

MANAGEMENT LIMITATIONS

2.2 – TREATMENT OF FACULTY/STAFF

I hereby present my internal Monitoring Report on the Treatment of Faculty and Staff in accordance with the monitoring schedule set forth in Board Governance Policy 3.4, Section 5.

I certify the information in this Report to be true.

Signature: _____ Superintendent Date: _____

MANAGEMENT LIMITATION 2.2 – TREATMENT OF FACULTY/STAFF:

- I. With respect to the treatment of **employees**, the Superintendent shall not cause or allow conditions that are **unsafe, unhealthy, unfair, or unprofessional**.

SUPERINTENDENTS INTERPRETATION:

- A. **Employees** – I interpret “*employees*” to mean all District staff, full-time and part-time, including those staff members recognized under the terms of a collective bargaining agreement (hereinafter referred to as a “comprehensive agreement”) such as Teachers, Associates, Clerical, Operations, Transportation, Food Service, Crafts and Child Care, as well as those staff members who are covered under a District Employment Agreement including Administrators, Specialists and Paraprofessionals.
- B. **Unsafe** – I interpret “*unsafe*” to mean situations or conditions where there is a substantial and unreasonable risk of harm, which could have been reasonably foreseen and prevented.
- C. **Unfair** – I interpret “*unfair*” to mean situations or conditions that produce unreasonable inequality between similarly situated employees, which could have been reasonably foreseen and prevented.
- D. **Unprofessional** – I interpret “*unprofessional*” to mean behavior that negatively reflects on the individual or District, is criminal in nature, violates generally accepted ethical business practices, federal or state law, or District policies.

October 2, 2012

Contact: Scott Mikesh

COMPLIANCE ANALYSIS – UNSAFE CONDITIONS

A. BACKGROUND CHECKS

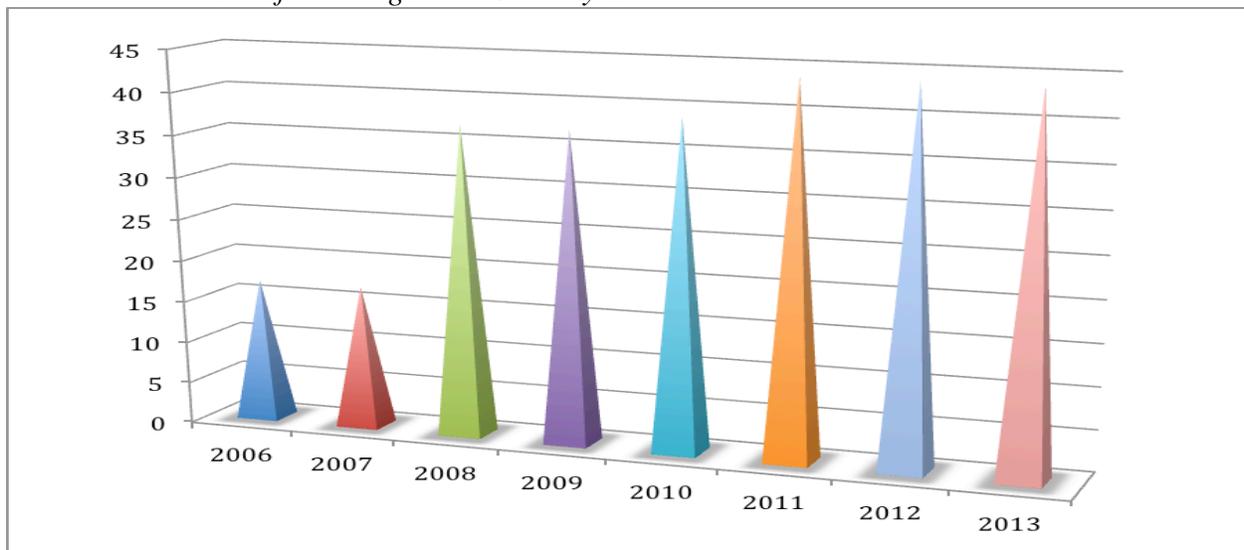
The District conducts employee background checks for 100% percent of the District's new employees prior to employment. The general employee background check process includes a Social Security number and address check, county and national criminal file search, motor vehicle report, state and national child abuse and adult abuse searches, and a national sex offender registry check. In addition, the District conducts additional credit checks for administrative positions or other positions that oversee District funds.

The District contracts with a vendor, Pre-Employ, to provide background check services for employees and will use the same vendor for necessary background checks for volunteers.

B. DISTRICT SECURITY SYSTEMS

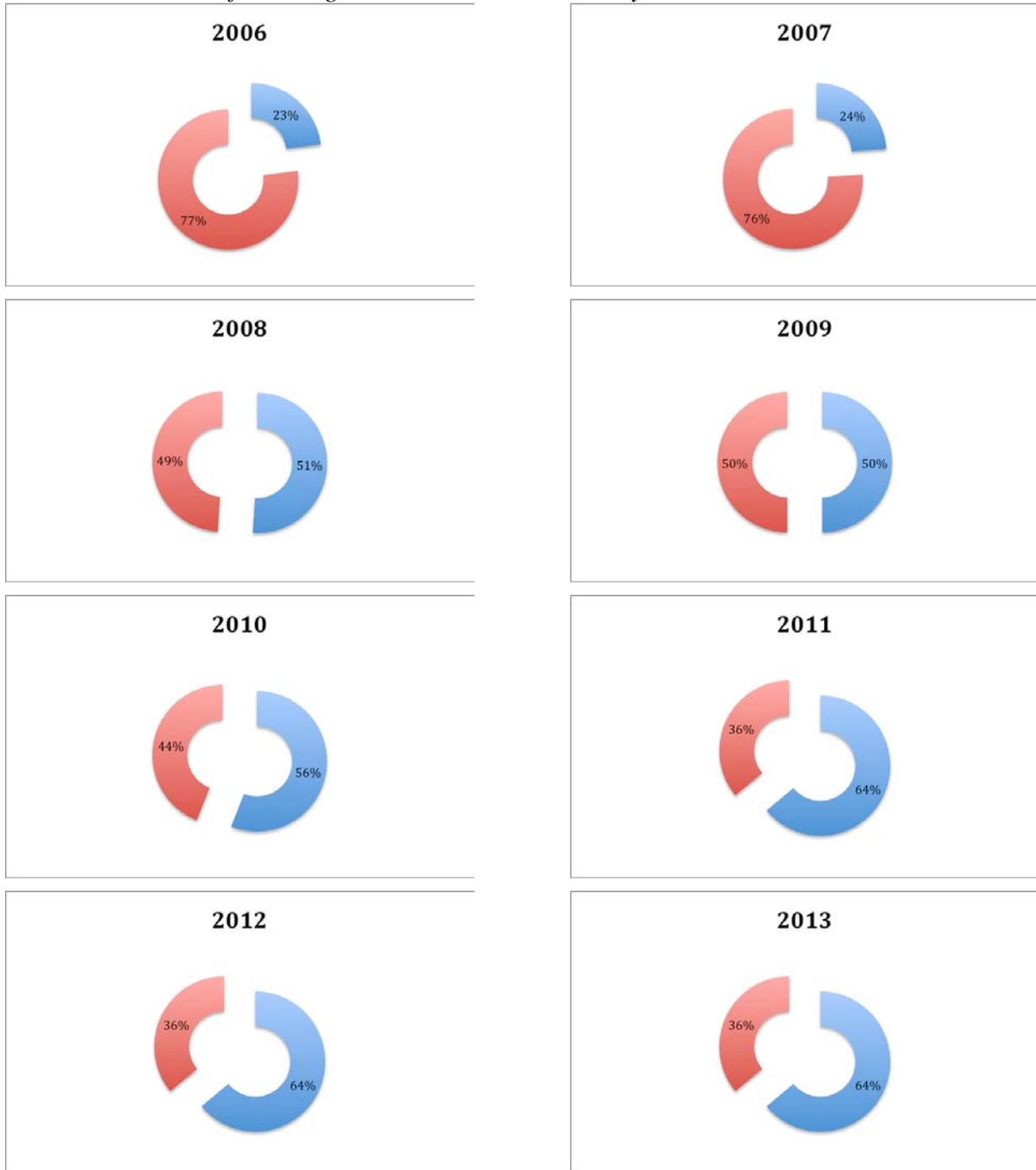
In an effort to maintain or improve staff and student security, the District continues to make annual increases to its security systems. For example, as illustrated in Chart 1-1, below, 44 of the District's buildings have security camera systems in place, compared to just 17 buildings in 2006.

Chart 1-1: *Number of Buildings With Security Cameras*



In addition, as illustrated in Chart 1-2, below, as a percentage of the District's total buildings, nearly 2 out of every 3 District buildings, 64 percent, maintains a security camera system. In contrast, the District had security camera systems in place in less than 1 in every 4 buildings, 23 percent, in 2006.

Chart 1-2: *Percent of Buildings with At Least One Security Camera*



Finally, although the number of buildings with security camera systems has remained constant during the last 3 years, the District has made significant increases in the total number of security cameras utilized throughout the District. Specifically, as illustrated in Chart 1-3, below, the total number of District security cameras increased from 187 cameras in 2010, up to 267 and 421 cameras in 2011 and 2012 respectively, and now includes a total of 444 security cameras.

Chart 1-3: *Number of Security Cameras in District Buildings*

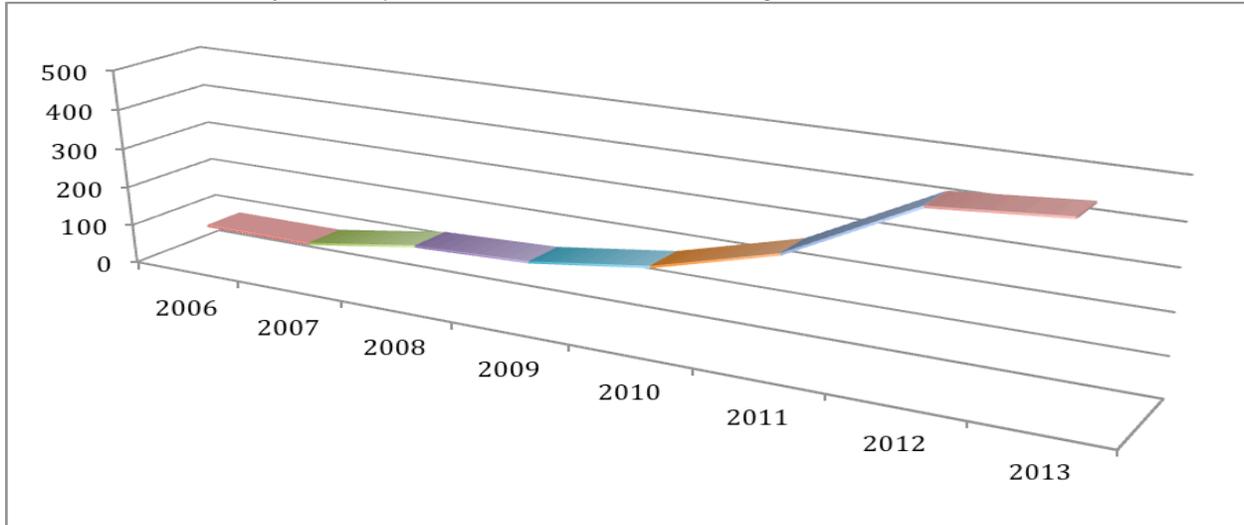
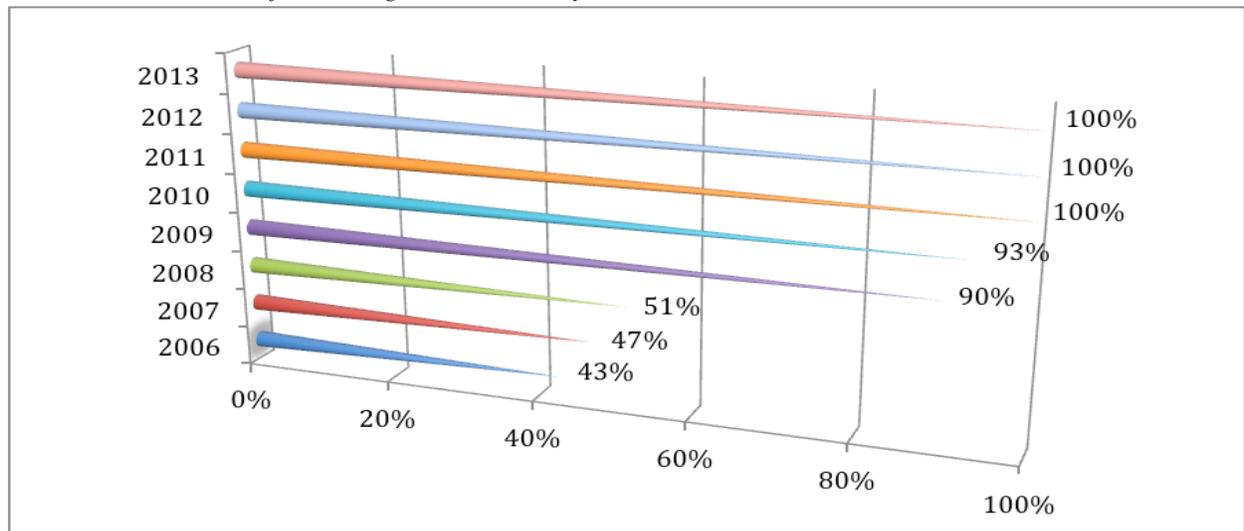


Table 1: *District Security Camera Statistics*

	2006	2007	2008	2009	2010	2011	2012	2013
# of Security Cameras	96	96	138	148	187	267	421	444
# DMPS Buildings with Security Cameras	17	17	37	37	39	44	44	44
% Buildings with at Least One Security Camera	23%	24%	51%	50%	56%	64%	64%	64%

In addition to placing security cameras at 64% of the buildings and increasing the number of District security cameras by nearly 150% between 2010 and 2013, the District has also placed security card access units in 100% of its buildings. As illustrated by Chart 2-1, below, the District had security access units in only 43% of its buildings in 2006.

Chart 2-1: *Percent of Buildings with Security Card Access*



Moreover, as illustrated in Chart 2-2, below, although the District has had security card access in 100% of its buildings for several years, the District continues to add security card access points throughout its buildings.

Chart 2-2: *Number of District Security Card Access Points*

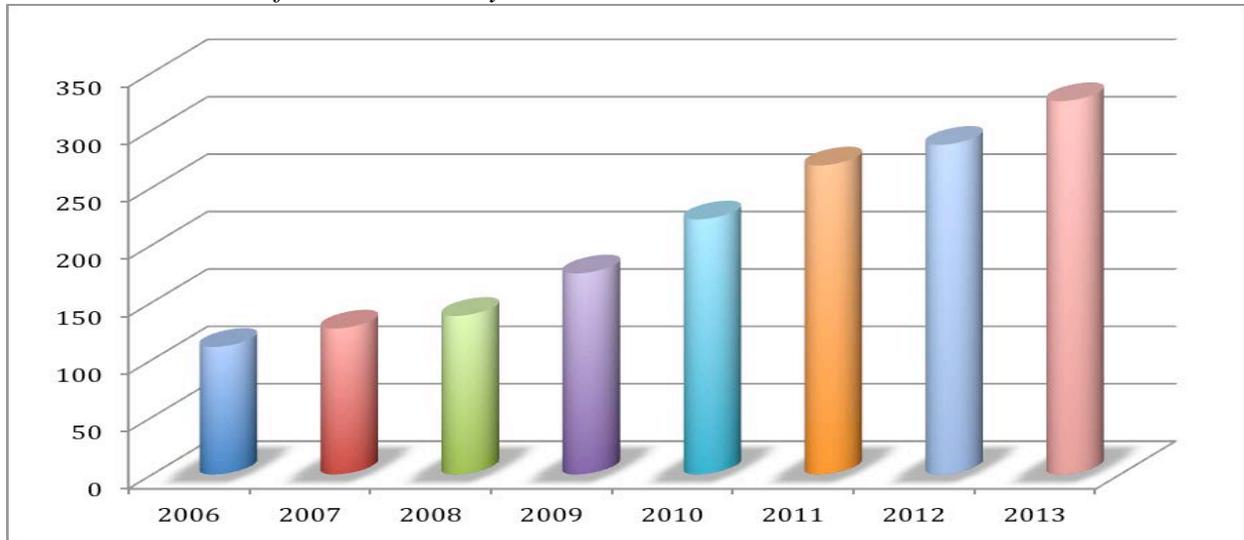


Table 2: *Security Card Access Statistics*

	2006	2007	2008	2009	2010	2011	2012	2013
% of DMPS Buildings with Access	43%	47%	51%	90%	93%	100%	100%	100%
# of Access Card Units	111	127	138	175	222	269	287	325

C. TESTING AND PHYSICALS

According to Carol Greta, Attorney with the Iowa Department of Education, Iowa Code § 281 IAC 12.4(14), was rescinded effective March 28, 2012. As such, the requirement of a staff pre-service physical examination is no longer a District accreditation requirement. Although the accreditation requirements have been modified, administrators and supervisors will continue to work with staff to make sure that all staff members can perform the duties assigned to them.

Pursuant to the Iowa Code, District bus drivers are required to complete a physical every two years. The District complies with this requirement.

Pursuant to the Iowa Code, insulin-dependent drivers must have an annual physical. The District complies with this requirement.

The District requires pre-employment physicals for all new employees prior to their beginning employment with the District. The District complies with this requirement.

Furthermore, employees holding a commercial driver’s license (hereinafter, referred to as a “CDL”) are subject to random drug testing. For employees holding a CDL, the Iowa Department of Transportation (hereinafter, the “DOT”) requires 10% of employees to receive random alcohol testing and 25% of employees to receive random drug testing. This requirement applies primarily to bus drivers. However, it can also apply to food service, crafts, and warehouse employees who operate a vehicle as part of their job duties. The District works with an outside vendor to ensure all pre-employment testing is complete and to ensure it tests adequate numbers of CDL employees on a random basis. The District complies with DOT requirements in testing its CDL drivers.

In addition, the District performs post-accident testing on any bus driver who is involved in a motor vehicle accident that the District considers “preventable.” During FY12, there were 4 accidents involving District buses. Each of the four accidents was considered “preventable,” and the driver received a post-accident drug and alcohol test. In each of the four testing situations, the tests produced a negative result.

The results of the District’s pre-employment and post employment drug and alcohol testing for FY12 are summarized in the following table:

Table 3: *Employee Drug and Alcohol Testing Results*

	Pre-employment	Random Drug	Random Alcohol	Post Accident	Reasonable Suspicion
	Tests	Tests	Tests	Tests	Tests
FY12	61	85	22	4	1
FY11	39	92	28	4	2

Finally, the District utilizes a physical examination process for prospective staff that it will hire into certain positions. Physical Capacity Profile (hereinafter referred to as “PCP”) testing is administered by the Occupational Performance Corporation utilizing various Iowa Health locations throughout the Des Moines area. PCP testing allows HR staff to place employees in appropriate jobs to minimize the potential for workers compensation injuries. In addition, PCP testing documents each employee’s baseline physical capacity and impairments prior to employment. Based on the level of exertion required to perform the necessary functions of a particular job and the frequency at which those occur (i.e., occasionally, frequently, or constantly), positions are rated between Levels one through five. Table 4, below, examines the Levels the District utilizes for selected positions as well as testing results. It should be noted that the Bus Associates PCP Level was reduced to “3” during FY12 due to staffing difficulties.

Table 4: *PCP Testing Levels and Results*

	Level	Pass	Fail	Total	Percentage Passed
Males	-	54	3	57	94.7%
Females	-	58	27	85	68.2%

Bus Associates	3	3	0	3	100%
Bus Associates	4	5	6	11	45.5%
Bus Drivers	4	25	11	36	69.4%
Central Stores – Class 1	4	1	0	1	100%
Custodians	4	16	3	19	84.2%
Food Service	3	55	10	65	84.6%
Food Service Driver	4	1	0	1	100%
Lead Security	3	1	0	1	100%
Operations Pool Class 1 – 3	4	5	0	5	100%
Total		112	30	142	78.9%

D. EMPLOYEE SAFETY TRAINING

Upon initial employment, District employees are provided training in Universal Precautions/Blood Borne pathogens. Building school nurses also provide an annual review. In addition, a more in-depth training on blood borne pathogens is available online through Heartland AEA.

Certified staff must complete Mandatory Reporters training through a provider approved by the Department of Education. Training must be received within 6 months of employment and every 5 years thereafter. Access to the training is provided online through Heartland AEA. Preschool nurses and staff are required to be certified in First Aid and CPR. Recertification is required every 2 years and training is provided by school nurses who are certified instructors. Beginning last school year and continuing into this school year, the District has partnered with Community Education to provide CPR and First Aid training to any staff who would like this training.

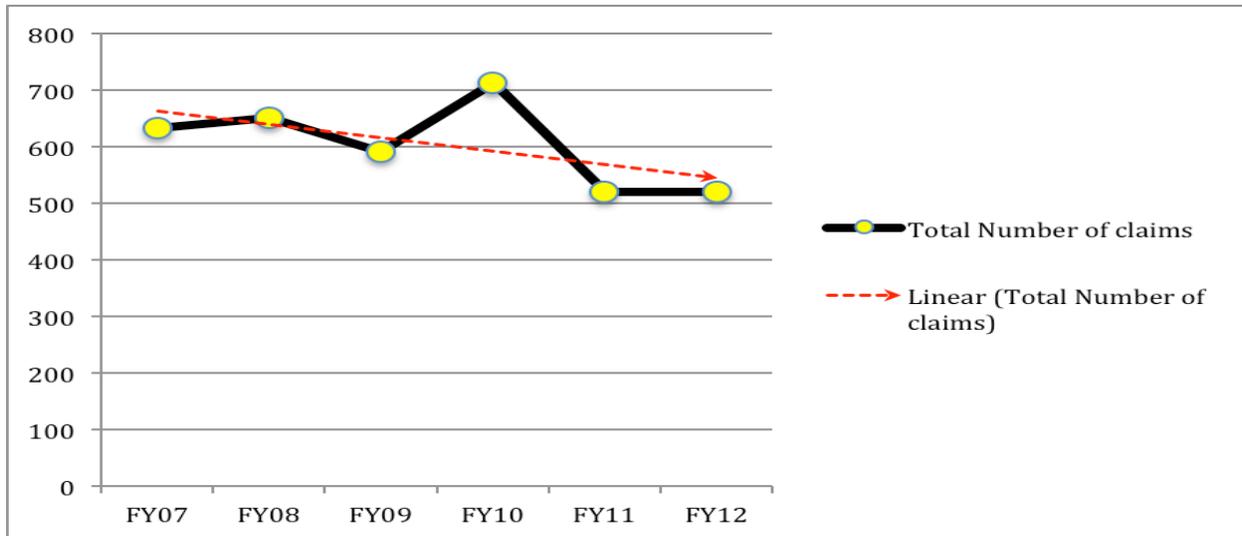
In addition, school personnel who have been designated by the school nurse to administer medication receive Medication Administration Training. The District provides training to employees upon the initial position placement and every five years thereafter. The building school nurse provides an annual review. Training certificates are maintained in the medication log at each building and in the employee’s HR file. During nurses’ performance reviews, Jean Phillips and Marci Cordaro, Health Services Supervisor, verified that records and certifications were current. Therefore, the District is in compliance with these trainings and certifications.

E. WORKERS COMPENSATION CLAIMS

The November 2, 2010 Monitoring Report indicated that, according to the District’s Risk Manager and the District’s Worker’s Compensation Insurance carrier, for the fiscal year 2010, the District performed “better than the average Iowa school district” in terms of its workers compensation claims. As noted in the October 4, 2011 Monitoring Report, the District made significant progress in

FY11 by reducing its workers compensation claims by 27%. As illustrated in Chart 6-1, below, the District mirrored its FY11 successes and experienced an identical number of reported workers compensation claims (520) for FY12.

Chart 3-1: *Workers Compensation Claims Reported*



In addition, as illustrated in Table 5-1, the District's FY12 workers compensation claims data, when desegregated according to nine general District employee groups, demonstrates all of the employee groups performed better than their average claims experience from the previous five fiscal years.

Table 5-1: *FY12 Claims Compared to 5-Year Average*

Employee Group	FY07	FY08	FY09	FY10	FY11	FY12	5-Yr. Average	FY12 +/- Ave.
Administrators	11	7	14	16	12	9	12	-3
Associates	102	123	129	180	109	117	128.6	-11.6
Clerical	17	10	5	10	7	5	9.8	-4.8
Food Service	87	78	70	81	71	70	77.4	-7.4
Facil./Ops./Craft/Secur.	89	92	82	103	77	59	88.6	-29.6
Teachers	242	265	218	231	178	218	226.8	-8.8
Transportation	43	47	45	51	26	25	42.4	-17.4
Para Professionals	25	14	10	9	17	6	15	-9
Other	17	16	18	32	23	11	21.2	-10.2
Total:	633	652	591	713	520	520	621.8	-101.8

However, although the District's six-year trend line shows a clear reduction in the number of workers compensation claims reported, the District has experienced a slight uptick in the number of workers compensation claims resulting in lost time from work. This is illustrated in Charts 3-2 and 3-3, below.

Chart 3-2: Workers Compensation Claims Resulting in Lost Time

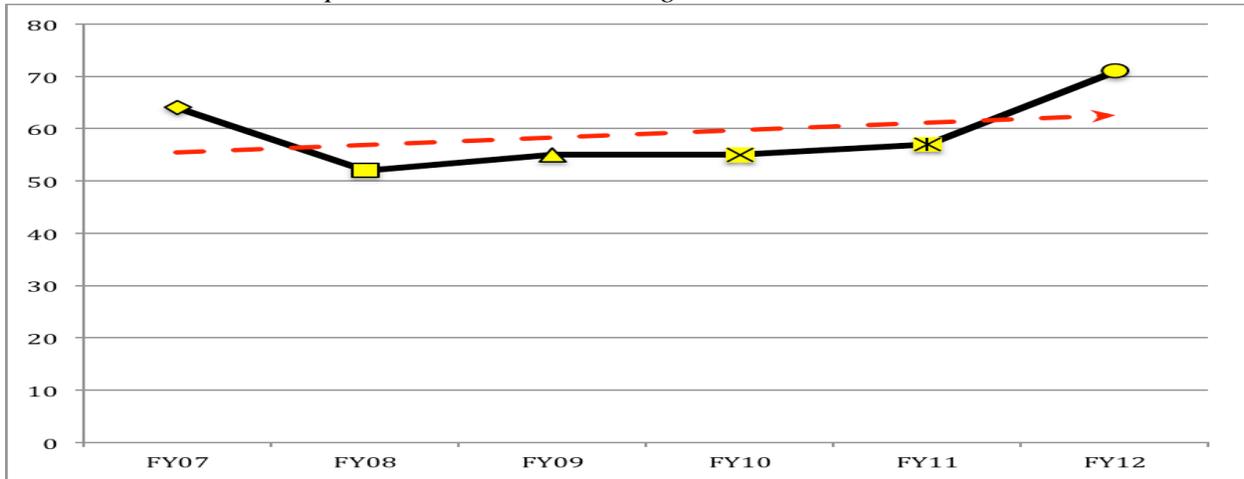


Chart 3-3: Workers Compensation Claims Resulting in Lost Time As a Percentage of Total Claims Reported

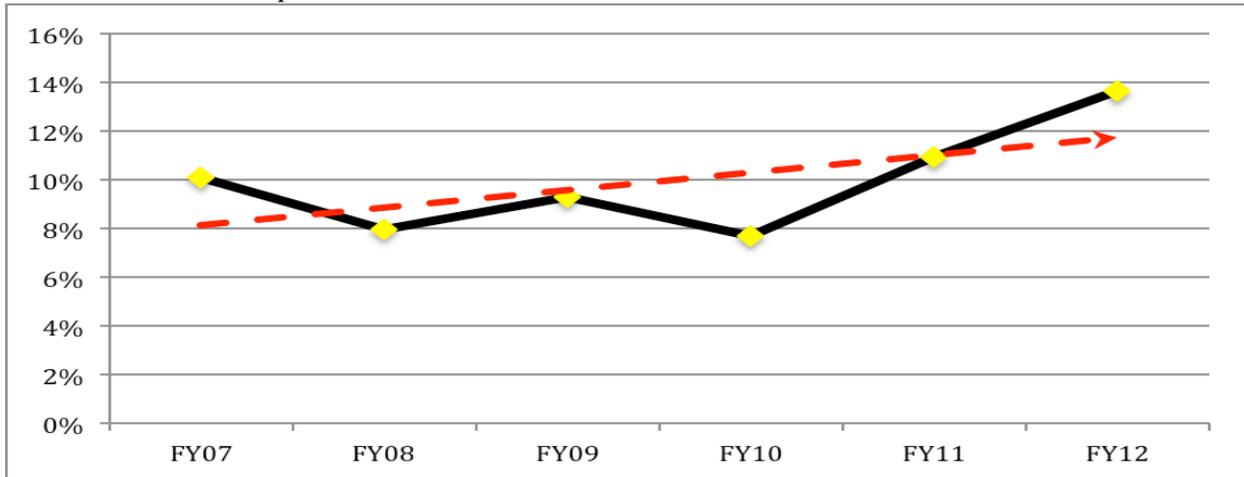


Table 5-2: Work Comp. Claims Data

	FY07	FY08	FY09	FY10	FY11	FY12
Total claims reported	633	652	591	713	520	520
Claims resulting in lost time	64	52	55	55	57	71
Percent claims resulting in lost time	10%	8%	9%	8%	11%	14%

CONCLUSION:

I REPORT COMPLIANCE

COMPLIANCE ANALYSIS – UNFAIR OR UNPROFESSIONAL CONDITIONS

A. GRIEVANCES

By its very nature, a grievance is an assertion by an employee that they have been treated “unfairly” when compared to their interpretation of their relevant Comprehensive Agreement or when compared to their perception of how the District has treated similarly situated employees in the past, i.e., “past practice.”

As illustrated in Table 6, the District’s DMEA grievance experience in FY12 was identical to its experience in FY11 and a typical value, when considering the five-year DMEA average is 1.6 grievances. Regarding AFSCME grievances, however, the District’s FY12 experience was higher than FY11. However, the FY12 grievance figure was only slightly higher than the experience in FY10 and FY07. In addition, the FY12 grievance experience included a total of seven grievances that were filed separately and later withdrawn/consolidated. Given these seven, the District’s FY12 grievance experience, 19, was nearly identical to the District’s five-year average of 18 grievances.

Table 6: Summary of Grievances Filed

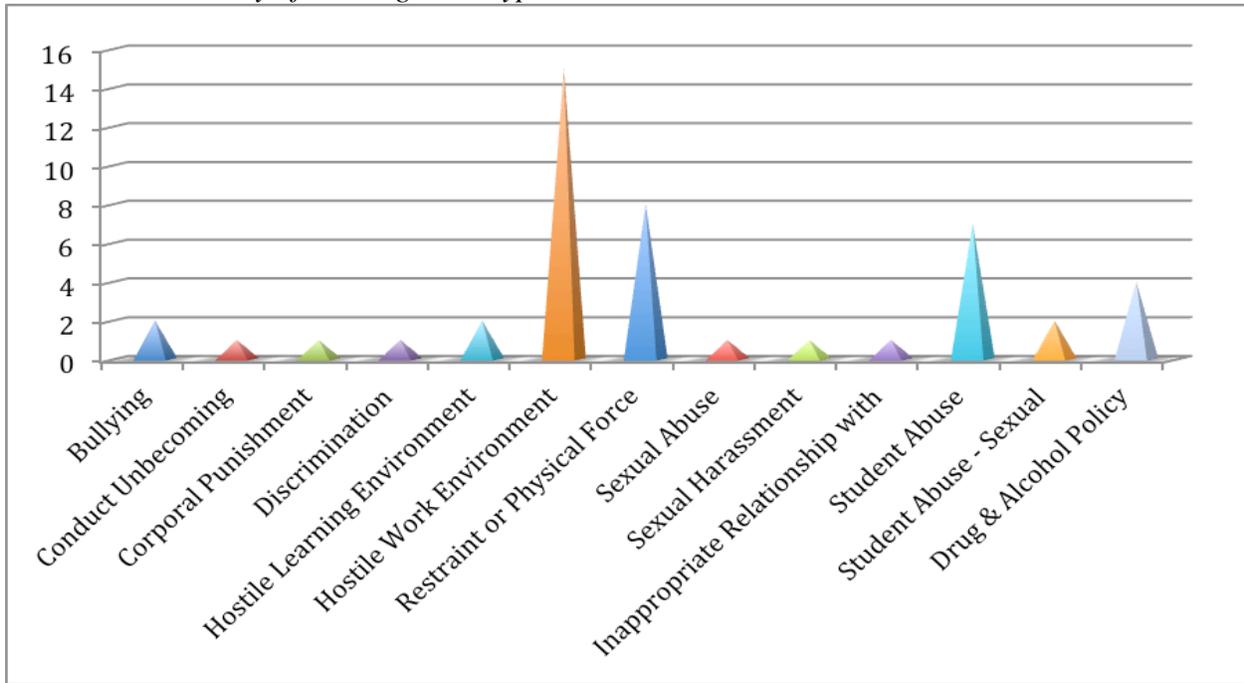
Union	FY07	FY08	FY09	FY10	FY11	FY12
Des Moines Education Association (DMEA)	0	3	2	1	2	2
American Federation of State, County and Municipal Employees (AFSCME)	23	14	14	22	16	26

B. COMPLAINTS

Generally, a “complaint” is a student or employee’s allegation of mistreatment by a member of the District’s staff or an allegation that a member of the District’s staff has violated one of the District’s policies. During the first half of the 2012 fiscal year, the District employed one internal investigator. The District added a second investigator during the second half of FY12.

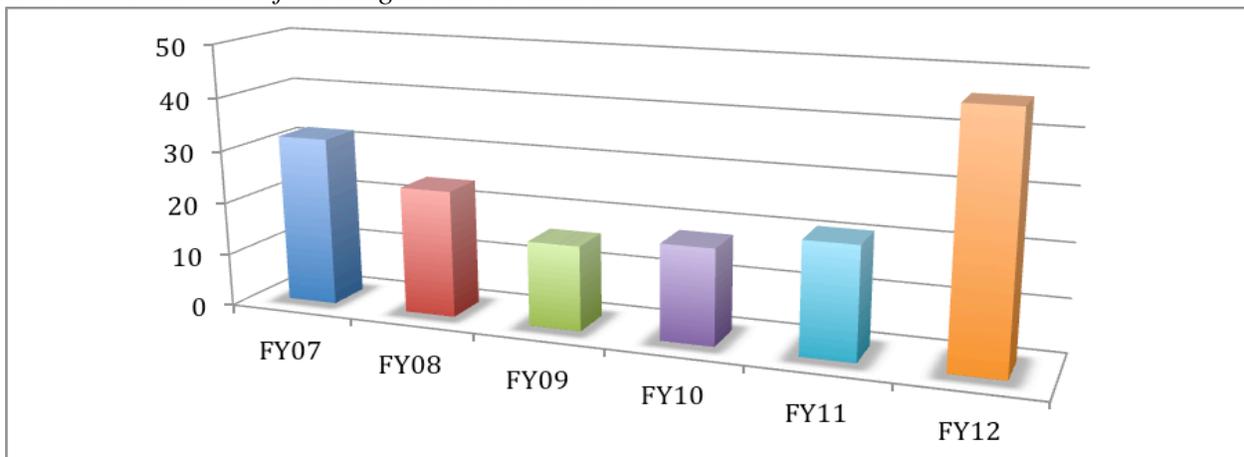
In prior Monitoring Reports, complaint data has been classified according to five broad categories. However, for purposes of this, and future, Monitoring Reports, complaint data has been categorized on a more robust basis, allowing for additional granularity regarding the underlying complaint. As illustrated in Chart 4-1, complaints have been categorized according to 13 specific categories.

Chart 4-1: *Summary of Investigation Types*



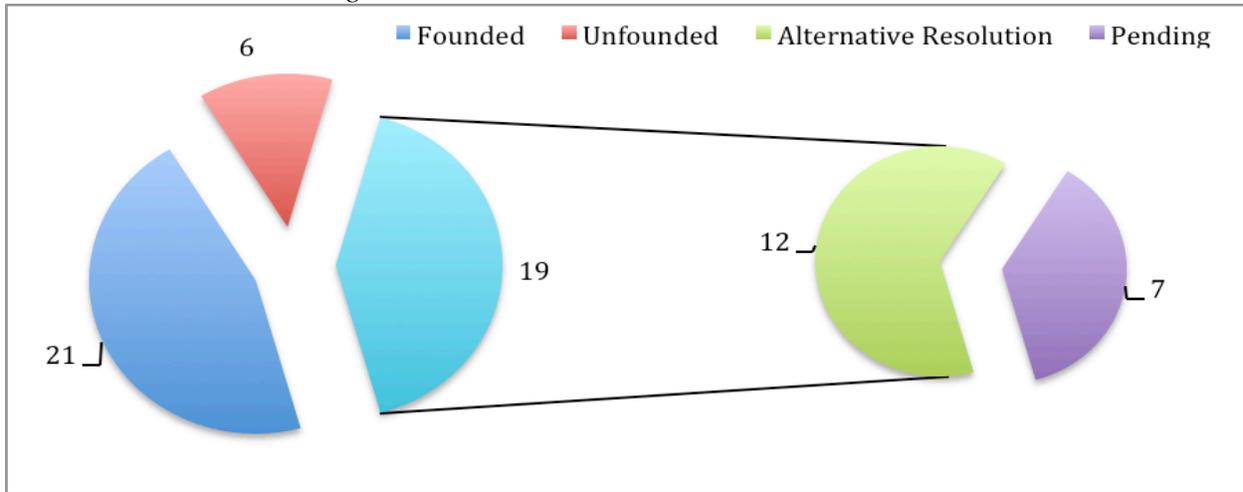
Due to the addition of a second internal investigator for the latter half of FY12, the District’s internal investigators were able to accept and investigate a significantly higher number of complaints. This is illustrated in Chart 4-2.

Chart 4-2: *Number of Investigations Conducted*



The outcomes for the District’s 46 internal investigations during FY12 are summarized in Chart 4-3, below.

Chart 4-3: *Internal Investigation Determinations*



C. STAFF PERCEPTION – EXIT SURVEY

During the final two weeks of May, the District requested that employees leaving the District due to retirement or resignation take the time to complete an “Employee Exit Evaluation” survey. The District received 84 responses, which is nearly identical to the 83 responses received for FY11.

Overall, 60% of respondents strongly agreed or agreed the District treated them fairly. Contrast this to the 18% of respondents who disagreed or strongly disagreed that the District treated them fairly.

In addition, 66% of respondents agreed or strongly agreed the District provided them with a fair salary for their work. Contrast this to the 24% of respondents who disagreed or strongly disagreed the District provided them with a fair salary.

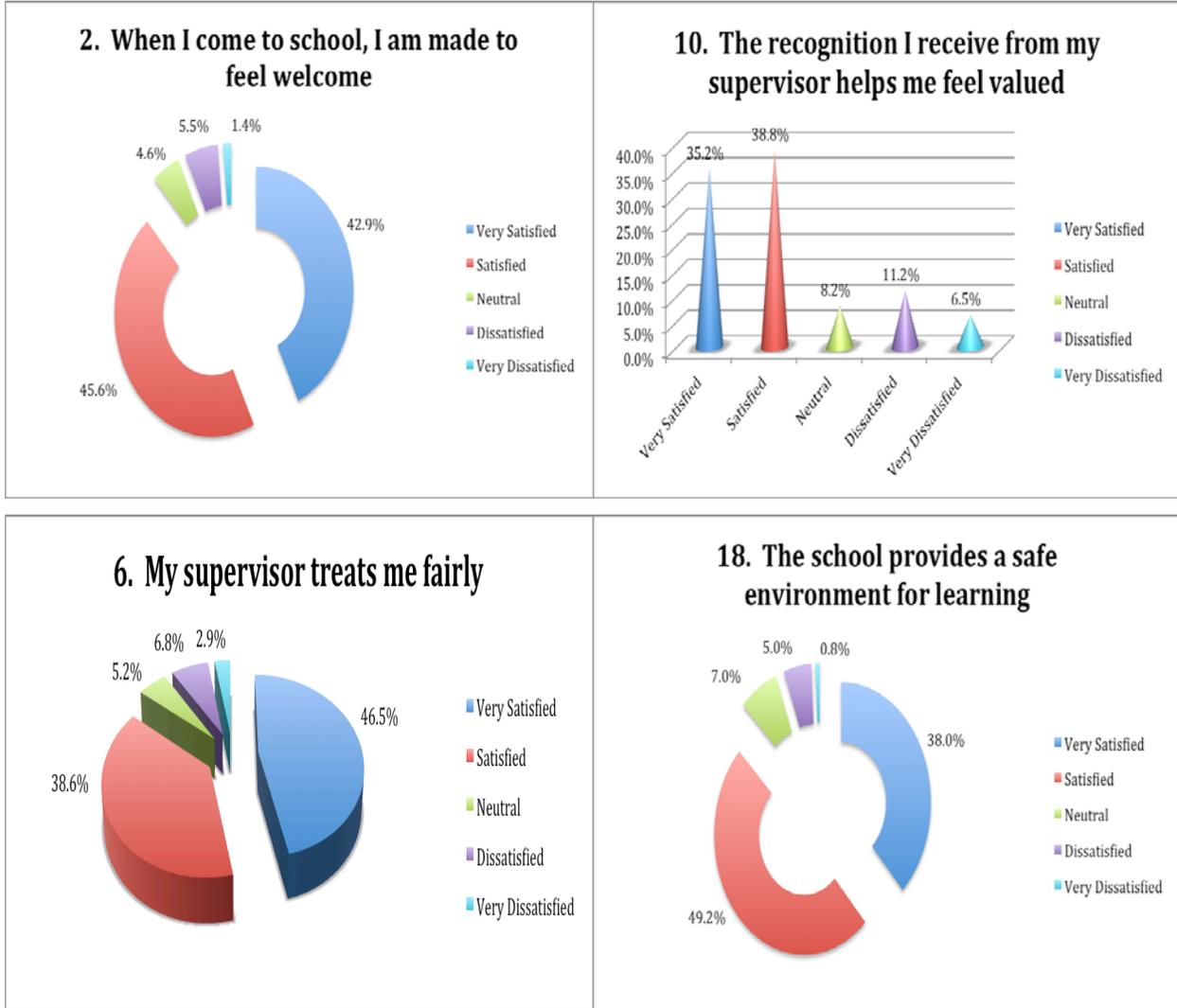
Finally, 89% of respondents agreed or strongly agreed the District provided them with a fair benefit package. Contrast this to the 7% of respondents who disagreed or strongly disagreed the District provided them with a fair benefit package.

Table 7: *Exit Survey Results Relevant to “Fair” Treatment – FY12 Results*

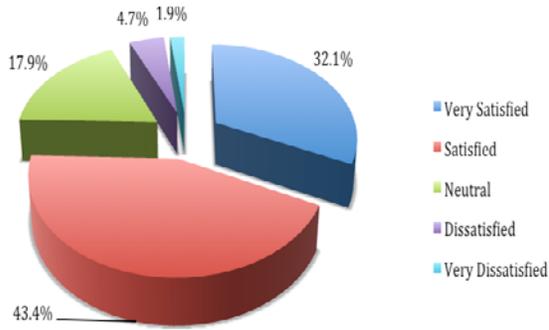
Survey Question:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I feel that I was treated fairly by the District	23%	37%	23%	14%	4%
Salary received was fair for the work required	23%	43%	11%	19%	5%
Benefit package I received was adequate	51%	38%	4%	7%	0%

D. STAFF PERCEPTION – EMPLOYEE SURVEY

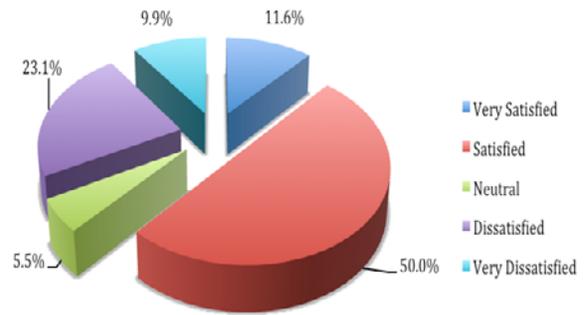
In addition, the District sent an employee survey to all staff to gauge their satisfaction regarding a number of issues. In total, the District received 1808 responses. The results from the survey are summarized in the following charts.



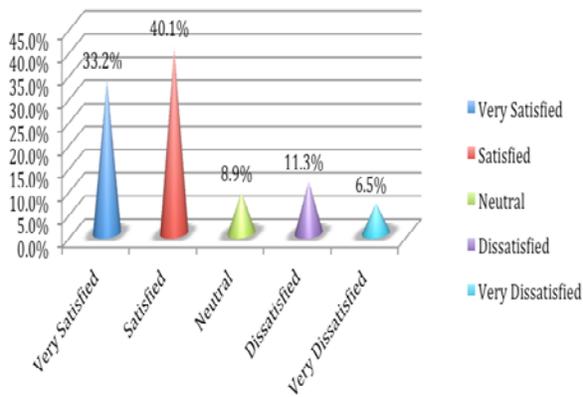
20. The school uses equal opportunities for employment opportunities



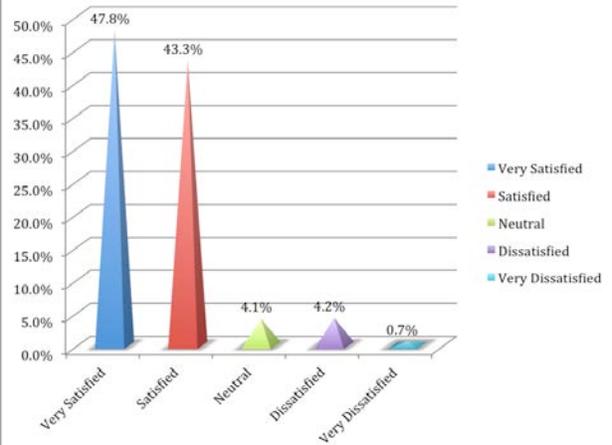
41. The workload expected of me at school is manageable



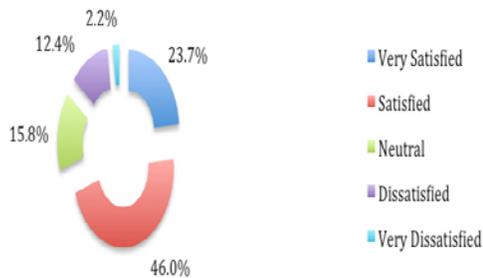
24. I trust the school leadership



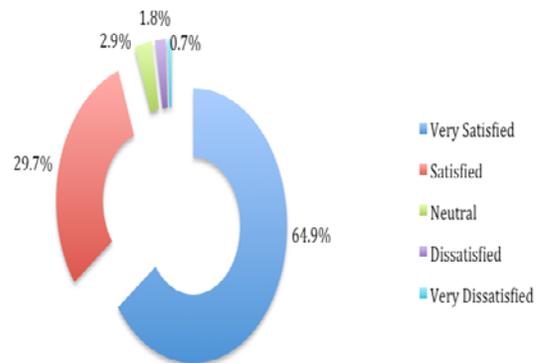
42. I feel safe at school



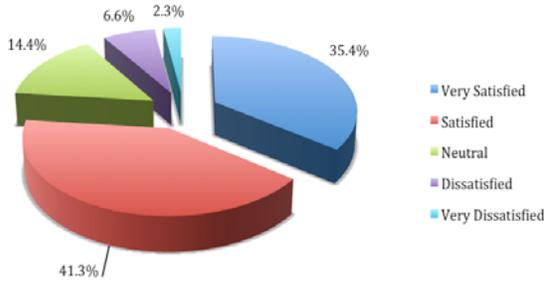
34. Implementation of the school's goals and objectives is moving the District toward closing the achievement gap for all students



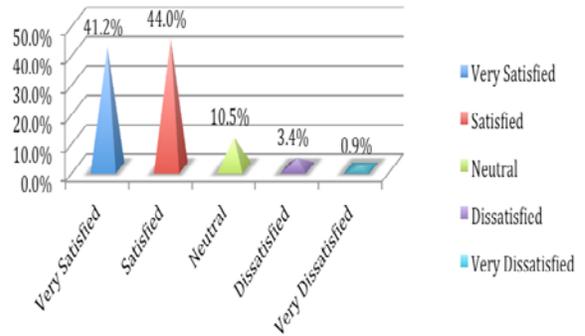
43. I see my job as important



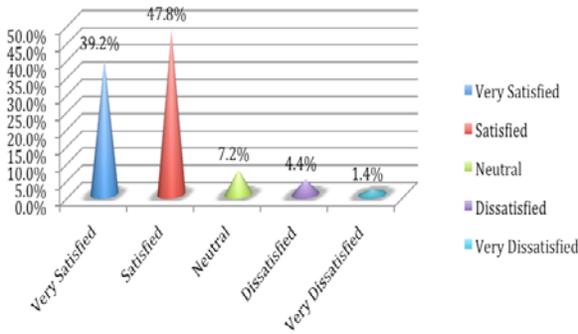
48. The evaluation process at my school is fair



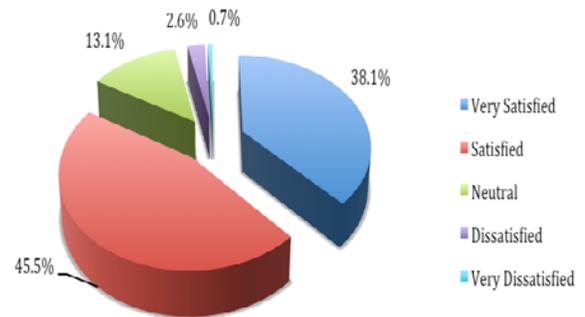
55. School opportunities are equitable based on gender



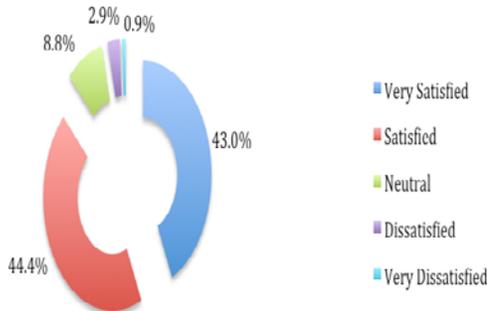
53. The school respects individual cultural beliefs, values, celebrations, holidays, etc.



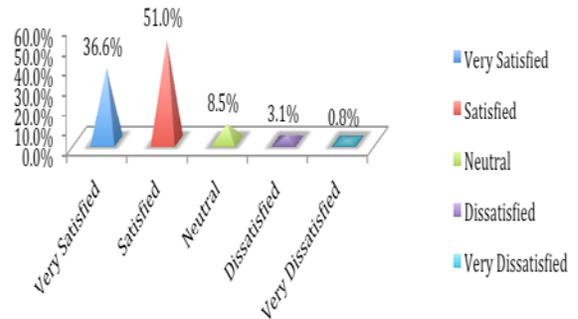
56. School opportunities are equitable based on disability



54. School opportunities are equitable regardless of ethnicity



63. The school supports initiatives on cultural diversity



E. INSTRUCTIONAL STAFFING FORMULA

During FY12, the District implemented a staffing formula for its elementary, middle school, and high school buildings. The purposes of utilizing a staffing formula to determine individual building staffing levels included:

1. To create general fund equity and sustainability.
2. To increase site based autonomy.
3. To provide consistent “base level” staffing in all schools.
4. To improve transparency.

The staffing formula for elementary schools was based on individual building factors such as total enrollment, number of students considered English language learners, and the percentage of students receiving free and reduced lunch. Based on these general factors, the staffing formula calculated a FTE staff allocation for each building.

At the elementary level, in additional to the FTE staff allocation, above, the staffing formula added additional FTE staff for specific positions. The purpose of this was to ensure certain services were provided to students. For example, additional Counselors, Library Associates, Building Associates, Deans, or Instructional Coaches were provided each building. The FTE allowed for these positions was based on each building’s student enrollment. For example, only those buildings with more than 400 students received an additional 1.0 FTE for a building associate and an additional 1.0 FTE for a Dean.

At the secondary level, allowable FTE was calculated based on enrollment to arrive at each building’s allowable FTE for staff. Principals were then given the autonomy to staff their building according to their needs using FTE ratios for various positions. For example, the staffing formula assigned a teaching position with a ratio of 1.0 FTE. On the other hand, for example, a vice principal position at the high school level was assigned 1.8 FTE, a school improvement leader was assigned 1.4 FTE, and an office manager position was assigned 0.6 FTE.

F. STAFF WAGE & COMPENSATION SETTLEMENTS

Negotiations conducted during the spring of FY12 resulted in the following total compensation settlements.

AFSCME - Operations	4.27%
AFSCME - Food Service	5.13%
AFSCME - Child Care	3.93%
DMEA - Associates	4.93%
DMEA - Secretaries	4.11%
DMEA - Teachers	3.95%
Food Service Managers	4.11%
Child Care Team Leaders	4.11%
Para-Professionals	4.11%
Specialists	3.95%
Administrators	3.60%

CONCLUSION

I REPORT COMPLIANCE

II. Accordingly, pertaining to **staff**, [the Superintendent] shall not:

Operate without a **written personnel manual, approved by legal counsel**, which clarifies personnel rules for **employees**, provides for **effective and timely** handling of **complaints** and **grievances**, and protects against **wrongful conditions**.

SUPERINTENDENTS INTERPRETATION:

- A. **Staff** – I interpret “*staff*” to have the same meaning as “*employees*,” as defined in Section I, Paragraph A.
- B. **Written Personnel Manual** – I interpret “*written personnel manual*” to mean the District Employee Handbook and all negotiated collective bargaining agreements (hereinafter referred to as the “Comprehensive Agreements”).
- C. **Approved by Legal Counsel** – I interpret “*approved by legal counsel*” to mean reviewed and approved by an attorney knowledgeable in Employment Law.
- D. **Employees** – I interpret “*employees*” to have the same meaning as “employees,” as defined in Section I, Paragraph A.
- E. **Effective and Timely** – I interpret “*effective and timely*” to mean the agreed timelines and procedures for handling grievances and complaints are followed as outlined in the Comprehensive Agreements and the District Handbook.

- F. **Complaints** – I interpret “complaints” to mean a claim filed by an employee asserting they were mistreated by another employee. The employee may file the claim internally and the District will investigate the allegations to determine their validity or the employee may file the claim with an external Civil Rights Agency.
- G. **Grievances** – I interpret “grievances” to mean a claim filed by an employee who is recognized under a Comprehensive Agreement where the employee asserts that the District’s actions or omissions are contrary to the terms set forth in a specific Article of the Comprehensive Agreement or where the employee asserts that the District’s actions or omissions are contrary to an alleged past practice.
- H. **Wrongful Conditions** – I interpret “*wrongful conditions*” to have the same meaning as “*unfair*” or “*unprofessional*” as interpreted in Section I, Paragraphs C and D.

DATA REPORTED:

- A. The District’s Employee Handbook was reviewed and revised by the Executive Director for Human Resources with assistance from the employee benefits director and payroll supervisor.
- B. The Executive Director for Human Resources reviewed and revised each of the various Comprehensive Agreements that were up for negotiations according to the tentative agreements reached with each of the respective labor unions.
- C. Various Articles within each of the District’s Comprehensive Agreements as well as the District’s Employee Handbook serve to “clarify personnel rules for employees, provide for effective and timely handling of complaints and grievances, and protect against wrongful conditions” as defined above.
- D. In August 2012, the District distributed to staff a revised Employee Handbook. Supervisors are collecting signed statements from each employee indicating that the District provided them with a copy of the Handbook. Each employee’s administrator maintains the signed statements for a term of three years and must be able to provide the signed statements as required during records audits.
- E. The District provides each teacher working under the Alternative Teacher contract with a copy of the Alternative Teacher Contract Handbook. Each teacher working under this Contract has signed an acknowledgement of their agreement to perform the duties of the alternative contract as well as an acknowledgement of their receipt of the Alternative Contract Handbook.
- F. Finally, all policies, handbooks, and comprehensive agreements are available to staff and the public through the District’s website or through SharePoint.

CONCLUSION:

I REPORT COMPLIANCE

III. Accordingly, pertaining to staff, [the Superintendent] shall not:

Retaliate against an **employee** for reporting to **management** or to the **Board of Directors** acts or omissions by **personnel**, management, or the Board of Directors that the employee believes, in good faith and based on **credible information**, constitutes a violation of state or federal law or a governing policy of the Board.

SUPERINTENDENTS INTERPRETATION:

- A. **Retaliate** – I interpret “*retaliate*” to mean threats of dismissal, unwarranted discipline, or other actions which are reasonably intended to be punitive in nature such as transfer, demotion, reduction in compensation, or modification of job responsibilities.
- B. **Employee** – I interpret “*employee*” to have the same meaning as previously defined in Section I, Paragraph A.
- C. **Personnel** – I interpret “*personnel*” to have the same meaning as “*staff*” and “*employee*” as previously defined in Section I, Paragraph A.
- D. **Credible Information** – I interpret “*credible information*” to be information that can be substantiated by relevant and verifiable documentation or eye witness reports.

DATA REPORTED:

For the 2011-2012 fiscal year, no such formal complaint of retaliation has been filed.

CONCLUSION:

I REPORT COMPLIANCE

IV. Accordingly, pertaining to staff, [the Superintendent] shall not:

Prevent **staff** from appealing a complaint to the Board when (1) **all internal complaint procedures** have been exhausted and (2) the employee provides a **substantive and credible** allegation that Board policy has been violated. This policy does not apply to grievances as contemplated under the respective collective bargaining agreements governing the Des Moines Education Association union and the American Federation of State, County and Municipal Employees union as grievances under those contracts follow contractual provisions and state law.

SUPERINTENDENT’S INTERPRETATION:

- A. **Staff** – For purposes of this Section, I interpret “*staff*” to mean employees that are not covered by a negotiated comprehensive agreement. This would include Administrators, Specialist and some paraprofessionals.
- B. **All Internal Complaint Procedures** – I interpret “*all internal complaint procedures*” to mean those outlined in the employee’s District Employee Handbook.
- C. **Substantive and Credible Allegation** – I interpret “*substantive and credible allegation*” to mean a statement or declaration made by a staff member that contains a sufficient and substantial quantity of truthfulness or believability to warrant additional consideration by the Board.

DATA REPORTED:

No staff member of the District, as defined in this section, has sought to appeal a complaint to the Board for the period of time covered by this report.

CONCLUSION:

I REPORT COMPLIANCE

- V. Accordingly, pertaining to staff, [the Superintendent] shall not:

Fail to **acquaint staff** with this policy, and the Superintendent’s interpretations of their protections under this policy.

SUPERINTENDENTS INTERPRETATION:

- A. **Acquaint** – I interpret “*acquaint*” to mean all staff and faculty members of the District will be notified of this policy *via District electronic mail*. Notification will include my interpretations of the policies and requirements within 2.2 as set forth in this Monitoring Report.
- B. **Staff** – Interpret “*staff*” to have the same meaning as “*employees*” as set forth in Section II, Paragraph A.

DATA REPORTED:

A copy of this Monitoring Report will be available employees who request it. In addition, a copy of this Monitoring Report will be available on the District’s website.

CONCLUSION:

I REPORT COMPLIANCE