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Loudoun County School Board, Human Resources and Talent Development (HRTD) Committee Meeting, Thursday, October 26, 2023

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Place Loudoun County Public Schools / School Board meeting (see BoardDocs / LCPS-TV)
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- BoardDocs (School Board): <https://go.boarddocs.com/vsba/loudoun/Board.nsf/Public>

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[00:00:52] Good evening. I am calling to order this Thursday, October 26th, Human Resources and Talent Development Committee meeting. Robert. We'll try again. I'm calling to order this Thursday, October 26th, Human Resources and Talent Development Committee meeting.

[00:01:16] My name is Erica Ogadigbe, and I am joined by Mr. Morse and Mr. Beatty. We will start with public comment. I understand we have two people who would like to give public comment. this evening. Therefore, I'll give each of you two minutes. First, we have Andrea Weiskopf followed by Sandy Sullivan. Thank you.

[00:01:50] Good evening. The semantics of occasionally do not matter whether it is one time a week, once a month, twice a year. You are demanding that teachers be willing to work without pay. You can't claim to care about putting more on a teacher's plate when you ignore our contracts. Policy 7030 is requiring teachers to work without pay and assuming that a memo from

[00:02:28] HRTD will keep a principal from abusing occasionally, when occasionally is already not being paid. When we think about collective bargaining, one reason we want it is to make sure that bargaining is

happening in good faith. If you refuse to give us a contract and then abide by the contract if you give us a contract but then demand that we work beyond our contract

[00:03:06] without compensation that is not good faith bargaining that is why we need collective bargaining and that is why you need to take the word occasionally I know sometimes I forget to turn those off and I ask my students to turn them off before class that is why we need policy 73 And the word occasionally needs to be taken out. Thank you black lives matter Thank you Sandy Sullivan

[00:03:37] Good evening your educators are glad to hear the policy 70/30 staff time schedules was sent back to this committee again We look forward to ensuring this policy and all policies are reasonable Educator-friendly and clear. I do know that we all do believe that our policy I do know that we all believe that our policies and communication should be accurate and meaningful on more than just an occasional instance.

[00:04:06] On another note, we continue to receive questions about counselor salaries and have reached out to HRTD. We're still making sure we understand all that we were told about the information and that we are ensured that counselors are paid commensurate to their hours and workload.

[00:04:22] Since counselors are on the teacher scale, the calculation for their additional time has not been fully understood by the LEA. Counselors are concerned they are not receiving compensation for the additional 30 minutes each day. We look forward to the school board and administration staff to examine counselor compensation and work to make sure they are compensated appropriately Thank you. We'll now move on to item 3 the minutes. Is there a motion?

[00:04:52] Move to approve the minutes Second all those in favor, please raise your hand and say aye that motion passes unanimously on Onto the action items so for action item 4.01. This is policy 7030 staff time schedules So this has come through committee. We spent an extended time in committee. It went to the school board and I made the recommendation With support of other members to bring it back to committee at this time

[00:05:27] I would like to make a motion and I'll I'll speak to my motion first and then see what the other committee members think but I'd like to make a motion to refer this back to staff for additional rework I I do believe that the intent around some of the changes that were put into the language of the policy were to prevent misuse and taking advantage however some of the language and the

[00:05:58] stipulations I think caused more confusion and more concern fundamentally from the first day that this came in front of the committee we had some conversation around how this was or was not in line with contracts there has been conversation around exempt and non-exempt staff for teachers specifically who are exempt staff the policy is referring to hours and yet exempt staff are not paid hourly so I think that there are some opportunities

[00:06:35] to rework this and with this state that it's in right now I'm not comfortable moving this forward nor do I have a specific recommendation that I think will address fundamentally some of the concerns with this so with that said my motion is to refer this back to staff and I'd like to know if there's a second or if there's discussion from the other committee members mr. Morse yeah I'll - I'll second it for discussion.

[00:07:02] I'm not quite convinced that that's probably the direction to take, but I would like to talk about it more. - Okay, open for discussion then, or? - I'll let you leave.

[00:07:19] - I mean, I spoke to my concern, so I would be interested to see if they're, go ahead. - What do you hope staff would change based on this, that we couldn't just change right now?

[00:07:35] - I think that it is problematic, again, fundamentally to for a group of staff specifically who are exempt to be referencing the hours because it is that is not how staff are paid not staff are not paid on an hourly basis I think again the intent of the word occasionally was there was positive intent there it has just not come through it's not resonating and I think it's causing more issues and I would ask actually not well it puts you on the spot but Ms. Boland if you have any thoughts

[00:08:14] on this and I know you and I spoke as we were preparing for this month's meeting agenda as well. We've had some conversation around this. So thank you Ms. Okadegbe. So yes we've had conversations I think every time this policy comes up or is discussed we have very similar conversations. And so there's a little bit of a obstacle or a struggle, right? Because sort of similar to adding the word occasionally to try to clarify language, since occasionally

[00:08:48] wasn't there, that seemed to do more harm than good. We added these hours some time ago, as long as I can remember, the hours for each of the positions on each of the scales have been provided, and some of that was to identify or help clarify expectations around on-site work days when it comes to teachers and counselors specifically.

[00:09:20] There is no, as you said, they are exempt-level employees, and we are in no way saying that a teacher or a counselor works seven and a half or eight hours, to be honest with you.

[00:09:36] Adding those hours was a way of trying to consistently provide clarification in regards to the number of hours expected on site with the occasional after school activity, after school meeting, that type of thing.

[00:09:56] So we absolutely could rework removal of all hours, but then we'd have to look at contracts. We'd have to look at making sure that the exempt definition wasn't being abused and how we clarify that and how we communicate that.

[00:10:12] So there's a struggle either way. Mr. Morse. I think we need to take a step back and look at the profession of teaching and educators.

[00:10:31] I think that educators are professionals. I think that they need to be treated like professionals. They need to be paid as professionals. And as I look at this, I realize there is no solution. Because if we were to, the two extremes are a principal can bring in an employee any time, any amount of time, to do the work.

[00:10:59] That's not acceptable. The other extreme is the principal can never bring a teacher in. That's not acceptable. The flexibility that teachers are faced as professionals is that they don't have a precise hourly structure.

[00:11:18] They don't have a required minimum number of hours at home grading homework or papers. Some of them do an immense amount of work outside of the classroom when they get home, especially when you get into the high schools where they're looking at term papers and things like that.

[00:11:38] An incredible amount of work goes in. don't necessarily have that commitment after hours, the grading requirement. They have other things. It's different for each teacher. The flexibility built into a teacher's schedule has to be there.

[00:12:01] It has to be provided because there is no 9-to-5 widget factory that we're expecting our teachers to do. They have to counsel children. They have to meet with parents at hours, sometimes outside of the classroom.

[00:12:18] That flexibility is a part of the profession of being an educator. And I don't see how we can define precisely what that commitment is, because it's different from grade to grade, from school to school, from teacher to teacher, and different during the school year.

[00:12:40] Sometimes in September, there are more hours. Setting up the classroom in August, a lot more hours. You know, February, maybe not so much. But I'm frustrated in the discussion that we're going to pay teachers for this potentially once-a-month meeting because now the complications that go into that are the complications of the pay scale, and they become hourly pay employees instead of exempt employees that are salaried.

[00:13:15] If they're not being paid enough, that's a different story. We need to pay them appropriately. but we cannot get bogged down trying to get principals to commit to meetings and then try to capture all of this in a time card. I mean, imagine the complications of the teachers now when they go in to do their time cards. They already have to capture their hours, but now they're going in and they're changing them and, well, does this qualify? Is this occasionally?

[00:13:43] Is it 15-minute increments? There are all kinds of different problems that roll in. As someone who works with a lot of professionals who sometimes work on the weekends, frequently work on the nights and do travel, I understand the strain that that creates when you don't have a precise schedule.

[00:14:07] But I think that if you've been a teacher for a year, if you've been a teacher for 30 years, you understand that struggle. And that is part of the independence, the joy of being a teacher, but it's also part of the struggle of being a teacher.

[00:14:24] And I, again, I don't see any way that we can remove that. I think occasionally is a word that could work. I think that we could put a number in there, but it's going to be difficult to enforce at that level. And I would point out that our principals are professionals, and they are taught as professionals, and they work hours outside of the school hours, and I expect them to treat their employees with that same level of respect and respect their time as well.

[00:14:58] And if a principal doesn't, I would expect them to reach out either to the LEA or to the school board or to the CLT lead or somebody and make that case. And I know it's difficult because I've, you know, in my years on the board, I've spoken directly to teachers that are fearful of trying to bring up issues about their principals or about their leadership.

[00:15:23] But that needs to be done, and that's part of being a professional, too, is being able to use the avenues that are set there specifically for these situations to take care of issues that pop up for a principal who would be unfair.

[00:15:40] And I'm talking about the vast minority of principals who would abuse their employees. I'm not saying they don't exist, but I'm saying that the principals have been in the classroom. They understand the challenges, but they have to operate to the needs of the children and the needs of the staff.

[00:16:00] And those don't always match up perfectly. So I am kind of adverse to pushing this off any further. I don't know what we're going to gain. I don't know what staff would be able to provide that would

suit the needs of this policy. And I would ask my two committee members to weigh in on what they think.

[00:16:20] What could it be? What could the solution be if it's not something that is an approximation? Mr. Beatty. Thank you, Chair. I completely agree with my colleague, Mr. Morse, about this.

[00:16:35] I don't see what we can change, and I think part of the education is that process, the expectations we set, is that sometimes teachers need to come in and do extra things, and again, it's parts of that professionalism. It's not consistently, but again, we have exempt employees, and we would move them to an hourly scale, and it's just a totally different environment.

[00:16:54] So I think we're setting the expectation that it's going to happen. I think people understand that. And is it sometimes inconvenient? Absolutely. But it's just part of the service that we provide towards our students and to our parents. And it's just that's part of the job, I think, is what it comes down to.

[00:17:14] And so I don't see what we would get out of sending it back to staff. So I think we should keep it as it is. So I will just ask a question. you both mentioned converting to an hourly scale I don't think that's on the table we're not talking about also we can't just change the classification of teachers so we're not talking about converting to hourly scale or compensating for the hours but we want I mean I think everyone is in agreement we don't want teachers to be taken advantage of we want teachers to be treated fairly with respect

[00:17:53] as professionals and have the ability to have recourse if that's not happening and again with positive intent the word occasionally was meant to help to provide some guidance and also that reassurance for a teacher or another employee because this isn't just teachers but for other employees to be able to say what's happening to me is not reasonable I need some assistance to handle this workplace issue I think the other thing though that came up through conversation

[00:18:30] was that you know again we're referring to FLSA I joke constantly that I was today years old but I'm still having to remind myself exempt is exempt from the ability to earn overtime so the wording is not particularly intuitive but I just think we have we have done ourselves a bit of a disservice and some of this language I don't know if it was in the 2019 version this was last reviewed four

[00:19:09] years ago but the addition of hours for an exempt class of employees I think is also confusing The hours piece is listed under each category, so it is listed under the auxiliary scale, it's listed under the universal salary scale, and the hours have always, were there in 2019, they are not a recent change.

[00:19:44] Mr. Morse. When we look at non-exempt employees, hourly employees, a different pay scheme, a different expectation. When those employees work traditionally over 40 hours a week and they are requested to work more, they are paid, is it time and a half? Very different, very different than any of the professional scales. We saw some incredible work done by the professional staff when COVID came.

[00:20:21] We, all of our employees, I mean the teachers were having to completely rewrite all of their lesson plans and make them electronic and just a, I mean the entire workforce did an unbelievable amount of work. And the compensation, obviously, we couldn't compensate for the amount of work that was going on, if you look back on it. But the professionals stepped up without that compensation. They worked the hours that they needed to, to make sure that we were delivering the services that we needed to deliver. We'll never face that again. Not like that. It'll never

[00:20:59] happen again. There will be other things that will pop up. And I pray that those things that pop up will be very small things and nothing like a another covid or anything like that but when we look at it we have to understand that the expectations were not changed in the amount of hours that is expected employees to work those numbers did not change they've stayed the same when I look at those numbers and I consider the the impact of 200 work days at 7.5 hours per day Do we really think that teachers are only working 1,500 hours?

[00:21:38] I don't think so. I think they're working well over that. I would point out that in the civilian world, with two weeks off, the average employee is working 1,960 hours, I believe, or 1,920 hours.

[00:21:54] The point being that you cannot compare the two because of the work environment. Someone in my occupation sits behind a desk. Someone who is instructing 25 to 30 children is performing for seven and a half hours, is on their feet, is reaching out to children.

[00:22:16] You just cannot compare the two. So all we can do is we can try to provide the guide rails that this policy provides. We can control the number of hours because we know when the students come and go. But all of those other requirements are still going to be there, and there is no way for us to change the way we're doing business.

[00:22:41] And by the way, if we can find another county that has a better version of this, I would love to understand how they're doing it. Is there another county out there that has a plan that they can meticulously capture all of these extra activities? You know, we put in things over the last years for stipends, for different things, because we were trying to be more equitable for those employees that were going so far above and so far beyond, and we continue to do that.

[00:23:12] But you can't do that for the entire workforce. It just, we're incapable of doing that, and we're incapable of writing a policy to do that. So, to the other committee members, with the word occasionally where it is right now, and none of us like that, is there a desire to put some kind of limit in there that would be the cap that would prevent principals from going over a certain number?

[00:23:43] Something that provides flexibility for the emergencies and for the things that pop up, for the meetings that occur after school, but somehow put a top limit on the number of hours that an employee can be requested to work after hours in the school.

[00:24:04] Is there a thought to that? Because we don't have any number right now. And so right now it is rife for a principal who would abuse it to abuse it. And that's why the word occasionally went in. If that's not strong enough, maybe we need to put a cap in.

[00:24:20] But putting a cap in doesn't mean that every hour below that cap is now going to be added to a pay scale. It's supposed to be there as a limit. So I'd like to hear other committee members. Mr. Beatty. Thank you.

[00:24:35] No, I'm not in favor of putting a limit on it. Again, I think it's up to the discretion of the teachers, and I think there are avenues and mechanisms if it does get abused. And I think we kind of have to trust the process.

[00:24:46] I'll just say, I think the problem with trusting the process is, my sense is, there are buildings where this is perhaps a problem, and without specifying what is reasonable, employees are left sometimes, some people will bring forward a problem, and others will sit with it and not bring it forward

because they're not sure, they're kind of second-guessing themselves, am I, is this, maybe this is reasonable, maybe it's me.

[00:25:22] Should I say something and then they don't say something and then unfortunately then we have we have employees who are feeling maltreated, but haven't haven't taken steps to get recourse So and again, I think it the inclusion of the hours although it was pre-existing I understand continues to bring up questions and it's not suggesting that it's a seven and a half hour workday versus eight, it's on site, was my understanding.

[00:26:03] So I just think the language is just not helping us. So yes, Mr. Morse. - I'd like to hear your proposal. Or, I mean, staff has been beating their heads against the wall on this, but.

[00:26:18] - Ms. Boland. - So I don't know that I have a proposal for the hours, but I do have a possible proposal for occasionally. Now, this has other verbiage that could also beg the question of how do you define it, but within the memo that was drafted, should this policy be approved to go to principals, there is an attempt to define occasionally that could potentially be included in policy.

[00:26:54] It reads, for the purpose of this policy, occasionally means infrequent, not routinely scheduled. Supervisors or principals may have teachers, school-based staff arrive before students or remain after dismissal occasionally to participate in professional development, which supports the employee in their learning and role specific to their job, meet with parents, usually done once in the first quarter at the elementary level and mostly during a teacher workday

[00:27:31] and or for a whole school staff meeting to receive information relative to the work site. Such meetings or opportunities are usually not more than once per month and not every month with the exception of a staff meeting.

[00:27:50] I appreciate the language. We're not, even with that language in there, We're still not defining exactly what abuse of that policy would be. I mean, you're bringing in the guardrails a little bit and trying to further define what meetings.

[00:28:08] Maybe that's a good way to go is to say these are the things that you are allowed to keep educators before and after school. These are them. And this is the expectation. As is with every other thing that goes on in the school, A teacher has to feel that they have recourse to push back, whether it's harassment, whether it's anything that's going on.

[00:28:38] They have to have that recourse. This is no different. And so I would say that there is no magic pill that allows us to to make everyone feel 100 percent that there won't be some kind of retribution.

[00:28:54] But there are very firm policies and there are positions. There is an ombudsman. There's a teacher's union. and there is, you know, the leadership teams, there are other people in the chain of command, there are ways, and we need to make sure that those ways are open for this specific problem, and that we can address this specific problem, just like we do with the others. I don't think anybody complains about our sexual harassment plan. I think it is extremely important. I think it's visual. It's on the bulletin boards. There's training on it every year. Everyone knows precisely

[00:29:30] what that is about. And I think that the teachers and all of our staff know that they can bring that up and that they are expected to, right? They are expected to identify that the hostile work environment, whether it's them or someone else, anyone who sees it is expected to report that.

[00:29:50] I would expect the same out of this. And I want the educators to feel comfortable bringing that up and saying, we believe the principal is violating. Here are the eight meetings that they held this month uh and pass that to staff and have staff take action because that's really what it comes down to is will they take action and will there be retribution the two questions they want to know so i think that uh capturing it in policy and opening those doors and making sure that employees are aware that they you know not only can they but should they notify leadership if they believe in their again they're going to have different interpretations

[00:30:27] than we are, right? Because each one of us has a different interpretation. But if in their interpretation, the system is being abused, whether it be harassment, whether it be abuse in the hours, they need to bring that up and that needs to be considered. So I want to leave this policy in the same bin as those policies where there are venues for the employee to provide that feedback so that we can resolve that. Because knowing there's feedback there will keep a lot of the issues from occurring, just as that happens with sexual harassment. Knowing that there will be

[00:31:06] a response prevents some of those actions from occurring. So unless there's another, I mean, I support that. It's kind of detailed, but if the educators feel more comfortable having those meetings defined, perhaps that would be something to add.

[00:31:27] So it is the language currently drafted in the principal memo. I think we included it in board docs as a draft. It is very difficult to try to capture or define meetings across three levels, just as you stated, in one document and in one policy.

[00:31:52] So it's open-ended slightly for that flexibility. I don't know how we get any more detailed to that, but to your point, absolutely. There are a number of policies to support possible recourse if a teacher feels a principal is abusing this.

[00:32:16] The ombuds, as you said, is one of those. Of course, now let's talk. There are multiple avenues to submit concerns and complaints, and I think there's an anonymous option as well. that gets routed to HRTD to investigate and look into should a teacher or employee feel that their principal or supervisor is abusing that ask. So I appreciate that it is thorough. I don't know

[00:32:52] that it covers everything. So like, let's say there's a college fair night. How is that handled? Is it, and is there a difference between like expected to versus asking for volunteers?

[00:33:12] And so, and we had, we talked about this before as well, and I know that there are separate policies that talk about how an employee can seek recourse, but I think we need to call that out here as well.

[00:33:35] So I've, I quasi made a motion, but I don't have support. So, I mean, I think some fundamental rework should still happen.

[00:33:51] I think when we're talking about exempt employees, we should not be talking about, you know, a specific number of hours because it muddies the water about how these employees are being compensated. If you're exempt, you have an annual salary, and that doesn't mean that teachers should be working 24-7.

[00:34:15] And that's absolutely not the ask, but at the same time, stipulating the specific number of hours, I think, is making this a more convoluted conversation in general. Madam Chair, are you

recommending that we pull the hours out, the 7.5 and 8 hours out of the policy?

[00:34:39] Again, as we'd said, there's also this policy covers all employees, so it would have to be per section.

[00:34:55] And again, I came into the meeting today with a recommendation to refer this back to staff for rework and consideration, including the number of hours, including how we were discussing occasionally. I understand there has been some conversation among staff around this policy in general anyway, so that's what I came prepared to ask for.

[00:35:23] I don't have specific edits that address my concerns. So I make a motion to move the policy as it is to the full board.

[00:35:39] Second. All those in favor, please raise your hand and say aye. Well, I was going to have discussion before we have the vote. Okay, go ahead. Okay, so I agree. I think that this has to be pushed forward.

[00:35:56] I'm afraid to add the level of detail there because if we do exclude something like a school fair, a book fair that occurs, Again, we're trying to bind something that really is not easily bound. And I think we're doing a disservice to our employees if we try to give them a set number, and then it varies because then the confusion is so much worse.

[00:36:20] Then the principals can't get things done, and then the school suffers, the employees suffer, and the students ultimately suffer. So I will support the recommendation to send back to the full school board. And I'll just add, I think what we're setting ourselves up for now is another belabored conversation of trying to wordsmith from the dais at the main school board meeting because I just, this is not where it should be, and we can move it forward as is.

[00:36:50] I will not support that motion, but I just, I know we've had so much conversation around this, but we're going to end up in the same place we ended up last month or two months ago and I was asked to just refer it back to committee and unfortunately there isn't an answer here I did have a conversation with Ms. Boland as a committee chair in preparation for the agenda and thinking about what we were going to do and and obviously we can't talk about that before committee because

[00:37:25] of rules around quorum but I think that this needs some some rework that that staff has been puzzling through so there's been some conversation that I think could given some time to flesh out could help to inform a direction for this that would make more sense so okay all those in favor of mr. Beatty's motion please raise your hand and say aye those opposed nay that will pass to

[00:38:05] one with Ms. Ogedegbe in disagreement okay okay item number 4.

[00:38:31] 02 this is policy 7714 personal leave so ms bolland or if someone else can on staff can just walk us through again i know it's been a little bit of time but just there are some pretty minimal changes there's an addition of item c for prorated days um on the first page of the policy i don't know if there's

[00:39:06] comments just to to remind the committee what the goal of these edits were yes ma'am so if the board will recall it has been a minute but there were some questions about a payout information being added and so miss Evans went back and had a conversation with payroll and miss Casale the director that oversees financial services including payroll is here this evening as well and she miss Evans can start and

[00:39:42] and address any updates or questions. - Madam Chair, I think what we should do is make the motion, yes.

[00:39:59] - I'll make a motion to move policy 7714 for personal leave forwarded to the board as an information item as adjusted. Is there a second? - Second. - Any discussion? All those in favor, please raise your hand and say aye.

[00:40:17] - Aye. - That motion will pass unanimously. Okay, on to our information items. Our first item, 501, is revisions to policy 7022, employee classification. This evening, Nicole Davis, HRTD director that oversees staffing, class and comp, has worked through this policy tirelessly and is going to walk us through the edits and updates of policy 7022.

[00:40:53] Good evening. So I just wanted to start with the revisions recommended to this policy. Do not change the intent of the policy, but rather focus on adding clarifying language in reference to supporting resources.

[00:41:10] Additionally, language was changed throughout the policy from the term personnel to employees to be more consistent with our current language. Specific changes, and I'm working off of the redlined copy, include lines 5 through 6.

[00:41:28] Language was added to specify that exemption status will be included on employees' contracts, memos, and assignment letters. However, I would like to note this would not be until the beginning of the 23-24 school year, and this was due to past discussions with the board on other policies.

[00:41:46] 24-25? I'll update that. So we have confirmed with our DDI team that this update can be made, and so it will be included on the CMAs. The language on introductory period, lines 25 through 25, you'll see was struck, but it was moved to lines 60 and 63 after the title of exempt employees, and it was revised to ensure the introductory period included both exempt and non-exempt personnel, with the exception of those outlined in code.

[00:42:20] Additional cross-references were added, which included Virginia code and LCPS policies on Line 119 through 124. Thank you. Any questions? Mr. Beatty?

[00:42:41] No. So we can move this forward for comment. Thank you. Our next item is 5.02, Policy 7024, Classified Employee Dismissal and Demotion Grievance.

[00:42:58] Sorry. I'm a little off. Okay.

[00:43:15] So this evening we're bringing Policy 7024 for review. We have updated the policy to include a grievance process for non-licensed and supervisory employees. We do not currently have one. We have also updated language in the policy to expand timelines in support of employees working through the dismissal process.

[00:43:38] And Mr. Martin is going to share the updates and additions through you, walk you through the additions and the updates. Thank you, Ms. Bolin. the recommended updates to this policy are being made to establish procedures for adjusting grievances for non-licensed employees specifically non-licensed employees currently do not have a process in place to grieve disciplinary matters that are not terminations as well as their evaluations updates to this policy also include expanding the grievance process to non-instructional

[00:44:12] supervisors per code instructional supervisors include superintendent principal and assistant principle. On page one of the updated policy, we further define a business day as the business hours or hours of operation on any day that the board office is open, but excludes meetings or board meetings. We also define grievances related to a complaint or dispute to include a newly established ability for this employee group to grieve their evaluations. That's at the top of

[00:44:50] page two. Specifically, we call out employees in their introductory period and the board's exclusive rights to manage the affairs and operations of the school division. We updated the definition of what constitutes an employee for the purpose of this policy. Per Virginia Code 22.1-293, assistant principals, principals, and teachers are not covered under this policy, but instead would have their dismissal grievances further defined under school board policy 7018

[00:45:24] in accordance with the Virginia Code 22.1-306 or School Board Policy 7016. Moving on to Section B at the top of page 3, we established a new procedure for filing the grievances.

[00:45:46] That is a simplified version of the procedures in Policy 7018, Part 2. We wanted to establish a process to afford non-licensed employees the opportunity to grieve employment actions and also not make it cumbersome realizing that that may be a hindrance for some employees to go through the grievance process.

[00:46:06] The process outlined in the policy is a two-step process that begins with step one with the immediate supervisor and ends in step two with the senior staff member meeting with the employee to hear the grievance and rendering a final decision.

[00:46:22] In section C, at the top of page four, we updated language in the dismissal proceedings to create consistency throughout the document to include having all days referenced in the policy be specifically defined as business days. We also expanded the window requiring when the hearing should be held to 30 days to allow the employee and the division adequate time to prepare for the hearing once it is set. The original 10-day window we found put both the employee and the

[00:46:54] division in a tight prep window before the hearing had to be held. Further going on to page five of the policy, we expanded the window for the superintendent or designee to provide a written decision from five days to ten days and lastly we added a provision for the school board to hold a meeting to discuss the appeal of the superintendent's decision should they choose

[00:47:22] and then we added code references down at the bottom questions so so current practice is that right now they only have per policy the ability to grieve dismissals or demotions is that the And then all other personnel actions or performance evaluations, there was no mechanism?

[00:48:01] That is correct. And then following the change to the policy, would that be effective immediately and HRTD is ready to handle complaints as they come through?

[00:48:17] We are prepared to support the process. And then finally, can you remind me, for the purposes of performance evaluations, what are the ratings on those? Is there just not proficient and proficient, or what are the ratings?

[00:48:33] So for non-licensed staff, it's unsatisfactory, needs improvement, satisfactory, and the, I'm blanking on, there's one above satisfactory, and I'm blanking on it.

[00:48:50] So the reason I'm asking is, so. I'm sorry, exemplary. Exemplary, okay. So I'm wondering which of those would be the equivalent of proficient? Satisfactory. Okay, so they can't grieve if they get a satisfactory if they think that their performance was exemplary.

[00:49:15] That is correct. Okay, why? Sorry. I would say that satisfactory is acceptable. And I think what the work that we are doing to standardize our evaluation process to support leaders in their evaluation as it relates to whether somebody is proficient or satisfactory really highlights that they are, for all intents

[00:49:52] and purposes, a good employee. There are employees that are not satisfied and we usually welcome a conversation between the current supervisor and the employee who feels like they're going above and beyond and allow that to work at that level as we in performance management just manage the process not what it looks like and so we encourage that conversation to be had at the level that they're that they're working in and I would just add that satisfactory like proficient even though the term isn't isn't great but satisfactory like proficient means you're doing your job you're

[00:50:31] meeting all expectations as as described by your supervisor in that role um and and anything beyond that is almost once you've mastered that job and you're ready for the next level so although we should aim for exemplary we should never be unhappy with receiving a satisfactory so i i appreciate that person i appreciate that perspective i'll say just from my experience having, you know, gone through years and years of performance evaluation cycles with large teams, and it's a conversation, right?

[00:51:08] Meets, it sounds like a C, but it's not a C in the sense that we expect everyone's going to bring their A game, but the feeling of that for somebody who really does feel that they're going above and beyond, and so if you have a situation, for example, where you have personality conflicts or other issues that are impacting how a supervisor is viewing that employee and they feel like they really are going above and beyond and they don't have the recourse to get the recognition that they feel they deserve. I'm just, I'm not sure about, about why we're cutting off that ability. So I don't think we're cutting off the ability for a

[00:51:48] conversation. What I would hesitate, why, one of the main reasons I would hesitate to include that ability in the grievance process is because, in my mind, that identifies that satisfactory is not sufficient, is not meeting expectations.

[00:52:07] We are identifying that if you receive satisfactory, that's not a great evaluation, and so you should be able to grieve it, whereas meeting the satisfactory standard means you're doing a relatively good job. Okay.

[00:52:23] Thank you. Any other comments or thoughts? Yes, Mr. Morse. I appreciate the levels, and I just want to ask the question, in assignments, performance, and anything, is the difference between having satisfactory rating and having exemplary rating preclude or allow any promotions or anything else?

[00:52:51] Is there something other than the desire to perform your best? Is there something that being satisfactory would exclude the employee from being able to do? There is not. Thank you.

[00:53:09] Yes, Mr. Beatty. Thank you, Chair. So in the final section about the appealing as to the superintendent or the superintendent's designee and the school board, is this similar to other processes we have or is this different? Because it seems like you appeal to the superintendent and then I assume the mechanism is the school board would get an email and say, someone is do you want to look at this and if not it wouldn't get looked at the school board is that kind of how this would work so as it relates to dismissals for licensed employees or termination

[00:53:44] they would have the opportunity to request a hearing either before a hearing officer or before the board and so this does mirror does mirror in that they do get the opportunity to request a review by the school board it doesn't spell out a hearing officer it's school board specific and it can be um a review like a a paper review or you or what we've spelled out here is the

[00:54:15] opportunity to call for a meeting in person okay thank you anything else okay i think we can um send this one out for comment as well and bring that back next month is there any new business okay with that we are adjourned thank you



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