

## MANAGEMENT LIMITATIONS

### 2.2: TREATMENT OF FACULTY/STAFF

I hereby present my internal monitoring report on the Treatment of Faculty and Staff Management Limitation 2.2 in accordance with the monitoring schedule as set forth in Board policy. I certify the information in this report to be true.

Signed:   
Superintendent

Date: October 2, 2009

#### **BROADEST POLICY INTERPRETATION:**

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

#### **SUPERINTENDENTS INTERPRETATION:**

I interpret "*employees*" to mean all district staff including full and part time, those individuals represented by bargaining agreements including Teachers, Associates, Clerical, Operations, Transportation, Food Service, Crafts and Child Care, and those that are under a District Employment Agreement including Administrators, Specialists and Paraprofessionals.

I interpret *unsafe* to mean situations or conditions where there is a substantial and unreasonable risk of harm and which could have been reasonably foreseen and prevented.

I interpret *unfair* to mean situations or conditions that are inequitable, unethical or wrongful.

I interpret *unprofessional* to mean behavior that negatively reflects on the individual or district, violates professional standards or ethical business practices as defined in the Asset Protection 2.4 Monitoring Report, is criminal in nature, or violates national, state or district policies.

#### **DATA REPORTED**

The following is an update on security and safety measures employed in our school district since our last report:

## **Employee Background Checks**

Employee Background Checks are conducted on all new employees. This includes inquiry regarding state and national criminal history through the Department of Criminal Investigation. We utilize a contracted service for a portion of our background checks. In the spring of 2009, the Des Moines Police Department trained Human Resource personnel in the appropriate process to follow in fingerprinting applicants for background checks. They authorized the District to work directly with the Department of Criminal Investigation (DCI) in obtaining information on potential new hires.

On April, 15, 2009 the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services (CJIS) Division, CJIS Audit Unit (CAU), conducted the Integrated Automated Fingerprint Identification System (IAFIS), noncriminal justice use of national criminal history record information (CHRI) audit. An administrative interview was conducted to review the statutory authority, fingerprint submission procedures, and policies for the use, dissemination, and security of any criminal history record information obtained for noncriminal justice purposes.

The Des Moines Public School District was reviewed with respect to the agency's authority to submit applicant fingerprints under the National Child Protection Act, as amended by the Volunteers for Children Act. Based on the evaluation of statutory authority, fingerprint submission procedures, and policies for the use, dissemination, and security of criminal history record information, the Des Moines Public School District was found in compliance with all federal requirements assessed during the audit.

## **Pre-employment Physicals**

Pre-employment physicals are required for all employees who begin employment with the District. 100% percent of our new employees complete a background check and physical prior to beginning their assignment.

Bus drivers are required to complete a physical every two years. We are 100% in compliance with this requirement. In addition, employees with commercial drivers license (CDL) are subject to random drug testing.

## **District Security Division**

Thirteen people are assigned to provide security twenty- four hours a day, seven days a week. The security force consists of a supervisor who also serves as district liaison with the Des Moines Police Department and the Juvenile Court System. We also employ a lead security person, 3 dispatchers and 8 staff who either monitor systems and/or serve on patrol.

The centralized security station is located at 901 Walnut Street. where district fire and security systems, closed circuit cameras, building management systems and building access is constantly being monitored.

## Incident Reports by Category for Calendar Year 2008

Category	Description	Incidents Reported
Criminal Mischief	Graffiti or damage to buildings and grounds	181
Fire Alarms	Not all were actual fires	156
Burglaries	Usually more than one person involved - 50% average on catching the intruders	40
Thefts	School property taken from outside of the buildings such as benches.	2
Building Security reports (BSR)	Windows and /or doors not properly secured	247
Other Incident Reports	Property damage, domestic disturbances, other incidents not included in previous categories	89

Secondary school campuses have, in addition to district security, a Des Moines Police Department Officer, known as an SRO (School Resource Officer), and campus monitors to assist in providing a safe environment.

There are 7 School Resource Officers (SRO) in our district. One is assigned to each comprehensive high school, 2 are assigned to work in and with our middle schools. In addition there is a Sergeant that oversees the team and also serves as additional support to buildings.

### **Employee Safety Training**

All employees are provided training in Mandatory Reporting and Universal Precautions/Blood Borne Pathogens. Nurses and staff in preschool child care settings are required to be certified in CPR and First Aid. Recertification is needed every two years. Training is provided by the school nurses who are certified instructors. We are in 100% compliance with these required trainings and certifications. Other on-going training includes, but is not limited to, Lock Out/Tag Out, Hazardous Waste, Medication Training and Reasonable Suspicion of Drug or Alcohol Abuse. Personal Protective Equipment (PPE) is provided to employees as individual job requirements dictate. Safety training is standard for any new piece of equipment for any department.

### **Operations Department Three-Year Plan**

Effective July 1, 2009, the Operations Department established an annual rotation of employee safety training to be implemented over the next three years. The plan outlines specific training areas that are required for each department based on a job assessment survey. Training has been scheduled on an annual basis or on a three-year rotation. There is some overlap of training between departments because of similar job responsibilities. Baseline data regarding this training will be presented in next year's monitoring report.

In July of 2008, the District was awarded a 2008 Readiness and Emergency Management for Schools (REMS) grant from the Federal Office of Safe and Drug Free Schools. REMS projects are designed to support the training of school staff who have responsibility for emergency management functions. The REMS grant requires training to be aligned with the procedures and processes defined in the federal government's National Incident Management System (NIMS).

The first DMPS REMS training activity was conducted in February of 2009. At this event 90 school administrators, faculty, and support staff that are involved with emergency management functions attended an in-service training session. The session was facilitated by the Polk County emergency management department. Additional training activities will be completed over the course of the REMS project, which will extend through December of 2010.

### **Workers Compensation Claims**

This chart provides data based on review of records for the number of injuries of DMPS employees resulting in workers compensation claims during the past three fiscal years.

**Data on Workers Compensation Claims by Fiscal Year**

Employee Group	FY07		FY08		FY09	
	# emp	% of total	# emp	% of total	# emp	% of total
Administrators	11	2%	7	1%	14	2%
Associates	102	16%	123	19%	129	22%
Clerical	17	3%	10	2%	5	1%
Food Service	87	14%	78	12%	70	12%
Facilities/Opers/Crafts/Security	87	14%	88	13%	82	14%
Security	2	0%	4	1%	0	0%
Teachers	242	38%	265	41%	218	37%
Transportation	43	7%	47	7%	45	8%
Para Professionals	25	4%	14	2%	10	2%
Other	17	3%	16	2%	18	3%

Total number of claims	633		652		591	
Claims resulting in lost time	61		51		45*	

*\*Please note that the number of lost time claims for the fiscal year of 2008-2009 may still increase as sometimes the time away from work lags behind the date of injury. For example, a shoulder injury in April of 2009 may not require surgery until October 2009. However, the claim would be counted in the fiscal year in which the injury occurred.*

In a review of our workers compensation data by both the District's Risk Manager and Jester Insurance Services, indication was made that the Des Moines Public Schools is doing better than the average school district in Iowa. This analysis is based on the relatively small number of lost time claims that we have had during the last three years. Due to the fact that we have had no claims exceed the self-insured retention for many years, the School District

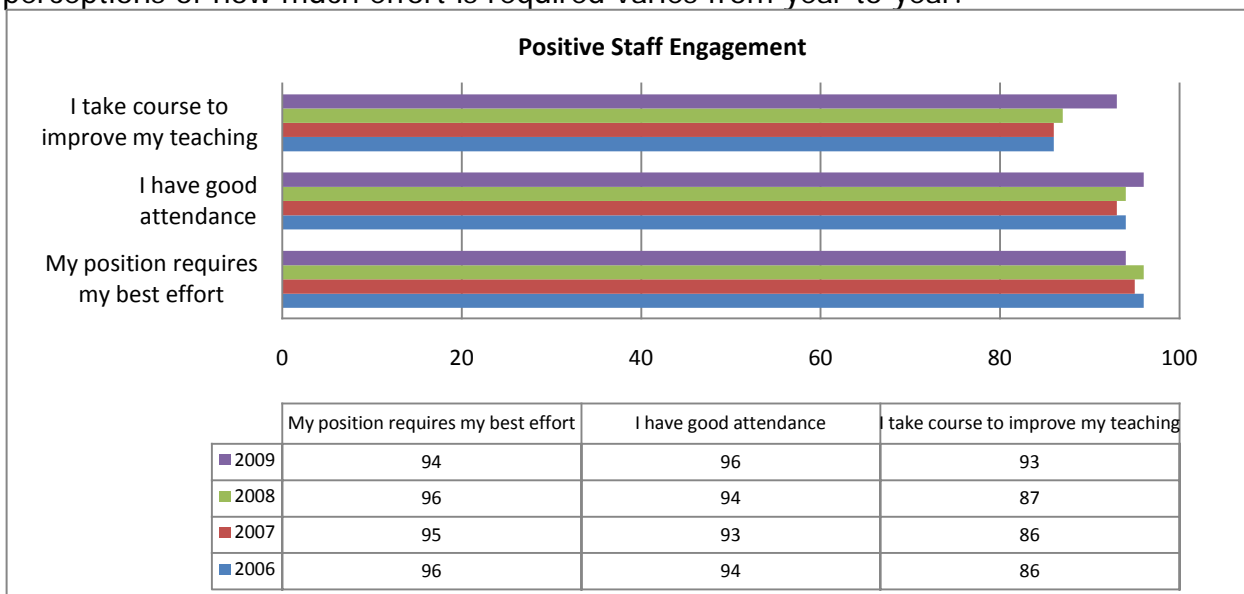
is considered excellent in comparison to most large governmental entities in that area as well.

### High School Staff Survey 2006 – 2009

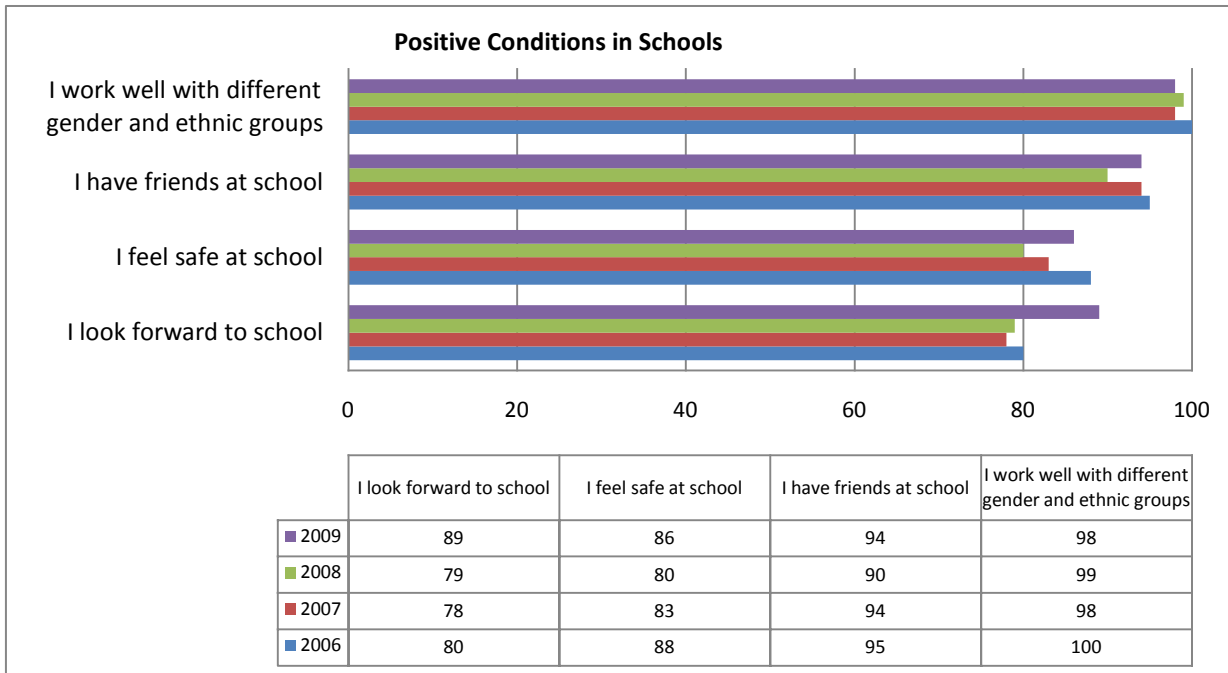
Each May, high school staff members (including teachers, nurses, and counselors) have been surveyed to measure rigor, relevance, and relationships in each of the five comprehensive high schools. The four-year trend data indicates that staff are positively engaged, find schools a good place to be, and feel valued by their administrators.

Actual participation by staff in the survey varies from year to year, but averages approximately 70% over the years indicated in the chart.

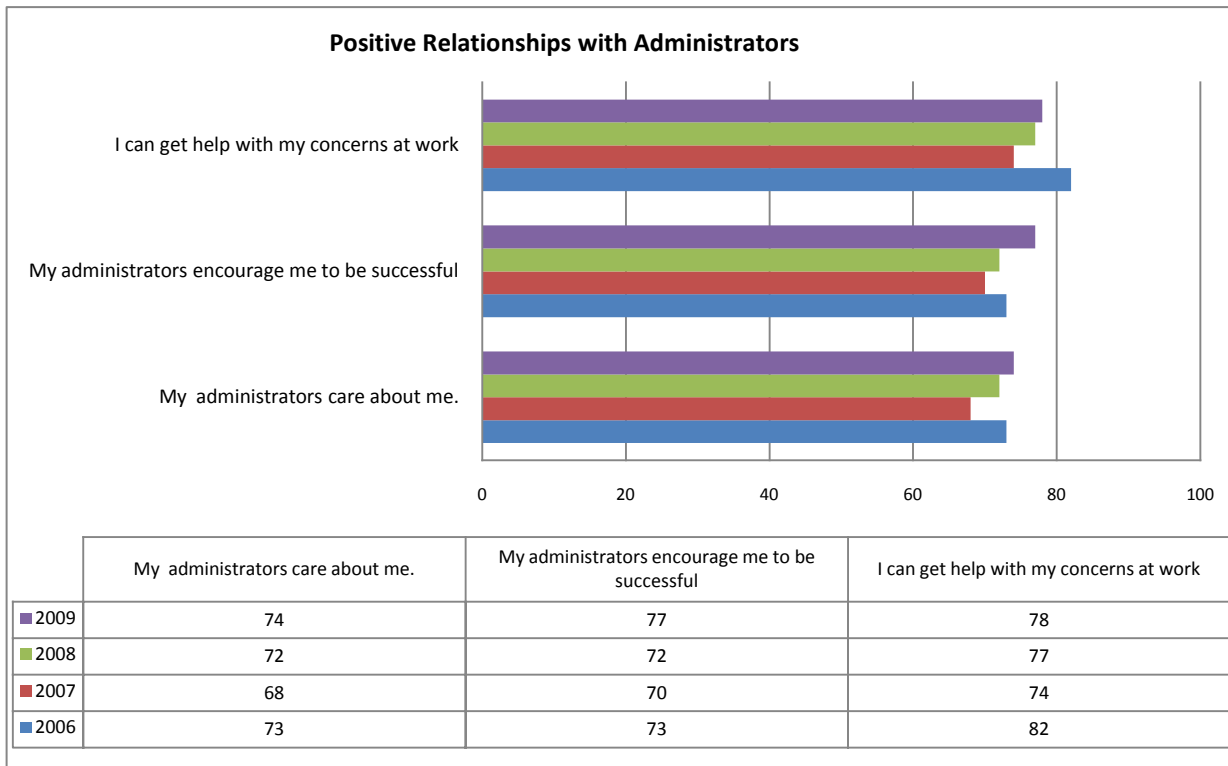
In 2009, staff indicated a growing interest in taking coursework to improve their instructional skills with a 6% increase. Attendance has improved over the past three years. The perceptions of how much effort is required varies from year to year.



Staff responses indicate a high rate of satisfaction about the climate and culture of our schools. A positive attribute of our education settings is the District’s diversity. Employees have friends at their school which appears to positively impact them as well. In the Spring of 2009, the survey indicated feelings of safety at school which had surpassed the last three years.



A clear majority of staff feel their administrators care about them and want them to be successful. Responses to the statement “I can get help with my concerns at work” may or may not have been directly connected with administrators, however, all three questions were asked consecutively.



## **Timeline for Future Surveys**

Future plans are to administer the survey in the Fall of 2009 to middle schools, in the Spring of 2010 to high schools (and repeat annually), and in the Fall of 2010 to elementary schools.

We will be working to develop a similar survey for the departments by Spring 2011.

## **Employee Recognition**

The Employee Recognition Committee has implemented three recognition programs during the past four years. The committee will continue to meet throughout the year to monitor feedback, meet recognition timelines and recommend any changes that will enhance the recognition of employees.

## **Years of Service**

During FY2008 and FY2009, employees received recognition for their years of service with the Des Moines Public Schools. Employees were given certificates of appreciation, a letter from the Superintendent and an award based on their years with the District. Employees received a different award for completing one year of service and at every five year interval of continued service up to a total of fifty years. Employees with over forty years of service are invited to a special recognition luncheon with the Superintendent and the Board President and they receive lapel pins designating the number of their years with DMPS.

In FY2008, there were fourteen employees with over forty years of service. In FY2009, there were seven employees with forty years of service and one employee with forty five years. Employee names are shown on Channel 12 and administrators are encouraged to plan staff meetings or other activities to recognize the employee's dedication to the District and the students they serve.

## **Perfect Attendance**

In FY2009 employees were recognized for perfect attendance from August 15 through May 31. Employee names are shown on Channel 12 and supervisors are given certificates to award employees before summer break. The District recognized 445 employees for perfect attendance.

## **Retirement Luncheon**

In May of each year, the District hosts a retirement luncheon where each employee receives recognition from their supervisor, a gold leaf apple paperweight, lunch and a photograph with the Superintendent. The Employee Recognition Committee will continue to monitor and implement recognition of employees.

## **I REPORT COMPLIANCE**

Accordingly, pertaining to staff, he/she shall not:

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

I interpret "staff" to mean "employees" as defined above.

I interpret "*a written personnel manual*" to mean the District Employee Handbook and all negotiated comprehensive agreements (contracts) .

I interpret *approved by legal counsel* to mean reviewed and approved by an attorney knowledgeable in Employment Law.

I interpret *provides for effective and timely* to mean the agreed timelines and procedures for handling grievances and complaints are followed as outlined in collective bargaining agreements and the District Handbook.

I interpret *wrongful conditions* to mean unfair or unprofessional as interpreted above.

#### **DATA REPORTED:**

The District's Employee Handbook with policies and procedures along with comprehensive agreements (contracts) were printed and distributed to all staff in August 2008. Employees were asked to sign a statement indicating that they had been given a copy and provided an opportunity for explanation of any statements or issues that were not clear.

Signed statements indicating receipt of the information remains on file with the appropriate administrator for 3 years. Administrators are expected to provide the signed copies as required during records audits. New hires are also given a copy of the Employee Handbook and any other job appropriate comprehensive agreements. In addition, they are given personal review of the appropriate agreements during new employee orientation.

All policies, handbooks and agreements are available for additional staff access on-line through the District's intranet website known as Share Point. Annual updates are provided to all staff.

#### **Grievances and Complaints**

Employees for each bargaining group, through their respective comprehensive agreements (contracts) are provided information regarding the process for the filing of grievances. A grievance is a claim filed made by an employee covered by a negotiated Comprehensive Agreement has reason to believe that some aspect of that contract has been violated.

Grievances that are handled outside of the timeline established by the Comprehensive Agreements of each respective bargaining unit were due to: scheduling issues, more

research needed, deadlines fell during a holiday, union request to review file(s) and/or district needs. Grievances outside of the timeline are by mutual agreement.

**Summary of Grievances Filed**

<b>Union</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
Des Moines Education Association (DMEA)	0	3	2
American Federation of State, County and Municipal Employees (AFSCME)	23	14	14

During fiscal year 2009, overall grievances for all contract-covered employees were reduced by one.

Of the grievances filed by AFSCME, 57% were from Transportation with the remaining from Food Service and Operations. All were handled timely. One AFSCME grievance went to arbitration with the outcome in favor of the District.

The Crafts (Building Trades) Union had only one grievance filed in 2008-09, but after meeting and discussion the Crafts Union withdrew their grievance.

In summary for the 2008-09 year, the District had 4,339 employees covered by union contracts. A total of 16 grievances were filed, or 3% of the covered employees.

DMEA grievances were sustained. Management agreed with the union's position.

The District's time and effort with all union groups continues to focus on labor management meetings, procedure meetings, agreement clarification processes and further work on key issues such as employee absenteeism. At this time comparative data is not available.

All employees are provided information on the District's compliant process through their Employee Handbooks. An employee may file an internal complaint against anyone subject to District policy, i.e., staff or student. Founded complaints result in disciplinary action up to and including dismissal from employment.

**Summary of Internal Complaints**

<b>ALLEGATION TYPE</b>	<b>2006-07</b>	<b>2007-08</b>	<b>2008-09</b>
Bullying /hostile learning environment	9	6	13
Hostile work environment harassment	13	5	5
Student abuse by a staff member	3	3	3
Sexual harassment	10	9	4
Insubordination	0	0	1
Retaliation	NA	NA	1
Conduct unbecoming to a district staff member	0	0	1
Discrimination based on race, national origin, age, etc.	7	7	4
<b>TOTALS</b>	18	11	17
	Founded	Founded	Founded
	24	19	15
	Unfounded	Unfounded	Unfounded

*Data in this chart reflects combined totals for both district investigators*

Staff may also file an external complaint against the Des Moines Public School District with an external Civil Rights or Human Rights Agency. When a case is filed externally, the District's responsibility is to provide a response to the allegation.

**Summary of External Complaints  
Filed with Civil Rights or Human Rights Agency**

ALLEGATION TYPE	2006-07	2007-08	2008-09
Bullying/Harassment	2	3	0
Disability	1	3	0
National Origin	0	0	0
Race	0	0	0
Retaliation	6	3	0
Gender	1	0	1
Sexual Harassment	1	1	0

All claims referenced in this chart have been dismissed by the respective agency. Detailed information regarding individual complaints and the District's litigation strategy with respect to handling each complaint is provided to the Board during closed sessions as needed.

Management has attempted to determine how the number of complaints filed in the School District compare to the number filed in other organizations of the same size and with similar numbers of employees. Other school districts either do not maintain comparable data or they have not replied to our requests for information to date.

The decrease in the filing of external complaints is reflective of the on-going internal training of staff and the availability of our internal investigative processes.

**I REPORT COMPLIANCE**

- 2. 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:**

I interpret *retaliate* to mean threats of dismissal, unwarranted discipline, or punitive actions such as transfer or demotion.

I interpret *credible information* to be information that can be substantiated by relevant, verifiable documentation or eye witness report.

This is policy constitutes whistle blower protection for employees.

## **DATA REPORTED:**

Employees that report acts that result in disciplinary action against another staff person should not be subject to any form of retaliation as defined above.

## **I REPORT COMPLIANCE**

- 3. 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.**

## **SUPERINTENDENTS INTERPRETATION:**

I interpret *staff* to mean employees that are not covered by a negotiated comprehensive agreement. This would include Administrators, Specialist and some paraprofessionals.

I interpret "*all internal complaint procedures*" to mean those outlined in the employee's District Employee Handbook.

I interpret "substantial and creditable" to be as defined above.

## **DATA REPORTED:**

No staff member of the District, as defined in this section 2.2.3, has sought to appeal a complaint to the Board for the period of time covered by this report.

## **I REPORT COMPLIANCE**

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

## **SUPERINTENDENTS INTERPRETATION:**

I may not allow staff or faculty to be unaware of the provisions of this policy 2.2 as well as my interpretations of it. I interpret "acquaint staff" with this policy to mean that all staff and faculty members of the District are notified in writing of this policy 2.2 as well as my interpretations of all the policies within 2.2 as set forth in this monitoring report.

## **DATA REPORTED:**

A copy of this monitoring report will be distributed to all administrators and supervisors for distribution to all staff. A copy will also be available on the District's website.

## **I REPORT COMPLIANCE**