should also ensure that all employees are held accountable for maintaining high standards.

Policies, procedures, desk manuals, and professional training are all needed for HR staff. To varying degrees, the HR Department has relied on the skills and abilities of individuals instead of operational standards and formal policies and procedures. Consequently, the written procedures documenting numerous existing HR practices are not communicated effectively, presenting significant risks.

It is unclear who is responsible and accountable for ensuring that recruitment and selection are managed effectively and that the district responds to critical staffing needs. To initiate a recruitment, the hiring manager is required to submit a Request to Advertise (RTA) packet. Hiring managers are required to complete the budget code and position control number of the position they are requesting to advertise; however, this information is not always accessible to the hiring manager. In addition, several other tasks have to be completed before advertising the job listing, which creates additional delays. Staff indicates the RTA request process takes 15-30 days to complete. Once past the recruitment and job posting, the selection of a candidate also proves to be inefficient. Coordinating an interview panel of 12 members can add time/delays to the recruitment process.

District staff expressed concern about the district's compensation structure and how it influences the recruitment, hiring, and retention of employees. The comparability of the district's salary schedules was not part of this study; however, employee salary placement and incremental step movement were discussed. A review of district practices indicates that the HR Department complies with step advancement and salary placement as prescribed by the collective bargaining agreements. The reclassification process requires further examination since it is being used for a different purpose. Classified employees use this process to increase their salaries via requesting a change to their salary range. The district should address compensation concerns through collective bargaining and by examining the classification and compensation structure in its entirety instead of one job classification at a time. The district has made significant progress in improving and managing employee leave. The department has simplified processes that have resulted in an increase in employees reporting their absence in a timely manner, and an overall improvement in accountability. Supervisors also have access to employee leave data to help manage leave balances. The district is making progress toward digitized absence reporting processes that will further affect employee absences.

The department has the following primary responsibilities in managing the relationship between the employer, its employees, and the exclusive representative:

- To ensure that the organization meets its obligations to negotiate in good faith
- To ensure and that labor agreements are consistently and fairly enforced

According to board documents, the district and its labor unions are meeting their statutory obligation to sunshine their initial proposals before the start of negotiations and that tentative agreements are ratified by the board of trustees. However, the most current collective bargaining agreement between the district and the Peralta Federation of Teachers is not publicly available on its website. It is unclear to what extent the department provides managers with the training, tools, and support they need to manage contracts and understand their role to ensure contract grievances are resolved at the lowest possible level.

Purpose

Policies are the rules, principles, and guidelines used to reach the goals of an organization. Procedures are the documented steps taken daily to support those policies. Well-communicated policies and procedures facilitate consistency across an organization and support operational efficiency. Policies and procedures are the link between a district's core mission and its day-to-day operations and answer the "What?" and "How?" of an individual's or group's assigned work. Clearly written policies and procedures allow employees to understand their roles and responsibilities while allowing management to guide operations without constant intervention. Additionally, well-written policies and procedures:

- Ensure consistent implementation of effective practices
- Increase efficiencies
- Reduce potential errors and mitigate risks
- Allow managers to hold employees accountable to predetermined standards

FCMAT performed an operational review of the district's Human Resources Department. Specifically, FCMAT reviewed the policies, procedures, and practices related, but not limited to, the following:

- Recruitment
- Retention
- Compensation (placement and advancement on salary schedule)
- Employee benefits
- Performance management
- Employee relations
- Training and development

Scope and Methodology

The review determined whether specific practice areas or processes comply with legislative requirements and are adequate and effective. To conduct this review, FCMAT relied on information gathered during interviews with staff and the review of numerous documents provided by the district, such as organizational charts, job descriptions, policies and procedures, and collective bargaining agreements. The following report includes findings and recommendations to address any identified gaps in HR policies, procedures, and practices in an effort to minimize lawsuits and regulatory violations, as well as to achieve and maintain effectiveness in key HR practice areas.

Overview of the Organizational Structure and Department Staffing

Under the direction of the chancellor, the interim vice chancellor for human resources is responsible for planning, organizing, coordinating, and monitoring the daily operations of the district's comprehensive human resources management and employee relations program for management, faculty, and classified personnel. This position also provides technical assistance in human resources to all district administrators, the governing board, and staff. The interim vice chancellor for human resources oversees the human resources function at the district's four colleges.

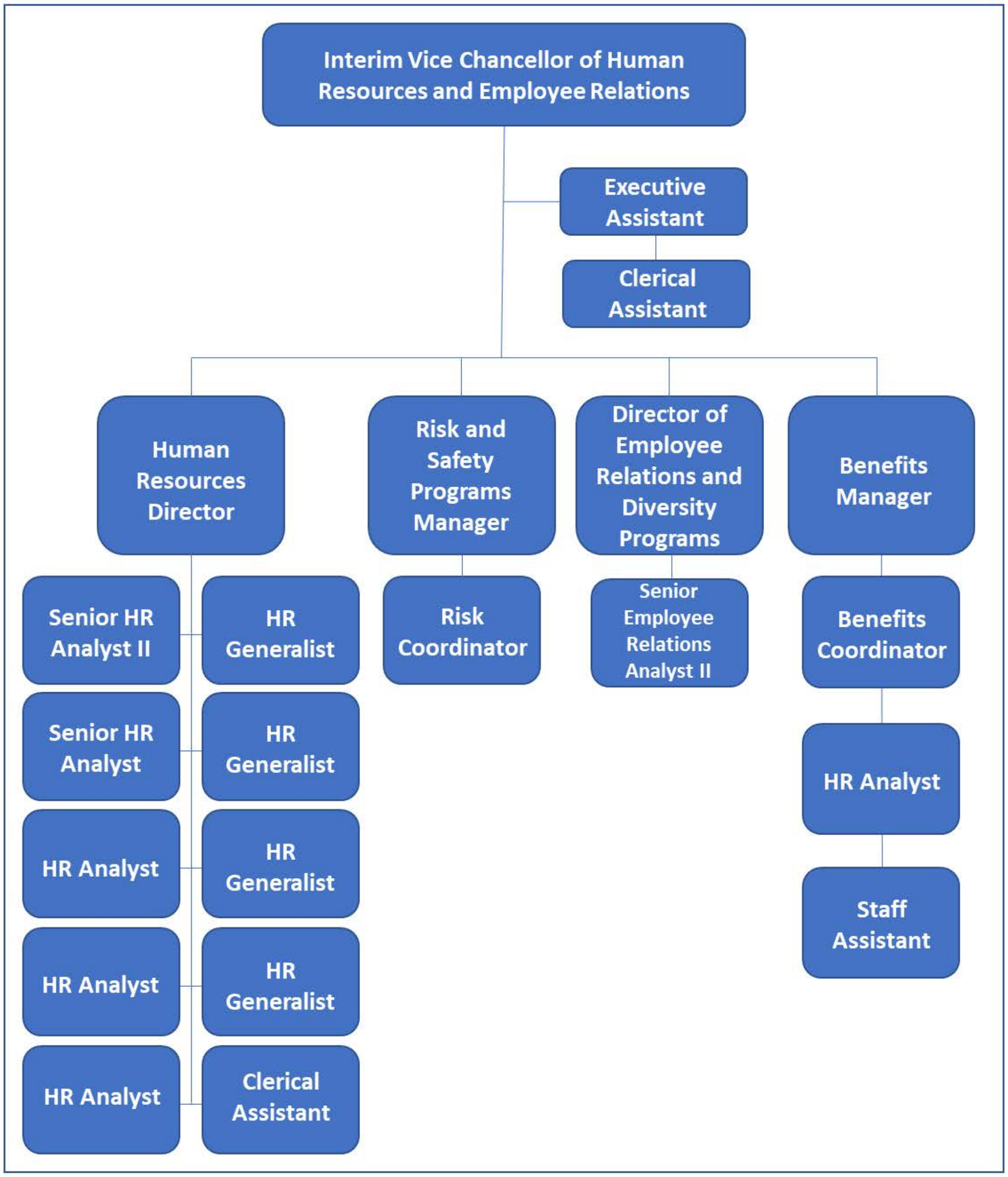
At the time of FCMAT's fieldwork, the interim vice chancellor was supported by 4.0 full-time equivalent (FTE) administrators, a 1.0 FTE executive assistant, and a 1.0 FTE clerical assistant. The table below identifies the titles and major areas of responsibility assigned to the administrators reporting directly to the interim vice chancellor, according to the most recent job descriptions. Additionally, the table identifies the direct reports of each of the four administrators.

Human Resources Department Administrators

Title	Areas of Responsibility	Direct Reports
Human Resources Director	Recruitment and Employment Classification and Compensation Performance Management and Training Human Resource Information System Employee Relations Professional Development	Senior HR Analyst II (2.0 FTE) HR Analyst (3.0 FTE) HR Generalist (4.0 FTE) Clerical Assistant (1.0 FTE)
Risk & Safety Programs	Risk & Safety Programs Accident Prevention Environmental Health and Safety Program Emergency Preparedness Program District Insurance and Self-Insurance Program Hazardous Waste	Risk Coordinator (1.0 FTE)
Director of Employee Relations & Diversity Programs	Complaints Conflict Resolution Employee Discipline Equal Employment Opportunity, Nondiscrimination, and Diversity Program Grievances	Senior Employee Relations Analyst II (1.0 FTE)
Benefits Manager	Employee Health and Welfare Benefits Program	Benefits Coordinator (1.0 FTE) HR Analyst (1.0 FTE) Staff Assistant (1.0 FTE)

In total, the district employs 22.0 FTE management and nonmanagement employees to oversee and support the human resource functions of the four colleges. At the time of FCMAT's fieldwork, the 1.0 FTE senior employee relations analyst II position was vacant. Following is the most current organizational chart at the time of FCMAT's fieldwork.

Human Resources Department Organizational Chart



A review of staffing documents indicates that the district has experienced significant turnover in key positions in the HR Department, specifically executive leadership roles. Due to the extensive turnover, the chancellor has continuously relied on interim assignments. At the time of FCMAT fieldwork, the vice chancellor of human resources and employee relations (vice chancellor) position had been staffed as an interim assignment since April 2021. Interviews with staff conveyed that the interim vice chancellor was scheduled to stay until 2023.

Interim positions are short-term solutions for acute staffing needs and are intended to provide temporary support while the district recruits someone permanently. Yet the district is continuing to appoint executive-level and key positions as "interim" for up to two year assignments. Important aspects of human resources leadership such as long-term strategies, relationship development, and change implementation are difficult to accomplish with an interim leader. During fieldwork, the rationale for maintaining the vice chancellor position as interim was attributed to the chancellor's interim status. The leadership staffing plan, which includes transitioning away from staffing with interim assignments, is to allow the permanently appointed chancellor the opportunity to develop his or her own team. While this is a common practice used by local educational agencies, it has blocked much-needed changes at the district because of the staff turnover resulting from constant interim appointments. The interim appointments in the executive leadership positions have resulted in a lack of accountability and general frustration with external and internal customers.

The director of human resources is a 1.0 FTE management position in the HR Department that reports to the interim vice chancellor for human resources. The director is assigned a wide range of responsibilities including oversight of the HR analyst, HR generalist, senior HR analyst positions and the clerical assistant. This includes oversight of recruitment, employment management, position control, and onboarding.

Overall, the current structure in the technical and analytical positions under the purview of the director of human resources is narrowly focused. This has resulted in an absence of integrated work, which affects the department's ability to provide multilevel support in key HR functions. Because of the compartmentalized assignment of work, the department struggles significantly with efficiencies in the core areas handled by the HR generalist and analyst positions.

4.0 FTE HR generalist positions in the HR Department positions are focused on recruitment, selection, onboarding, orientation, salary placement and position control management. The HR analyst positions (3.0 FTE) manage recruitment and selection processes for faculty, classified, and management employees. This includes managing job announcements, interview coordination, offers of employment, and ensuring that new hires are provided with their hiring packet. After the hiring paperwork is complete, the analyst routes the hiring packet to the appropriate HR generalist for processing. Two senior HR analyst positions also provide general HR support with a focus on faculty and academic managers, in addition to support for the other HR generalist and HR analyst positions. Staff indicated that the senior HR analysts work on special projects and manage desk audit requests. During fieldwork, one of the senior HR analyst positions was vacant, and one of the HR analysts was covering the duties as an interim assignment.

One HR employee was on leave during fieldwork, and the staff vacancies were causing considerable stress on the workload assigned to these positions. All of the analyst and generalist positions are classified as confidential positions.

There is a discrepancy in work assignment between the generalist and analyst positions since tasks are distributed according to campus or by employee type or both. As a result, it is difficult to determine who is responsible for recruitment and selection procedures and other general employee support services. The fragmented assignment of work has also created bottlenecks in recruitment timelines. Staff report that it is difficult to get answers to their questions, receive status updates, and comply with HR Department standards when roles are unclear and work is not logically assigned. Appropriately assigning a function to a primary staff person who is responsible and accountable for the work helps build professional capacity, effectiveness, and overall operational efficiency. Assignment of work for the analyst and generalist positions should be further evaluated to develop clear responsibilities. Recruitment and selection procedural difficulties will be discussed later in this report.

According to the organization chart, the clerical assistant II (1.0 FTE) position is included in the department staffing that supports the duties assigned to the analyst and generalist positions. However, information collected during fieldwork indicates that the incumbent was assigned to work in the office and handles receptionist duties for the HR Department including answering the telephone and general filing responsibilities. Because the HR office staff worked from home during the COVID-19 pandemic, this position provided customer service by working in the HR office. A review of the job description indicates that it was last updated in 1982 and is severely outdated. Many duties listed as essential responsibilities are obsolete and not aligned with current office standards and practices. The district should prioritize a review of the job description for the clerical assistant position, in addition to determining whether the current function of this position serves the department's operational needs.

At the time of fieldwork, the district had recently hired the 1.0 FTE director of employee relations and diversity programs. The director's role is to coordinate and implement the district's diversity program, implement plans to increase workforce diversity, and develop initiatives to enhance and promote diversity districtwide. In addition, the position is responsible for coordinating the district's Equal Employment Opportunity program and ensuring compliance with state and federal law, and district policies. At the time of FCMAT's fieldwork, the risk and safety programs manager incumbent served as the interim chief of staff. Consequently, the director of employee relations and diversity programs was assigned to respond to and investigate district complaints, and deal with union grievances.

The intensive workload related to employee complaints demands most of the director's time, diminishing the opportunity to focus on developing and fostering a district diversity program, which is intended to be the core focus of the position. The HR Department staffing also includes a senior employee relations analyst position (1.0 FTE), which was vacant during fieldwork. Interviews with staff indicated that there were plans to start recruiting to fill the vacancy and use the position to help with grievance management, compliance training, and provide general support to the director, which will help alleviate the workload stress on the position.

The benefits manager (1.0 FTE) is a management position that reports to the interim vice chancellor of human resources, and is assigned supervision of the benefits coordinator, HR analyst (benefits), and staff assistant positions. The benefits manager is responsible for oversight of the district employee health and welfare benefit programs, which includes employee leave management. Interviews with staff indicate the benefit function was previously its own department and was integrated with the HR Department because of the overlap of work. Through this integration of function, the oversight of employee leave management was assigned to the benefits manager. A review of the job description for the benefits manager, last updated in 2012, does not indicate that the position oversees employee leaves. The district should review the job description and update essential duties to reflect the scope of work assigned to the position.

The benefits specialist (1.0 FTE) and the staff assistant (1.0 FTE) are confidential positions in the HR Department that provide technical support in handling employee health and welfare benefits. The benefits specialist deals with active employees in reconciling billings, making payroll adjustments, handling open enrollment, entering data in the personnel management system and meeting with employees during the new hire and onboarding processes. The staff assistant position is also involved with employee orientation for benefit enrollment, processing COBRA, Medicare reimbursements, and providing support for retirees with district benefits.

A 1.0 FTE human resources analyst is responsible for employee attendance and leave management. Essential duties include processing all forms of leave request transactions for regular employees, managing long-term leaves and handling benefits for the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), and California Pregnancy Disability Leave. This analyst also works closely with Risk Management and administers the unemployment compensation program claims, coordinates modified work program assignments, and manages unemployment compensation insurance carriers. Because of the wide range of responsibilities on this desk, the incumbent is frequently engaged with various district staff and payroll. A review of the responsibilities assigned to this position and the resulting workload indicates that further examination is required to determine if the appropriate staffing allocation is provided to support employee leave management.

Although the benefits function was merged with the HR Department, and the change is reflected on the organizational chart, interviews conducted during FCMAT fieldwork indicated the function is separate from HR. Because of overlap of employee benefits and position control, hiring processes, compensation, and other employment management areas, it is critical for employee benefits to be integrated closely with the HR analyst and generalist job duties. This will also help create coordinated support and provide cross-training opportunities.

Recommendations

The district should:

1. Consider decreasing the number of interim appointments and amount of time an interim assignment is granted to executive-level and key positions.
2. Evaluate and restructure workload and responsibilities to create a comprehensive distribution of duties among analyst and generalist positions in the HR Department.
    a. Determine which classification is responsible for recruitment, selection procedures, and other general employee support services, and memorialize that in the job description.
3. Consider assigning the generalists and analysts to campuses to support all staff. These positions should work together to support the campuses through a coordinated assignment of work.
    a. Create a menu of services for each generalist and analyst position that includes the campus and employee type he or she supports, and place this information on the department's website.
4. Review the clerical assistant job description to update the essential duties and job title to accurately communicate the role of the position in the HR Department.
5. Review the benefits manager job description and revise it to reflect the current job responsibilities.
6. Review the staffing allocation assigned to manage employee attendance monitoring and leave management and determine if additional staffing is needed.
7. Integrate employee benefits administration with other employee management functions.

Human Resources Department Operations

Policies, Procedures, and Professional Training

An HR department is responsible for ensuring that its operational procedures are clear, well communicated, and consistently implemented. Policies and procedures are the link between a district's core mission and its day-to-day operations and answer the "What?" and "How?" of an individual's or group's assigned work.

Policies and procedures should be clearly communicated in a department procedures manual and/or via shared electronic files and reviewed with department staff. HR should ensure that department procedures are reviewed periodically and that changes are communicated at regularly scheduled staff meetings. HR nonmanagement staff should develop written procedures for all of the HR functions for which they are held responsible, and the department should have a process for cross-training.

Staff must also be appropriately trained and operate within the framework of district policies adopted by the Board of Trustees, the California Department of Education, the California Education Code, and all other applicable state and federal laws.

Analysis and Recommendations

To varying degrees, the HR Department has relied on the skills and abilities of individuals in managing district operations instead of operational standards and formal operational policies and procedures. Consequently, the written procedures documenting many existing HR Department practices are not communicated effectively, presenting significant risks. Specifically, when employees retire, resign, or otherwise leave, the district loses their skills, abilities, and the relationships upon which day-to-day operations rely. This is especially true in the district because of significant attrition in key positions and reliance on temporary and interim staffing assignments. Operational difficulties in the HR Department worsened over time and increased during the COVID-19 pandemic similar to many local educational agencies. During fieldwork, HR staff was clearly aware of these issues and was eager to start making the operational changes that will lead to improvement. At the time of fieldwork, many HR staff were working virtually from home. This factor made staff collaboration, training, and department communications difficult, which is a factor in the department's inability to make operational improvements.

Customers of the HR Department indicated staff try to help; however, getting accurate information is difficult. Interviews conducted during fieldwork indicate a lack of understanding of the HR Department's essential function, purpose in the district and the connection of its work to academic needs. Personnel management processes and procedures do not function at a level that encourages effectiveness, accuracy, or a standardized level of customer service. Consequently, processes drive supports for employees instead of academic and operational priorities driving staffing needs and operational outcomes.

Department Procedures

During fieldwork, requests for procedures documents were fulfilled with detailed instructions on various processes in the HR Department. The information received included procedures on onboarding, recruitment, evaluation processes, leaves, and some manuals and handbooks for administrators. However, the documents did not include training or desk manuals for HR staff, workflows for procedures, or assign responsibility for the various processes. Interviewees consistently indicated that staff were not aware of documented procedures or found it difficult to locate information, and frequently did not know who to contact for help. Although the documents submitted indicated some HR processes have procedural documents, it was not clear that they had been communicated to the HR Department or its customers. Documents submitted by the district included the procedures listed the table below.

HR Department Documented Procedures

HR Department Procedures
Hiring Processes: Management Classified Faculty
Administrative Procedure 7123: Hiring Acting and Interim Academic and Non-Academic Administrators
Onboarding and Orientation
Salary Placement Procedures
Leave of Absence Report Form Procedures
Employee Handbook - Leaves
Evaluation Procedures
Administrative Procedure Manual
Formal Complaint Procedures for Employees and Students
Recruitment Manual

Source: District Data

A review of the department procedures found that many provide detailed instructions for administrators and supervisors. For example, there were numerous hiring procedure documents and evaluation process instructions for evaluators. Some were outdated and included names of employees who were no longer with the district. The procedures also did not include a visual workflow assigning responsibility to critical tasks. This is an opportunity to make improvements that will assist the HR Department in providing a higher level of customer service, in addition to streamlining cross-training for department staff.

To ensure that the HR Department best serves employees, it must have clear policies and procedures. At a minimum, each position must have desk procedures and a fully trained backup for critical functions. The district should prioritize this recommendation and create written department procedures that are stored in shared files for all department staff to access. The procedural documents should also include detailed workflows that clearly assign responsibility for each function. In addition, timelines and expectations should be developed and integrated in the procedures to create standards in the department.

Professional Training

Professional training that is specific to the assigned duties for a position is key in developing capacity in the HR Department and ensuring that staff members have the tools needed to complete their jobs. Staff development is also key to HR staff's ability to develop procedures. The process to develop procedures requires knowledge of legal compliance, best practices, and industry standards. During fieldwork, interviewees stated that job-specific technical HR training is not offered to the HR staff, and this has contributed to the

HR Department's inability to create or update written procedures and department standards. District documents listed the staff training included in the table below. A review of the documents does not list technical HR training for staff, specifically learning opportunities for the generalist and analyst positions, which are highly specialized and require formal training to develop capacity in key areas.

HR Staff Professional Learning Opportunities

HR Staff Professional Training
Association of Chief Human Resources Officers (2018, 2019, 2020)
Managing Stress Workshop (2019)
Diversity: A Workplace Asset (2019)
California Public Employers Labor Relations Association (2018 and 2019)

Source: District Data

The past practice has been to rely on in-house professional development, or training provided by the previous incumbent to the new staff member. This is common in educational agencies but may have unintentional outcomes that hinder department operations. In-house training relies on the skills of the exiting employee, and his or her knowledge about the scope of work. Like many current employees, exiting employees may have been trained using outdated practices, or their understanding of the work may not align with current initiatives. A review of HR Department policies found the practices reflect a lack of staff training. HR operations include standards and practices that are greatly outdated and do not align with current workforce trends. In addition, interviews indicate a belief that work would not be accomplished if key employees left the district because of the absence of cross-training and backup plans.

Interviewees indicated they are trained by watching other employees demonstrate how to accomplish tasks or figuring out how to complete tasks on their own using trial and error. Some HR Department staff have never attended formal training provided by trained professionals covering general HR topics. These issues contribute to the department's operational difficulties because staff lacks the training to develop the professional skills necessary to respond to complicated personnel matters and other changes in the work environment.

Whenever a staff member is trained in a process, the procedure should be documented or reviewed and updated if necessary. The procedures need to be stored in a location that is accessible by anyone else in the department who may need to back up that process

Comprehension of legally compliant protocols, state and federal laws, and other personnel statutes is critical in a well-functioning HR Department.

Recommendations

The district should:

1. Provide the procedures to administrative staff during leadership meetings and emphasize their importance to ensure compliance. Prioritize this recommendation due to the impacts of procedural deficiencies on department operations. The district should also perform the following:
    - Implement cross-training opportunities for HR staff.

- Ensure the department holds regularly scheduled staff meetings since they are essential to building and maintaining a sense of shared purpose, teamwork, high morale and personal satisfaction, and efficient operations.

2. Assign each staff member to document one process each month, or at time intervals that work for the HR Department, so the procedures will be completed over time.
3. Implement a plan for HR staff to return from their remote work assignments. Establishing an in-person work environment helps build a culture of consistency and responsiveness in the HR Department.
4. Integrate the development of a professional learning plan into the performance evaluation process.
5. Schedule staff training annually and provide it equitably throughout the department.

Recruitment, Selection and Hiring Practices

An effective recruitment process includes practices that actively seek qualified candidates for open positions. This typically involves the posting of position vacancies, employer-initiated direct contact with qualified candidates, developing partnerships with programs that encourage pathways to employment, and other intentional practices that encourage pools of qualified candidates. This is especially the case with hard-to-fill positions that require additional efforts that are strategic and responsive to workforce trends.

Selection procedures include steps to screen applicants, the selection of candidates to consider for employment, interviews, reference checks, and offers of employment. There may also be testing requirements in this stage of the hiring process, in addition to other screening activities. A best practice is to involve the hiring manager in screening so that he or she can assess a candidate's job qualifications. The hiring manager will have the skills and special qualifications necessary to determine if the candidate is qualified or has the potential to be qualified.

Legal and Professional Standards

A recruitment plan should be comprehensive and include a description of the processes associated with enrollment and staffing projections, layoff planning, transfer and reassignment, and recruitment and selection. The plan should provide a clear timeline for activities including the dates and locations of recruitment events, identify the roles and responsibilities of the district and HR staff, as well as identify needed resources to support plan implementation.

Selection and hiring procedures should be consistent with policies and administrative regulations and uniformly applied. The consistent application of selection and hiring procedures should limit claims of unfair hiring practices, as well as ensure that highly qualified candidates are hired. Selection and hiring procedures should also ensure that:

- Uniform screening criteria are used when reviewing applicant packets and selecting candidates for an oral interview.
- The screening process involves two or more independent screenings, usually a hiring manager and a management-level position in the HR branch.
- Interview panels consist of three or more panel members including the hiring manager and employees who have expertise and knowledge in key position functions.
- Panels are chaired by a member of the HR team or the hiring manager who has received training in selection protocols and who has knowledge of the laws related to discrimination and fair employment practices.
- Panel chairs provide interview panels with a preinterview briefing that addresses the following:
  - The role and responsibility of the panel in the selection
  - Confidentiality
  - The privacy rights of candidates
  - Nondiscrimination in employment
  - Candidate rating methodologies

- Interview questions are asked in a uniform manner, and follow-up questions do not touch on prohibited matters such as age, citizenship, race, disability, marital status, pregnancy, religion or political affiliation, or other nonjob-related questions
- Reference checks are performed on all candidates considered for hire and ensure compliance with all laws related to nondiscrimination in employment

Analysis and Recommendations

The district struggles to attract fully qualified candidates for key positions for faculty, management, and classified staffing, which is like the trends experienced by many community college districts throughout California. The district's recruitment problems can be attributed to the severe and pervasive staffing shortages experienced in all areas of the workforce. Operational issues are another factor. While the district cannot change statewide and national employment issues, it can control its own operational procedures and practices.

It is unclear who is responsible and accountable for ensuring that recruitment and selection are managed effectively and that the district responds to critical staffing needs. During fieldwork, interviewees indicated that HR Department staff are overwhelmed by their workload and therefore cannot complete some of their essential job functions, which has delayed recruitment or prevented some positions from being filled. The HR Department has not responded by developing a strategic plan because of these workload difficulties. This is a key area requiring improvement.

To initiate the hiring process, hiring managers are required to submit a Request to Advertise (RTA) packet. The RTA packet includes a Personnel Action Form (PAF), a memorandum from the president or vice chancellor, the job description, an organizational chart, and a position request form if the position is new or if there are changes to this document. The hiring manager is required to complete the PAF, which includes the following information:

- Position control number
- Job code and title
- Work hours/work week
- Budget code
- Additional information such as the previous employee

Hiring managers are required to complete the budget code and position control number of the position they are requesting to advertise; however, this information isn't always accessible to the hiring manager. As a result, the manager is required to contact HR or the finance office to complete the PAF. In some cases, the form will be routed with incomplete or erroneous information, prompting the finance office to reject the request and send it back to HR staff for correction. Hiring managers should not be expected to know accurate budget codes and position control numbers; therefore, this requirement should be reassigned to the HR and Finance departments for completion.

In addition, the RTA packet involves duplicative procedures. An RTA requests a position and explains to the college president or vice chancellor why it is needed. While this may be reasonable for new positions, replacement positions normally do not require an explanation of need. During interviews, staff stated they often require assistance from an HR analyst to complete the packet because it is so complicated. This is not an effective use of the hiring manager's time and also affects the HR staff's workload. The district should reevaluate the RTA process and requirements to help simplify and streamline the request to recruit. These modifications should be top priority because they will be easy to implement, yet result in immediate improvements.

During the RTA process, the job description has to be reviewed and updated by the hiring manager, a step that causes major delays in the recruitment process because of the lengthy review timelines and the necessity of bargaining unit involvement. While it is a best practice to review job descriptions to ensure they are an accurate description of the essential job duties, it is not a common industry practice to review and modify this document for every recruitment. A review of the HR Department's Recruitment Manual indicates that changes to job descriptions require approval from the union as shown below:

> Hiring manager reviews and updates existing job description. If the position has previously been filled, the draft should be a copy of an already approved job description with any changes either highlighted or underlined. Changes may include duties and desirable qualifications. (Any changes to A CLASSIFIED job description/title will need to be approved by SEIU) if a new job title is being proposed, a process will have to be initiated to determine the proper title, salary, duties, etc.

Job descriptions may require negotiations if they involve a change in compensation or working conditions, and these should be discussed with labor. However, the district's understanding of this practice is problematic and often delays the RTA process. The district would benefit from reconsidering the necessity of reviewing job descriptions as part of the recruitment process and removing it as a step to post positions. Furthermore, the review of job descriptions should not include a simultaneous compensation review. A compensation review should be done in conjunction with the association and within the laws of collective bargaining. Reviewing job descriptions and compensation simultaneously has created delays in recruitment timelines.

Staff indicates the RTA request process takes 15-30 days to complete. A review of documents and interviews with staff confirm that the district complies with internal processes, and the Fiscal and HR departments do not advertise or fill a vacancy before meeting internal requirements. While complying with personnel management procedures is critical, the practice should be evaluated when it obstructs the district's ability to function efficiently.

Recruitment Process

Interviews indicated recruitment practices are a significant area of concern. The district has acute staffing shortages that affect all district bargaining units. District staff indicates that before the COVID-19 pandemic, the HR Department lacked effective procedural practices for recruitment and was not effective in providing the necessary staffing. A review of the documents submitted by the district and interviews with staff indicated the timelines for hiring processes are too long, which often results in the loss of qualified candidates. Documents submitted by the district (see table below) indicate that the average recruitment timelines for classified, faculty, and management positions are approximately 90 days. Timelines also vary and depend on the position, which reinforces the staff perspective that they sometimes extend to the next academic year.

District Recruitment Timelines

Approximate Recruitment Time

Employee Type	Number of Days
Classified	90
Faculty	90
Management	90

Source: District Data

District hiring managers describe the recruitment process as long and confusing. Staff sometimes “just give up” on trying to fill a position because of the length of time it typically takes. Interviews with staff indicated the urgency of meeting staffing needs is inconsistent with current practices. In addition, there was little acknowledgment of the effect of these timelines on staffing outcomes since some staff interviews believe a two-to-three-month recruitment cycle is efficient. A review of documents submitted during fieldwork included hiring manuals for faculty and classified employees. The documents include board policies, instructions for requesting positions, advertising rules, selection procedures, and offers of employment. These hiring manuals include 12 pages of instructions that do not provide flexibility to address unique recruitment needs. In addition, the steps are burdensome and confirm the staff’s experience that it is difficult to meet all the district’s hiring requirements.

The strict hiring procedures do not provide the opportunity for the district to assess each recruitment need and create a strategic response, which depends on current employment trends. The district should consider reevaluating the hiring requirements and reassessing the practice of following the rigid hiring steps since they create obstacles to improving recruitment. The reassessment process should include determinations of how hiring can meet the legal standards while maintaining a flexible recruitment process that includes the need to act with urgency and exercise flexibility. The district should further consider reducing the number of steps in the hiring process, which will alleviate the responsibilities of hiring managers and HR staff.

Recruitment scheduling is another concern. Interviewees indicate that the district’s practices are not aligned with workforce trends or the hiring cycles of certain employee groups, specifically faculty positions. Interviews with staff and documents collected during fieldwork suggest the HR Department does not use a recruitment calendar or follow a schedule to keep the district synchronized with hiring cycles. As a result, the HR Department struggles to hold hiring managers accountable to the district’s prescribed timelines and maintain recruitment cycles that are competitive with the job market.

Staff interviewed stated that department administration commonly overrides recruitment deadlines, and staff perceive that compliance with internal policies has little oversight, so the lack of adherence to internal standards is tolerated. Staff interviewed provided an example of a recruitment process that was misaligned with hiring cycles that involved 15 faculty positions. Because of the delays in internal processes, the district advertised for the faculty positions late in the academic year, and after community college districts typically hire this position type. This resulted in few candidates, and HR staff determined that they would not continue with the recruitment because of the inability to attract qualified personnel for faculty positions. At the time of fieldwork, the plan was to begin recruitment for the spring 2023 hiring season, which delays the meeting of this staffing need for an academic year.

The district submitted a document titled “Faculty Search Timeline for Spring 2022 Hire,” which provided an example of the recruitment timeline for faculty positions. The timeline required colleges to submit the recruitment request by August 10, 2021, for spring 2022 faculty hires. The timeline noted that August 10 was the deadline for accepting requests for faculty recruitment and indicated the final hiring decision was scheduled for November 2021. According to staff, this is the industry standard seasonal hiring cycle for faculty candidates and hiring rarely occurs outside the prescribed timeline. Because the August deadline is commonly overridden, the district was at a severe disadvantage for recruiting faculty. In the example above, the timelines were not met, the district recruited late in the cycle, and this staffing need could not be met. It is important for hiring managers to comply with hiring timelines, but the HR Department should also provide hiring protocols that are streamlined, flexible, and simplify the hiring manager’s role.

Staff attributed many of the difficulties experienced with recruitment and selection to compensation that is not competitive. However, many concerns focused on operational issues, so it is important to acknowledge the procedural areas that will improve the district’s recruitment profile. Observations involving timelines and recruitment planning require close review since improvements in this area will help the district acquire staffing resources.

Selection Procedures

The interview process for all district positions is intensive, requires many staff to participate, and is described by interviewees as one of the most difficult factors in hiring. Assembling selection committees is difficult because of the large number of panel members required. This has resulted in the same panel members serving on interview panels instead of having a diverse panel to help the district hire a diverse workforce. In addition, scheduling interviews has proved difficult since the coordination requires 12 panel members to agree on a date. According to interviewees, the scheduling difficulties delay the interviews significantly and create additional work for HR staff who manage panel member schedules.

The HR Department works closely with the hiring committee and the HR analyst positions oversee interviews. To prepare for interviews, HR analysts meet with the recruitment team and provide the hiring managers with training on hiring procedures. If an analyst is on vacation or leave, the other two will handle the recruitment.

HR documents indicate the department will normally complete the review of applications within five business days from the closing date. Hiring process documents also indicate the screening process may take longer with a high number of applications. Interviewees indicate the screening process is often delayed, and it may take weeks for the hiring manager to receive information on qualified candidates. This is because the HR Department's policy does not commit to a timeline or standard and simply states that an attempt will be made to be timely in screening. Once HR completes the initial paper screening, interview committee members paper-screen, which is a duplication in the process.

During interviews, the selection committees were identified as a recruitment obstacle. Selection committee procedures for management, classified, and faculty employees are varied and require representation from specific groups. For example, hiring committee member requirements include subject matter experts, community representatives, a manager, the hiring manager, various staff, and an HR representative. The HR representation requirement creates a considerable strain on department resources because of the considerable workloads of the HR analyst and generalist positions. The hiring manuals also include instructions for handling committee member conflict of interest and/or committee member bias. Interviews conducted with district staff suggested an intent focus on selection committees and biased panel members. Staff indicated candidates can request the removal of someone on the hiring panel if they believe that panel members cannot provide a fair and unbiased assessment of the candidate. Following are two concerns about this practice:

- The candidates are aware of who the panel members are before their interviews.
- This practice conflicts with the district initiative to encourage selection practices that build diversity in the workforce.

Further consideration of the management of selection committees is required to help the district minimize the operational impacts of interview procedures. Maintaining better control over the selection process will also encourage confidentiality and fair interview processes.

The district uses the PeopleSoft human resources module for position control. During fieldwork, the HR and Fiscal departments were transitioning from an ePAF to the eFORM. Because of the developing changes in procedure, no documents were available for review since the district had not developed written procedures for the new eFORM process. The absence of written procedures, training documents, and a documented implementation plan is attributed to the confusion and difficulties experienced by staff as they implemented the use of the eFORM. FCMAT's analysis of hiring forms is based on staff interviews because of the lack of documentation. Staff indicated the eFORM duplicates some of the material in the RTA packet, with the addition of the new hire selected for the recruitment. However, the hope is that the eFORM will result in a process that is faster than the 15-30 days the RTA process generally took to complete.

The district did not have an implementation plan for the eFORM process, resulting in considerable confusion about who was responsible for overseeing the form. In addition, staff report that training was offered with short notice, and some key staff members did not attend. These issues are important because they greatly affect the district's ability to use the eFORM, and staff were frustrated with the rollout process. The eFORM implementation also affected the HR Department's workload since most of the project management was assigned to a senior HR analyst. This change shifted the HR analyst's focus to other duties that were not related to position control management and recruitment support.

After the selection process concludes, and the candidate has been selected, the hiring packet and eFORM are routed to the HR generalist who handles the assigned campus or employee group. At the time of fieldwork, the department had no system to copy the HR generalist or let him or her know that a new hire was in process since the routing was not electronic. The HR generalists are given the opportunity to plan and prepare for a newly hired employee's onboarding. Staff used several methods to route the form: email, DocuSign, or sometimes the hiring paperwork is dropped off by hand delivery. Because of this variance, the hiring paperwork could take from days to weeks to arrive in HR. These variances influence the hiring timelines and are in addition to the extended recruitment timelines. Staff report external candidates sometimes sought employment elsewhere because of the district's hiring delays. These bottlenecks should be reviewed as a top priority since the impacts of losing fully qualified candidates for operational reasons is detrimental to the district's ability to meet staffing needs.

Recommendations

The district should:

1. Modify the request to advertise (RTA) process to simplify recruitment, alleviate responsibility for hiring managers and reduce recruitment timelines. Recommended modifications to the RTA process are as follows:
    a. Reassign responsibility of providing position control numbers and budget information to the HR and Fiscal departments to alleviate hiring manager responsibility.
    b. Eliminate the requirement of a memorandum to explain the hiring need for replacement positions and maintain the requirement to provide rationale for staffing needs that are new expenditures to the budget (new positions).
    c. Remove the expectation that job descriptions will be modified for the recruitment process and continue to review job descriptions as part of the classification/compensation review.
2. Establish a recruitment calendar that includes timelines for when the RTAs are due. Align the calendar with community college recruitment cycles and include where and when to recruit. This should help the district get larger recruitment pools.
3. Evaluate the hiring requirements and assess the viability of continuing to follow rigid hiring steps since they create obstacles in the district's objectives to improve recruitment capabilities.

4. Consider reducing the number of steps in the hiring process to alleviate the responsibilities for hiring managers and HR staff.
5. Develop a comprehensive recruitment plan and budget as described in the previous section of this report.
6. Identify recruitment procedures that present hiring barriers and eliminate them from recruitment and selection process.
7. Modify the interview /selection procedures to alleviate the bottlenecks and delays caused by the current practices.
8. Consider developing written procedures, training documents, and a documented implementation plan for the use of the eFORM.
9. Document workflow procedures for eFORM, ensure that all staff involved have the technology required to route the form, and train all managers on standards and expectations involving routing.

Hiring and Retention

The HR staff experiences tremendous pressure from its workload, which is caused by many operational factors such as attrition in the HR Department, the organizational structure and the absence of training and resources. Employee hire rates drive work demands in an HR department. To determine whether the district's hiring and attrition rates are affecting HR operations, FCMAT submitted a data request of employee information including total staffing levels, new hires and terminations for faculty, management and classified staffing over a 3 ½-year period. The following table illustrates total number of employees and the FTE of district employees in 2020-2021.

Number and FTE Total of District Employees—Fiscal Year 2020-2021

Employee Classification	Total Employees	FTE
Full-time contract faculty	365	364.00
*Part-time faculty	872	584.24
Administrators	110	110.00
Regular classified staff	507	499.00
**Short-term hourly	67	57.78
Total	1,921	1615.02

Source: District Data

The total number includes all employees that have worked and received a payment during fiscal year 2020-2021.

*FTE for PT faculty employees and short-term hourly employees do not reflect their actual faculty assignments or total worked hours.

**PT faculty employees are paid by each faculty assignment while short-term hourly employees are paid by the hour.

The following table illustrates the number of new hires for both certificated and classified employees. A review of these employees during the 2020-2021 fiscal year indicates a significant decrease in all employee classifications. While the decrease in new hires is expected during the 2020-2021 academic year because of the COVID-19 pandemic, the hiring trend was reflected in some of the employee classifications (short-term hourly and part-time faculty) prior to the pandemic. It is not clear if the staffing trends have remained consistent, or if the district is not meeting the staffing demands so there are fewer new hires to process. Overall, the district averaged 316.5 new hires per year for the 3 ½-year period.

Number of New Hires by Employee Classification (Through 1/31/2021)

Employee Classification	2017-18	2018-19	2019-20	2020 to 1/31/2021
Full-time contract faculty	19	23	18	9
Part-time faculty	174	183	158	71
Administrators	37	20	28	8
Regular classified staff	64	68	64	17
Short-term hourly	157	98	38	12
Grand total	451	392	306	117

Source: District Data

Average Number of New Hires

Year	Number of New Hires
2017-18	451
2018-19	392
2019-20	306
2020-21	117
Average	316.5

Source: District Data

Like the district's hiring trends, employee separations also decreased over a 3 ½-year period, with the district experiencing fewer terminations in 2020-2021, which was during the COVID-19 pandemic. The data in the following table aligns with fewer new hires, which may have affected employee terminations, in the 2020-2021 fiscal year. However, the attrition rates remained consistent from 2017-2018 to 2019-2020, which indicates that the district maintained the trend of losing employees while hiring fewer staff to fill the vacancies. This pattern can also be attributed to adjustments in staffing because of changes in operations or academic needs. A review of district documents did not include evidence of employee exit interviews or data from employee surveys about why they left the district. Other than the reason noted in position control (resignation, retirement, etc.) there is no additional information about why employees left.

Average Separation

Year	Number of Separations
2017-18	88
2018-19	82
2019-20	84
2020-21	51
Average	76.25

Source: District Data

The imbalance of new hires to attrition rates suggests that the HR Department struggled to keep pace with the district's hiring needs, which reflects the perspective of staff interviewed during fieldwork. Hiring practices were a concern before the pandemic, so the HR Department's problems were magnified by additional hiring needs and employee attrition. These factors are important in discussing the department's workload. If district hiring and attrition trends continue, the department will continue to struggle with operational inefficiencies. However, operational modifications should make improvements in this area, making additional HR staffing allocations unnecessary.

Diversity

Interviews indicate all staff strongly believe the district should focus on developing a recruitment plan that reflects the values and intentions in hiring a diverse and inclusive workforce. According to staff, the district's staffing demographics and candidate pools do not reflect the demographics of the district's student population. The district did not submit demographic data on staff, students or hiring. The district had recently filled the director of employee relations and diversity programs position, and interviewees were optimistic about the impact this position would have in building capacity in this area.

Attracting a diverse workforce means developing a recruitment plan that encourages diversity. The components of such a plan include intentional and targeted recruitment with specific professional associations. It also requires that employers practice outreach efforts and provide resources to candidates who may require additional educational opportunities and training to qualify for jobs. These components are provided as examples since many factors that are unique to an employer should be included in a strategic recruitment plan. The district did not have a recruitment plan at the time of fieldwork. To integrate diversity initiatives, such a plan must be developed before these practices are implemented.

Recommendations

The district should:

1. Develop a recruitment plan that encourages diverse candidate pools to develop the district's capabilities in attracting a diverse workforce. This also requires employers to practice outreach and provide resources to candidates who may require additional educational opportunities and training to qualify for jobs.
2. Develop a practice to include exit interviews/surveys for employees who have left the district. Determining the reasons for leaving will help the district retain qualified employees.

Employee Compensation

Policies and procedures for placement on the salary schedule should include a clear, consistent method that considers experience and education given the job requirements. Initial salary schedule placement for internal and external candidates affects the district's ability to attract and retain staff and create promotional opportunities for existing employees. Consistent and fair salary schedule practices should be legally compliant and reflect current compensation trends.

Legal and Professional Standards

For external candidates, standard practices involve methods to determine salary placement; consideration of qualifications, certifications, and work experience. Previous salary information should not be considered to determine salary placement because of the California Equal Pay Act prohibits pay disparity and Assembly Bill (AB) 168 (Eggman, Statutes of 2017). The bill prohibits employers from asking applicants about their salary history. AB 168 added language to the Labor Code as follows:

> Labor Code Section 432.3—(a) An employer shall not rely on the salary history information of an applicant for employment as a factor in determining whether to offer employment to an applicant or what salary to offer an applicant.
>
> (b) An employer shall not, orally or in writing, personally or through an agent, seek salary history information, including compensation and benefits, about an applicant for employment.
>
> (c) An employer, upon reasonable request, shall provide the pay scale for a position to an applicant applying for employment.

Placing internal candidates in promotional positions should be accomplished based on the rules in the collective bargaining agreements, board policy, and aligned with past practices.

Salary Placement and Advancement

Provisions for faculty on initial salary placement and advancement are included in the Peralta Federation of Teachers (PFT) contract. The contract includes rules for column advancement, which is based on units earned from accredited institutions. The deadline for movement is the fourth week of instruction of any term and official transcripts are required. A review of the collective bargaining agreement does not indicate any irregularities in district practices, and the procedures described are common in community college districts.

The faculty contract indicates that effective Fall 2008, all new faculty hires will be placed between steps seven and 10 of the salary schedule based on qualifications. Additional salary placement procedures are included for part-time faculty and temporary employees. Faculty employment varies from classified and management employment, and factors such as prior work experience are often not the sole factor considered for salary placement. Details such as credentials, certifications, and education are used for the evaluation of the appropriate salary placement.

The HR Department's Recruitment Manual requires HR to conduct salary placement discussions with the selected finalist and indicates only the board is authorized to approve placement that does not follow the provisions of the faculty contract. The Recruitment Manual, and the PFT contract also include instructions to contact the director of HR for details on the steps to take if a college president wishes to request a specific salary placement as an exception.

The district's Hiring Process for Administrators manual instructs hiring managers that HR will determine salary placements with newly hired administrators. The document also states that the district will not honor salary discussions made outside of HR's review process. Instructions for managers clearly advise that they should not make offers of employment directly or advise the candidate of where they will be placed on the salary schedule. If there is a recommendation for salary placement above the base, HR will review the supporting material for further consideration. The document also describes that HR staff will call the finalist and make a conditional offer, which is contingent on board/chancellor approval and criminal background check.

Administrative Procedure (AP) 7127 states that the policy's purpose is to provide salary administration procedures for a consistent approach to placing newly hired regular academic and classified managers and managers who are promoted or reassigned on the Management Salary Schedule. According to AP 7127, management employees who have not had full-time experience in a comparable position are initially required to be placed on step one of the salary schedule. The chancellor has the authority to initially place a manager up to step three of the salary schedule, depending on education and experience. This process has limitations since part-time experience is not considered, and candidates cannot be placed higher than step three.

Using experience for salary placement is intended to consider the candidate's job knowledge and expertise, and these can be acquired independent of the number of years in the previous position. The candidate's training and certifications may rank his or her experience like a candidate with full time experience, and the district would benefit from modifying AP 7127 to consider flexibility in this area. Modifying this practice will also help the district develop competitive salary placement practices, which is especially useful for salary schedules that do not reflect competitive salaries. A manager does not advance on the salary schedule based on service, but rather requires satisfactory performance and the recommendation of the chancellor.

Documents submitted by the district indicate that classified employees are paid on a five-step scale. Incremental step movement is automatic, and unlike classified management employees, step advancement is not contingent on performance. Advancement on the salary schedule depends on the bargaining unit, with various requirements prescribed in the collective bargaining agreements.

During FCMAT fieldwork, employee reclassification emerged as a process that classified employees use to increase their salaries. The frequent use of reclassification, and the impact on the various classified job classification requires additional discussion. In addition, the number of annual reclassification requests received in HR significantly affect the senior analyst positions since they are responsible for reviewing and approving employee reclassifications. The Service Employees International Union Local 1021 collective bargaining agreement permits employees to request reclassification annually, and staff report that employees will commonly request an annual review of their job description. However, staff indicated the manager bases the recommendation on individual employee relationships instead of an overall evaluation of the work. In addition, employees submit reclassification requests because of workload, instead of a change in the work. This has resulted in inconsistent decisions regarding reclassification, which compounds the district's salary schedule issues. Staff should be trained in the reclassification process since its purpose is not salary advancement. This change should occur in coordination with continued discussions about salary and compensation for employees.

Interviews conducted during FCMAT fieldwork and a review of documents submitted by the district indicate that the district complies with the salary placement procedures and policies for classified, faculty, and management staff. Because of the bargaining implications of changes in compensation for bargaining unit members, the district is limited to changes made with certain employee groups. However, a change in practices regarding regular academic and classified managers will improve recruitment and retention of this employee group. District staff indicates that compensation is a significant barrier in recruitment capability. However, this is not attributed to salary placement and advancement practices, and there is no indication that the district fails to comply with internal policies on salary placement.

Recommendations

The district should:

1. Continue to require HR approval for initial salary placements for newly hired employees.
2. Modify AP 7127 to consider flexibility in the salary placement practices of managers who have not had full-time experience in a comparable position.
3. Provide college staff with training to clarify the purpose of reclassification. This should occur in coordination with continued discussions about salary and compensation for employees.
4. Work with labor partners to provide training and clarification on reclassification and its purpose as described in the collective bargaining agreement.

Employee Leave Management

Managing employee leaves is an increasingly complex area of personnel management since changes in state and federal laws and regulations are frequent, and abuse of leave is on the rise. Additionally, the interaction between consecutive and concurrent leave entitlements provided for in the Education Code and local collective bargaining agreements can be unnecessarily costly if not well understood, carefully tracked, and highly coordinated.

Legal and Professional Standards

In complying with the leave entitlement afforded to public school employees, and in the interest of ensuring consecutive and concurrent leaves are well managed, the leave tracking and monitoring system should ensure the following:

- Notification of absences due to employee illness are timely.
- Policies and procedures for notification of the need for extended sick leave, personal necessity leave, or leave under FMLA and CFRA are consistently communicated and applied.
- Only eligible employees are provided with FMLA and CFRA leave based on time in service requirements.
- A certification process is in place that ensures an eligible employee is entitled to leave under FMLA and CFRA.
- Employees are notified of their leave status and when leave entitlements will be exhausted.
- Communication structures exist that allow HR and payroll to ensure employees are appropriately paid and/or docked based on their leave status.
- The district must ensure that the employees responsible for leave tracking and monitoring receive training annually on these responsibilities, including any recent changes to the collective bargaining agreement that affect leave entitlements or changes in state and federal employment protected leave laws.
- There should be a system of checks and balances to ensure leave policies are implemented fairly and consistently.

Leave Management

As discussed in the Organizational Structure and Department Staffing section, the HR analyst assigned to the benefits function manages all aspects of employee attendance and leave management for the district. This includes processing forms for leave request transactions for regular employees, and communication with managers, supervisors, and other staff to ensure timely documentation of leave. In addition, long-term leaves are also handled by the analyst position for federal, state, and statutory leave notification, calculation of leave entitlements, and distribution of information on employee leave entitlements.

The district uses the time and labor function in PeopleSoft Human Capital Management to document and track leave. During fieldwork, staff reported that a new feature was recently implemented in this function includes an employee dashboard. The dashboard provides employees with access to their leave balances, which is reported to be a more accessible way for the district to communicate and manage employee leaves. Interviewees indicated the recent implementation of time and labor resulted in significant improvements in the leave management function since the use of technology and a streamlined system has facilitated accurate leave documents. Before the implementation of this function, the district used a Leave of Absence Report form to track leave for classified and administrative employees. The process was not digitized and duplicative, so the HR analyst commonly received an email with more than 100 of these forms attached.

During FCMAT fieldwork, staff reported that using the former process resulted in some forms that were more than two years in arrears being submitted to HR for processing. This was a significant concern for various reasons, mainly because it diminished the department's ability to accurately track leave for employees and because of the substantial fiscal implications. The absence of effective documentation and tracking practices also encourages leave abuse and a lack of internal control. Over time, the absence of systems and procedures resulted in employees believing that they did not have to report their absences.

The documents provided by the district indicate that the implementation of the time and labor function and the dashboard has resulted in significant improvement. Leave tracking protocols have prompted employees to submit absence records monthly, and the dashboard provides personnel with accurate leave information. During fieldwork, HR staff reported they were transitioning to a paperless absence reporting procedure to eliminate the LAR form. According to interviewees, the new self-service feature in the dashboard allows the employee to log in and enter his or her absence, and the supervisor electronically approves it. The implementation plan was in transition during FCMAT fieldwork, but the overall objective was for the process to require electronic absence submission for all staff.

To determine whether revised absence tracking practices and employee access to leave information have helped the district increase employee attendance, FCMAT reviewed data on employee leaves over a three-year period. The district submitted documents including all employees and the total number of absence days per academic year. The absence reason was not considered in this review since the total number of days per employee was used to measure whether an employee was at work regardless of the reason for the absence. The data indicates that employee absenteeism declined. The data for 2021-2022 is for seven months of the academic year. However, if the absence patterns continue, the district would be on track for 6,258 total absence days, which represents an approximately 1% decrease in absence rates from 2019-2020 to 2021-2022. The district's absence data confirms that the operational improvements in leave tracking procedures have improved employee attendance.

Total Number of Leave Days

Total Number of Leave Days

Fiscal Year	Number of Leave Days
2019-2020	9,038
2020-2021	7,421
[1]2021-2022	4,381

Source: District Data

[1]Data submitted through January 31, 2022

Documents submitted by the district indicate that the HR analyst position has a desk manual named the EE Handbook that is current and includes detailed instructions such as where to access important information, leave accrual rules, how to handle leave for temporary and part-time employees, and various other processes. The document is kept in an electronic file in the HR Department for cross-training and backup purposes. The HR Department website includes a page with leave information for employees. Long-term leaves information, LAR forms by employee type, comp/overtime forms, transfer of sick leave, and a form for leave requests. The website is easily accessible and provides useful information on employee leave entitlements.

The HR department organizational structure includes one HR analyst to handle leaves. Although the Benefits Department has three other positions, they are focused on managing employee benefits and do not provide supervisory or clerical support for this function. A review of the workload assigned to the HR analyst indicates that it is excessive. The district should consider assigning staffing to help manage leaves. An effective leave program requires a multilevel configuration of staffing support, and the district should consider both supervisory and technical staffing needs.

Recommendations

The district should:

1. Reconfigure the assignment of work to manage leave. This involves a multilevel approach that includes a supervisor level position, technical staff, and administrative support staff. The staffing configuration in the table below represents a three-tiered model to support employee leave management.

   Employee Leave Management Staffing Configuration

Position Type	Function
Supervisor—Leave Administrator	Oversee leave program Denial/approval of employee leave Legal compliance officer Americans with Disabilities Act Amendments Act program oversight Employee discipline—poor attendance Approval of docks in pay
Technical Staff	Application of leave type to absence Communicate leave policies to employees High level of analysis applied to absence tracking Documentation of leave transactions
Administrative Support Staff	Attendance tracking Notification and communication Documentation of leave Data entry

2. Continue implementing a digital leave management program that includes all employee classifications.

3. Ensure the HR Department establishes protocols and requirements for employee use of leave by ensuring that staff are informed of their entitlements, while managing employee accountability on the use of leave.

Performance Management

Performance management is the process of communicating organizational standards, establishing individual goals, providing resources and support, and ensuring accountability. Organizational standards cover the conduct of employees and the extent to which an individual meets the minimum competencies required of their position. Performance ensures employees are given the necessary resources, recognition and the accountability to know expectations and ensure compliance with legal and collective bargaining agreements.

Legal and Professional Standards

The governing board of each community college district, in consultation with the faculty, is required to adopt rules and regulations establishing the specific procedures to evaluate its contract and regular employees and establish reasonable but specific standards for faculty, according to EC Section 87664. While there is no statutory requirement for the regular evaluation of classified employees, GC Section 3543.2 provides represented employees with the right to negotiate certain employment matters, including procedures for their evaluation.

The performance management system ensures managers can evaluate job requirements and duties and match those to the employee's work performance. All employees are evaluated on performance by a management employee knowledgeable about their work performance at least annually or as prescribed by the applicable collective bargaining agreement. The evaluation criteria are clearly communicated and, to the extent possible, measurable. The evaluation includes follow-up on prior performance issues and establishes goals for future performance. Employees are evaluated in a manner that effectively uses the probationary period.

The evaluations of supervisors and management staff include criteria related to completing faculty and classified evaluations as required by the collective bargaining agreements, ensuring that evaluations are well written, demonstrate competency, and help struggling employees.

The HR Department annually provides supervisors with a schedule of evaluations based on timelines established in the faculty and classified collective bargaining agreements. The list of evaluations that are due includes the date of the employee's last evaluation as well as his or her status as a temporary, probationary, or permanent employee. Managers participate in mandatory training annually on effective supervision and evaluation techniques.

Faculty Evaluations

The standards for faculty are not included in Article 11 – Evaluation, of the 2016-19 successor agreement between the district and the PFT, the most current collective bargaining agreement publicly available and provided to FCMAT at the time of fieldwork. Article 11 states that "faculty evaluation and tenure review procedures included in the current "Faculty Evaluation Handbook" are incorporated in any part of this Agreement." The Faculty Evaluation Policies and Procedures Handbook (Handbook) was last revised in July 2017 and provides procedures for implementing Board Policy 3.30 for tenure-track faculty and for evaluating part-time faculty and tenure faculty according to a side agreement with the PFT dated March 2012.

The handbook's introduction to the tenure-track procedures found in Part One states that the recommendation to grant tenure is more important than the initial decision to hire. This is because tenured members are permanent employees and therefore will play a major role in determining the district's future, limit or expand its vision, and enhance or diminish the quality of education. It further states that the approach to the four-year tenure review period is based on the premise that the tenure recommendation is best formed by a partnership of faculty and administrative colleagues and students. The dean/administrative supervisor is responsible for establishing each probationary tenure-track faculty member's Tenure Review Committee (TRC). The TRC is composed of four members (a tenured faculty member serving in the same discipline, an additional tenured faculty member from the discipline selected by the president of the District Academic Senate, one tenured faculty designed by the district Affirmative Action Committee or college president, and the supervisor). The committee is responsible for determining whether a candidate meets or exceeds the standards for a tenured Peralta faculty member and making a tenure recommendation to the president of the college. The TRC is the driving force in evaluating tenure-track faculty.

The TRC, in conjunction with the tenure-track faculty candidate, establishes and develops a portfolio that serves as the evidentiary base for all evaluation and tenure decisions. The evaluation portfolio includes an evaluation plan, student evaluation results, classroom observations by TRC members, peer evaluation forms, administrative evaluation forms, self-evaluation forms, TRC report forms, and recommendation reports. Nonclassroom observation forms and other documentary evidence are optional and, if necessary, an improvement plan may be required. The following table is a copy of one from the handbook that provides an overview of the four-year evaluation process.

Tenure Review Process

District Approved Forms	YEAR 1 Dates/Activities for Year	YEAR 2 Dates/Activities for Year	YEAR 3 Dates/Activities for Year	YEAR 4 Dates/Activities for Year
EVALUATION PLAN	1. TRC meets/develops Eval. Plan w/candidate by end of 3rd week 2. Evaluation Plan to be given to Candidate, Tenure Facilitator & Vice President	1. TRC meets/develops Eval. Plan w/candidate by end of 3rd week 2. Eval. Plan to be given to Candidate, Tenure Facilitator & Vice President	Same as year 2	Same as years 2 & 3 [to be completed in Fall term]
STUDENT EVALUATION OF INSTRUCTOR	1. Each class taught or min. of 3 sets each of 1st two semesters in 1st acad. yr. 2. No. to be determined for counselors, librarians, DSPS cnslrs/coords, nurses, etc. (Approx. 4 sets of 10 evals.)	1. 3 classes per acad. yr. for teaching faculty 2. No. to be determined for counselors, librarians, DSPS counselors/coordinators, nurses, etc. (Approx. 3 sets of 10 evals)	Same as year 2	Same as years 2 & 3 [to be completed in Fall term]
CLASSROOM [or Faculty] OBSERVATION FORM FOR TRC MEMBERS	1. Each class taught for teaching faculty or min. of 3 each of 1st two semesters in 1st academic year. 2. No. to be determined for counselors, librarians, DSPS counselors/coordinators, nurses, etc. (Approx. 4 evals.)	1. 3 classes per acad. yr. for teaching faculty 2. No. to be determined for counselors, librarians, DSPS counselors/coordinators, nurses, etc. (Approx. 3 evals.)	Same as year 2	Min. of one in Fall semester for admin. on TRC, and min. of one for faculty on TRC [to be completed in Fall term].
PEER EVALUATION REPORT (for other non-TRC faculty in discipline)	Optional	Optional	Optional	Optional
ADMINISTRATIVE EVALUATION RPT. (immediate supervisor of candidate)	Prior to end of Fall term	Prior to end of Fall term	Same as year 2	Same as years 2 & 3
CANDIDATE SELF-EVALUATION REPORT	Each Term	Each Term	Each Term	Fall only
NON-CLASSROOM OBSERVATION/ INFORMATION REPORT FORM	Optional	Optional	Optional	Optional

CONFERENCE REPORT FORM	All TRC meetings with Candidate [Mtgs to be held ASAP after evaluations done]	All TRC meetings with Candidate [Mtgs to be held ASAP after evaluations done]	All TRC meetings with Candidate [Mtgs to be held ASAP after evals. done]	All TRC meetings with Candidate [Mtgs to be held ASAP after evals. done]
SUMMARY REPORT	Prior to end of Fall term	Prior to end of Fall term	Same as year 2	Same as years 2 & 3
CERTIFICATION FORM	Complete same time as Summary Report	Complete same time as Summary Report	Complete same time as Summary Report	Complete same time as Summary Report

In addition to establishing the TRC, the supervisor ensures evaluations and portfolio documents comply with the statement of faculty, which includes the main categories of knowledge base, application of knowledge base, motivation and interpersonal skills, and professional responsibilities and 30 criteria. The supervisor must also report any problems in compliance with timelines, guidelines, or in other tenure review areas, and work with the vice president of instruction to resolve them. If any TRC does not meet the requirements to complete the evaluation portfolio by January 31, the supervisor and vice president of instruction are required to use the materials that are currently present in the portfolio. In consultation with the district tenure facilitator (jointly appointed by the PFT, the district faculty senate president and vice president of instruction), they may administer student evaluations and perform classroom observations to ensure appropriate documentation is gathered to make a tenure recommendation/decision.

The handbook outlines the rights and responsibilities of the TRC, TRC chair, candidates for tenure, the district tenure facilitator and the supervisor. It also establishes a code of ethics for members of the TRC, procedures for the replacement of TRC members, and administrative oversight responsibilities. The handbook requires that the district provide annual in-service training for new supervisors and TRC chairs to ensure that they are knowledgeable about the tenure review process and further provides for the establishment of a pool of unpaid faculty mentors to help new faculty members.

The handbook also provides detailed administrative procedures for student evaluations, self-evaluation, and classroom observations for tenure-track faculty. It also includes procedures related to evaluation frequency, evaluation process criteria and forms, scheduling and assigning evaluations, and the evaluation process.

Part Two of the handbook includes the policies and procedures for part-time and tenured faculty evaluations. The procedures for evaluating part-time and tenured faculty were streamlined in a 2009 side letter to the collective bargaining agreement. The stated purpose of the evaluation should be consistent with Education Code Section 87663. Administrative procedures state that “only through the joint effort of faculty and administration can the mutual goal of promoting quality education be achieved.”

Similar to tenure-track evaluations, the evaluation of part-time and tenured faculty includes the of knowledge base, application of knowledge base, motivation and interpersonal skills, and professional responsibilities and includes 26 specific criteria. Evaluation of part-time and tenured faculty is a four-part process that involves self-evaluation, faculty/classroom observation/evaluation, administrative evaluation, and student evaluation. Together, these four evaluations and the summary report form the complete evaluation. The responsibilities of the supervisor, faculty evaluator, and the person evaluated are clearly articulated as are the processes, criteria, and forms.

The policies and procedures for tenure-track, part-time, and tenured faculty are clear and communicate a strong commitment to excellence in teaching and the peer-review process. Despite the evaluation system’s ambitious goals and well-articulated but lengthy model, evaluators interviewed during fieldwork consistently reported that the system is so cumbersome, it is almost impossible to provide a thoughtful evaluation. Evaluators also indicate that there is no mechanism to address performance concerns. Additionally, the TRC process is reportedly not followed, and recommendations for tenure are often made by a faculty member identified as a tenure coordinator making it inconsistent with the procedures established in the faculty collective bargaining agreement.

The faculty evaluation procedures articulated in the handbook make no mention of who is to notify supervisors of the evaluation status of each faculty member under their supervision. For example, it is unclear who is responsible for notifying supervisors if a tenure-track faculty member is in year one, year two, year three, or year four and which part-time or tenured faculty are due to be evaluated during the current year. It is unclear to whom or to what extent this key HR Department function has been assigned. In fact, it is unclear if the department has any responsibility for the performance management system as the procedures clearly provide that the scheduling and assigning of evaluations in the responsibility of department chairs. It is clear that the district is responsible for providing supervisors with training on the evaluation system annually. Which department is assigned this responsibility is unclear.

The department indicated that they only track evaluation completion dates and evaluation ratings. The department did not provide any documents related to evaluation tracking as requested. FCMAT cannot, therefore, assess to what extent faculty are evaluated as provided for in the collective bargaining agreement or that the procedures for evaluating tenure-track, part-time, and tenured faculty are implemented consistently.

Classified Employees Evaluations

Classified employees of the district are represented by either Service Employees International Union (SEIU) Local 1021 or the International Union of Operating Engineers Local 39 (Local 39). SEIU represents classified employees in clerical, paraprofessional and technical jobs. Local 39 represents and negotiates separately on behalf of regular and hourly employees in the custodial, maintenance, grounds, warehouse, food service, and related multiposition classification jobs. The Local 39 Hourly Employees contract does not include an article on evaluations.

The SEIU and Local 39 evaluation procedures and timelines are identical and provide the following:

- Probationary employees will be evaluated at the end of the second and fifth month of employment.
- Permanent employees will be evaluated annually in the month they attained permanency.
- The evaluation must be completed by the first-level manager on the prescribed forms.
- The evaluation must be shared and discussed with the employee.
- The employee must sign the evaluation indicating his or her receipt and receive a signed copy.

The SEIU contract includes provisions that are not included in the Local 39 contract. These provisions address what to do when an employee is supervised by more than one first-level manager when returning from a leave, and what to do if the employee receives an overall rating of unsatisfactory.

The SEIU and Local 39 evaluation criteria include the following categories:

- Job Skills
- Quality of Work
- Quantity of Work

- Work Habits
- Working Relationships
- Attitude/Approach to work

Both evaluation forms use the following rating method:

- Exceeds job requirements—superior performance that is above and beyond the demands of the job
- Meets job requirements—performance adequately satisfies the requirements of the job
- Improvement needed—poor performance or requiring significant improvement

Both evaluation forms include an improvement plan that is required for areas in need of improvement. The improvement plan requires the evaluator to identify these areas, the training and assistance needed/provided, and when the evaluator and employee will meet again to review progress. No form is provided to document when and whether the review meeting occurred and the extent to which progress was made.

Evaluators interviewed did indicate that the classified evaluation system does not provide them the ability to evaluate job requirements and duties assigned to employees. No documents related to the tracking of classified evaluations was provided and it is unclear if the department provides supervisors with a schedule of evaluations based on timelines established in the SEIU and Local 39 classified collective bargaining agreements or if managers participate in mandatory training annually on effective supervision and evaluation techniques.

Management Evaluation

The management performance evaluation procedures policy, Administrative Procedure (AP) 7124, states the following:

> …the purpose of the Management Performance Evaluation is to demonstrate commitment to organizational excellence and align performance with the district-wide strategic goals and institutional objectives. This process is designed to assist with the improvement of individual performance, thereby increasing institutional effectiveness. The performance evaluation recognizes achievements, establishes training needs, including suggested areas for improvement, and encourages professional development.

Management performance evaluations are based on the following competencies:

- Accountability
- Collaboration
- Communication
- Integrity
- Innovation
- Job Knowledge
- Stewardship

During management evaluation, evaluators and managers meet to discuss and identify goals in each of the performance competency areas, which are to be aligned with the district's strategic goals and institutional outcomes. AP 7124 does not provide any descriptors of practice for these competencies or describe what constitutes performance that needs improvement, is developing, meets standards, or exceeds standards. The evaluation and feedback from a manager's peers is included in the evaluation cycle as well as a self-evaluation. A written performance review, which considers the peer/staff evaluation feedback and the self-evaluation, is provided at the completion of the first year of a manager's employment. The following table summarizes the evaluation cycle for new managers.

Evaluation Cycle for New Managers

Steps	Timeline
Supervisors and new managers meet to discuss expectations and the framework for the establishment of goals and objectives	Within the first 60 days of employment
Supervisors and new managers meet to establish performance goals and objectives	Within the first 90 days of employment
Supervisors and new managers meet to discuss progress	At the end of the first six months of employment
Peer/staff evaluation feedback is conducted	In time for inclusion in the manager's first formal performance review
New managers submit a self-evaluation to the supervisor. The supervisor and new manager meet to discuss the self-evaluation.	At an agreed-upon time following the completion of the peer/staff evaluation feedback
Supervisors complete a written report reviewing the managers performance and meets with new managers to review. As a result of the discussion, the manager shall establish new goals, as appropriate, for the coming year of service.	At the completion of the first year of employment

Source: District Administrative Procedure 7124 - Management Performance Evaluations

According to AR 7214, all managers are to be evaluated annually. They are required to be evaluated on the professional goals established at the completion of the previous year's evaluation cycle. The annual evaluation steps and timeline are not explicit in AR 7124 but require the manager to self-evaluate and be evaluated by the supervisor. Together, they should establish goals and objectives for the coming year. Every three years, a comprehensive evaluation is conducted that includes peer/staff feedback. Together, the supervisor and manager prepare a list of individuals to participate in the peer/staff evaluation feedback. The individuals should include staff and/or personnel who are knowledgeable of the manager's work. This could be a full-time faculty member and a representative number of part-time faculty in a particular division or department, staff, peers, students, and, where appropriate, community members, vendors or service providers.

The district did not provide management evaluation tracking documents, including a list of managers and the date of their last evaluation as evidence that AP 7124 is implemented consistently. Interviews suggest that management is not being evaluated.

Recommendations

The district should:

1. Assign responsibility for the performance management system to the Human Resources Department.
2. Ensure that all employees are evaluated according to the Education Code, the collective bargaining agreements of represented employees, and administrative procedures.
3. Ensure through the performance management system that the HR Department annually provides supervisors with a schedule of evaluations based on timelines established in the PFT, SEIU, and Local 39 collective bargaining agreements and AP 7124.
4. Ensure the department maintains evaluation dates in the position control system, and annually provide the Peralta CCD Chancellors' Office with an evaluation report that lists, by evaluator, employees who were not evaluated.
5. Hold supervisors accountable for completing evaluations as required. Ensure evaluations of supervisors include criteria related to completing faculty and classified evaluations as required by the collective bargaining agreements, ensuring that evaluations are well written, demonstrate competency, and help struggling employees.
6. Develop a rubric that identifies accountability measures and descriptors of practice for each evaluation rating.
7. Consistently implement existing procedures.
8. Monitor the existing systems to ensure they are implemented as written. To ensure consistent implementation, the previous recommendations on assigning this responsibility to the HR Department and holding supervisors accountable must be implemented and accompanied by training.
9. Ensure that the HR Department provides, and managers participate annually, in mandatory training on evaluation procedures and effective supervision and evaluation techniques.

Employee Relations

The HR Department has two primary responsibilities in managing the relationship between the employer, its employees, and the exclusive representative; ensuring the organization meets its obligations to negotiate in good faith and that labor agreements are consistently and fairly enforced.

Legal and Professional Standards

Community college employees have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations as provided for in the Educational Employment Relations Act (EERA). The EERA (GC Sections 3540 – 3549.3) requires community colleges to negotiate matters relating to wages, hours of employment, and other terms and conditions of employment. Terms and conditions of employment mean health and welfare benefits, leaves, transfer and reassignment policies, safety conditions of employment, and procedures for processing grievances, among other things.

The HR Department has a process that ensures bargaining proposals are sunshined in accordance with the law to allow public input prior to meeting and negotiating with represented groups. Additionally, the department provides management and the board with information on the impact of all bargaining proposals.

HR provides all managers and supervisors with training in contract management and works to resolve grievances at the lowest possible level.

Collective Bargaining

The district's faculty employees are represented in their employment by the Peralta Federation of Teachers (PFT) Local 1603, a chapter of the American Federation of Teachers. The 2016-2019 Successor Agreement is the most current collective bargaining agreement provided to FCMAT and the most current agreement on the district's website. However, a review of the union's website suggests that a 2019-22 Tentative Agreement was reached on June 20, 2019. A review of board documents shows that the board ratified the successor agreement on February 25, 2020. The PFT and district sunshined their proposals for a 2022-25 successor agreement on May 24, 2022 and June 14, 2022, respectively. Public hearings were held on June 28, 2022.

The district's classified employees are represented by either Service Employees International Union (SEIU) Local 1021 or the International Union of Operating Engineers Local 39 (Local 39). The collective bargaining agreement between the district and SEIU, which represents classified employees in the clerical, paraprofessional, and technical job families, expired June 30, 2018. A review of board documents indicates that both parties sunshined their proposals for a successor agreement, public hearings were held, and negotiations began. However, a tentative agreement on a successor agreement was apparently not successfully reached according to the SEIU's sunshine proposal presented to the board on June 8, 2021. The proposal notes that "in an abundance of caution," the SEIU was sunshining four items related to compensation, safety, and COVID-19 procedures for returning to work. A public hearing was held on SEIU's initial proposal on June 22, 2021. At the time of FCMAT's fieldwork, a tentative agreement had not been reached.

Local 39 represents and negotiates separately on behalf of regular and hourly employees in the custodial, maintenance, grounds, warehouse, food service, and related multiposition classification job families. The 2019-2022 successor agreements expired on June 30, 2022. A review of board documents found initial proposals were sunshined on June 8, 2021, and a public hearing was held on June 22, 2021. At the time of FCMAT's fieldwork, an agreement on a successor agreement had not been reached.

The EERA requires all the initial collective bargaining proposals of a community college district and union to be "sunshined" or presented to the public before negotiations begins. The district legally cannot meet and negotiate until a reasonable time has elapsed from the submission of the proposal. This allows the public to inform itself on the document and have the opportunity to express itself at a public meeting of the employer. After the public has this opportunity, the employer is required to adopt its initial proposal at a meeting that is open to the public. Board documents indicate that the district is in compliance with these requirements of the EERA.

Contract Management

The PFT, SEIU, and Local 39 collective bargaining agreements provide procedures for the resolution of grievances. A grievance is any complaint of a bargaining unit member involving the interpretation, application, or alleged violation of the contract. In each of the three agreements, the parties have agreed to review and resolve grievances at the lowest possible level and to allow grievances to advance to a higher administrative level if not resolved. Additionally, each of the contracts provides the union with the ability to submit grievances unresolved at the highest administrative level to binding arbitration.

The district provided FCMAT with documents related to grievances received during the 2020-21 fiscal year. Six of the nine grievances were filed by the SEIU, and three were from the PFT. No grievances were filed by Local 39. Seven of the nine grievances were upheld, suggesting that the district did not follow contracts with labor groups and/or provides managers with insufficient training on contract management. The documents provided does not indicate the following:

- Whether each grievance was resolved at an informal level or formal level
- At which formal level it was resolved if it was not resolved at the informal level
- Whether the grievance was submitted for arbitration

Additionally, no documents related to contract management training were provided

Recommendations

The district should:

1. Ensure that the most current collective bargaining agreements are publicly available.
2. Include in tracking documents additional details such as the following where applicable:
    - The nature of the grievance, the collective bargaining agreement article number and section, Education Code section, or other rules or laws that were allegedly violated
    - The date the grievance was resolved at the informal level, advanced to the next level, and the district's determination at each level
    - The date the grievance was submitted to arbitration

- Provide managers with annual training on contract management and grievance processing since they play a main role in contract management and enforcement.

3. Communicate to all managers any changes made to the collective bargaining contract of any represented group through the bargaining process. This will ensure managers have the information they need to perform contract management responsibilities.

Complaints

Complaints

Administrative Procedure (AP) 3435 contains procedures for filing complaints that allege harassment, discrimination, or retaliation in violation of the district's board policies, administrative procedures, or violation of state and federal law. Complaints must be filed with the vice chancellor of human resources and employee relations. If the party submitting the complaint alleges discrimination, harassment, or retaliation against the responsible district officer, it should be submitted directly to the chancellor.

The documents provided by the department indicates that seven complaints were received in the 2020-21 fiscal year. The list of complaints identifies the date the document was received, the complainant's classification (PFT, SEIU, Local 39, student, manager) and location, the name of the respondent and his or her classification, the complaint's nature, the name of the assigned investigator, and the status. Three of the seven complaints were filed between March 15, 2021, and May 17, 2021, and allege unlawful discrimination. The status of all three complaints were identified as ongoing as of June 30, 2021. One complaint filed on March 28, 2021, alleges harassment and is also identified as ongoing. The remaining complaints do not make allegations of harassment, discrimination, or retaliation.

The four complaints were identified as ongoing at the conclusion of the 2020-21 fiscal year, and no additional documents were provided for 2021-22. Therefore, if the complaints were closed, it would be difficult to determine to what extent the complaint process allows employees to have their concerns heard in an expeditious and unbiased manner. Additionally, the documents provided to FCMAT did not identify if any complainants alleging discrimination, harassment, or retaliation in 2019-20 or 2020-21 filed complaints with the Equal Employment Opportunity Commission (EEOC), requested a right to sue letter, or otherwise sought civil remedies. For these reasons, FCMAT could not make recommendations on these standards. (The EEOC is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee.)

At the time of FCMAT's fieldwork, the risk and safety programs manager incumbent served as the interim chief of staff. Consequently, the responsibilities of the risk manager were divided between the incumbent and the vice chancellor of HR with some investigations also being performed by the director of employee relations and diversity programs. While at the time of FCMAT's fieldwork the district had not provided any complaint and investigation data for the 2021-22 fiscal year, qualitative data suggests an increase in complaints that may be attributable to several factors. These include the high rate of turnover in department leadership roles and its impact on department continuity, which can lead to uncertainty among staff and those who have filed a complaint. The COVID-19 pandemic and issues surrounding remote work have also played a role in the number and types of complaints filed according to the department staff we interviewed. Several interviewees also suggested that additional support is needed in complaint tracking and monitoring.

Recommendation

The district should:

1. Continue to make procedures and forms readily available. The HR Department should continue to ensure that the unlawful discrimination complaint form and unlawful discrimination and sexual harassment complaint and investigation procedures are accessible on its website.

Appendix

Study Agreement

FCMAT

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM
STUDY AGREEMENT
January 14, 2021

The Fiscal Crisis Management and Assistance Team (FCMAT), hereinafter referred to as the team, and California Community College Chancellor's Office on behalf of the California Community College Board of Directors, hereinafter referred to as the Chancellor's Office, mutually agree as follows:

1. BASIS OF AGREEMENT

The team provides a variety of services to local educational agencies (LEAs). The Chancellor's Office has requested that the team provide for the assignment of professionals to study specific aspects of the Peralta Community College District operations, based on the provisions of Education Code (EC) Section 84041. These professionals may include staff of the team, county offices of education, the California Department of Education, Chancellor's Office, school districts, charter schools, community colleges, 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

At the request of the Chancellor's Office, and in accordance with Education Code Section 84041, FCMAT shall review the following for the Peralta Community College District:

Phase One:

1) Review the district's human resources (HR) policies, procedures, and operational practices including, but not limited to recruitment, retention, compensation (placement and advancement on salary schedule), employee benefits, performance management (supervision, evaluation, and disciplinary policies and procedures), employee relations, and training and development. Identify whether specific practice areas or processes comply with legislative requirements and are adequate and effective. Provide recommendations of implementation strategies for improvements, if any. Prioritized recommendations will be included to address the gaps in an effort to minimize regulatory violations, as well as to achieve and maintain effectiveness in key human resource practice areas.

2) Review current HR indicators (e.g., number of unfilled positions, the time it takes to fill a new position, turnover, employee satisfaction, internal grievances filed, number of legal complaints, absenteeism rates) and make recommendations for improvements, if any.

3) Review staffing of the HR Department and make recommendations for staffing improvements, if any.

4) Evaluate the current workflow and distribution of functions in the HR Department to provide recommendations for improved efficiency and practice, if any.

Phase Two:

5) Provide technical coaching assistance, such as training on best practices and compliance, for improving HR policies, procedures, and operational practices with the ultimate goal of improving the district's overall fiscal health. This technical assistance would be provided based on the findings identified and recommendations provided in the review.

B. <u>Services and Products to be Provided</u>

1) Orientation Meeting - The team will conduct an orientation session at the Peralta Community College District to brief management and supervisory personnel on the team's procedures and the study's purpose and schedule.

2) On-site Review - The team will conduct an on-site review at the Peralta Community College District and at district sites if necessary.

3) Exit Meeting - The team will hold an exit meeting at the conclusion of the on-site review to inform the Chancellor's Office of significant findings and recommendations to that point.

4)

4) Draft Report - Electronic copies of a preliminary draft report will be delivered to the Chancellor's Office administration for review and comment.

5) Final Report - Electronic copies of the final study report will be delivered to the Chancellor's Office following completion of the review. The final report will be published on the FCMAT website.

3. PROJECT PERSONNEL

The FCMAT study team may include:

A.	*Michelle Giacomini*	*FCMAT Deputy Executive Officer*
B.	*Marcus Wirowek, CFE*	*FCMAT Intervention Specialist*
C.	*School Services of California*	*FCMAT Community College Consultant*

4. PROJECT COSTS

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

A. $1,100 per day for each FCMAT staff member while on site, conducting fieldwork at other locations, presenting reports, or participating in meetings. The cost of independent consultants will be billed at the actual daily rate for all work performed based on the provisions of EC 84041.

B. All out-of-pocket expenses, including travel, meals, lodging, etc. The Chancellor's Office 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 acceptance of the final report by the Chancellor's Office.

Based on the elements noted in section 2A, the total not-to-exceed cost of the study is $100,000.00.

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

Payments for FCMAT services are payable to Kern County Superintendent of Schools - Administrative Agent located at 1300 17th Street, Bakersfield, CA 93301.

5. RESPONSIBILITIES OF THE DISTRICT, CHANCELLOR'S OFFICE

A. The Peralta Community College District will provide office and conference room space while on-site reviews are in progress.

B. The Peralta Community College District will provide the following (if requested):

1) Policies, regulations and prior reports addressing the study request
2) Current or proposed organizational charts
3) Current and two prior years' audit reports
4) Any documents requested on a supplemental listing
5) Any documents requested on the supplemental listing should be provided to FCMAT in electronic format; if only hard copies are available, they should be scanned by the Peralta Community College District and sent to FCMAT in an electronic format.

6) All documents should be provided in advance of fieldwork; any delay in the receipt of the requested documentation 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 SharePoint document repository and all requested documents shall be uploaded by the Peralta Community College District.

C. The Chancellor's Office 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. The final report will be published on the FCMAT website.

6. PROJECT SCHEDULE

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

Orientation:	***To be determined***
Staff Interviews:	***To be determined***
Exit Meeting:	***To be determined***
Draft Report Submitted:	***To be determined***
Final Report Submitted:	***To be determined***
Board Presentation:	***To be determined***

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 Chancellor's Office 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 Chancellor's Office 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 Chancellor's Office does not provide written notice of termination prior to completion of fieldwork, the team will complete its work and deliver its report and the Chancellor's Office will be responsible for the full costs. The Chancellor's Office 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 Chancellor's Office 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 Chancellor's Office. 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 Chancellor's Office in any manner without prior express written authorization from an officer of the Chancellor's Office.

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 Chancellor's Office, automobile liability insurance in the amount required under California state law, and workers' compensation as required under California state law. FCMAT shall provide certificates of insurance, with California Community Colleges Chancellor's Office named as additional insured, indicating applicable insurance coverages upon request.

10. **HOLD HARMLESS**

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

11. **COVID-19 PANDEMIC**

Because of the existence of COVID-19 and the resulting shelter-in-place recommendations, local educational agency closures and other related considerations, at FCMAT's sole discretion, the Scope of Work, Project Costs, Responsibilities of District (Sections 1, 4 and 5 herein) and other provisions herein may be revised. Examples of such revisions may include, but not be limited by, the following:

A. Orientation and exit meetings, interviews and other information-gathering activities may be conducted remotely via telephone, video conferencing, etc. References to site work and fieldwork shall be interpreted appropriately given the circumstances.

B. Activities performed remotely that are normally performed in the field shall be billed hourly 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.

13. CONTACT PERSON

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E-mail: wfinche@cccco.edu

Wrenna Finche
Wrenna Finche (Jan 14, 2021 12:03 PST)
Jan 14, 2021

Lizette Navarette (Jan 14, 2021 12:52 PST)
Jan 14, 2021

Lizette Navarette
Date
Vice Chancellor for Finance and Facilities Planning
California Community Colleges Chancellor's Office

Michael T. Fine
January 14, 2021

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