



# Audit of Human Resources Processes and Procedures

Irvington Union Free School District

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Irvington UFSD  
Board of Education

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## **Introduction**

The purpose of the report is to provide the Irvington Board of Education with an audit of its Human Resources (HR) Operation. The auditor worked directly for the Board and worked with a sub-committee of the Board throughout the audit process. The work associated with this report commenced in March 2019 and focused on researching and evaluating the current strengths and weaknesses of the Irvington School District's Human Resources (HR) Operation. In 2012 the Board of Education hired Lenora Boehlert of Human Resources School Services to review the District's HR Operations processes and procedures. A 33-page report including findings and recommendations was produced. Due to the quality and comprehensive scope of this report, it became the basis of the 2019 audit. The 2012 report is attached to this report as Exhibit B.

The District has successfully implemented many of the processes and procedural recommendations contained in the 2012 report, significantly strengthening their HR function from 2012 to 2019. For the most part, the operation today works very differently from the one that was audited in 2012. Many of the current processes and protocols are in alignment with best K-12 HR practices.

In this report I will provide a definition of the function, refer to prior work conducted to improve the function, then offer the 2019 status of the operation, systems and procedures currently in use. In most cases, I will layer my research and recommendations within the template used in 2012. Topics that were not audited in 2012 but were audited in the current report were added to the template.

The audit is based upon interviews, discussions and follow-up conversations conducted with the following constituents: the Superintendent; the Assistant Superintendent of Instruction and Human Resources (ASiHR); the Assistant Superintendent for Business; the Personnel Assistant (PA); the Benefits and Payroll clerical assistant; the clerical assistant for the Office of Curriculum and Instruction; the Board of Education subcommittee established to support the work associated with this audit and the Board of Education's counsel.

The audit is also based on a review of several documents such as the 2012 audit report; the teachers' and administrators' Collective Bargaining Agreements (CBA); Board of Education policy related to personnel; content on the District's web site; review of the personnel folders of a variety of employees; review of several reports generated by the various online applications used to provide information about attendance, certification, seniority; and documents promulgated by the Office of Human Resources i.e. the Employee Handbook, Staff Directory, the Administrative Guidelines for Recruitment and Selection of Certified Staff, Club Catalog 2018-2019.

## **Sampling methodology**

The 2019 audit typically used a sampling of approximately 10% of total staff when reviewing personnel files, certification of coaching staff, and teacher seniority records. If discrepancies were observed within the 10% sampled, additional sampling was performed in order to generate clarity.

In some cases 100% of staff records were reviewed, such as the teacher and administrator attendance, teacher and administrator probation/tenure records, and teacher certification.

## **Global Perspective of the K-12 Human Resource Operation**

In their book, Human Resource and Contract Management in the Public School – A Legal Perspective, Bernadette Marczely and David W. Marczely (2009) define public school human resource management as “the task of creating a work environment that is fair, impartial, and predictable by implementing the laws, regulations, policies, protocols, and contracts that govern the workplace, and in this context of equity and predictability, fostering the individual employee’s opportunities for esteem, autonomy and self-actualization.”<sup>1</sup>

In their description of the public school human resource manager, Marczely and Marczely state that this role is best identified by the varied functions of the position such as, Record Keeping; Planning; Job Description Development; Recruitment; Applicant Screening, Interviewing and Selection; Hiring; Induction/Orientation; Supervision; Benefit Management; Negotiations; Grievance Administration; Policy Development and Evaluation and Education (2009).

Furthermore, they emphasize the importance of a solid knowledge base and proper training of a Human Resource administrator:

“Every administrator in charge of any aspect of human resource management must be schooled in the laws, regulations, policies, and procedures that provide the context for the decisions they will make and the actions they will take. No other aspect of public-school administration demands a greater deference to organizational history, field experience and job-specific training. The human resource manager should minimally have completed course work and training in

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<sup>1</sup> Marczely, Bernadette, and David W. Marczely. Human Resource and Contract Management in the Public School: A Legal Perspective. Roman & Littlefield Education, 2009, p. 4.

public school administration, school law, collective bargaining and contract management, school finance and clinical supervision.”<sup>2</sup>

Lastly their belief that “Human resource management is the vital underpinning of public-school administration that creates an environment in which the educational mission can be pursued without the distraction of workplace concerns” speaks to the importance of the role of the HR administrator as well as the crucial role that the management of the HR operation has within a K-12 school district operation.<sup>3</sup>

### **Irvington’s Human Resource Operation - Staffing Configuration**

The staff supporting the Irvington Human Resource Operation includes the Superintendent, the Assistant Superintendent for Instruction and Human Resources (ASIHR), the Assistant Superintendent for Business and Operations, the Personnel Assistant (PA), the Benefits and Payroll Clerk and the Clerical Assistant for the Office of Curriculum and Instruction. The PA works under the direction of the ASIHR and manages the vast majority of the tasks associated with the HR Operation. The Benefits and Payroll Clerk works under the supervision and direction of the Assistant Superintendent for Business and Operations and works closely with the PA regarding payroll actions and employee benefits. The Clerical Assistant for the Office of Instruction manages HR related tasks associated with course and conference attendance requests flowing from the teacher and building principal to the ASIHR. This team works collaboratively to address all the functions related to the District’s HR operation.

It is important to note that the employees who held their respective positions existing prior to July 2012 and are still part of the HR Operation and Business operation respectively are the PA, and the Clerical Assistant for the Office of Instruction, and the Payroll Benefits Clerical Assistant. Following the recommendation made in the 2012 audit to hire an Assistant Superintendent for Instruction with responsibility of the HR Operation, the position was added on July 1, 2012.

Attached to this report, please find a current organizational chart as Exhibit C.

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<sup>2</sup> Ibid, p. 6.

<sup>3</sup> Ibid, p. 14.

## **Use of Technology in the HR Operation**

The use of applications such as My Learning Plan (MLP), AESOP, and nVision (HR component) has significantly increased the overall effectiveness and efficiency of managing the HR operation.

Audit topics #1-14 below have been grouped together because they provide evidence that the 2012 recommendation to shift from manually managing and maintaining HR records to digitally managing and maintaining HR records was successfully implemented. The District is now using state-of-the-art applications that far exceed the capabilities and data capacities of the previously used manual systems. These digital systems represent the use of best practices for a quality HR operation.

## **Human Resource Audit Topics**

Set forth below are the specific areas and topics of the Human Resource (HR) operation in Irvington that were audited, in addition to any recommendations to change or revise current practice. Many of the topics will first refer to the 2012 report's assessment and recommendations followed by assessment, commentary and recommendations.

### **1. Certification**

New York State teachers, administrators and pupil personnel service providers are required to hold a valid New York State certificate for employment in order to work in the public school system. The New York State Education Department's Office of Teaching Initiatives issues certificates to ensure that an individual has met required degree, coursework, assessment and experience requirements. The digital system used by the state for managing this process and for maintaining individuals' certificate records is referred to as the "TEACH" database.

The 2012 recommendation to review each teacher's certification status against the records in the NYS Education Department's digital TEACH database was followed in its entirety. All teacher files audited reveal that each teacher has proper certification to teach in his/her respective tenure area. The New York State TEACH database and the HR module of the nVision application are now used exclusively to manage teacher certification. The PA effectively uses both systems to document proper certification at the time of hire as well as throughout the period in which it takes each teacher to obtain Professional/Permanent certification status. The PA runs a teacher certification report in June of each school year and emails provisionally certified teachers their certification status. A copy of each teacher's certification status is maintained in the personnel folder for quick reference.

The 2012 recommendation to shift the responsibility of managing and maintaining all athletic coaches' certification and credentials from the Athletic Director to the PA was successfully implemented. The PA now manages a system that assures that all coaches have the required credentials to coach. Credentials include coaching certification if the coach is not serving as a physical education teacher along with the required current certification in CPR/AED and First Aid. Ten coaches' personnel folders were audited, and all ten folders contained evidence indicating that all required credentials were in proper order. Specifically, evidence of updated CPR/AED training every two years and First Aid training every three years was evident.

**Recommendation:** In extenuating circumstances, a coach is placed on a Board of Education agenda for approval before the coach has submitted the necessary certifications/credentials to be hired. The Board agenda item is asterisked signifying the need for conditional approval. I support this practice; however, I am recommending that when a coach is placed on the Board agenda for conditional approval, the ASIHR issue a letter to the Athletic Director and the coach specifying that until the PA has copies of certifications in hand, the coach must not serve in any capacity as a coach in the District.

## **2. I-9 form**

The Form I-9 is the Employment Eligibility Verification Form issued by the Department of Homeland Security/United States Citizenship and Immigration Services identifying if an applicant is a citizen of the USA, a non-citizen, a lawful permanent resident or an alien authorized to work in the USA.

In 2012 it was not clear as to how many employees completed an I-9 form.

Today a completed, signed form along with copies of two documents attesting to the proof of citizenship is appropriately scanned and filed into the nVision data base for each employee at the time of hire. The system used is an excellent method of meeting the requirements of the law.

## **3. AESOP Absence Management System**

AESOP is a fast, efficient and flexible way to record and approve employee absences, maximizing the District's ability to obtain attendance information and qualified substitute teachers. The system is accessed by phone or the internet.

The 2012 recommendation to shift to this automated substitute calling service was implemented and is still being used successfully today. Although the system maximizes the District's ability to obtain teacher substitutes, the fact is that securing quality substitutes for many districts in the metropolitan area continues to be a growing challenge.

#### **4. Finance Manager/nVision**

The nVision application (a Finance Manager application used in the District Business Office) provides K-12 Business/HR functions that improve the efficiency of school business operation and allows authorized staff to store and share data related to Accounting, Budget, Payroll, Requisitions, Human Resources, and Negotiations.

The 2012 recommendation that nVision, be expanded for certain HR functions was implemented in several HR areas. One specific example is that the District now maintains its Seniority Roster of Teachers within the nVision HR module. Another example is the filing of the I-9 form and supporting proof of citizenship within nVision. Attendance data is also now housed in nVision, and it provides a variety of ways for the PA and ASIHR to retrieve, review and analyze attendance data.

#### **5. Teacher Seniority Roster**

Teacher seniority is the factor which determines which teachers are to be laid off in the event of staffing cuts. When layoffs are enacted, the least senior teacher within a tenure area defined by New York State Education Department are laid off in the reverse order of seniority. The practice is also known as last in - first out.

Notwithstanding the fact that the Irvington school district has not been in an excessing/lay off situation more recently, it is extremely prudent that an accurate seniority list be maintained on a yearly basis in case a time comes when layoffs must be made.

Teachers' seniority is accrued according to paid days worked. Each scheduled school day that a teacher is not paid results in that day being deducted from his/her seniority credited for that school year. Typically, teachers who take leaves without pay or teachers who use all of their paid leave time and then are placed on unpaid leave status lose seniority credit for unpaid days. For example, if a teacher is given

a 60-day leave of absence without pay, that teacher would then lose a day's credit for each unpaid leave day. Similarly, if a teacher runs out of sick time, then each calendared school day that the teacher is not paid would be deducted from the teacher's seniority.

During the 2019 audit, the Seniority Roster was tested in several areas for accuracy. Only the teachers at the bottom of each tenure area (on average the bottom 4-5 least senior teachers on the list) were tested for proper placement. This methodology is premised upon the assumption that there is a very little chance that more senior teachers would ever be in jeopardy of being excessed. The 2019 audit revealed a formula-based inconsistency which applied to each teacher who was in a "leave without pay" condition. It appears that in every case where the teacher's seniority credit had to be adjusted down to accommodate a leave without pay condition, the calculation of the days to be deducted was incorrectly calculated by the nVision system. The District is in the process of communicating with the application provider to determine if this inconsistency is an application issue or a formula glitch at the District level.

**Recommendation:** While the District is researching where the problem lies within nVision, the Seniority Roster should be reconstructed manually to correct the few cases where this condition presents itself.

Additionally, when teachers within the same tenure area are appointed at the same Board meeting the District has a "tie-breaker" protocol that must be applied to determine the relative seniority for the affected teachers. When a sampling of teachers found in a tie-breaking situation was tested, I found that in some cases the District's tie-breaker protocol was not applied in a consistent manner, thereby resulting in situations where the relative seniority of teachers now needs to be adjusted to comport with the District's rule of last in-first out.

**Recommendation:** Going forward, the tie-breaker protocol should be used consistently, using the corrected Seniority Roster data.

Another issue that needs to be addressed concerns when a teacher works as a leave replacement teacher and is thereafter hired as a probationary teacher. When the resulting probationary appointment is contiguous to the leave replacement assignment, the teacher must be given seniority credit for the days served as a leave replacement teacher. There is one instance in which this tie-breaker protocol

was not applied, resulting in the need to change the relative position of one teacher in a particular tenure area.

**Recommendation:** An item confirming the addition of leave replacement time should be added to the new hire checklist to ensure that the time is included during the onboarding process.

Lastly, when a probationary teacher takes a leave of absence without pay, I am recommending that each day without pay be added to the teachers' original probationary appointment period in accordance with case law<sup>4</sup>. This will ensure that the appropriate probationary period required by law is preserved as much as possible. The extension of the teacher's probationary period can only be effectuated by way of Board resolution.

**Recommendation:** A tracking system should be developed to document all extended leave of absences during employee probationary periods.

## 6. Staffing Charts

In 2012 staffing charts were created and managed manually without the assistance of word processing or spreadsheet applications. The current audit revealed that the HR operation uses a variety of Excel or Google spreadsheets as well as nVision to monitor and review HR data. The evolution from manually to digitally processing HR data represents a vast improvement in managing data within the operation.

**Recommendation:** Add to the existing system of maintaining an account of all staff by generating a comprehensive report from nVision of all employees by job function. I highly recommend that the PA use this report for maintaining an ongoing Historical Summary of District Personnel otherwise referred to as a Table of Organization (TO) for the Full Time Equivalent (FTE) count of every full- and part-time staff member in the District. Exhibit D in the appendix is a sample of a Historical Summary of District Personnel / Table of Organization. This form should be adapted to reflect the staffing nuances of the district.

I further recommend that each October the Board adopt a resolution accepting the TO as the District's TO for that particular school year. The approved TO then becomes the baseline for future budget discussions and personnel adjustments that are made throughout the school year.

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<sup>4</sup> Although somewhat illogical, the current interpretation of NY state law is that for each unpaid workday the probationary period must be extended by one (1) CALENDAR day.

## 7. My Learning Plan (MLP)

MLP is an online application that is used for a variety of HR functions. It expedites and simplifies the process for applying for approval to attend conferences and workshops and for tracking coursework applicable for salary advancement and professional development hours -- professional development/courses needed by staff to maintain certification -- where applicable. Teachers or administrators sign into their MLP account and apply to attend a conference or take a course. The teacher or administrator's immediate supervisor (typically the principal for teachers) reviews and approves or denies the application. If approved, the application moves to the next and final level of approval wherein the ASIHR acts on the request. MLP maintains a historical account of all courses that have either been approved or denied.

In the 2012 audit it was noted that it appeared that the District was not using the full capabilities of the MLP program. The use of OASYS, a module within MLP, for inputting and tracking teacher and administrative evaluation data, was recommended at that time.

Tracking and approving conference attendance as well as tracking other in-service workshops both in-district and out-of-district are facilitated within MLP. Course work applied toward salary advancement are registered and approved within the MLP application. CTLE credits needed to maintain certifications are tracked within the MLP application.

The 2012 recommendation to use MLP to track and manage instructional staff evaluations was successfully operationalized and has become the only system used for this purpose. The ASIHR's clerical assistant manages all the requests that are made through this product.

Notwithstanding the fact that the practice of reconciling AESOP data with nVision data has led to more consistency and reduced the need for reconciling as often, one of the concerns revealed by the current audit is the fact that MLP conference/workshop attendance data is not cross referenced to either AESOP data (AESOP is the application used to provide substitutes for absent teachers and or to register employee absence) or nVision data (nVision is the system used for maintaining absence data/records).

**Recommendation:** The absence data generated by the three applications should be either digitally (if possible) and/or manually cross referenced by the PA on a monthly basis in order to reconcile the data across the three systems (MLP, nVision, AESOP).

## **8. The Online Application System for Educators (OLAS)**

The Online Application System for Educators (OLAS) is an online, cloud-based application serving school districts throughout New York State. Its primary function is to assist districts in filling job vacancies. Candidates can easily apply for specific positions online. Districts can view application information, resumes and cover letters submitted by each applicant, and can share the information with anyone involved with the screening/interview process.

In 2012 the audit indicated that the OLAS system was not used to its capacity or with any measure of consistency. Today, OLAS is used as the primary resource to advertise teacher, substitute teacher and administrative job vacancies.

Administrators at both the District Office and building levels have access to the resources within this program and use it effectively as the system for conducting the document screening process associated with the interview/selection process. The PA, under the direction of the ASIHR, normally posts vacancies onto this system.

## **9. New Staff Hiring Checklist**

The PA currently uses a new hire checklist embedded in the nVision system as well as a supplemental Google spreadsheet to ensure that all required forms, paperwork and materials for new hires are filed in each teacher's respective personnel folder. The 2012 recommendation to create a checklist was successfully implemented.

## **10. Monitoring Teacher Attendance**

All contractual employee attendance is registered and managed within the AESOP and nVision systems. Employees input their absences within AESOP. All absences, whether they are for sick, personal, family illness, conference or workshop, jury duty, or other reasons are registered within the AESOP system. Absence data is then manually transferred from AESOP to the nVision application where it becomes part of an employee's permanent attendance record. There are clerical employees at each building who enter this data into nVision. Once this data is entered into the nVision system, only the PA has the system permission to change that data. Currently the PA does not discuss or formally document requests to change attendance data.

**Recommendation:** The PA should create a system wherein she logs each written request to change attendance data. This log should be reviewed and approved

weekly by the ASIHR. All emails or other written requests pertaining to requests to change attendance should be kept for future reference.

Once the data is permanently fixed in nVision, the ASIHR advises that she uses the following system to monitor attendance:

1. The PA reviews the absence entries to ensure that proper absence category codes have been used and to ensure that the employee has not exceeded contractual limits for certain absence categories i.e. family illness, personal, vacation or bereavement. This takes place on a daily basis.
2. A periodic review by the PA of the proper use of the form and code for absences related to certain types of health care, such as cancer screening;
3. Periodic discussions thereafter take place between the PA and the ASIHR regarding patterns of use that may raise a concern.
4. A mid-year report of staff with 10 or more absences is generated by the PA and shared with the ASIHR. The PA then is typically asked to generate a follow up 5-year attendance history for those identified staff members;
5. An end of year report of staff with 15 or more absences is generated by the PA and shared with the ASIHR and typically linked with a follow up 5-year attendance history for the identified staff.
6. The ASIHR discusses the information gleaned from the mid-year and end-of-year review with principals.

The 2012 audit stated that “although most staff members are diligent about their duties, there are staff members who exceed acceptable limits for absence and tardiness.” It further states, “[M]onitoring employee absences and identifying a rubric with ranges for acceptable use, as well as developing a consistent method of handling these cases, should reduce absenteeism. A standard letter should be developed to document these cases with a formal meeting arranged to address concerns. Training should be done with staff in the HR office to develop correspondence systems.”

During the 2019 audit of the attendance of teachers and administrators, I found clear evidence that a minority of the teaching staff exceeded acceptable limits for absence, This finding supports the 2012 auditor’s above-stated views on attendance. Notwithstanding the current system that the ASIHR is using, I did not find a well-defined system of regularly reviewing attendance data or a well-defined system of addressing excessive use or questionable patterns of use of days that serve to extend weekends and/or holiday periods.

There is a culture in which some teachers use most of their personal day allotment each year. Personal days as defined in the Irvington Faculty Association (teachers’)

Collective Bargaining Agreement (CBA:Article VII LEAVES Personal Business Leave) states:

*“Personal days may only be used for the purpose of transacting or attending to personal business which cannot be attended to other than on a school day during school hours.”*

This guideline has been interpreted by some to mean personal days can be used interchangeably as vacation days, which teachers do not receive as a benefit in their contract. Personal days should never be allowed to be used as vacation days by teachers or administrators who already receive vacation days by contract.

In summary, a culture shift with respect to the excessive use and/or abuse of sick, family illness and personal days by a minority of staff would be very beneficial for the students and to the instructional program.

**Recommendation:** As it is clear that there continues to be a subset of staff still exceeding acceptable limits for absences, the District can supplement the aforementioned process by adding a clear, formal, well-articulated system of reviewing and addressing absences on a regular basis. I further recommend that this system be managed at the District Office level under the direction of the ASIHR with the assistance of the PA and include a formal monthly review of attendance for all staff with particular attention and scrutiny upon staff members who consistently exceed reasonable limits over a consistent period of time. Without a more robust system for monitoring attendance as well as communicating, supporting and counseling employees who typically exceed normal absence limits, the likelihood of altering the poor attendance patterns of certain individuals diminishes significantly.

In addition to introducing a more robust system for reviewing, analyzing and addressing staff attendance, introducing a process for validating the accuracy of registering attendance should be addressed as well. The current system of verifying attendance data is not grounded in a procedure that requires each staff member sign into work and out of work every day. Instead an honor system is used wherein the teacher or administrator communicates that they will be absent by signing into AESOP to record their absence. If a classroom teacher or non-classroom teacher (i.e. guidance counselor, psychologist or social worker) or administrator inadvertently forgets to register his/her absence into AESOP, or fails to notify the building secretary assigned with the responsibility of inputting attendance into the nVision system of recording absences after the fact, then the absence is not registered in the system in any manner.

If a disagreement or disparity arises later between what was recorded in AESOP or nVision, and information that should have been recorded in AESOP or nVision is challenged, the resolution of the disagreement must rely on each party's recollection as to the circumstances surrounding the absence.

Further, the current practice is that AESOP data is periodically manually reconciled with nVision data, as nVision maintains the official attendance record of all teacher and administrator attendance. A substantive weakness still exists because the data being cross referenced is not verified against data which can be confirmed by way of an appropriate sign in/sign out procedure.

**Recommendation:** I strongly recommend that the District make every effort to institute a system for all employees to sign in and sign out of the building each day because a sign in and sign out procedure functions as proof of attendance or absence. Many districts use a sign in/sign out procedure that is either manual or digital. Some digital systems use an ID badge reader to scan an employee's entrance or departure from the work site. A manual system usually is facilitated by way of a sign in/sign out sheet that is typically maintained in the principal's office. Both systems create a formal, retrievable, legal imprint for all employee attendance and are invaluable when disagreements and/or discrepancies arise concerning absence.

**Recommendation:** The District should facilitate having both AESOP and MLP communicate with each other digitally, so that the data can be regularly reconciled digitally rather than manually.

Lastly, one additional component of attendance that was audited is conference/workshop attendance.

**Recommendation:** Conference attendance data should be monitored on an annual basis to determine the impact that such attendance has on District operations, if any.

## **11. Monitoring Administrator Attendance**

### Current Administrator Attendance Approvals

- The Superintendent approves Building Principals, District Office administrators and Director of Pupil Personnel Services (PPS).
- Assistant Superintendent for Instruction and Human Resources (ASIHR) approves Assistant Principals, the Director of Technology, the Assistant PPS Director, and the Athletic Director.

- Assistant Superintendent of Business approves the Supervisor of Buildings and Grounds.

The 2012 report recommended that a documented procedure be established for ensuring that all administrators' time is reported and accounted for in an appropriate manner. The District instituted the use of AESOP for recording and managing administrator attendance just after the recommendation was made in 2012. This audit found that the system that is in use for all teaching staff as identified above has been applied to the monitoring of administrator attendance as well. The recommendation for managing attendance that I have made (as set forth above) applies to all employees equally and therefore includes all administrators at the building and District Office levels.

The overall average administrative use of sick, personal, and family illness days of current administrator staff is low. The overall administrators' use of conference/workshop days is commensurate with the amount of money contained in their individual budgeted allocations.

## **12. Teacher Evaluation**

The teacher evaluation process, the Annual Professional Performance Review (APPR), is managed and maintained within the MLP/OASYS application. Review of the APPR process and compliance with observation requirements and timelines was not made a part of this audit; however, the 2012 audit recommendation to use OASYS to manage this complex process was successfully implemented. It should be noted that MLP/OASYS is an industry standard for efficiently and effectively maintaining and managing the APPR process within the K-12 environment.

## **13. Mandated Training**

The District currently provides training in DASA, Computer Security, and Emergency Preparedness at the first Superintendent's Conference Day. All staff present at the training sign a sheet documenting that they were present and trained in the above three topics. Staff who are not present for this training are required to receive the training at another time. Participation and completion of the training is tracked by the PA for all employee groups at the time of hire. New staff are provided information requiring them to access the District's website to participate in the DASA and Computer Security Awareness training within one week of receipt of the training information. This training is also tracked by the PA.

In 2012, regular training with documentation regarding the date and attendance for the training in the areas of Sexual Harassment and Communication concerning Hazardous Substances was not occurring. A recommendation was made to train all staff in both subjects.

During the 2019 audit training in Sexual Harassment was not in evidence. This training is required by Board policy as well as regulation.

**Recommendation:** At a minimum, the District should include Sexual Harassment training within their yearly training program. I am further recommending that the District consider broadening the number of topics being presented for training and use an online training system that will standardize the topic content and add flexibility as to when the training can take place. Annual online trainings can be easily documented by printing the training completion document which would then be filed in each employee's personnel folder.

The use of the Global Compliance Network online training program or a similar program should be researched for use as the District's online training program. At a minimum I would recommend the following modules be used in connection with the District's annual training program:

- a. Employee Acceptable Use policy
- b. Harassment & Sexual Harassment
- c. Code of conduct (DASA)
- d. Fraternalization
- e. Cyberbullying
- f. Epinephrine Auto Injection Training for NY State
- g. School safety
- h. Hazard communications
- i. Bloodborne Pathogens

#### **14. Online HR Resource Center**

The District's web page contains a section named "Staff Information" that provides staff with links for quick reference and easy use of several HR applications such as AESOP, MyLearning Plan, Staff Technology Guide, and the Westchester Teacher Center. A majority of the applications require a login to use them.

**Recommendation:** To improve the existing online "Staff Information" section of the District's web page, the District should modify and augment this existing online resource by creating an additional area called the "HR Resource Document

Center”. This area would require a login. The following list of documents could be posted within the Center:

- a. Board of Education policies relating to HR matters;
- b. Forms used for HR functions;
- c. Collective Bargaining Agreements for each unit;
- d. the annually updated Employee Handbook;
- e. the guidelines for hiring staff;
- f. the District calendar;
- g. the 12-month holiday calendar;
- h. relevant portions of the District’s APPR plan; specifically, due dates and timelines in connection with observations and evaluations;
- i. the Teacher Seniority Roster;
- j. a link for the District’s Mandated Online Training program;
- k. job descriptions;
- l. the Extra-curricular Club Activities handbook; and
- m. yearly pay schedules.

Using this online resource will reduce the cost of creating and disseminating paper copies of the aforementioned documents, create efficiencies to the extent that changes to documents can be made easily and quickly, and provide easy access for staff seeking to retrieve this information. Adding this area will also standardize and increase the flow of HR information to staff. A separate section for new hires within this area should include information specifically supporting new staff as they become assimilated into the Irvington system.

## **15. Personnel Files**

Personnel files are files that contain many important records, correspondence, and documents that are associated with each employee’s employment and tenure in the district.

In 2012 it was noted that many personnel files contained non-compliant letters and documents. District correspondence not directly issued to the employee was inappropriately filed in the employee’s file. Several files inappropriately included information that was part of the interview process, reference information or paperwork concerning legal proceedings. The overall impression of the filing system was that it required an overhaul.

During the 2019 audit I sampled twenty-five personnel files (about 10 percent of the total staff) of teachers, administrators, clerical, teacher aides and custodians for

content that should be present in an employee's personnel file and for content which should not be in a personnel file. The overwhelming majority of files audited contained only the proper paperwork that should be found in an employee's personnel file.

Each file is well organized and has several sections separated by different colored tabs which segregate subject areas for example, application and pre-employment, letters of appointment, certification, in-service training, and evaluation, among others. The tab system provides for an effective and easy filing/retrieval system for the PA. It also maximizes her ability to efficiently and effectively manage the content of each file. The PA uses a spreadsheet and checklist to monitor the status of all necessary documents that are associated with hiring a new employee that are required to be present in each employee's file. The current system ensures that all required documents are obtained from the new hire, thereby helping to avoid important documents being omitted from the official personnel record at the time of hire.

The current state of the files along with the system used for maintaining file records is sound and in keeping with best practice in this area.

#### **16. Inactive Personnel Files**

State regulations exist that guide the process of storing files for inactive employees, which are employees separated from the District for any reason.

In 2012 the auditor was unable to determine where personnel files of inactive employees were stored and how their contents were monitored. The 2012 audit (Appendix I) contains the Personnel/Civil Service Regulations that should be followed.

The 2019 audit revealed that personnel files for inactive employees are maintained by the PA and filed in the Dows Lane Elementary School attic.

**Recommendation:** The PA has applied for a grant that will support the work associated with digitizing select documents that must be retained pursuant to the Retention Regulations for New York State Civil Servants. The district is awaiting the award of the grant to begin the process of digitizing the required documents.

#### **17. Sexual Harassment Compliance Officer**

In 2012 a recommendation was made that the District clearly identify the District's Sexual Harassment Officer, and that this information be clearly posted and

identifiable to all staff. Today, the District appoints the Sexual Harassment Compliance Officer at its annual reorganization meeting each July; however, I question how identifiable the name of the Officer is amongst the staff.

**Recommendation:** The name of the compliance officer should be posted annually in the Employee Handbook which is typically updated annually during the summer months. The name should also be added to the Compliance postings made available to staff in each building.

## **18. Compliance Postings**

In each building's teachers lounge there is a bulletin board on which postings related to workers rights are posted for staff (e.g., Right to Know; DASA; Sexual Harassment, Discrimination, FMLA, OSHA Job Safety and Health, New York Breastfeeding, EEOC, Worker's Compensation and many more.)

The presence of comprehensive postings at each work site is evidence that the 2012 audit recommendation to provide compliance posting information to all staff was successfully implemented.

Today, legally required compliance postings were observed on the District Office bulletin board. The ASIHR has reported that similar postings are present in the high school, middle school, Dows Lane and Main Street schools. The large chart containing most legal postings along with smaller supplemental postings at District Office clearly meet both the letter and spirit of the law.

## **19. Substitute Letters of Continued Assurance**

Part time employees may be eligible for unemployment insurance for time not worked during school holiday periods and the summer vacation period. Issuing a Letter of Continued Assurance to each part time employee indicating that their position will be available for a substantially equivalent period during the following school year minimizes the amount of unemployment insurance that the employee could receive. A recommendation was made in 2012 to issue such Assurance letters to protect the District from incurring liability for unemployment claims from part time employees.

The current audit revealed that the PA issues Letters of Continued Assurance on an annual basis for both summer and school holiday periods. This effective practice

has virtually eliminated the practice of part time or substitute employees filing for unemployment insurance.

## **20. Fingerprinting and Subsequent Arrest Notices**

All employees hired on or after July 1, 2001 must be fingerprinted as a condition of employment.

Subsequent Arrest Notices are issued by SED indicating that an individual who either works for the District or has worked for the District was arrested. The underlying infraction is not listed on the notice. Notices are sent directly to the Superintendent of Schools for each district.

In 2012 the audit indicated that procedures on how to address Subsequent Arrest notices were not in place.

In the 2019 audit all twenty-five personnel files tested demonstrated that each employee was properly fingerprinted and approved for work.

The current Subsequent Arrest Notice procedure involves the Superintendent receiving and immediately reviewing the notice with the ASIHR and school attorney to discuss the appropriate action to be taken on the matter. A copy of the notice is filed with the PA in a file kept in her office for this topic. Both actions are appropriate and represent best practice in this area.

## **21. Job Descriptions**

The 2012 audit indicated that job descriptions are not required by law but help ensure compliance with the Americans Disability Act (ADA). A small number of clear job descriptions were evident at that time. A recommendation was made to create job descriptions for each job category. The District fully complied with this recommendation.

The District has job descriptions for teachers, administrators and support staff housed in a large binder that resides in the PA's office. Job descriptions are detailed and well designed. The ASIHR and the PA update this book on an as needed basis.

**Recommendation:** In addition to being available in the PA's office, all job descriptions should be posted digitally within the HR module environment so that they can be easily accessed by staff.

## **22. Equal Employment Opportunity Commission (EEOC)**

The District is required by law to post a notice describing the Federal laws prohibiting job discrimination based on race, color, sex, national origin, age, equal pay, disability or genetic information. The District displays the EEOC legal notice on the Compliance Postings and in the Employee Handbook which contains Board policy 6120 – Equal Employment Opportunity. The OLAS employee application used by the District also contains an EEOC statement.

The PA is responsible for working with the ASIHR to complete the EEO-5 compliance report submitted to the Federal government on a periodic basis. The District's compliance officer is designated at the Board's Annual meeting in July of each year.

**Recommendation:** The name of the EEOC compliance officer be added to the Employee Handbook and be posted in the HR module on an annual basis.

## **23. Oath of Allegiance**

Section 3002 of the NYS Education Law requires that citizen teachers serving in the New York State public schools file a statement that they will support the Constitution of the United States of America and the Constitution of the State of New York. This statement is commonly known as the Oath of Allegiance.

In 2012 many files did not have a signed Oath as part of the file.

Today, a signed copy of the Oath of Allegiance was found in each of the 25 personnel files that were audited.

## **24. Tax Shelters and Retirement System Declination**

All applications and forms associated with opening a 403b or 457 Tax Shelter annuity programs can be found in the Business Office's files for each employee participating in these programs. The District contracts with OMNI, a company that specializes in managing the tax shelter application process, and OMNI provides assurances to both the District and the employee that all laws and regulations concerning the respective tax shelters are being followed. The use of OMNI is an excellent practice because it keeps the District out of the business of navigating the laws and regulations associated with opening and maintaining a tax shelter. It also

greatly limits the District's liability to the extent inaccurate information is provided to an employee. The District's responsibility to offer and administer both tax shelter programs rests with the Assistant Superintendent for Business and the payroll clerical assistant.

In 2012, both the 403b process and the declination process for part time employees did not appear to be consistently applied. Today the process for dealing with both issues is clearly and consistently applied. Any part time employee must be offered the option to join either the Teacher's Retirement System (TRS) or the Employee's Retirement System (ERS). Those who decline participation in the TRS or ERS sign the District's Written Acknowledgement TRS/ERS Right to Join Form and the form is filed in the employee's file in the Business office. The signed form protects the District from potential future challenges that the employee was never offered an opportunity to join the system at the time of hire.

Two instances were reviewed in which a part-time substitute teacher and a part time teacher aide signed the form declining to participate in the respective retirement system programs. Forms were filed in each employee's personnel file in the Business office.

## **25. Overtime, Compensatory Time, and Extra Pay**

Overtime is typically issued to clerical and custodial staff. Compensatory time is an arrangement by which eligible employees are entitled to time off in lieu of overtime pay. Extra pay for teachers would include but not be limited to clubs, interscholastic sports, teaching extra periods, internal substitute teaching on free periods, curriculum writing, and extra days worked that are not part of the yearly work calendar requirement i.e. summer work.

The 2012 report recommended that administrative oversight be inserted in the approval and payment process for overtime and comp time.

Today, the Assistant Superintendent for Business Operations actively oversees the use of and the payment for overtime on a regular basis. Most custodial overtime is due to scheduled events associated with the use of the district's facilities. All overtime for custodial and maintenance employees is pre-approved and managed by the Supervisor of Buildings and Grounds. Overtime for clerical time is managed by the building principal with oversight from the Assistant Superintendent for

Business. The administration building staff overtime is managed by the respective office administrator with oversight from the Assistant Superintendent for Business.

Extra pay for teachers and administrators is managed by the ASIHR with oversight by the Assistant Superintendent for Business. Extra pay for teachers would include but not be limited to clubs, interscholastic sports, teaching extra periods, internal substitute teaching on free periods, curriculum writing, and extra days worked that are not part of the yearly work calendar requirement i.e. summer work.

## **26. Change Order Process**

The change order process is used by the HR operation to inform the payroll staff of a personnel change and/or a payroll change.

The 2012 audit recommended the institution of a Change Order system that is triggered by the Board's approval of an appropriate personnel agenda resolution.

The 2019 audit revealed that HR communicates all personnel changes and/or payroll changes exclusively by using the Board's approved agenda. All pay actions that are not related to the payment of overtime are authorized in the form of an approved Board resolution. Board resolutions exclusively dictate what action administrators and/or clerical assistants are to take in terms of changing an employee's payroll status. The current Change Order system functions well.

**Recommendation:** One additional step can be taken in order to prevent any possible miscommunication between the PA, the Board clerk, and the payroll clerical assistant concerning the action taken by the Board. A paper copy of each Personnel agenda should be signed by the Board clerk after each Board meeting verifying that the document has been approved. The signed copy of the Personnel Agenda should then be distributed to both the PA directly and Payroll Clerk by way of the Assistant Superintendent for Business at the Superintendent's debriefing meeting held after every Board meeting. The signed copy of the agenda then becomes the only document that drives payroll changes.

## **27. Family Medical Leave Act (FMLA)**

The Family and Medical Leave Act (FMLA) provides certain employees with up to 12 weeks of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave.

FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons.

The 2012 audit revealed a lack of clarity as to the process of implementing FMLA law and regulations. It also questioned the IFA's interpretation of the 30-day leave provision as the provision relates to the IFA's Collective Bargaining Agreement in regard to FMLA law and regulations and the District's application of these provisions.

My audit revealed that the PA under the direction of the ASIHR now administers all matters relating to FMLA. This was not the case in 2012. The PA manages each case using the current practice as the guiding principle and seeks the approval of the ASIHR before providing FMLA parameters to the employee.

The only departure from the law that I observed is that the FMLA benefit still provides 30 school days rather than 30 calendar days as the benefit period for time allotted for pregnancy and birth. The law calls for using calendar days – not school days. For the teaching staff this translates into teacher's being on paid or unpaid FMLA leave longer than the law provides, therein adding costs associated with short or long-term substitute teacher pay, and the loss of instructional time provided by the permanent teacher of record.

Additionally, the District currently uses the school year as the defined period to calculate the FMLA benefit. The Board policy dealing with FMLA names a "rolling" system for defining the period to calculate this benefit.

**Recommendation:** While the District is aware of this discrepancy, corrective action requires negotiation with the IFA. I recommend that the District work to redefine and negotiate the current practice so that it meets but does not exceed the provisions of FMLA law and regulations.

The ASIHR, the PA, and District counsel should review both issues to verify these findings and, if necessary, remedy the situation.

## **28. Preferred Eligible List (PEL)**

A permanent or probationary teacher or teaching assistant whose position is abolished must be placed on a preferred eligibility list (PEL) for appointment to a similar position within the teacher's tenure area of employment and remains on the list for 7 years after the position is abolished. This is also called the right of first refusal.

School-related job titles except for teachers and teaching assistants are covered under Civil Service law under the category of “Classified Services.” These titles include but are not limited to clerical, custodial, and teacher aide positions. Only individuals holding competitive service positions are guaranteed rights in a layoff situation as defined under civil service law. Some cases of non-competitive and labor class positions held by honorably discharged veterans or exempt volunteer firefighters may add some additional rights under the law.

The District currently has one teacher on the PEL. The PEL list is housed in the PA’s office. I have researched the accuracy of this teacher’s original placement on the list and found all to be in order.

**Recommendation:** I recommend that a system of notifying the teacher that her right to be on the list is expiring at the end of this school year be developed by the District in consultation with the school district attorney. Furthermore, I recommend that her name be taken off the list on June 30, 2019. Effective July 1, 2019 she will no longer have the right of first refusal for any openings arising within her tenure area. The District may therefore hire anyone for a job within her tenure area without first contacting her to determine if she is interested in returning to Irvington.

As for support staff, the District indicated that there haven’t been any Civil Service layoffs that have triggered the implementation of the process employed by the Department of Civil Service.

## **29. Internal Job Posting**

The District uses a posting template which is specifically designed to address the unique posting requirements for each bargaining unit to post vacancies to staff. The four representative samples of postings that were audited in 2019 contained each of the elements that were recommended to be included in 2012, namely the start and end date, Equal Employment Opportunity (EEO) information, rate of pay and job duties associated with the vacancy.

## **30. Teacher Longevity Payments**

Longevity payments typically acknowledge time worked within a system. Payments are provided for service rendered in incremental amounts, typically depending

upon how many years a teacher works within the system. The CBA usually dictates when longevity payments are paid and the amount that a teacher receives when they meet the credited service time requirements.

Discussion with staff about this issue reveals that the practice of calculating longevity has been inconsistent over time. This inconsistent practice seems to be embedded in how the District defined “credited service” time at the time of hire which is then used to trigger longevity payments. The District is now using time within the Teacher’s Retirement System as the determining factor for the payment of longevity. This practice has been in place for approximately three years.

### **31. Teachers on Special Assignment (TOSA)**

Teachers on Special Assignment are teachers who work as instructional coaches (and/or other related services) for the instructional staff. Like any good coach, instructional coaches have a high level of knowledge and expertise in the area they are coaching. The District now has two elementary and one secondary instructional coaches. Each provide an invaluable amount of support in teaching staff best practices in their area of expertise. They also teach students directly or indirectly by working in a co-teaching situation with another teacher or by facilitating demo lesson to teachers. Teachers on Special Assignment report directly to the ASIHR.

**Recommendation:** The District should ensure that all Board of Education appointments reflect an appropriate area of tenure for any Teachers on Special Assignment.

### **32. Substitute Teachers**

The ASIHR is the District’s designated individual for recruiting and selecting substitute teachers. The District hires substitute teachers three different ways:

1. Building Subs – Principals conduct interviews and recommend candidates to the ASIHR.
2. Sub Fairs – Approximately 2 to 3 times a year the District advertises for a sub fair. Applicants apply and are interviewed by administrators. The Fairs are coordinated and managed by the ASIHR and the PA.
3. Rolling Hires – The District is always looking for subs and throughout the year the ASIHR interviews interested candidates.

Substitute teachers approved for employment are then forwarded to the PA who facilitates the process of obtaining reference checks and/or recommendations for

employment. Once references and/or letters of reference are obtained and all new employee requirements for teacher substitutes are met, the teacher is added to a Board agenda for approval.

Substitute teachers are informally assessed by the administrative staff at the building level. Specific forms are used to share both positive feedback and constructive criticism of the substitute teacher's performance. Teachers not meeting Irvington standards are removed from the active service pool.

In 2012 the recommendation to designate someone to be responsible for obtaining and managing teacher substitute staff was successfully accomplished with the appointment of the ASIHR.

Article XIX -TEACHING LOAD of the 2009-2016 CBA paragraph Class Coverage states:

*"In the event that classroom teachers in a building are absent and a substitute cannot be obtained following reasonable efforts to do so, teachers may be assigned to cover the classes of an absent teacher during one or their preparation periods. For this assignment, compensation will be \$40 per period."*

Secondary teacher period openings are therefore sometimes filled by permanent staff members who volunteer to work during their preparation periods. Teachers who volunteer forgo their prep period are paid a \$40 stipend to fill the period vacancy. The number of cases in which this option is used is directly commensurate to the ability of the District to find substitute teachers available to fill secondary vacancies. The ASIHR is currently conducting an analysis of the use of permanent staff to fill period vacancies, so additional research during the 2019 audit was not pursued.

### **33. Exit Surveys**

The use of exit surveys was recommended in 2012 so that the thoughts and opinions of staff exiting the organization could be shared with administration. Currently exit surveys are now issued to employees exiting the District. Exit surveys have been used and reviewed by the ASIHR and the information is then used to reinforce or change practice.

In the 2019 survey four surveys were randomly selected for review – a retiring teacher, a retiring custodian, a school monitor, and an aide. Each of the surveys was

completed and provided specific insights regarding the District generically and/or one or more of its operations. Exit surveys are stored in a separate file in the PA's office.

### **34. Course Approval for Salary Advancement**

Teacher pay is predicated on two major factors: salary steps, or vertical movement through a salary schedule, and salary grade, or horizontal movement based upon educational degree(s) earned and/or the number of graduate credits or in-service training credits earned. Article IV of the IFA (teacher) CBA "Salary / Professional Improvement" identifies the terms and conditions that are necessary to obtain credit for additional salary advancement.

The 2012 audit indicated that without a standard for course approvals used for salary advancement, horizontal movement or other methods to identify courses that align with the mission and goals of the District, teachers could take courses that have little or any value to the instructional program.

The 2019 audit reviewed several horizontal salary request applications to determine the quality of the courses being used for salary advancement. All courses audited were compliant with CBA requirements. Many of the courses were substantive in nature and were relevant to the applicant's area of instruction. It is important to note that the process used by the ASIHR involves the careful inspection of each application against the teacher's undergraduate and graduate college transcripts and previous transcripts associated with prior applications for salary advancement if any exist. All courses are cross referenced to determine if duplication exists. This process also allows for the inspection of the quality and the appropriateness of the courses relative to the teacher's role within the District. I found this process to be sound, as it encourages staff to extend their understanding and knowledge of their area of expertise by ensuring that only quality courses are taken for salary advancement. This process represents a best practice method of vetting course requests.

### **35. Support Staff Evaluations**

Support staff evaluations were contained in each of the several support staff personnel folders reviewed during this audit. Clear evidence exists that the District evaluates its support staff on an annual basis in accordance with best practices.

### **36. Recruitment and Selection Guidelines**

In 2014 the ASIHR created a comprehensive set of guidelines that outline the process and elements associated with recruiting, interviewing, and hiring of staff. The document is entitled “Administrative Guidelines for Recruitment and Selection of Certified Staff.” It provides pertinent information concerning how to determine staff needs, securing applicants, procedures for sorting and screening applicants, guidelines for conducting interviews, selecting finalists, and how to manage internal transfer requests, among other topics.

**Recommendation:** The section on administrator interviews should be edited to conform with current practice, including a pre-screening interview process which takes place at the District Office level for all administrator job openings and includes other administrators on an as needed basis. Participation in the prescreening process typically includes the Superintendent’s cabinet along with administrators invited by the Superintendent.

### **37. Personnel Consent Agenda**

A consent agenda is a board meeting practice that groups routine business and reports into one agenda item. The consent agenda can be approved in one action, rather than filing motions on each item separately.

The 2012 report recommendation to use a consent agenda for Personnel items has been operationalized and continues to be an ongoing practice of the Superintendent and Board of Education. It is an effective system for building an agenda and for expediting Board action.

### **38. Tenure Review Process**

Under New York State law, appointed teachers achieve tenure after completing a probationary period (usually 4 years) and fulfilling all the requirements for the professional certificate. Having tenure means an employee may not be disciplined or terminated without due process. A tenured teacher has the right to a hearing before an independent arbitrator regarding charges brought against him or her. This due process right protects teachers and administrators from being fired for personal, arbitrary or political reasons.

The 2012 audit addressed the manual tracking versus digital tracking of probationary teacher status within the nVision system. In addition, it recommended designing a process wherein every probationary teacher’s and

administrator's performance is reviewed every year throughout their probationary appointment period.

There is clear evidence in the 2019 audit that this recommendation was operationalized. Currently there is a system used for tracking and managing timely tenure recommendations using the nVision program and a review system wherein the Superintendent annually reviews teacher, teacher assistant or administrator job performance with the Board of Education for staff members who are within their last year of probation.

The first aspect of the process is a management system maintained by the PA under the supervision of the ASIHR. A spreadsheet contains the names of all untenured staff coming up for tenure, lists the number of years of probation to be served, and the date on which the employee is up for tenure. The number of years for the probationary term for teachers is established in law, regulation and case law. Under certain circumstances a teacher's probationary term must be shortened. One such circumstance is when the teacher achieves tenure from another NYS school district. When this happens one year is deducted from the normal 4-year probationary period.

**Recommendation:** All newly hired teachers that do not provide the PA with valid proof of having prior tenure at the time of hire should be appointed to a four-year probationary term, the maximum allowable by law. When the teacher provides proof of having received prior tenure from a NYS school district, the teacher's original appointment should then be amended by the Board to reflect this information. This action will ensure that teachers are serving the maximum amount of probationary time allowed by law, while also preventing tenure from being granted by estoppel.

The second aspect of the tenure process is an evaluation system which deals with monitoring a teacher's performance throughout his/her probationary period. The District's current system is restricted to monitoring a teacher's last year of probation and identifies specific points in time throughout the year when the superintendent, administration and Board review that teacher's performance in the context of the teacher's entire probationary period. The process/timeline presented by the District clearly outlines a comprehensive process:

1. In the Fall the District provides notice to the community of teachers and administrators coming up for tenure in the Spring.

2. The Board reviews candidates with the administration in January and February.
3. The Board acts to grant tenure in the Spring.

This process maximizes communication among teachers, administration and the Board and should maximize the ability to make necessary decisions concerning the granting of tenure.

**Recommendation:** The Superintendent should extend the current process to include the review of the probationary status of teachers each year of their probationary term so that he, the ASIHR, building administrators, and the Board maintain open lines of communication about the performance of each teacher throughout his/her entire probationary period.

### **39. Separation of Duties Procedure**

The concept of “Separation of Duties” is defined as assigning more than one person to complete a particular task and/or function. In the Business Office this concept serves as an internal control intended to prevent fraud and error. For example, it is one person’s responsibility to enter an employee into the payroll system of nVision, and a different person is assigned the responsibility for generating payment to that employee. The PA inputs all demographic data into the nVision system. The Payroll and Benefits Clerk inputs the original contract salary for each new employee. The Payroll and Benefits Clerk manages the payroll function to pay all employees. This process maintains the appropriate separation of duties between the PA and the business office.

The 2019 audit confirmed that this necessary separation of duty is in place.

### **40. New Teacher Orientation/Teacher Academy/Mentoring Program**

A two-day teacher orientation program is offered in late August. Topics include but are not limited to District Beliefs, Philosophies, Introduction of Irvington UFSD Systems, HR resources and Payroll functions, and an overview of the Pupil Personnel division.

The District also maintains a mentor teacher program overseen and supported by the ASIHR. This program provides direct one-to-one support to teachers requiring a mentor pursuant to NYS Education Department regulations.

**Recommendation:** Specific expectations concerning attendance should be included in the program along with expectations for courses to be used for salary transfer advancement purposes.

#### **41. District Organization Chart**

The 2012 audit recommended that a district organizational chart be established.

During the 2019 audit, I confirmed that the District now has an organizational chart that lists the relationship of the Board and district administration. As noted above, the 2018-19 organizational chart is attached to this report as Exhibit D.

#### **42. Extracurricular Clubs**

The payment for club advisors is addressed in Article VI “Extra Duties” of the IFA CBA.

The 2012 audit recommended that an extra pay compensation table be created for co-curricular stipends associated with student clubs. The audit also recommended that appointment letters to club activities should be sent to each club advisor after the Board approved the resolution to hire advisors. Both recommendations were successfully implemented.

The 2019 audit confirmed that a comprehensive handbook of course offerings for all school club activities and a series of compensation tables listing the pay rate for advisors were both developed by the ASIHR. The handbook contains the club offerings, description of activities, number of students anticipated to participate and remuneration for each activity. The contractual stipend rate tables are used by the PA when creating the Board agenda.

#### **43. Notification of Administrative or Other Vacancies**

The 2012 audit indicated that the posting for administrative openings was sporadic. The District now effectively uses its in-house posting system to notify all staff of administrator vacancies that meet the 30 day requirement of the IFA contract. I recently reviewed two postings for open administrative positions, and they were appropriately issued by the PA to all staff.

#### **44. Board Policy Review**

Section 6000 of the Board Policy Manual; Board policy 2160 Code of Ethics and Board policies contained in the Employee Handbook were reviewed as part of the 2019 audit. The audit revealed that the majority of the policies posted on the digital version of the District's web site or contained in the Employee Handbook were last reviewed/adopted in 2006.

**Recommendation:** The Superintendent and the Board of Education review Board policy on an ongoing basis. I am recommending that they review and update the aforementioned policies as soon as practicable so that the revisions to these policies can be integrated into the HR operation's protocols as soon as possible. I further recommend that the Superintendent review the policies contained in the Employee Handbook to ensure alignment with notice requirements contained in the Board's 6000 series policies.

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#### **Conclusion**

In conclusion, notwithstanding the need to significantly create or strengthen some key areas of the Irvington HR operation, when taking the totality of the HR systems, processes and procedures into consideration the vast majority of all of the systems that exist today are sound and serve the District, staff, and organization well. The Superintendent, administrators and Board of Education effectively applied the vast majority of the recommendations contained in the 2012 audit to significantly strengthen the HR operation. The current Board's interest in conducting a comprehensive audit of the HR Operation in order to assess and strengthen the procedures and practices within the HR operation is a testament to its commitment to transparency and to ensure an efficient and effective HR operation.

#### **Exhibit A Full List of Recommendations**

##### **Certification:**

In extenuating circumstances, a coach is placed on a Board of Education agenda for approval before the coach has submitted the necessary certifications/credentials to be hired. The Board agenda item is asterisked signifying the need for conditional approval. I support this practice; however, I am recommending that when a coach is placed on the

Board agenda for conditional approval, the ASIHR issue a letter to the Athletic Director and the coach specifying that until the PA has copies of certifications in hand, the coach must not serve in any capacity as a coach in the District.

**Teacher Seniority Roster:**

**1)** While the District is researching where the problem lies within nVision, the Seniority Roster should be reconstructed manually to correct the few cases where this condition presents itself.

**2)** Additionally, when teachers within the same tenure area are appointed at the same Board meeting the District has a “tie-breaker” protocol that must be applied to determine the relative seniority for the affected teachers. When a sampling of teachers found in a tie-breaking situation was tested, I found that in some cases the District’s tie-breaker protocol was not applied in a consistent manner, thereby resulting in situations where the relative seniority of teachers now needs to be adjusted to comport with the District’s rule of last in-first out.

Going forward, the tie-breaker protocol should be used consistently, using the corrected Seniority Roster data.

**3)** Another issue that needs to be addressed concerns when a teacher works as a leave replacement teacher and is thereafter hired as a probationary teacher. When the resulting probationary appointment is contiguous to the leave replacement assignment, the teacher must be given seniority credit for the days served as a leave replacement teacher. There is one instance in which this tie-breaker protocol was not applied, resulting in the need to change the relative position of one teacher in a particular tenure area.

An item confirming the addition of leave replacement time should be added to the new hire checklist to ensure that the time is included during the onboarding process.

**4)** When a probationary teacher takes a leave of absence without pay, I am recommending that each day of that leave be added to the teachers’ original probationary appointment period in accordance with case law. This will ensure that the appropriate probationary period required by law is preserved as much as possible. The extension of the teacher’s probationary period can only be effectuated by way of Board resolution.

A tracking system should be developed to document all extended leave of absences during employee probationary periods.

### **Staffing Charts:**

**1)** Add to the existing system of maintaining an account of all staff by generating a comprehensive report from nVision of all employees by job function. I highly recommend that the PA use this report for maintaining an ongoing Historical Summary of District Personnel otherwise referred to as a Table of Organization (TO) for the Full Time Equivalent (FTE) count of every full- and part-time staff member in the District. Exhibit C in the appendix is a sample of a Historical Summary of District Personnel / Table of Organization. This form should be adapted to reflect the staffing nuances of the district.

**2)** I further recommend that each October the Board adopt a resolution accepting the TO as the District's TO for that particular school year. The approved TO then becomes the baseline for future budget discussions and personnel adjustments that are made throughout the school year.

### **My Learning Plan:**

The absence data generated by the three applications (MLP, nVision, AESOP) should be either digitally (if possible) and/or manually cross referenced by the PA on a monthly basis in order to reconcile the data across the three systems.

### **Monitoring Teacher Attendance:**

**1)** As it is clear that there continues to be a subset of staff still exceeding acceptable limits for absences, the District can supplement the aforementioned process by adding a clear, formal, well-articulated system of reviewing and addressing absences on a regular basis. I further recommend that this system be managed at the District Office level under the direction of the ASIHR with the assistance of the PA and include a formal monthly review of attendance for all staff with particular attention and scrutiny upon staff members who consistently exceed reasonable limits over a consistent period of time. Without a more robust system for monitoring attendance as well as communicating, supporting and counseling employees who typically exceed normal absence limits, the likelihood of altering the poor attendance patterns of certain individuals diminishes significantly.

In addition to introducing a more robust system for reviewing, analyzing and addressing staff attendance, introducing a process for validating the accuracy of registering attendance should be addressed as well. The current system of verifying attendance data is not grounded in a procedure that requires each staff member sign into work and out of work every day. Instead an honor system is used wherein the teacher or administrator communicates that they will be absent by signing into AESOP to record their absence. If a

classroom teacher or non-classroom teacher (i.e. guidance counselor, psychologist or social worker) or administrator inadvertently forgets to register his/her absence into AESOP, or fails to notify the building secretary assigned with the responsibility of inputting attendance into the nVision system of recording absences after the fact, then the absence is not registered in the system in any manner.

If a disagreement or disparity arises later between what was recorded in AESOP or nVision, and information that should have been recorded in AESOP or nVision is challenged, the resolution of the disagreement must rely on each party's recollection as to the circumstances surrounding the absence.

Further, the current practice is that AESOP data is periodically manually reconciled with nVision data, as nVision maintains the official attendance record of all teacher and administrator attendance. A substantive weakness still exists because the data being cross referenced is not verified against data which can be confirmed by way of an appropriate sign in/sign out procedure.

**2)** I strongly recommend that the District make every effort to institute a system for all employees to sign in and sign out of the building each day because a sign in and sign out procedure functions as proof of attendance or absence. Many districts use a sign in/sign out procedure that is either manual or digital. Some digital systems use an ID badge reader to scan an employee's entrance or departure from the work site. A manual system usually is facilitated by way of a sign in/sign out sheet that is typically maintained in the principal's office. Both systems create a formal, retrievable, legal imprint for all employee attendance and are invaluable when disagreements and/or discrepancies arise concerning absence.

**3)** The District should facilitate having both AESOP and MLP communicate with each other digitally, so that the data can be regularly reconciled digitally rather than manually.

**4)** Conference attendance data should be monitored on an annual basis to determine the impact that such attendance has on District operations, if any.

### **Mandated Training:**

At a minimum, the District should include Sexual Harassment training within their yearly training program. I am further recommending that the District consider broadening the number of topics being presented for training and use an online training system that will standardize the topic content and add flexibility as to when the training can take place. Annual online trainings can be easily documented by printing the training completion document which would then be filed in each employee's personnel folder.

The use of the Global Compliance Network online training program or a similar program should be researched for use as the District's online training program. At a minimum I would recommend the following modules be used in connection with the District's annual training program:

- a. Employee Acceptable Use policy
- b. Harassment & Sexual Harassment
- c. Code of conduct (DASA)
- d. Fraternization
- e. Cyberbullying
- f. Epinephrine Auto Injection Training for NY State
- g. School safety
- h. Hazard communications
- i. Bloodborne Pathogens

**Online HR Resource Center:**

To improve the existing online "Staff Information" section of the District's web page, the District should modify and augment this existing online resource by creating an additional area called the "HR Resource Document Center." This area would require a login. The following list of documents could be posted within the Center:

- a. Board of Education policies relating to HR matters;
- b. Forms used for HR functions;
- c. Collective Bargaining Agreements for each unit;
- d. the annually updated Employee Handbook;
- e. the guidelines for hiring staff;
- f. the District calendar;
- g. the 12-month holiday calendar;
- h. relevant portions of the District's APPR plan; specifically, due dates and timelines in connection with observations and evaluations;
- i. the Teacher Seniority Roster;
- j. a link for the District's Mandated Online Training program;
- k. job descriptions;
- l. the Extra-curricular Club Activities handbook; and
- m. yearly pay schedules.

Using this online resource will reduce the cost of creating and disseminating paper copies of the aforementioned documents, create efficiencies to the extent that changes to documents can be made easily and quickly, and provide easy access for staff seeking to retrieve this information. Adding this area will also standardize and increase the flow of HR information to staff. A separate section for new hires within this area should include

information specifically supporting new staff as they become assimilated into the Irvington system.

**Inactive Personnel Files:**

The PA has applied for a grant that will support the work associated with digitizing select documents that must be retained pursuant to the Retention Regulations for New York State Civil Servants. The district is awaiting the award of the grant to begin the process of digitizing the required documents.

**Sexual Harassment Compliance Officer:**

The name of the compliance officer should be posted annually in the Employee Handbook which is typically updated annually during the summer months. The name should also be added to the Compliance postings made available to staff in each building.

**Job Descriptions:**

In addition to being available in the PA's office, all job descriptions should be posted digitally within the HR module environment so that they can be easily accessed by staff.

**Equal Employment Opportunity Compliance Officer:**

The name of the EEOC compliance officer be added to the Employee Handbook and be posted in the HR module on an annual basis.

**Change Order Process:**

One additional step can be taken in order to prevent any possible miscommunication between the PA, the Board clerk and the payroll clerical assistant concerning the action taken by the Board. A paper copy of each Personnel agenda should be signed by the Board clerk after each Board meeting verifying that the document has been approved. The signed copy of the Personnel Agenda should then be distributed to both the PA directly and Payroll Clerk by way of the Assistant Superintendent for Business at the Superintendent's debriefing meeting held after every Board meeting. The signed copy of the agenda then becomes the only document that drives payroll changes.

**Family Medical Leave Act (FMLA):**

While the District is aware of a discrepancy between District practice and law, corrective action requires negotiation with the IFA. I recommend that the District work to redefine and negotiate the current practice, so that it meets but does not exceed the provisions of FMLA law and regulations.

The ASIHR, the PA and District counsel review both issues to verify these findings and if necessary, remedy the situation.

**Preferred Eligible List (PEL):**

It is recommended that a system of notifying the teacher that her right to be on the PEL list is expiring at the end of this school year be developed by the District in consultation with the school district attorney. Furthermore, it is recommended that her name be taken off the list on June 30, 2019. Effective July 1, 2019 she will no longer have the right of first refusal for any openings arising within her tenure area. The District may therefore hire anyone for a job within her tenure area without first contacting her to determine if she is interested in returning to Irvington.

As for support staff, the District indicated that there haven't been any Civil Service layoffs that have triggered the implementation of the process employed by the Department of Civil Service.

**Teachers on Special Assignment (TOSA):**

The District should ensure that all Board of Education appointments reflect an appropriate area of tenure for any Teachers on Special Assignment.

**Recruitment and Selection Guidelines:**

The section on administrator interviews should be edited to conform with current practice, including a pre-screening interview process which takes place at the District Office level for all administrator job openings and includes other administrators on an as needed basis. Participation in the prescreening process typically includes the Superintendent's cabinet along with administrators invited by the Superintendent.

**Tenure Review Process:**

**1)** All newly hired teachers that do not provide the PA with valid proof of having prior tenure at the time of hire should be appointed to a four-year probationary term, the maximum allowable by law. When the teacher provides proof of having received prior tenure from a NYS school district, the teacher's original appointment should then be amended by the Board to reflect this information. This action will ensure that teachers are serving the maximum amount of probationary time allowed by law, while also preventing tenure from being granted by estoppel.

The second aspect of the tenure process is an evaluation system which deals with monitoring a teacher's performance throughout his/her probationary period. The District's current system is restricted to monitoring a teacher's last year of probation and identifies specific points in time throughout the year when the superintendent, administration and Board review that teacher's performance in the context of the teacher's entire probationary period. The process/timeline presented by the District clearly outlines a comprehensive process:

1. In the Fall the District provides notice to the community of teachers and administrators coming up for tenure in the Spring.
2. The Board reviews candidates with the administration in January and February.
3. The Board acts to grant tenure in the Spring.

This process maximizes communication among teacher, administration, and the Board and should maximize the ability to make necessary decisions concerning the granting of tenure.

**2)** The Superintendent should extend the current process to include the review of the probationary status of teachers each year of their probationary term so that he, the ASIHR, building administrators and the Board maintain open lines of communication about the performance of each teacher throughout his/her entire probationary period.

**New Teacher Orientation/ Teacher Academy/Mentoring Program:**

Specific expectations concerning attendance should be included in the program along with expectations for courses to be used for salary transfer advancement purposes.

**Board Policy Review:**

The Superintendent and the Board of Education review Board policy on an ongoing basis. I am recommending that they review and update the aforementioned policies as soon as practicable so that the revisions to these policies can be integrated into the HR operation's

protocols as soon as possible. I further recommend that the Superintendent review the policies contained in the Employee Handbook to ensure alignment with notice requirements contained in the Board's 6000 series policies.

**Exhibits B-D which are older documents are attached as separate files. Click on each to open and review.**

[Exhibit B: 2012 HR Audit](#)

[Exhibit C: Historical Summary of District Personnel](#)

[Exhibit D: IUFSD 2018-19 Organizational Chart](#)