

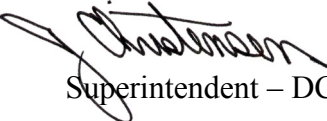
**EXECUTIVE LIMITATION 1.2 –
TREATMENT of FACULTY and STAFF**

To: Board of Education

From: Superintendent – DCSD

Re: Internal Monitoring Report – Treatment of Faculty and Staff

I hereby present my monitoring report on our Treatment of Faculty and Staff Executive Limitation 1.2 in accordance with the monitoring schedule as set forth in Board policy. I certify the information in this report is true.

Signed: 
Superintendent – DCSD

Date: October 16, 2008

EL 1.2 Treatment of Faculty and Staff

With respect to *treatment of faculty and staff*, the Superintendent shall *not cause or allow conditions or procedures* that are *unsafe, disorganized, unclear or undignified*.

Interpretations:

I interpret “...*treatment of faculty and staff*...” to mean how all of our school district employees, both full and part-time, believe their work environments are free from danger, harm or threatening in nature.

“...*not cause or allow conditions or procedures*...” refers to not creating personnel policies that are discriminatory or tolerating work environments that are hostile for our employees.

Note: The minimum control limit has been established at 80% from research completed by our district’s Research and Assessment and our CQI department based on University of Washington research. Their research suggests an 80% favorable result on survey questions denotes compliance. As you will see from the survey results in this monitoring report, we are well above this industry standard. We believe these results reflect strongly how our staff feels they are being treated based on the fact we collected 1271 responses from 2007-08 district surveys – which equates to a 99% confidence level.

Data Reported:

- From this past Spring school surveys, 89% stated the practices and procedures at their worksite were well defined.
- Personnel Policies, GBA Unlawful discrimination/Equal Opportunity Employment and GBAA Nondiscrimination/Non-Harassment of Employees and

Policy AC, Nondiscrimination/Non-Harassment of Students and Staff, are in place to deal with discrimination and hostile work environments.

- Building Administrators and supervisors have been trained this past year on how to avoid and recognize discrimination, sexual harassment and hostile work environment situations via a DVD created by Human Resources – available on our web-site.
- 24 discriminatory and hostile work environment complaints, both substantiated and unsubstantiated, were investigated and resolved during this past year. With over 6557 employees not including “substitutes” in the District, this represents an occurrence percentage of less than 0.37%.

“...unsafe...” is defined as physical safety and how our staff believes their work environment is free from harm; and, how they “feel” about being exposed to a threatening situation in their work environment.

Data Reported:

From the Spring school surveys:

I feel physically safe at work.	98.18% Agreed
I am not exposed to unsafe working conditions.	94.05% Agreed

These results exceed the 80% threshold we’ve established.

To avoid “on the job accidents”, job descriptions and postings detail lifting weight requirements necessary for all jobs. Prior to being hired, physical exams were conducted for all of the following:

- Bus Drivers and Transportation Educational Assistants
- Nutritional Services
- Operations and Maintenance
- Security
- Special Services – Educational Assistants III, Educational Assistants IV and Career Assistants

100% of our employees hired in the job titles listed above passed the physical requirements for these accident prone jobs.

DCSD scored high in a recent report on employee safety. Midwest Employers Casualty released its June/2008 22-page Benchmarking Survey, which rates their clients on the number and severity of accidents experienced by their employees. DCSD ranked in the Top 10 percent for lowest frequency of accidents and the lowest severity of accidents [Survey article can be provided upon request].

“Disorganized and unclear” are defined as personnel policies not being presented in an easy to understand manner.

Data Reported:

- Human Resources updated over 200 job descriptions this past year based on input from employees and their supervisors on actual work performed.
- As a part of our “Living Contract” process, our negotiated Master Agreements are updated monthly with information agreed upon between the ATU/DCFT/DCFCE and the District. These updates are posted on our web-site on an ongoing basis.
- Our District Policy Council met monthly and updated our Administrative Policies on an ongoing basis. These updates are available for staff review on our web-site. Two policies updated which were Staff-related were:
 1. Superintendent File GBA: Unlawful Discrimination/Equal Opportunity Employment – Approved by District Policy Council on 09/11/07
 2. Superintendent File GBAA: Non-Discrimination/Non-harassment of Employees – Approved by District Policy Council on 09/11/07

“Undignified” is defined as not respecting our employees and not treating them fairly.

Data Reported:

- 94.5% of our school employees indicated in the spring 2008 survey their administrator or supervisor treated them with respect.
- From the same survey, 89% of our employees felt the rules for them at their site/department were fair.
- 90.4% of those surveyed stated the people they worked with cooperated as a team.
- There is one pending EEOC complaint filed during this report period which EEOC allowed to expire before making a ruling.
- There were 20 substantiated complaints filed by employees out of the 24 investigated by Human Resources. The majority of these complaints were from our Classified employees and dealt with them not adhering to our District Core Values and Behavior Expectations on how to treat on another.

<i>Complaint Filed By/Person Investigated</i>	<i>Number</i>
Student/Teacher	0
Student/Classified	4
Classified/Classified	12
Teacher/Teacher	0
Classified/PT Supervisor	2
Classified/Admin Supervisor	3
Teacher/Supervisor	0
Classified/Certified	1
PT/Supervisor	2

- Besides the actions taken below from the 24 investigations, The Learning Center completed its first Support Services supervisor training during this reporting period with an additional cohort class that just began in August/2008. In these classes, attendees are trained on conflict resolutions, how to handle hostile work environments and how to recognize and deal with discrimination issues.

<i>Action Taken</i>	<i>Number</i>
Unsubstantiated	4
Letters of Reprimand	2
Transfer of Defendant or Complainant	5
Letters of Concern	0
Letters of Direction/Warning	3
Mediation	5
Performance Improvement Plans	0
Diversity Training	0
Suspension/Resignation/Termination	4
Retirement	1

- Upon a teacher claiming there was a hostile work environment at a school, an intensive investigation via focus group interviews was conducted. The charge was unfounded and the teacher making the claim was transferred to work in two different schools, giving him a fresh start.

This report is compliant.

Accordingly, the Superintendent shall not:

1.2.1 *Operate without written personnel policies and/or procedures, approved by legal counsel, which clarify personnel rules for faculty and staff, provide for effective handling of grievances, and protect against wrongful conditions.*

Interpretation:

EL 1.2.1 “*Operate without written personnel policies and/or procedures*” asserts the Superintendent will provide written personnel policies and make them available to all staff.

Data Reported:

Current policies and procedures, along with the Master Agreements [Licensed, Classified and ATU] are posted on our district’s web-site [updated June – July, 2008].

Administrative employees met monthly to discuss pay for performance issues and working conditions during this past year. All Personnel “G” policies are on the district web-site for employee review and was upgraded throughout the year via District Policy Council adoptions.

Interpretation:

“*Approved by legal counsel*” is interpreted to mean the Superintendent will ensure a legal review occurs by the school district’s in-house legal counsel and outside counsel for SY 2007-08 before any Superintendent or district policy adoption.

Data Reported:

Our District Policy Council was established by our Superintendent in SY 2004-05 and is currently chaired by our In-House Staff Counsel. The BOE’s external legal counsel also,

attended these meetings and reviewed all personnel policies and procedures before adoption. This process enables any and all policies that come before the Policy Council to be reviewed and approved by both legal counsels. Outside legal counsel reviewed contract language for all of our Master Agreements this past year before they were ratified by our Unions and accepted by our BOE.

Interpretation:

“Clarifying personnel rules” is defined as sharing information with our staff on policy changes and updates.

Data Reported:

- Human Resources provided a written executive summary to all Administrators and Supervisors on Master Agreement contract changes in late June, 2008 once the Master Agreement was ratified in early June.
- Master Agreement language and policy changes have been updated on our website.

Interpretation:

“Provide effective handling of grievances” refers to there being a process in place for grievances to be heard by the District that are filed by our bargaining units. Administrators/Professional Technical employees have due process to voice their disputes to their supervisors with an appeals pathway to the Superintendent and to the BOE.

Data Reported:

Our Master Agreements detail clearly defined grievance procedures. There have been zero violations to the grievance process not being followed. Monthly meetings have been facilitated by Human Resources with our Administrative employees to hear and resolve due process issues via our Principal Advisory Group. There were no appeals to the Superintendent and/or the Board of Education by our Administrative/Professional Technical associates regarding violations of due process. Supervisors are trained on grievance and due diligence procedures on an annual basis as a part of Human Resources evaluation workshops.

Interpretation:

“Protect against wrongful conditions” refers to there being personnel policies in force to ensure equal treatment of our employees.

Data Reported:

- Personnel Policies, Administrative Policy G – Personnel and Policy AC, Nondiscrimination/Non-Harassment of Students and Staff, are in place to deal with unfair treatment of our employees.
- 94.1% of our employees surveyed stated they felt the rules for them at their school were fair.
- During this reporting period, there were no reported incidences of employees submitting complaints to the Superintendent or to the BOE for unequal treatment.

- During this reporting period, our In-House Legal Counsel has reviewed all of our “G” policies and found them to be consistent with our Classified Master Agreement.
- During this report period, our District Policy Council updated the following Superintendent Policies:
 - GBA – Unlawful Discrimination/Equal Opportunity Employment [approved by the Policy Council on 09/11/07]
 - GBAA – Nondiscrimination/Non-harassment of Employees [approved by the Policy Council on 09/11/08]

This report is compliant.

1.2.2 Retaliate against any faculty or staff member for non-disruptive internal expressions of dissent.

Interpretation:

“Retaliate for non-disruptive internal expressions of dissent” refers to an employees ability to express themselves in such a way that it does not knowingly or intentionally hinder the best interest of the district and is done in a timely manner.

Data Reported:

- There have been zero grievances filed for retaliation during this reporting period.
- During SY 2007-08, there have been zero reported incidences to the BOE, the DCFT, the DCFCE or ATU by employees expressing a fear of reprisal for stating their views in a non-disruptive manner.
- All school employee surveys have been designed to protect respondents from being identified – securing anonymity and alleviating any fear of reprisal for expressing their views.

This report is compliant.

- EL 1.2.3 a) Prevent faculty and staff from using established grievance and/or due process procedures.
- b) Prevent faculty and staff from bringing a grievance to the Board when
- i) internal grievance procedures have been exhausted *and*
 - ii) the individual alleges that Board policy has been violated.

Interpretation:

“Prevent...established grievance and/or due process procedures” recognizes any staff member cannot be denied from taking a complaint to the Board of Education regarding a supervisor(s) or a colleague(s) if the appeal process does not resolve the complaint. Such action by the employee does not cause them personal or professional harm in following this due process.

Data Reported:

- During SY 2007-08, there were no instances reported where a staff employee escalated their issues, complaints, etc. as a first step of the grievance process or due process procedures versus going to their supervisor.
- Grievance procedures are in place for Licensed, Classified and ATU as a part of their Master Agreements.
- Administrators have a representative from each High School Feeder on the Principals Advisory Group where compensation and working condition issues were discussed and resolved.
- One Certified employee appealed their non-renewal to the BOE after they had pursued the grievance process through Level 3 to the Superintendent's designee.

This report is compliant.

1.2.4 Fail to acquaint faculty and staff with their rights under this policy.

Interpretation:

“...acquaint...rights under this policy” is interpreted to mean the Superintendent will inform all staff as to where they can locate information pertaining to the interpretations as defined in EL 1.2.

Data Reported:

- E-learnings and personnel policies are in place for employees to review for reporting child abuse, our evaluation process and handling sexual harassment issues.
- Upon this report being accepted by our BOE, our District web-site will be updated with revised EL 1.2 information. “*Newsline*” will communicate these updates to all employees on October 22, 2008.
- Together with our Communications Office, Human Resources created a brochure during this reporting period that was distributed to employees advising them of this information.
- During this monitoring period, our Communications Office and Human Resources also, created a Staff Rights and Responsibilities Handbook and placed it on our HR Web-site – advising our staff of their rights under EL 1.2.
- EL 1.2 information is shared ongoing with our new hires during orientations and contract signing meetings.