



Moss Adams Organizational Assessment: Labor & Employee Relations

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FINAL REPORT

Seattle Public Schools

ORGANIZATIONAL ASSESSMENT: LABOR & EMPLOYEE RELATIONS

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Table of Contents

I. Executive Summary	1
A. Background, Scope, and Methodology	1
B. Themes	1
C. Summary of Observations and Recommendations	2
II. Background, Scope, and Methodology	6
A. Background	6
B. Scope and Methodology	6
III. Commendations	8
IV. Observations and Recommendations	9
A. Organization and Structure	9
B. Staffing	22
C. Systems, Processes, and Policies	29
D. Stakeholder Relationships	38
Appendix A: Change Management Planning Template Examples	43
Appendix B: Job Description Samples	48
Director of Labor and Employee Relations	48
Labor and Employee Relations Manager	49
Labor and Employee Relations Investigator	51
Labor and Employee Relations Analyst	52
Appendix C: Workload Analysis Template Example	54
Appendix D: Eisenhower Matrix Example	56



I. EXECUTIVE SUMMARY

A. BACKGROUND, SCOPE, AND METHODOLOGY

Seattle Public Schools (the District, SPS) is the largest school district in Washington, educating more than 54,000 students in 104 schools during the 2017-18 school year. The District is led by a seven-member elected School Board (the Board), a Superintendent, a Deputy Superintendent, two associate superintendents, and nine assistant superintendents/chiefs (collectively referred to as District leadership).

The Labor and Employee Relations Division (LER, the Division) is located within the Human Resource Department (the Department), and is led by the Executive Director of Labor and Employee Relations (the Director). The work of LER requires engagement of multiple, diverse stakeholders, including District staff, union representatives, principals, teachers, families, and students.

This organizational assessment of the District's LER function was designed to evaluate its structure, function, and effectiveness. The assessment was conducted between November and December 2018 and consisted of four major phases: 1) Project Initiation and Management, 2) Fact Finding, 3) Analysis, and 4) Reporting. The analysis was informed by interviews, document reviews, technology reviews, a peer benchmarking survey, and research into industry best practices.

B. THEMES

Three major themes rose to the surface during this assessment—accountability, clarity, and structural support.

Accountability to Impact

Within the current operating environment, it is challenging for LER staff to develop a sense of ownership or connection to the impact their work has on students and the wider school community. Lack of role clarity and inadequate process and system support from Department leadership has created barriers to working with a sense of urgency—even when the potential risks to students or the District are high. Staff morale is low, in part because they lack the feeling of accomplishment that accompanies a sense of ownership, and are unable to see or be recognized for their collective impact.

Shifting the team toward an impact-focused approach has the potential to significantly improve efficiency and foster a healthy culture of accountability. This work will involve a concerted leadership effort on many fronts, starting with clearly defining the mission of the team, conducting operational planning, ensuring the staff is structured and supported to enable success, and developing performance measurement standards.

Clarification of Expectations

A healthy working culture relies on clarity and consistency. However, a lack of clearly defined operating standards is LER's most commonly mentioned challenge. Staff and stakeholders report



confusion around many foundational aspects of the team’s work, including roles and responsibilities, policies and procedures, and expectations for stakeholder relationships. For example, as within many other public organizations, the majority of LER processes are undefined or informal. As a result, staff each develop their own methods and approaches, which impacts consistent stakeholder engagement. This type of ambiguity results in a lack of consistency, frustration, inefficiencies, and risk for staff and stakeholders throughout the District.

To create a more transparent and trusting culture, the Department should support staff through defined expectations, development of consistent policies and procedures, employee performance management, clear methods for prioritization, and consistent leadership support.

System and Structure Support

The internal systems and structures that support LER are critical to efficient operations. Currently, LER is reliant on fragmented, manual, and paper-based case management processes, which creates high levels of risk for the District, and an adverse operating environment for staff. While steps are being taken to address this issue, LER will continue to function sub-optimally until an integrated case management system is adopted. In addition, the LER staffing structure is not yet optimized to support the Departments strategic goals. These system and structure issues, along with other factors, contribute to high workloads and a backlog of cases. Ultimately, this directly and negatively impacts students and the school community.

By investing in system and structure improvements—including adopting an integrated case management system, developing overflow procedures to handle current and future case backlogs, and considering alternative team staffing structures—the Department can ensure they are effectively supporting the work of LER.

C. SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

Observations and recommendations were grouped into four major categories: Organization and Structure; Staffing; Systems, Processes, and Policies; and Stakeholder Relationships.

OBSERVATIONS AND RECOMMENDATIONS		
ORGANIZATION AND STRUCTURE		
1	Observation	LER lacks mission and vision statements that connect its work to students and the wider SPS community.
	Recommendation	To shift the team culture toward an impact-focused approach, Department and LER leadership should work together to clearly articulate the mission, goals, and ultimate results of LER’s work.
2	Observation	LER is largely focused on task completion and, therefore, conducts limited formal planning that would enable strategy development and proactive operations.
	Recommendation	Develop a multi-year operating plan to define LER’s strategies, priorities, upcoming projects, and required resources.



OBSERVATIONS AND RECOMMENDATIONS		
3	Observation	LER lacks a performance reporting framework to monitor and evaluate services, operations, and District-wide trends.
	Recommendation	Establish a consistent performance reporting framework to keep the Board, District leadership, and the SPS community informed on LER's work and progress toward goals.
4	Observation	The current LER organization structure may not be the most effective configuration to effectively address its workload.
	Recommendation	Consider a variety of staffing structures to determine which may best suit the needs of the HR Department.
5	Observation	LER employees report that roles, responsibilities, and decision-making authority are poorly defined, contributing to confusion and unclear expectations.
	Recommendation	Evaluate and clarify LER and District employees' roles, responsibilities, and authority throughout the case management process.
6	Observation	Investigators report unclear and inconsistent expectations related to their activities and deliverables.
	Recommendations	<p>A. Clarify the purpose, format, and contents of investigation reports.</p> <p>B. Standardize the investigation report review process to ensure consistency and independence.</p> <p>C. Clarify and enforce investigators' authority to ensure timely participation from District staff.</p>
7	Observation	As the Department experiences high levels of organizational flux, LER has struggled to effectively sustain changes and inspire staff to adopt new systems and processes.
	Recommendation	Create a culture of deliberate change management to ensure new initiatives are effectively developed, communicated, implemented, and adopted.
STAFFING		
8	Observation	LER's current operating environment prevents an accurate assessment of staff workloads.
	Recommendation	Once critical policy, process, and system changes have been implemented, perform a workload analysis to determine staffing needs.
9	Observation	LER has historically struggled with a backlog of cases and lacks a process to effectively manage excess cases.
	Recommendation	Prevent future backlogs by establishing processes to hire temporary staff and/or outsource overflow cases during high workload periods.
10	Observation	LER does not conduct proactive workforce planning, presenting risk of losing institutional knowledge.



OBSERVATIONS AND RECOMMENDATIONS		
	Recommendation	Develop a strategic plan to address workforce planning for LER positions to proactively identify needs, develop employees, and support operational continuity.
11	Observation	Some LER employees are sole contributors to key functions, presenting elevated risk to the District.
	Recommendation	Conduct cross-training among Department employees to ensure adequate and consistent coverage of key functions and duties.
12	Observation	LER employees would benefit from additional technical, process, and systems training and career development opportunities.
	Recommendations	<p>A. Ensure performance evaluations are beneficial for staff, including establishing transparent and fair performance expectations, and integrating the review process with a growth and development plan.</p> <p>B. Offer regular high-quality trainings on topics including conflict resolution, difficult conversations, implicit bias, and cultural competency.</p>
13	Observation	Significant turnover of LER leadership has created inconsistent priorities and management approaches, resulting in decreased operational efficiency on the team.
	Recommendation	To increase retention, clarify the position's role, responsibility, and key characteristics, and ensure the position has appropriate support and authority to be successful over time.
SYSTEMS, PROCESSES, AND POLICIES		
14	Observation	LER relies on fragmented, manual, and paper-based case management processes, which creates high levels of risk for the District and an adverse operating environment for staff.
	Recommendation	Continue developing a comprehensive case management system that will fully integrate with the District's other data systems to support staff needs and adequately protect the District from risk.
15	Observation	The allegation access points and intake processes can be confusing to users and do not ensure that appropriate information is collected.
	Recommendation	Standardize the allegation intake content and process, and update the website to improve the user experience.
16	Observation	LER staff struggle to effectively prioritize work and manage time appropriately in the face of extremely high workloads.
	Recommendation	Provide clear expectations, training, and resources to ensure staff have the support and capacity to adequately manage their workloads.
17	Observation	A lack of dedicated private spaces for meeting or calls creates challenges to ensuring information remains confidential.



OBSERVATIONS AND RECOMMENDATIONS		
	Recommendation	To promote confidentiality, dedicate at least one private meeting room within the HR office area for LER purposes.
18	Observation	Many LER policies and procedures are not documented or do not exist, resulting in staff confusion, challenges around accountability, and inconsistent service delivery.
	Recommendation	Document policies and procedures to provide consistency for staff and clients.
19	Observation	Superintendent Procedures references an Alternative Dispute Resolution process to resolve allegations of discrimination, harassment, bullying, and intimidation; however, no such process exists.
	Recommendation	Develop an Alternative Dispute Resolution process to support the resolution of allegations without requiring a formal investigation.
20	Observation	There are opportunities to increase the usefulness of the Collective Bargaining Agreements (CBAs) between the District and the unions.
	Recommendation	Work toward improving the CBAs by striving to standardize grievance processes, ensuring CBAs reference District-wide policies whenever possible, and increasing clarity of contracts.
STAKEHOLDER RELATIONSHIPS		
21	Observation	There are opportunities to increase efficiency and improve cross-District relationships by better supporting principals.
	Recommendations	A. Provide high-level resources and trainings so principals have a clearer understanding of the grievance and allegation processes. B. Increase proactive communication with principals. C. Clarify roles and responsibilities of HR, principals, and Directors of Schools. D. Develop clearer procedures for handling issues related to employees represented by the IUOE Local 609.
22	Observation	Inconsistent LER practices have strained relationships with some union representatives and members.
	Recommendation	To build a stronger, more productive relationship with all unions in the District, LER should focus on establishing consistent practices and clear expectations for all involved parties.



II. BACKGROUND, SCOPE, AND METHODOLOGY

A. BACKGROUND

Seattle Public Schools (the District, SPS) is the largest school district in Washington, with more than 54,000 students in 104 schools during the 2017-18 school year. The District is led by a seven-member elected School Board (the Board), a Superintendent, a Deputy Superintendent, two associate superintendents, and nine assistant superintendents/chiefs (collectively referred to as District leadership).

The Labor and Employee Relations Division (LER, the Division) is located within the Human Resource Department (the Department), and is led by the Executive Director of Labor and Employee Relations (the Director). LER is responsible for managing the District's relationship with employees, administering Collective Bargaining Agreements, conducting employee investigations, facilitating contract grievance procedures, and coordinating employee accommodations. The work of LER requires engagement of multiple, diverse stakeholders, including District staff, union representatives, principals, teachers, families, and students.

The Human Resources Department has been characterized by high levels of staff turnover and organizational change within the past several years, including a major HR Transformation initiative. Overall, workloads across the Department have been high, negatively impacting LER and resulting in a backlog of investigations. With the impending retirement of the current LER Director in early 2019, the Department requested an organizational assessment of LER to analyze its structure, function, and effectiveness.

B. SCOPE AND METHODOLOGY

This organizational assessment was designed to evaluate the LER function, with emphasis on the following areas:

- Evaluate the structure, function, capacity, and role of LER personnel;
- Assess alignment of LER services with the District's strategic goals and business plans;
- Identify opportunities for improvement in service delivery, organization, operations, and process efficiency; and
- Benchmark against other large public organizations with multiple employee labor unions, including public schools.

The assessment was conducted between November and December 2018. The analysis was informed by interviews, document review, technology reviews, a peer benchmarking survey, and research into industry best practices. The project consisted of four major phases:

1. **Project Initiation and Management:** This phase concentrated on comprehensive planning and project management, including identifying employees to interview, identifying documents to review, communicating results, and establishing regular reports on project status.
2. **Fact Finding:** This phase included interviews, document review, and best practice research. We worked with District staff to obtain the most currently available information and insights.



- *Interviews:* We conducted interviews with LER staff, relevant Central Office staff, union representatives, and principals.
 - *Document review:* We reviewed documents including policies, procedures, planning documents, and others.
 - *Technology review:* We reviewed the current case log system and the OpenText pilot project.
 - *Peer benchmarking survey:* We identified several similarly situated school districts—including Boston Public Schools, Oakland Unified School District, Portland Public Schools, and San Francisco Unified School District—and requested they complete a peer survey.
 - *Best practice research:* Based on the opportunities for improvement identified, we conducted research to ascertain LER best practices found in other school districts and governmental agencies.
3. **Analysis:** This phase served as the assessment portion of the project where, based on information gathered, we evaluated the importance, impact, and scope of our observations in order to develop recommended efficiency and effectiveness changes.
 4. **Reporting:** This phase concluded the project by reviewing draft observations and recommendations with the Assistant Superintendent of HR to validate facts and confirm the practicality of recommendations, as well as providing a finalized report to the District.



III. COMMENDATIONS

Based on the insights gathered through interviews, survey responses, and document review, it is evident that LER has several commendable organizational attributes. Some examples are provided below.

- *Departmental Commitment:* There is strong Departmental will to improve and better support the work of LER, as evidenced through recent investments such as the OpenText pilot project.
- *Reduction in Administrative Leave:* The LER team has successfully reduced the number of District staff on administrative leave from twenty-two in 2016 to four as of report issuance. This results in significant cost savings and increased operational efficiency District-wide.
- *OpenText Pilot Project:* The Department has initiated efforts to transition LER data from paper files to electronic records. Centralization and automation of LER case management data will significantly reduce the risk of human error, improve visibility of cases and timelines, and enable the Department to track performance measures.
- *Technical Expertise:* The Director brought significant experience to the LER team, resulting in improved credibility, leadership support, and reputation with external stakeholders.
- *Problem-Solving Attitude:* Many stakeholders report that individual interactions with LER leadership and staff are often characterized by an attitude of problem-solving and collaboration.

We would like to thank LER, District, and Union staff and leadership for their participation in this study.



IV. OBSERVATIONS AND RECOMMENDATIONS

A. ORGANIZATION AND STRUCTURE

Mission Definition

1	Observation	LER lacks mission and vision statements that connect its work to students and the wider SPS community.
	Recommendation	To shift the team culture toward an impact-focused approach, Department and LER leadership should work together to clearly articulate the mission, goals, and ultimate results of LER’s work.

LER lacks mission and vision statements that provide a clear connection between the Division’s work and the impact on students and the SPS community. For example, the SPS LER website provides the following information:

“Labor and Employee Relations is responsible for the District’s relationship with represented and non-represented employees. It is responsible for administering Collective Bargaining Agreements and policies impacting all employees, including contract grievance procedures, 504 accommodations and allegation of violations of anti-harassment/anti-bullying policies.”

While this narrative provides a sense of LER’s service offerings, it does not articulate how those services impact District employees, students, and families. This is indicative of a task-oriented focus rather than a strategic, comprehensive, consistent, and proactive approach to the Division’s work. High workloads and systemic barriers to operating effectively also contribute to an emphasis on completion of individual tasks over analyzing District-wide concerns and developing strategies to support student and employee physical, social, and emotional safety.

To shift toward an impact-focused approach, Department and LER leadership should work together to clearly articulate the Division’s mission and vision, and establish goals that reflect the ultimate results of LER’s work. At the onset of this process, the team should reinforce that students are the primary stakeholders they serve by working with secondary stakeholders, such as principals, teachers, staff, and union representatives, to create a healthy and safe work environment. For example, the Labor Management and Employee Relations Office at Oakland Unified School District (OUSD) has the following mission statement:

“The Office of Labor and Employee Relations is committed to serving Oakland families by cultivating a work environment in OUSD that ensures that every student thrives. Our office is dedicated to providing the highest quality of services to individual employees, school communities, and District leadership in furtherance of OUSD’s Pathway to Excellence Strategic Plan.”

This mission statement clearly links the work of LER to students, families, and district goals. A compelling mission statement provides focus, guides operations, and inspires greater confidence in the Division’s activities across the school community.



Once these cultural guideposts are articulated, leadership should intentionally reference and incorporate student-centered impact into all facets of team work, including how decisions are made, how priorities are set, and how progress is measured. The mission and vision should also inform the Division's operational plan and outcome-focused goals, as discussed in the following section.

Operational Planning

2	Observation	LER is largely focused on task completion and, therefore, conducts limited formal planning that would enable strategy development and proactive operations.
	Recommendation	Develop a multi-year operating plan to define LER's strategies, priorities, upcoming projects, and required resources.

Currently, LER does not have a multi-year operating plan in place to define its priorities, inform budgetary and staffing decisions, and guide strategies and initiatives. Several factors restrict the Department's ability to engage in proactive planning and strategy development. First and foremost, high workloads contribute to a reactive LER culture where task completion is understandably prioritized over retrospective performance assessments and future planning. Additionally, process and system inefficiencies limit the Department's capacity to collect relevant data on the team's workload, successes, and challenges, which would typically be used to inform planning. This creates challenges to strategic decision-making, accurately assessing staffing needs, and ensuring team accountability.

Due to the nature of the work, many of LER's activities will remain reactive. However, the Division currently has the opportunity to evaluate and modify its mission, scope of services, strategy, staffing structure, resources, and processes. These factors all contribute to operational efficiency and service delivery, including organizational reputation. With proper planning and ongoing plan management, LER could improve its internal operations, thereby increasing its overall impact on the SPS community.

Operating plans should be a practical actionable guide for the next one to three years of LER activities, ultimately setting the direction of the team. Leadership should ensure plan alignment with broader Department and District goals and priorities. The plan should be informed by LER's mission and define LER's key activities, priorities, and levels; clarify goals, objectives, and desired outcomes; and develop efficiency and effectiveness-based performance measures. Sample performance measures are included in the section below. Given LER's realignment and opportunities for improvement in its current systems and processes, the first operational plan is likely to focus largely on internal activities, with subsequent plans providing a greater focus on external service delivery. For example, the first plan might include information about internal activities like process reengineering, systems implementation, data collection and utilization, and employee development plans.



Performance Measurement

3	Observation	LER lacks a performance reporting framework to monitor and evaluate services, operations, and District-wide trends.
	Recommendation	Establish a consistent performance reporting framework to keep the Board, District leadership, and the SPS community informed on LER's work and progress toward goals.

In the absence of a multi-year operating plan and related performance measures, it is difficult to gain a comprehensive picture of the workload, activities, and improvements made in LER. This impacts LER reporting at the Department, District, and Board levels. Due to data limitations and process inconsistencies, reporting is often limited to the number of cases open and processed; therefore, it does not provide a comprehensive view of LER's activities and impact.

As a component of its operating plan, LER should establish a performance reporting framework consisting of performance measures that provide meaningful, balanced information about LER operations to guide management decisions, promote transparency and accountability, complement anecdotal evidence with data, and steer the future direction of the team. Performance reporting enables ongoing monitoring and evaluation of services, operations, and district trends that in turn inform strategies that support proactive issue resolution.

Performance measures should be established using a collaborative, facilitated process to ensure that they are meaningful, appropriate, and align with Department and District priorities. Each performance measure should have a clearly documented description (what it is), objective (what it is striving to measure), definition (how it is gathered or calculated), and reporting frequency (monthly, quarterly, or annually). Performance measures can include both workload and outcome measures. For example:

- **Workload measures:** Number of cases per employee, number of cases open by type per 1,000 employees, number of cases closed by type by 1,000 employees, average case closure length by type, average investigation length by type, number of employees on administrative leave, records requests processed
- **Outcome measures:** Percent of cases closed on time, percentage of cases closed by closure method (investigation, ADR, etc.), days of administrative leave, win ratio of cases that advance to a hearing, cost of grievances or allegations (which could include the cost of staff time spent on case resolution, and the cost of lost productivity)

While a number of peer school districts were asked to complete a benchmarking survey that included questions on current performance measurement activities, it appears that developing consistent and effective performance metrics is a common challenge. As such, we did not identify a common standard for LER performance measurement.

In addition to developing these performance measures, LER should also clarify how it will communicate this information to stakeholders across the District. Typically, organizations include a performance dashboard on their website to educate interested parties about their activities. However, given the current emphasis on LER in the District, the Department may also consider integrating these measures into regular Board reporting to convey how the Department is operating and meeting the needs of the District.



Overall, a performance reporting framework will help LER present a coherent picture of organizational performance and serve as the basis to support management decisions using a data-driven approach.

Organization Structure

4	Observation	The current LER organization structure may not be the most effective configuration to effectively address its workload.
	Recommendation	Consider a variety of staffing structures to determine which may best suit the needs of the HR Department.

LER is comprised of numerous complex functions, including union bargaining, grievances and allegation case management, appeals, investigations, ADA accommodation requests, and staff evaluations. Currently, the Executive Director of Labor and Employee Relations oversees the District's LER and Leave functions. This organization structure is reflected in the organization chart below.

FIGURE 1: CURRENT ORGANIZATION STRUCTURE

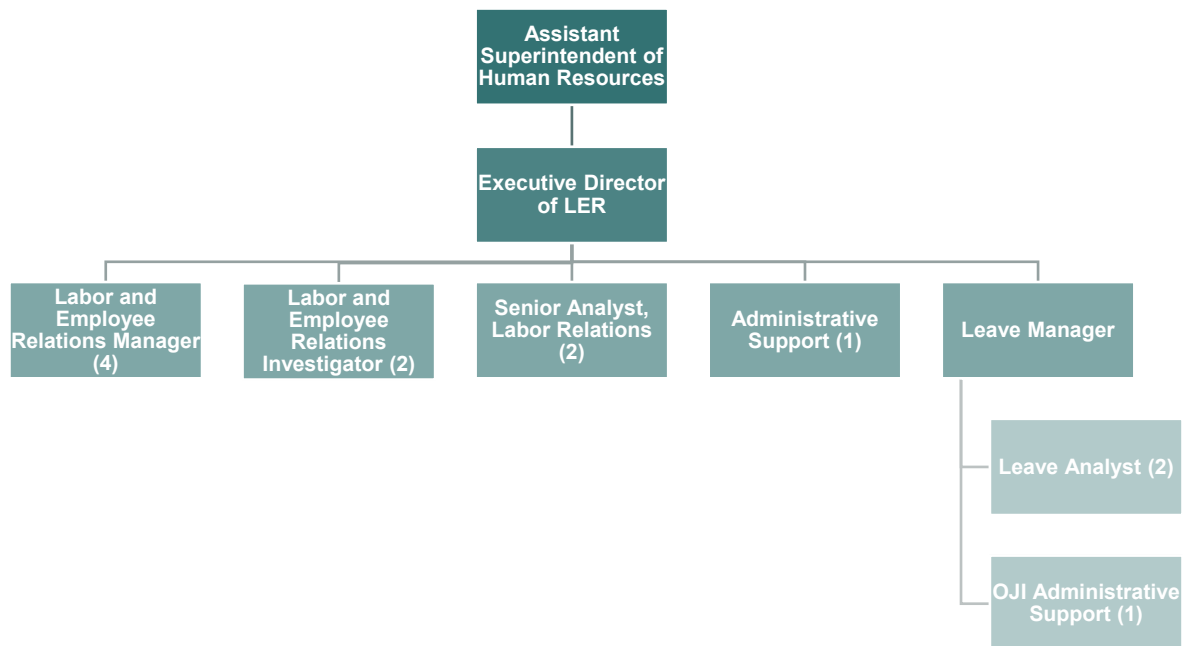
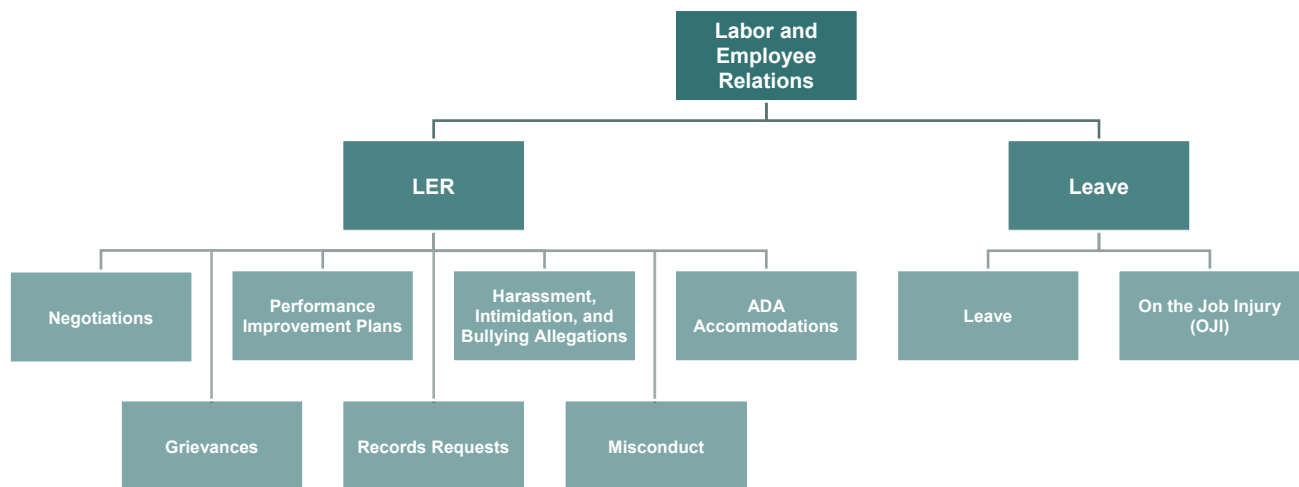




FIGURE 2: CURRENT FUNCTIONAL STRUCTURE



This organization structure results in a total of ten employees reporting directly to the Director, which is a high span of control that may limit the Director’s capacity to conduct strategic activities that would support the Division as a whole. Additionally, the Director performs direct service in several cases that are escalated, further restricting time that could be dedicated to planning, union relationship development, standardization, and system implementation.

Workloads within the LER functions are reportedly extremely high and extend across a large scope of work that may be unrelated to the Division’s mission. For example, Leave and ADA accommodations have an ambiguous relationship with core LER activities such as union relationships, investigations, and supervisory support. In evaluating the mission of LER, Department leadership should consider what services are appropriate for the Division to provide its employees with focus and capacity to engage in proactive and strategic services.

Using LER’s mission as a guide, the Department should consider modifying LER’s organization structure to help increase Director capacity, provide focus, clarify roles and responsibilities, and right-size employee workloads. Several potential options that may improve the effectiveness of the team are presented below:

A. Retain the current LER configuration, but increase staffing levels.

While it is not currently possible to accurately assess staff workloads (Recommendation 8), staff and stakeholders universally report that the team is understaffed. The team is also currently lacking sufficient clerical support staff that would enable managers, investigators, and analysts to focus on more strategic work. The Department could increase staff levels to include three investigators, three analysts, and two administrative support staff.

Pros: Right-sizes staff workloads to increase quality of work, ensures all incoming cases are processed efficiently, enables staff to focus on higher-level strategic work

Cons: Could increase staff expenses, current inability to accurately assess workloads may result in over- or understaffing specific positions



B. Move the Chief Negotiator function into LER, redefine the Executive Director position, and create a new Negotiations and Labor Director position.

Staff, stakeholders, and leadership report that the LER team requires a leader who is skilled in both technical and management areas. To satisfy this need, the Department could split the leadership function into two specialized roles—the Executive Director and a new Negotiations and Labor Director position that would take on the Chief Negotiator function once that short-term position concludes in 2019. Shifting the Chief Negotiator function into LER would ensure technical expertise, and the Executive Director position could be refocused to provide the skills needed to support staff and lead the division. Within this structure, the Executive Director’s primary core competencies would be strategic team leadership and management, rather than labor, law, or negotiation expertise.

Pros: Ensures LER has the correct functional and leadership expertise

Cons: Could complicate authority and reporting relationships

C. Move the Leave staff and ADA accommodation functions to HR’s Strategy & Operations division, and clarify the Evaluations function.

The Leave and ADA functions are not directly related to LER’s current core purpose. As such, these functions may be better supported as part of HR’s Strategy & Operations division, alongside other employee services functions. In addition, the Evaluations function that currently resides within LER should be renamed and redefined to clarify its focus on performance improvement. This will help distinguish between the standard evaluation function performed in HR’s Professional Growth and Evaluations (PG&E) division, and the related work led by LER.

Pros: Focuses LER on work most relevant to their mission, creates a closer relationship between Leave, ADA, and other employee service functions

Cons: Requires proactive communication between Strategy & Operations and LER to manage inter-related cases

D. Move the records request function currently performed by LER Senior Analysts to the central records request office.

At present, the two LER Senior Analysts dedicate the majority of their time to processing union records requests. In fiscal year 2017–18, analysts processed 178 records requests, 175 of which came from two unions. Recently, the District’s public records request function and staff were moved into the Legal Department. Given this shift, the union records request function would be a natural fit within the new centralized records request office. This would also enable the LER Senior Analyst role to be redefined to support more strategic work within the division.

Pros: Focuses LER on work most relevant to their mission, enables all records requests to be processed centrally by specialized staff to increase consistency and response time

Cons: Requires process documentation to clarify any differences between public and union records requests



E. Add a staff member to the PG&E division to support LER-related processes.

Currently, there is no specific management training support for non-represented employees. This gap causes many issues that eventually decrease workplace effectiveness and increase the LER workload. By adding a full-time staff member to the PG&E division who can spearhead the development of this new program, the Department can proactively support non-represented SPS employees. As most central office staff are former teachers or principals, who have limited program and project management training by trade, this leads to significant inefficiencies and risk across District functions. Strengthening supervisors' management skills also has the potential to improve many LER-related processes, although the training role does not fall within LER's function.

Pros: Proactively provides needed support to SPS staff, potentially reduces LER workloads

Cons: Increases overall staff count and expenses

F. Divide LER.

To provide further clarity of function, the Department could split LER into two separate groups—Labor Relations and Employee Relations. The Labor Relations team would handle bargaining, and grievances. This new team could potentially be moved into the Legal Department or remain within the HR Department. The Employee Relations team would remain within HR and be responsible for allegations, evaluations, leave, and ADA accommodations.

Pros: Increased clarity of functions, stronger collaboration between Labor Relations and the Legal Department, increased appearance of neutrality for the Labor Relations team if moved into the Legal Department

Cons: Requires proactive communication between Labor Relations and Employee Relations to prevent investigations of grievances and allegations from becoming siloed

G. Outsource Labor and Employee Relations functions to a third party.

To improve stakeholder service, the Department should consider outsourcing. The most drastic choice would be to outsource all or most of the LER function. This would reduce ownership over the process, but it is a viable option. A less dramatic approach would be to outsource specific functions, including investigations, records requests, or bargaining support. Outsourcing can reduce staff workloads, allowing employees to concentrate on more strategic work. It can also reduce costs and increase the response time for handling specific tasks.

Pros: Reduces staff workloads, reduces staffing cost, increases Departmental responsiveness

Cons: Requires ongoing vendor management, reduces control/ownership over certain aspects of stakeholder service, limits relationship-building with stakeholders

There is no single industry best practice for the LER staffing structure. Rather, each organization must take their specific circumstances into account when choosing between the benefits and drawbacks of various models. For example, one peer district employs a separated model, with Employee Relations positioned within the HR Department and Labor Relations positioned within the Legal Department. They report that this has served their district well, as Labor Relations' separation from HR has increased the appearance of neutrality for their work.



Based on the documented needs of the team and the current work environment, we recommend a combination of Options A, B, C, D, and E. Under this structure:

- The Executive Director would lead LER, with technical expertise provided by the new Director of Labor position.
- LER would be staffed with four managers, three investigators, one analyst, and one administrative support staff. While all managers would be cross-trained on each other's work, two managers would primarily focus on employee relations, and two would primarily focus on labor relations. Ideally, this will encourage staff and stakeholder awareness of the differences between these two distinct functions.
- The Leave and ADA accommodation staff and functions would be moved to the Strategy & Operations division. The ADA function would be supported by a new position within this team.
- One analyst role would be moved over to the records request office within the Legal Department.
- A new position within PG&E would be created to support management training and staff development for non-represented employees.

FIGURE 3: FUTURE ORGANIZATION STRUCTURE

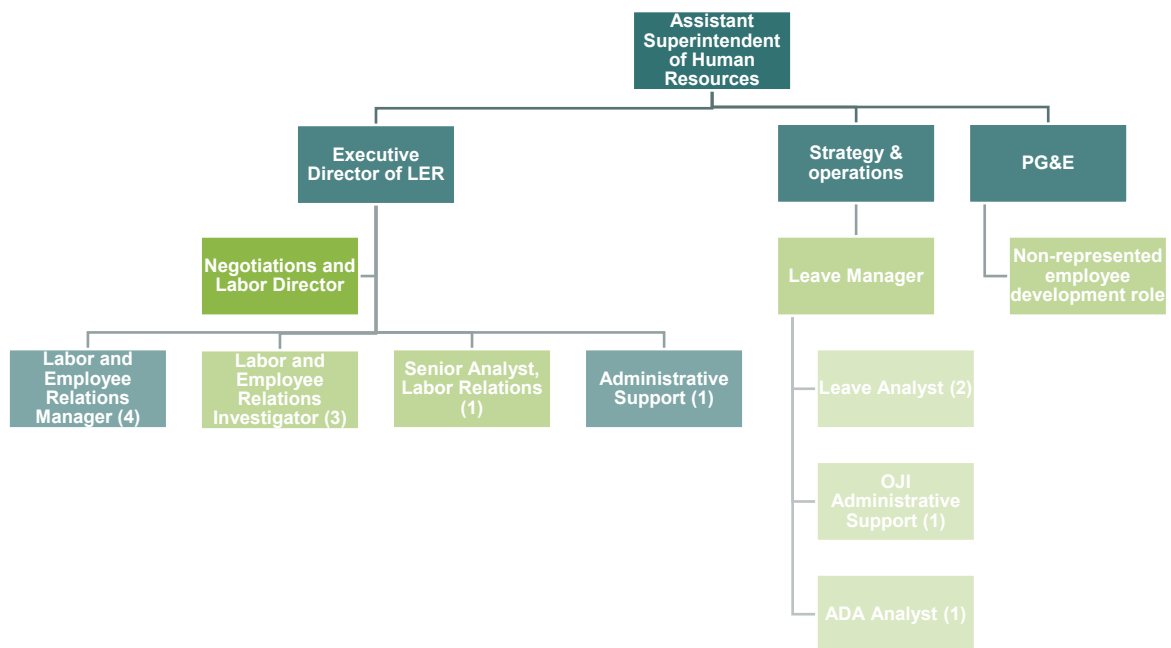
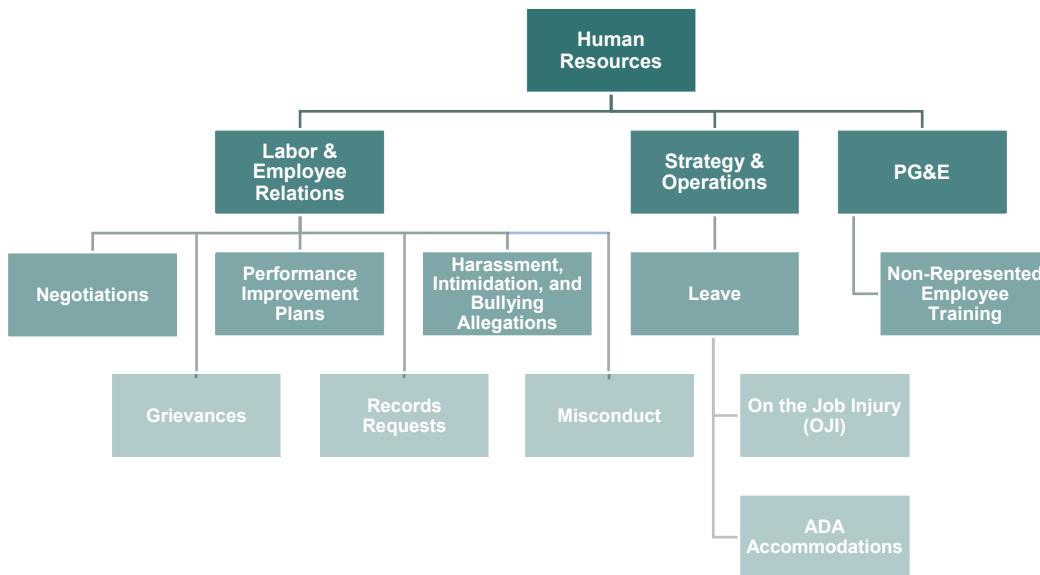




FIGURE 4: FUTURE FUNCTIONAL STRUCTURE



For at least the first two years after the new structure and systems are in place, staffing levels and workload measures should be evaluated every six months to determine whether staffing is adequate. As the LER team shifts toward a more proactive, impact-oriented culture, these organizational changes should ensure the Department structure is aligned to support the new service delivery approach.

Roles and Responsibilities

5	Observation	LER employees report that roles, responsibilities, and decision-making authority are poorly defined, contributing to confusion and unclear expectations.
	Recommendation	Evaluate and clarify LER and District employees' roles, responsibilities, and authority throughout the case management process.

Staff report that roles, responsibilities, and decision-making authority is often unclear. For example, managers, investigators, and principals mentioned challenges clearly identifying who is responsible for completing specific actions throughout the case management process, which may contribute to miscommunications and potentially unnecessary delays. Additionally, many interviewees reported that cases often involve an array of different managers, HR staff and leadership, and Directors of Schools, although their respective roles and authority has not been defined or consistent. This type of environment creates confusion for staff, contributes to inefficient operations, and can lead to the perception of a lack of accountability among LER staff.

Department and LER leadership should evaluate and clarify the roles, responsibilities, and associated authority for each participant in the employee investigation process. A sample framework that may assist leadership in ensuring clear expectations is included below.



PARTICIPANT	ROLES	RESPONSIBILITIES	AUTHORITY
Employee	Report issues to supervisor, escalating them as necessary	<ul style="list-style-type: none"> • Provide sufficient detail and witness information • Cooperate throughout the investigation process 	N/A
Supervisor	Administer employee management	<ul style="list-style-type: none"> • Direct, monitor, evaluate, and coach employees 	<ul style="list-style-type: none"> • Disciplinary actions • Performance improvement plans
	Resolve issues and conflicts	<ul style="list-style-type: none"> • Develop a positive, collaborative workplace culture • Receive issues and complaints from employees • Mediate conflict resolution with parties involved • Escalate issues to his/her supervisor and LER, as necessary 	<ul style="list-style-type: none"> • Open-door policy • Facilitate and oversee conflict resolution • Require follow-up and monitor progress
LER Director and/or Negotiations and Labor Director	Oversee employee complaints	<ul style="list-style-type: none"> • Receive, prioritize, and assign employee complaints • Review case reports for accuracy, sound advice, and risk mitigation • Issue final reports to required parties 	<ul style="list-style-type: none"> • Determine the severity of a complaint • Approve disciplinary actions
LER Manager	Coach supervisors on employee management strategies and techniques	<ul style="list-style-type: none"> • Conduct supervisory training • Guide supervisors to enable them to navigate employee conflicts • Track coaching conversations to support employee accountability and potentially provide District-wide training 	N/A
	Manage employee complaints	<ul style="list-style-type: none"> • Review employee complaints for completion and accuracy, as applicable • Inform the complainant and the complaint subject that the complaint was received and an investigation will take place • Assign an investigator to the case • Receive and review the investigation report • Recommend disciplinary action • Following Director review and approval, inform the complainant and complaint subject of the investigation's results • Follow-up to ensure disciplinary action occurred 	<ul style="list-style-type: none"> • Determine that the investigation is complete • Recommend disciplinary actions



PARTICIPANT	ROLES	RESPONSIBILITIES	AUTHORITY
LER Investigator	Investigate employee complaints	<ul style="list-style-type: none"> Receive and review employee complaints Conduct interviews with witnesses Analyze interviews, documents, and district policies to understand the complaint and its context Determine whether a District policy was violated Compile an independent investigatory report 	<ul style="list-style-type: none"> Compel witnesses to participate in the investigation in a timely manner Determination of the true set of events

Using this framework as a guide, Department and LER leadership should incorporate clarified roles, responsibilities, and authority into job descriptions. Job descriptions serve as a communications tool to inform employees what tasks they are expected to perform and may also address quality and quantity of performance standards. Accurate job descriptions help employees understand specific roles and responsibilities, articulate career development opportunities, and align roles with required competencies. Appendix B includes sample job descriptions for LER employee positions.

In addition to updating job descriptions, LER should integrate the roles and responsibilities into related policy and procedure documentation (in alignment with Recommendation 18 and 19) and communicate expectations across the District through required supervisory training and accessible resources (see Recommendation 21 for more details on principal-specific support needs). This will help ensure clarity as supervisors navigate employee issues and support issue resolution at the lowest level possible, where appropriate.

Investigation Independence and Authority

6	Observation	Investigators report unclear and inconsistent expectations related to their activities and deliverables.
	Recommendations	<p>A. Clarify the purpose, format, and contents of investigation reports.</p> <p>B. Standardize the investigation report review process to ensure consistency and independence.</p> <p>C. Clarify and enforce investigators' authority to ensure timely participation from District staff.</p>

LER staff report that there is a lack of clarity and guidance around investigation report scope, content, and review processes. For example, it is unclear whether a report should include a decision about whether District policies were violated or simply detail events related to an allegation. In addition, the report review process is inconsistent and appears to involve varying levels of reviewers, such as the Assistant Superintendent and members of the Legal Department, at different times. As a result, staff are sometimes unclear when a report is fully finalized and what the requirements for finalization are. This is exacerbated by a lack of automated document management and the District's practice of reviewing hard copy reports, which can result in multiple reports being concomitantly reviewed. In the



absence of established guidelines and processes, there is a risk of actual or perceived undue influence that could compromise the investigators' independence.

A. Clarify the purpose, format, and contents of investigation reports.

To streamline the reporting process, LER investigators and leadership should collaborate to formally define what information should be included in the investigation report. Using these elements as a guide, LER should create a standardized template that outlines both the content and the scope for each area in the report. In addition, it should be clear who has authority to add content to any given section. For example, best practice indicates that the investigator and Director, as well as legal counsel if necessary, should make the final determination as to whether any employment actions are warranted based on the report findings.¹ The Society for Human Resource Management suggest including the following report elements²:

- The incident or issues investigated, including dates.
- Parties involved.
- Key factual and credibility findings, including sources referenced.
- Employer policies or guidelines and their applicability to the investigation.
- Specific conclusions.
- Party (or parties) responsible for making the final determination.
- Issues that could not be resolved and reasons for lack of resolution.
- Employer actions taken.

B. Standardize the investigation report review process to ensure consistency and independence.

LER investigators and leadership should create a standardized review process that includes:

- LER internal employee review processes, including quality assurance standards
- Circumstances under which reviewers beyond the Director should be involved
- Expectations for reviewers' authority to add or change information
- Timelines for standard reviews, including how long a reviewer has to make their edits
- Considerations for how to coordinate multiple reviewers so work is not redundant
- Criteria for determining when a report is finalized

¹ How to Conduct an Investigation, Society for Human Resource Management: <https://www.shrm.org/resourcesandtools/tools-and-samples/how-to-guides/pages/howtoconductaninvestigation.aspx/>

² How to Conduct an Investigation, Society for Human Resource Management: <https://www.shrm.org/resourcesandtools/tools-and-samples/how-to-guides/pages/howtoconductaninvestigation.aspx/>



C. Clarify and enforce investigators' authority to ensure timely participation from District staff.

The Department should also clarify and support the investigators' authority to require timely participation from District staff. Currently, the scope of this authority is unclear and staff report that lack of participant responsiveness greatly impacts investigation timelines. For example, staff mentioned an incident where a District employee critical to the investigation avoided being interviewed for almost six months. Timely interviews are crucial to ensuring accurate and effective investigations.

Ideally, District staff members would be obligated to cooperate in investigations as a condition of employment. The Department should collaborate with the investigation staff to determine what authority they require to ensure cooperation and establish required timeframes to complete interviews. To be effective, District leadership must support and enforce these timeliness and cooperation requirements for employee investigations.

Change Management

7	Observation	As the Department has experienced long-term instability and high workloads, LER has struggled to effectively sustain changes and inspire staff to adopt new systems and processes.
	Recommendation	Create a culture of deliberate change management to ensure new initiatives are effectively developed, communicated, implemented, and adopted.

As in many resource-constrained public organizations, LER has struggled to effectively manage, encourage, and adopt new systems and processes. Like similar teams with high workloads and a reactive culture, change causes staff to retreat into silos and be wary of the ability to adopt change, which render many initiatives unsustainable. Within the past several years, the Human Resources Department as a whole has been characterized by high levels of staff turnover and organizational change, including a major HR Transformation initiative. With impending retirements of key staff, new systems in development, and a potential team restructure, it is likely that LER will continue to experience elevated flux and transition.

Change is continuous and inevitable; therefore, change management is critical to smooth transitions. Without staff buy-in, commitment, mitigated resistance, elimination of fear, and consistent adoption across the team, LER will not realize the full benefit of changes designed to help the division better serve the Seattle Public Schools community.

To improve implementation, adoption, and buy-in, the Department should establish a change management process for organizational changes. Wherever possible, employees should be engaged prior to announcing new changes to provide input on potential concerns and provide suggestions to improve implementation. Leadership should actively seek this input, listen to staff concerns, and respond appropriately. Often, employees facing change experience fear; therefore, a robust change management approach should emphasize the human side of change to promote employee adoption. By acknowledging their feelings and concerns, leadership can demonstrate its support of employees,



which improves overall change management. Sample change management templates are provided in Appendix A.

The following are key elements for implementing successful change management.

- *Communicate the need for change:* Excellent communication is critical to change management. Affected employees should be aware of the business need for change and buy into potential solutions. District leadership should build awareness around the organization’s needs and the risk in remaining with the status quo. Where appropriate, end users should be involved in defining requirements and the design process. Project sponsors should ensure that clear and open lines of communication are maintained throughout the change management process and advocate for two-way dialogue to provide answers and reassure end users.
- *Plan for and understand the ramifications of the change:* Clearly identify what is changing, how it is changing, who will be affected, how users will be affected, and when the change will occur. Change should occur in a multi-step, well-communicated process that includes ample training and no surprises to staff. Key communication messages should be developed and disseminated to ensure staff are aware of progress towards implementation and are reminded of personal benefits they can expect to derive from the new system or process.
- *Consider and design a method for staff education:* Throughout implementation, build staff knowledge and abilities through training opportunities. Following implementation, provide reinforcement and allow employees to provide feedback on the change and change process. Ensure consolidation by providing policies, procedures, and performance measures that reflect the change and can serve as staff resources.

B. STAFFING

Division Workload

8	Observation	LER’s current operating environment prevents an accurate assessment of staff workloads.
	Recommendation	Once critical policy, process, and system changes have been implemented, perform a workload analysis to determine staffing needs.

Staff and stakeholders uniformly report that the LER workload is too high for the current number of employees. However, LER’s current operating environment and lack of data prevent an accurate assessment of employee workloads. High workloads tend to create a reactive, heads-down culture with limited time for planning, improvement, prioritization, or proactive strategy development. Employee morale is also typically negatively impacted as workloads lack balance with appreciation and recognition.

As noted throughout this report, there are several opportunities to streamline LER’s processes and leverage systems to improve operational efficiency and effectiveness. Although the workload of LER is unlikely to decrease dramatically as a result of these improvements, they will help provide accurate data that can be used to conduct workload analysis. Workload analysis can include information about circumstances when deadlines are missed or staff are overextended and inform overall LER staffing needs. Workload analyses typically include the following steps:



- **Identify Roles and Work Activities:** After determining relevant roles to be analyzed, leadership collaborates with staff to create a comprehensive list of major activities. In this case, activities might include case management work (divided by case type and specific activity, like phone calls), investigation interviews, staff meetings, principal support, supervisory training, employee consultations, and more.
- **Obtain Time Estimates for Workload Activities:** Using a worksheet that lists each major activity, staff track their time over the course of two to four weeks. It can also be helpful for staff to report the tasks they were unable to accomplish during the timeframe due to bandwidth constraints.
- **Analyze Activities:** Once tracked, the data can be aggregated to get a sense of overall workloads across the team, time associated with specific tasks or case types, and activity gaps.
- **Take Action:** Once the analysis is complete, it should provide actionable data about areas of success, workload challenges, and staffing gaps.

Although performing a workload analysis as outlined above provides information about potential resource needs, it does not take the quality of work into consideration. As such, it should not be used as a stand-alone metric, but rather part of a wider conversation around staff capacity and team performance. Appendix C includes a sample workload analysis worksheet.

Backlog and Overflow

9	Observation	LER has historically struggled with a backlog of cases and lacks a process to effectively manage excess cases.
	Recommendation	Prevent future backlogs by establishing processes to hire temporary staff and/or outsource overflow cases during high workload periods.

In recent years, LER has made significant strides to address their delayed or backlogged cases in a timely manner, especially those involving an employee on administrative leave. However, due to division bandwidth issues, cases are still often delayed. At the issuance of this report, there are a total of 195 active cases. Of these, 51 cases are related to grievances, 81 are related to allegations, and 63 are related to other labor matters like performance improvement plans. In addition, 59 of these cases require full investigations (as opposed to an alternative method for resolution).

While there are many opportunities to increase the efficiency of case management processes, the nature of LER work suggests there will be an ongoing need for overflow coverage to address allegation influxes and peak workloads. For example, when LER staff engage in bargaining negotiations, allegations can take longer to process without additional assistance. Additionally, complex allegations require additional staff time and management, which can result in workload peaks.

When cases are not processed in a timely manner, it negatively impacts students, staff, and the District as a whole. For example, necessary discipline may not be implemented because union contract deadlines have been missed, resulting in elevated risk for student safety and the District. The passage of time can also affect the quality of investigations, since they are reliant on witness accounts of events. For example, elementary school students need to be interviewed immediately



after an incident to serve as reliable witnesses. To a certain extent, individuals of all ages provide the most accurate, detailed information shortly after events occur. Delays in cases also result in employee and union frustration. Complainants are eager to see disciplinary action take effect, complaint subjects are eager to know the results of the investigation, and union representatives are eager for case resolution.

Many high-performing LER functions choose to augment existing staff with outsourced services or temporary staff during times of peak workloads. This can provide the Division with a short-term strategy to deal with specific tasks and projects and helps impacted staff adjust to workload fluctuations. The Division should identify a prequalified list of vendors or temporary staff who can perform investigations, analysis, or other tasks as identified by LER. While temporary employees are usually hired and trained to perform day-to-day tasks regularly conducted by permanent employees who are otherwise engaged in a project, any temporary hires within LER will need to have technical expertise to support investigators and/or managers. Success of temporary staff is also reliant on the availability of updated policies, procedures, and systems. Because of the specialization required for this work, it may be more beneficial to consider outsourcing certain cases to trained labor and employee relations investigators and lawyers. Several firms conduct these activities for a variety of client types, including local government, state government, school districts, universities, and the private sector. However, due to high costs associated with outsourcing services, it may be significantly more cost-effective to bring on temporary in-house staff.

In addition to augmenting staffing, the Department should create an overflow work process to reduce the potential for backlogs. Most overflow processes involve:

- A definition for the specific circumstances that require temporary coverage. For instance, trigger criteria might include the total number of available staff hours for the upcoming month. If staff hours are below a specific threshold due to staff being out of the office or involved in major projects like bargaining, it would trigger temporary coverage.
- A definition of what makes a case backlogged versus in-process
- Considerations around cost-effectiveness and budget availability
- Policies and processes to ensure external parties act consistently with District practices and union contracts

Workforce Planning

10	Observation	LER does not conduct proactive workforce planning, presenting risk of losing institutional knowledge.
	Recommendation	Develop a strategic plan to address workforce planning for LER positions to proactively identify needs, develop employees, and support operational continuity.

LER does not conduct workforce planning to proactively identify and fill staffing needs. This results in elevated risk due to the Division’s reliance on multiple sole contributors, minimal cross-training and procedural documentation, and Director turnover. Additionally, LER has a primarily oral culture with minimal policy and procedure documentation; therefore, staff are the main vessels of institutional



knowledge, history, relationships, and processes. Furthermore, LER employees are not currently cross-trained in all Division functions and lack sufficient back-up for their positions. Several employees are eligible for retirement, presenting an elevated risk that positions may be vacant for an extended period of time, processes may become inconsistent and time-consuming, and institutional knowledge may be lost. Given this context, the retirement of key staff members could have significant negative impacts on operation and service delivery.

Workforce planning entails identification of competency and staffing level gaps in an organization’s current and future operations. The purpose of a workforce plan is to understand how well the current workforce is prepared for future job requirements and to identify gaps in capacity and competency to support employee development. As the plan aligns Human Resources with LER’s goals and objectives, the Division should consider the competencies and capacity of existing staff as well as the potential for use of temporary staff or outsourced services to fill needs during periods of high workloads.

Department and LER leadership should create a strategy and timeline for the creation of a workforce development plan. The plan should focus on retaining institutional knowledge, identifying key areas of knowledge, and ways for employees to develop their careers. An effective workforce planning process should contain the following elements:

- Active leadership involvement
- Process to identify essential positions and their critical competencies
- Method for identifying and filling gaps in succession (i.e., strengthen internal capabilities and/or recruit from the outside)
- Procedures to identify, promote, and select high-potential staff, along with plans for individual career development
- Integration with the Department’s operating plan
- Regular review of each essential position’s plan to ensure its effectiveness

Depending on the volume of upcoming retirements, temporary staff or outsourced services may be required to ensure operational continuity over the next year. By leveraging external resources, the Department will ensure they do not rush the hiring of permanent staff, which may be prudent to postpone until other structural team changes have been solidified. Augmenting existing staff with additional resources will also enable retiring staff to focus their work on transferring knowledge to their peers during the final months before their departure.

Cross-Training

11	Observation	Some LER employees are sole contributors to key functions, presenting elevated risk to the District.
	Recommendation	Conduct cross-training among Department employees to ensure adequate and consistent coverage of key functions and duties.

Several key functions in the Department are the sole responsibility of one employee, including teacher evaluations and ADA accommodation requests. Because of minimal staffing and high



workloads within the Division, employees do not have back-up for their positions or conduct cross-training. As a result, service delivery may be negatively impacted when individual employees are out of the office.

LER should develop and implement a plan to ensure staff are cross-trained on all major Division functions. At minimum, two staff members should be trained on each major functions at any given time. For example, at least two managers should be experts in the Collective Bargaining Agreements for each union.

Typically, cross-training involves three basic steps. First, identify the skills needed for each position within the team. Second, cross-reference the skills with an inventory of current staff abilities. This step can reveal gaps between staff skills and organizational needs. Third, employees should each be assigned secondary responsibilities that overlap with other team member's primary duties. This type of cross-training is a best practice and helps ensure consistency in operations when there are absences or vacancies.

By implementing cross-training and back-up staffing, LER can improve its ability to deliver a consistent level of service throughout the year. In addition, many employees appreciate cross-training because it allows them to expand their skills and grow their career.

Employee Development

12	Observation	LER employees would benefit from additional technical, process, and systems training and career development opportunities.
	Recommendations	<ul style="list-style-type: none"> A. Ensure performance evaluations are beneficial for staff, including establishing transparent and fair performance expectations, and integrating the review process with a growth and development plan. B. Offer regular high-quality trainings on topics including conflict resolution, difficult conversations, implicit bias, and cultural competency.

The District's current evaluation process could be more beneficial for LER staff and leadership by providing focused feedback and development opportunities. The District's employee performance review process utilizes one system and set of templates for all employees, from nurses to chiefs. This results in a complex system of options and materials that staff must review and identify. As a result, LER is not currently utilizing the performance evaluation process to set clear goals and expectations for staff. Additionally, performance evaluations are not tied to a staff growth and development plan that would direct beneficial trainings and other leadership opportunities. Without providing constructive feedback to employees, the performance evaluation process results in efforts that do not advance the District's mission or encourage LER employee development.

To increase the effectiveness of the performance evaluation process, the Department should consider the following:



- After updating employee job descriptions to reflect clarified duties and expectations, develop a competency framework for each job classification that includes technical and soft skills required for success in that role.
- Integrate performance review processes with employee growth and development plans.
- Incorporate metrics that support cultural transformation into performance evaluations such as stakeholder service, communication, teamwork, time management, etc.

Performance evaluations provide management and staff the opportunity to reflect on areas of strength and opportunities for further development. Through this process, employees receive recognition for their achievements and managers have an opportunity to demonstrate support for their continued growth and development, helping transition organizational culture by holding all employees accountable.

As part of creating a growth and development plan for each staff member, the LER Director should consider opportunities for career advancement. In small teams, career development often includes growth into new roles, responsibilities, and activities within the department rather than traditional promotions and inclusion on the management team. Cross-training for position functions may play a role in this development, but staff should also be supported through regular trainings that are relevant to their career. Professional development should align with each employee’s career goals, LER workforce planning, and Department objectives. Skills-based trainings may include topics like:

- Conflict management
- Implicit bias management
- Cultural competency
- Time management
- Case management
- Facilitation
- Process improvement
- Interviewing and communication

By investing in high-quality professional development, the Department can ensure staff are equipped to perform their roles and increase morale.

Leadership Stability

13	Observation	Significant turnover of LER leadership has created inconsistent priorities and management approaches, resulting in decreased operational efficiency on the team.
	Recommendation	To increase retention, clarify the position’s role, responsibility, and key characteristics; and ensure the position has appropriate support and authority to be successful over time.

Within the past ten years, LER has been led by four Directors, with an average service span of approximately two years. The Superintendent and Assistant Superintendent of HR have also



experienced recent turnover. While individual Directors have been successful in accomplishing immediate goals, discontinuity in leadership has resulted in a lack of long-range planning or completion of long-term projects. Turnover has also required the team to continually adapt to a changing and dynamic leadership team with differing priorities and management styles. Within this type of environment, it is common for staff members to become wary and resistant to new changes, and focus their energies only on immediate, day-to-day work.

To optimize team performance, the Department needs to increase the stability of the Director position. Therefore, the Department should focus on clarifying the Director's role and ensuring the position has appropriate support and authority to be successful over time.

As the current Director plans to retire in early 2019, the Department has an opportunity to revisit the Director's role, responsibilities, and key characteristics. Specific needs may vary if LER is restructured. For example, if leadership of the team is split between the Director and the new Negotiations and Labor Director, the Director position's highest priority will be management and leadership capacity, rather than subject matter expertise in law, labor, or negotiations.

Department staff and stakeholders who were interviewed as part of this assessment also identified several key characteristics that they believe would contribute to a new Director's long-term success. Specific traits include:

- Effective collaboration, communication, and a focus on relationships
- Capacity to navigate political environments
- Impact-driven approach that centers on student success
- Socially and culturally conscious
- Technical/legal/labor expertise, including a background in interest-based bargaining
- Staff management expertise
- Understanding or strong commitment to learning about the school district environment

Leadership collaboration is also critical to Director retention. The Director should feel aligned with and supported by both the Assistant Superintendent and the Board. Positive and connected leadership directly impacts culture by creating a shared vision for success, a path for achievement, establishing clear expectations, and working as a united team. Examples of how SPS leadership can support the Director include:

- Ensuring alignment around priorities
- Supporting Director decisions when made appropriately
- Providing the financial resources to properly invest in required team resources
- Reinforcing appropriate communication channels with stakeholders and union representatives

By clarifying and supporting the Director's position, the Department can improve positional retention and increase LER leadership stability.



C. SYSTEMS, PROCESSES, AND POLICIES

System Support

14	Observation	LER relies on fragmented, manual, and paper-based case management processes, which creates high levels of risk for the District and an adverse operating environment for staff.
	Recommendation	Continue developing a comprehensive case management system that will fully integrate with the District’s other data systems to support staff needs and adequately protect the District from risk.

LER lacks a cohesive case management system to support, share, and retain its work products. Currently, most case documentation is manual and paper-based. While SharePoint is used to log basic case details, staff report it is not sufficient to meet operational needs and is inconsistently utilized, rendering data unreliable. In the absence of a case management system, LER struggles with several key issues:

- **Inefficient Operations:** The team’s reliance on fragmented, manual processes is not efficient, creating unnecessarily high workloads and delays in processing cases.
- **No Comprehensive Employee Record:** Because LER grievance and allegation information does not integrate with other HR systems, there is no comprehensive employee record for any staff in the District. As a result, it is challenging to track employee histories, creating the potential to relocate or rehire unsuitable employees.
- **Lack of Reliable Data:** LER struggles with data integrity and lacks capacity to utilize data analytics in decision-making and performance management. There is also a lost opportunity to use data to inform bargaining sessions, track trends over time to more proactively address systemic issues, and support other strategic District decisions.
- **Unknown Workloads:** The Division cannot accurately assess staff workloads, which leads to a culture of mistrust and micromanagement.
- **Poor Information Management:** Reliance on paper files creates an obstacle to accessing information easily and quickly, as well as elevated risk of misplacing information. Files are shared among multiple staff members, and processes to determine who has a file at any given time are ambiguous.
- **Inconsistent Documentation:** Manager and investigator knowledge of cases is not consistently or transparently documented. As a result, if a staff member is absent or leaves the District, vital institutional knowledge is lost. This also impacts the Division’s ability to transition cases from one staff member to another, smoothly onboard new employees, or provide overflow coverage.

The District has taken initial steps to resolve this issue by procuring a system called OpenText to help manage content and associated workflow. OpenText provides a number of valuable features, including document capture, process workflow, and content management.

OpenText is part of a wider portfolio of systems that the Department uses for their Human Resources Information System (HRIS). These systems include NEOGOV, SAP, eVAL, and an HR Data Warehouse. While not all aspects of the current systems are fully integrated, the Department is moving toward an HRIS that will link all human resources data from the time professionals enter pre-



service training until they leave the workforce. The current HRIS portfolio supports basic employee records, applicant recruiting and onboarding, benefits administration, time and attendance, time-off balances and requests, performance management for certificated teachers, and integration with payroll.

In early 2018, the Department began efforts to create a custom case management system using the OpenText AppWorks platform. The Department chose a customizable system so it could be responsive to unique District needs—for example, it is important that workflow processes can be adapted to reflect District policies or union requirements. In addition, while HR is piloting the use of OpenText, it is intended to be an enterprise-wide system that will eventually support multiple departments beyond HR. Currently, the ADA accommodation request process has been prototyped on OpenText, but no other LER processes have been developed. The Department has the goal of prototyping all LER-related processes by August 2019.

The OpenText system has the potential to fulfill LER's needs, but a review of the current system presents some gaps and potential limitations.

- **Ongoing Support:** There is risk associated with creating or configuring a custom case management system. Staff report that OpenText AppWorks configuration is complex, so maintaining or expanding the system will require specialized expertise. There is currently no individual or group identified to manage the system once the current contract worker who is managing the project departs. To mitigate this risk, HR should coordinate with the Department of Technology Services (DoTS) to develop an OpenText maintenance and growth plan that can be utilized after the initial implementation phase is complete. Because OpenText is designed to be an enterprise-wide system, ongoing sustainment and development should be led by DoTS, in close collaboration with HR's HRIS division and the District records manager. As part of the maintenance and growth plan, the District should consider what additional resources and staffing within DoTS or HR may be required to support these systems.
- **Integration Issues:** Despite time investments in exploring OpenText, there are still outstanding questions as to whether OpenText AppWorks can comprehensively integrate with the OpenText Content Server. While incomplete integration will not limit LER's ability to digitize workflows and document tracking, it does present heightened risk for the District. Without the ability to search for any files related to a specific employee within a single system (including employee performance files and individual grievance and allegation cases), the District will lack a comprehensive electronic employee file—which is essential component to effective risk management. To proactively address system gaps, the Department has successfully fostered a strong and productive relationship with OpenText and is in active conversations about how to address integration issues. However, there is no contractual documentation that ensures this issue will be resolved. The Department should continue to build their relationship with OpenText, but should also continue efforts to develop a contract with a detailed Scope of Work to secure required systems support.
- **Records Digitization:** Once the OpenText system is fully developed, there will be a period of transition where some employee records and case documents have not yet been digitized. During the transition, the District is at heightened risk as staff will need to search for information in multiple digital and paper folders. The Department should develop a clear document transition plan and process to address this temporary system limitation.

By addressing these potential limitations, the Department can ensure the OpenText system will effectively meet LER's needs and reduce risk for the District.



Intake Process

15	Observation	The allegation access points and intake processes can be confusing to users and do not ensure that appropriate information is collected.
	Recommendation	Standardize the allegation intake content and process, and update the website to improve the user experience.

Currently, allegations are reported to LER through a variety of methods including PDF forms posted online, in-person requests at the front desk, and emails or calls to either the front desk or individual LER staff members. This range of methods creates confusion for users and does not ensure that appropriate information is collected at the start of the process. Depending on the intake method, the information that is collected varies widely in terms of content and details. As a result, staff report that managers must often re-contact the complainant to obtain the information necessary to move forward with processing an allegation. This additional step reduces the timeliness of the process and requires additional LER staff work. In addition, the online allegation form only references certain types of complaints, including discrimination, retaliation, and HIB; however, LER investigates additional allegation types, such as workplace misconduct. Staff report that complainants often complete the incorrect in-take form, which can create frustration and reduce the efficiency of processing their claim. These issues are exacerbated by a lack of technological system support that would enable easy collection and sharing of information across LER staff members.

Smooth and standardized intake processes can improve stakeholder relationships and staff workflows. Therefore, LER leadership, managers, and investigators should collaboratively establish shared expectations and processes to standardize the information that is collected for each type of allegation, regardless of in-take method. In addition, the LER website should be reconfigured to improve the user experience. Specific changes should include:

- Reconfiguring the homepage so it communicates high-level information about LER and their purpose (including mission, values, and general contact information).
- Adding a sub-page dedicated to allegation information that explains the various types and provides guidance on how to file an allegation.
- Creating an online submission form. In the future, this online form would ideally connect to LER's OpenText system, so new submissions are automatically logged and can be easily assigned.

By simplifying and standardizing how allegations are reported, LER can increase efficiency and improve the stakeholder experience.

Work Prioritization

16	Observation	LER staff struggle to effectively prioritize work and manage time appropriately in the face of extremely high workloads.
	Recommendation	Provide clear expectations, training, and resources to ensure staff have the support and capacity to adequately manage their workloads.



In the face of extremely high workloads, many LER staff struggle to manage their time in a way that meets high-priority needs and facilitates focused task completion. As a result of LER's open door policy, staff are continuously receiving calls and visitors, making work that requires deep concentration extremely challenging. In addition, the Department has not provided any methods or standards for LER staff to prioritize their work. Many staff report that they prioritize their efforts based on immediate need or who is the most persistent in requesting a task. However, this prioritization method does not put District goals or student impact at the forefront of LER's efforts. Taken as a whole, the LER staff operate in fire-drill culture, moving from crisis to crisis.

The Division should invest in developing staff skills related to time management through formal training and coaching. In addition, LER leadership should develop a work prioritization framework to provide guidance and enable consistent decisions that align with the its mission and operating plan. Tools within the framework could include:

- An Eisenhower Matrix to navigate the trade-offs between work that is urgent—tasks that produce an immediate reaction like emails and phone calls—or work that is important—tasks that contribute to long-term mission, values, or goals. A sample Eisenhower Matrix is included in Appendix D.
- A ranking of the relative importance of different types of cases, along with additional questions to determine further prioritization. Questions might include:
 - Is there a threat to a student or staff members' mental or physical safety?
 - Is there the possibility of District-wide risk?
 - Is there a defined window of opportunity for gathering relevant evidence?
 - Is there an obligation to investigate or report within a specific time frame?
- A clear definition of circumstances when Department leadership should prioritize caseloads.

This framework enables staff to make more efficient and effective decisions about how to invest their time on a daily basis and answer questions like: Should I answer my phone, or continue writing my report? Should I make time for an unexpected visitor, or reschedule for another day so I can focus on my current case? Between Case A and Case B, which is more important? The process of creating prioritization tools can help realign staff around Department goals and enable implicit Departmental norms to become explicit.

LER, in collaboration with the District's Legal Department and other relevant stakeholders like the State Deputy Superintendent or Directors of Schools, should also establish the practice of holding regular retrospective meetings. Retrospectives typically involve a discussion about large or complex cases or projects that have recently been completed. The goal is to encourage Division improvement over time as lessons learned are incorporated into future activities. Holding retrospective meetings can also improve time management and prioritization practices, as the team shares knowledge and gains perspective on challenges and successes.



Confidentiality

17	Observation	A lack of dedicated private spaces for meeting or calls creates challenges to ensuring information remains confidential.
	Recommendation	To promote confidentiality, dedicate at least one private meeting room within the HR office area for LER purposes.

Physical space limitations at the District's HR Department office presents challenges to ensuring information remains confidential. For example, the LER managers' and investigators' desks are located within an open-plan office format, which provides no aural privacy and limited visual privacy when handling sensitive calls or meetings. In addition, there is no dedicated private space for LER investigator interviews, meetings with stakeholders, or sensitive phone calls. The Department's paper-based document management system also presents risks, as documents are not properly safeguarded against inadvertent disclosure.

This situation creates unique challenges to maintaining confidentiality. The office format means information can be easily overheard by other employees who should not have access to the information. Without dedicated meeting spaces, investigators and managers are limited as to when they can schedule private meetings and calls, since they must compete for space with other District staff members. In addition, the lack of private space can reduce the comfort of investigation participants if they need to wait in, walk through, or share information in public spaces.

Industry best practice indicates that every aspect of an investigation should be kept as confidential as possible to maintain the integrity of the investigation.³ To increase confidentiality, the Department should dedicate at least one private meeting room for LER within the HR office area. While staff report that space is already at a premium within the SPS building, this investment would be extremely useful to support LER's work, reduce risk to the District, and improve the employee and stakeholder experience.

³ Guide to Conducting Workplace Investigations, Corporate Compliance:
http://www.corporatecompliance.org/Portals/1/Users/169/29/60329/Workplace_Investigations_Guide.pdf



Policy and Procedure Documentation

18	Observation	Many LER policies and procedures are not documented or do not exist, resulting in staff confusion, challenges around accountability, and inconsistent service delivery.
	Recommendation	Document policies and procedures to provide consistency for staff and clients.

Like many resource-constrained organizations, policy and procedure documentation has not been a priority within LER due to high workloads and employee turnover. Many LER policies and procedures are not documented or do not exist. For example, Board policies do not comprehensively reference all allegation types. As a result, staff members develop individual approaches for a significant portion of team processes. The situation is exacerbated by a lack of formal document storage systems and technological support that would ensure information is centrally stored and retained. In situations where procedures are documented, there is not sufficient communication, oversight, or training regarding these procedures to ensure consistent application.

Limited clarity and documentation of policies and procedures present significant challenges, including:

- Increased risk of error, non-compliance, and inability to achieve District objectives.
- Reduced efficiency and effectiveness, as processes are unclear and inconsistent, preventing optimization without initial standardization.
- Communication issues due to a lack of defined service standards and difficulty in managing customer service expectations. As a result, there can be inconsistent experiences for stakeholders.
- Lack of clarity around responsibilities and authority to take actions and make decisions, which impacts employee morale.
- Increased difficulties in onboarding new permanent or temporary staff.
- Potential to weaken union relationships because processes are unclear or inefficient.

The Department should create a cross-functional team or hire an outside consultant to inventory LER policies and procedures, determine what additional policies and procedures need to be created, and create a prioritized schedule for development and update. For procedures, which are much more operational than policies, the Department should develop a step-by-step guide to ensure processes are performed appropriately, consistently, and in a timely manner. The Department should leverage the process and gap identification work already complete by the OpenText Senior Business Analyst. In addition, ensure any new document is aligned with the creation of the OpenText App Support workflow development (Recommendation 14), but a lack of technology should not prevent procedures from being developed. In addition, procedures should be aligned with the roles and responsibilities of the Director, managers, and investigators to reinforce who has ownership and authority over specific tasks and decisions.

Once policies and procedures are updated, they should be available in a centralized location, such as an intranet, for employees to easily reference. As policies and procedures often live in many



dispersed places, the team will need to get creative in order to develop an organized, easy-to-navigate repository. Working in collaboration with the Professional Growth and Evaluation team, LER should ensure staff are trained on policies and procedures and hold personnel accountable for implementing them. Due to the historical lack of training and the insufficiency of current guidelines, there is elevated need for training and expectation-setting for the adoption of guidelines.

Well-developed and properly applied policies and procedures will help increase employee accountability, smooth employee transitions, and ultimately improve LER's ability to serve stakeholders. At their best, consistently applied policies and procedures convert random work efforts of many individuals into collective, focused results.

Alternative Dispute Resolutions

19	Observation	Superintendent Procedures references an Alternative Dispute Resolution process to resolve allegations of discrimination, harassment, bullying, and intimidation; however, no such process exists.
	Recommendation	Develop an Alternative Dispute Resolution process to support the resolution of allegations without requiring a formal investigation.

Currently, there is no clear policy to determine when an issue requires an investigation, and when it can be addressed without one. In the absence of this criteria, staff and stakeholders report that issues are frequently escalated to investigations, even if the work is potentially unnecessary. In particular, principals report that despite a desire to resolve issues at the school-level, they do not currently have the resources or clarity to understand the specific circumstances under which issues can be handled without escalation. As a result, the majority of reported issues appear to be handled through an investigation, which is the most rigorous possible manner.

While investigations are often necessary, the LER team needs to establish clarity around what triggers an investigation and what other avenues are available to address employee allegations that do not rise to the level of requiring an investigation. In particular, while the Superintendent Procedures related to Board Policy 5010 (Nondiscrimination and Affirmative Action) and Board Policy 5207 (Prohibition of Harassment, Intimidation, and Bullying) specify that allegations may be handled through an Alternative Dispute Resolution (ADR) process, LER has not established an ADR process.

ADR is a common method to address grievances and allegations in a cost-effective manner that promotes a mutually beneficial outcome. Common forms of ADR include⁴:

- *Open-door policy*: Employees are encouraged to address the issue with their immediate supervisor, with escalation occurring as necessary.
- *Conciliation*: The purpose of conciliation is to build positive working relationships between the parties in dispute by promoting communication, clarifying misperceptions, managing emotions,

⁴ Managing Workplace Conflict, Society for Human Resource Management: <https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/managingworkplaceconflict.aspx>



and reestablishing trust through ongoing conferences and meetings. This may or may not directly involve LER employees and could be facilitated by employees' manager(s).

- *Mediation*: A neutral party assists the parties in voluntarily resolving the issue at hand, including identifying possible alternative discipline for offenses.
- *Peer review*: The dispute is submitted to a panel of employees selected from a pool of employees trained in dispute resolution. The panel reviews the information provided and decides how to address the complaint.

As part of this process, the individual who currently manages the District's Employee Assistance Program (EAP) can perform mediation for small groups, or refer larger groups to an external mediator.

In developing an ADR process, the District is essentially creating a process that allows employees to constructively structure work relationships and minimize litigation risk. Therefore, the LER team should develop and implement ADR policies and procedures to proactively manage conflict resolution. Key features of this policy should include:

- Definition of the ADR process, including timelines for each phase
- Who is involved in the ADR process
- Participant roles and responsibilities
- Criteria to identify which allegations should attempt to be resolved through the ADR process
- Documentation and recordkeeping of allegations, facts, and agreements
- Potential solutions
- Verification of alternative discipline actions
- ADR employee training

In tandem with developing the ADR process, LER should also develop policy and process documentation that clarifies when issues should be handled through supervisor management, ADR, or a formal investigation. This policy should define specific roles and responsibilities for supervisors, principals, Directors of Schools, and LER staff in each of the three circumstances.

By offering an option to resolve employee allegations without a full investigation, LER can help focus the work of their team, support improved employee relations across the District, and protect District resources.

Collective Bargaining Agreements

20	Observation	There are opportunities to increase the usefulness of the Collective Bargaining Agreements (CBAs) between the District and the unions.
	Recommendation	Work toward improving the CBAs by striving to standardize grievance processes, ensuring CBAs reference District-wide policies whenever possible, and increasing clarity of contracts.



The District operates in a highly unionized environment with a total of thirteen active collective bargaining agreements (CBAs). Each of these agreements specifies a different process for disciplinary action and grievances, requiring significant work for building administration to understand and appropriately respond to each of the requirements. The grievance and response processes are somewhat complex and differ in many key areas, including:

- Timeline for the complainant to initiate a grievance
- Use of District forms, such as the Grievance Review Request Form
- Documentation development and routing
- Union involvement throughout the process
- Involvement of employee supervisors
- Involvement of director heads
- Involvement of the LER team
- Utilization of peers, management, and union representative to form boards that review grievances and present possible solutions
- External mediation and arbitration

In order to streamline and standardize LER processes, the District should develop one comprehensive grievance process that is used for all union and non-union grievances. The process should be sufficiently clear to demonstrate how different types of issues will be handled, establish timeframes for District responses, and provide clear communication protocols between labor, management, and HR. The process should enhance the sense of employee fairness in responding to grievances in an appropriate and simplified way. To develop this process, the District should collaborate with its union representatives and decide on key items, including:

- Timeframe for employees to file a grievance
- Employees' right to union representation throughout the process
- Use of standardized District forms and templates
- Timelines for union, management, and HR responses
- Preference for ADR processes

Once the District has decided on an overall process, with these items in mind, it should formalize the process in a policy that is referred to in CBAs. This policy and related processes should be translated into easy-to-understand summary resources and shared with key stakeholders, including principals and Directors of Schools.



D. STAKEHOLDER RELATIONSHIPS

Principal Support

21	Observation	There are opportunities to increase efficiency and improve cross-District relationships by better supporting principals.
	Recommendations	<p>A. Provide high-level resources and trainings so principals have clearer understanding of grievance and allegation processes.</p> <p>B. Increase proactive communication with principals.</p> <p>C. Clarify roles and responsibilities of HR, principals, and Directors of Schools.</p> <p>D. Develop clear procedures for handling issues related to employees represented by the IUOE Local 609.</p>

At present, there are opportunities for LER to provide increased support to District principals. Principals generally reported positive interpersonal relationships with individual LER staff members. Many noted that their HR partners are responsive and approach work with a problem-solving attitude. However, this experience is not universal. Even principals who have strong relationships with LER staff also report significant challenges related to some of the LER functions. Specifically, there are issues regarding training and resources, communication, clarity of roles and responsibilities, and procedures related to IUOE Local 609.

A. Provide high-level resources and trainings so principals have a clearer understanding of the grievance and allegation processes.

Principals report that they are often unclear about their role in a grievance or allegation process. It can be challenging to determine what can be handled at a supervisor level versus escalated to LER. In this high-stakes environment, this often results in issues being escalated to LER that could potentially have been solved at the supervisory level. In addition, principals report that it is sometimes unclear who to contact and how to document issues when grievance or allegation issues arise. As with other public organizations, lack of clarity and knowledge about the CBAs among supervisors is also a common issue.

The Department should develop additional resources to support principals. These should include high-level summary documents to provide a clearer understanding of CBA details and District personnel policies, as well as clear documentation of principal responsibilities during grievance and allegation processes that aligns with suggestions made in Recommendations 5 and 19. This should address the questions of who to contact, when to escalate issues, and what to document. One principal suggested modeling this document after the Safety and Security Quick Reference Guide flip chart schools use when there is a threat.

The Department should also invest in ongoing trainings for District staff and new employees in supervisory positions. These trainings may relate directly to LER topics, like helping supervisors learn what to document during an investigation. However, principals also report a need for skills-



based management trainings for supervisors in areas like conflict management, performance management, and how to have difficult conversations.

The Professional Growth and Evaluations (PG&E) team should collaborate more closely with the LER team to develop effective trainings that can better support staff who engage with LER-related processes. In addition, the LER team should work closely with PG&E so that individual staff or supervisor coaching is fully aligned with other training materials and messages. These two divisions may benefit from quarterly or semi-annual Retrospectives to share in-the-field experiences about supervisor or staff knowledge gaps that could be filled through training or coaching (see Recommendation 16 for more details on holding effective Retrospective meetings.)

The Society for Human Resource Management recommends HR ensure management training includes the following specific skills⁵:

- **Conflict resolution.** Managers should be trained to recognize problems, ask questions and devise solutions before the issues become time-wasters and legal risks.
- **Organization rules and expectations.** Managers should understand what is expected of them, and they should know the organization's rules and policies. If a manager does not know how to enforce the rules, the result can be confusion and conflict.
- **Laws and regulations.** Managers must understand the basic laws and regulations of the employment relationship so they have at least a general knowledge of their employees' rights.
- **Professionalism.** Managers who commit themselves to high standards of professionalism and who follow stringent business ethics gain employees' respect, whereas managers who bend the rules are viewed with skepticism. Employees respect and do their best work for managers who are committed to doing what is right regardless of possible repercussions.
- **Communication.** A manager's ability to communicate effectively with staff is critical for building good relationships. Managers should be trained in how to give complete, specific assignments; listen carefully; provide constructive feedback; respond to employee suggestions; and deal with conflict. They should also know how to share information with employees—and how much to share—based on the organization's philosophy and preferences for sharing.
- **Work assignments.** Managers should be trained in how to assess their employees' abilities and to understand their employees' strengths and weaknesses to determine what assignments are reasonable for each employee. Employees are most productive when they feel that their work is significant and valued by management.

B. Increase proactive communication with principals.

Principals report that they proactively and persistently communicate with LER to obtain the information they need.

Providing additional resources and role clarity may mitigate this issue, but LER should explore other opportunities to proactively communicate with building leaders. For example, multiple principals report issues hiring or almost hiring employees who had previously been managed out

⁵ Managing Workplace Conflict, Society for Human Resource Management:
<https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/managingworkplaceconflict.aspx>



of the District for cause, or who had multiple incident reports or a PIP on their file. These issues were often attributed to a breakdown in HR systems or lack of communication, where employee histories were not known or made available to the principals as part of the hiring process. In combination with updating systems support, the Department should develop clearer eligibility flag procedures and stronger processes to preemptively communicate this type of vital hiring information.

C. Clarify roles and responsibilities of HR, principals, and Directors of Schools.

Some principals report there is insufficient clarity around the roles and responsibilities of HR, the Directors of Schools (DSs), and principals when handling grievance and allegation issues (more details are included in Recommendation 5). In addition, principals report that they often receive different information from DSs and LER, giving the impression that the two groups are siloed and un-collaborative. When creating additional documentation and trainings, the LER team should strive to both include clear descriptions of the DSs’ role, and collaborate more closely with the DSs to ensure they are aligned. Only by working in coordination can LER and the DSs provide adequate support to principals.

D. Develop clear procedures for handling issues related to employees represented by IUOE Local 609.

The members of IUOE Local 609 include custodial, grounds, food service, safety and security, and building operating employees who work across the District. Within individual schools, these employees report to an outside supervisor, rather than the principal. When any issues arise, this reporting structure disempowers principals from resolving issues at the school level. Instead, principals report that the resolution process is often circuitous and confusing. There is a lack of clarity about what role the principal can and should play. Issues are often escalated unnecessarily, increasing tension and workloads. This has a disparate impact on students, families, and teachers, many of whom do not understand the intricacies of the relationship between principals and IUOE employees and simply want an issue resolved as quickly as possible.

As part of developing resources and processes, the Department should create a clear procedure that outlines the responsibilities and options principals have to resolve issues with IUOE Local 609 at the building level. Clarifying this information should increase consistency, decrease tension, and lead to accelerated resolutions for basic issues.

Labor Relationships

22	Observation	Inconsistent LER practices have strained relationships with some union representatives and members.
	Recommendation	To build a stronger, more productive relationship with all unions in the District, LER should focus on establishing consistent practices and clear expectations for all involved parties.



The District and labor unions have a joint responsibility to create a work environment that is productive, respectful, and safe. While LER staff, stakeholders, and union representatives report that most union relationships are effective, a few of the relationships are contentious.

LER has contributed to this adverse environment through inefficient practices that have resulted in undue delays to processing grievances. Some union representatives report that grievances which could be resolved at Step One are escalated to Step Two or Step Three because LER staff do not have the bandwidth to manage issues at the lower level. Some union representatives also report that communication and expectations around grievance processes are unclear or irregularly applied, resulting in possible inconsistencies in treatment of specific unions or members. In turn, some union representatives appear to have adopted a deliberately adversarial stance, which increases LER's workloads, particularly the analysts.

Once a poor relationship has been established, many opportunities to improve the work environment disappear, which affects the SPS community as a whole. Staff and stakeholders report that the contentious environment is experienced by all staff levels and ultimately may have negative impacts on student outcomes. In addition, LER staff report that negative union relationships directly lower employee morale and contribute to turnover within the Department.

To strengthen their relationship with the District unions, LER should focus on the following areas of growth:

- **Consistency:** By improving the consistency of policies, procedures, and communication, along with ensuring that all cases are processed in a timely manner, LER can ensure they are providing a dependable and fair service to their stakeholders.
- **Shared Accountability for Responsive Communication:** Currently, there is a misalignment of expectations between some union representatives and LER about appropriate levels of responsiveness and channels of communication. For example, staff report that some union representatives will arrive at the office without appointments and expect to be seen immediately. Similarly, there appears to be an expectation that LER staff will immediately answer the phone if a union representative calls. This creates a fire-drill culture that significantly impacts the productivity of LER. At the same time, some union representatives report that LER staff are not adequately responsive.

As part of policy development, LER staff and Department leadership should develop a policy that sets reasonable expectations for responsiveness and appropriate channels of communication—including establishing when it is appropriate for unions to escalate issues to Department or District leadership. This policy should apply across all union relationships without special exceptions. Once a policy is in place, Department and District leadership should hold both LER staff and union representatives accountable to adhering to the new process. In particular, Department and District leadership should strongly encourage and expect union representatives to fully engage with the appropriate channels of communication before escalating issues.

- **Collaborative Training:** In the past, there have been efforts to bring together LER, principals and school staff, Directors of Schools, and union representatives for joint trainings on CBA expectations. For example, in October 2018, the Seattle Education Association and SPS collaborated to deliver seven regional meetings across the District to share details about their new CBA. Stakeholders reported that these meetings were an effective instrument to build trust, set expectations, and share knowledge. LER should explore additional opportunities to leverage this model.



- **Joint Labor Management Committee:** Joint committees can be a productive space to address large-scale challenges on a regular basis. If not already in place, the Department should ensure all JLMCs have clear operating guidelines. Best practice from the Queen’s University Industrial Relations Centre suggest operating principals should include⁶:
 - *Agenda:* Who puts the agenda together, how much time is allocated for each item, what type of issues come to LMC, and a commitment from both parties to bring issues needing resolution to the table. Management must watch the tendency to see LMC as “the union’s meeting”, and end up seeing the meeting as nothing more than “extra work”. The union must watch for the tendency to bring everything, including individual employee issues, to this table. Both parties should agree on the scope of issues that appropriately land on the LMC agenda.
 - *Minutes:* Decide early what “minutes” will mean for the teams. Often, the default is to try and capture what each party, or every individual, says during the meeting. This is often unwieldy, and creates far too much formality for an effective LMC. Successful committees often just capture a short description of the issues raised, the decision or agreement made at LMC, or the next steps with a name and date for completion attached.
 - *Problem-Solving:* The most common trap at LMC’s is the belief that the goal of the committee is to argue. Nothing could be further from the truth—the goal is solving problems that arise in every workplace. And arguing has no place in problem-solving. Operating principles that identify good data collection on an issue, followed by developing options for solving, or at least improving the situation, bring both parties together in finding better outcomes. Arguing simply polarizes the parties, making even simple issues hard to resolve.
 - *Other Guidelines:* There are other simple guidelines, such as timing, reporting back, joint sub-committees to do more in-depth analysis, and ensuring everyone has a chance to be heard, that all contribute to both parties being a part of the solution. And at the end of the day, any important issue that is not resolved can still be grieved or brought to bargaining—with a great deal more information and understanding attached.
- **Stabilized Leadership:** In addition to turnover in the LER Director and Assistant Superintendent of HR positions, the Chief Negotiator role has been filled by a different person for the last three bargaining sessions. In addition, LER staff have been utilized in the bargaining process to varying degrees and in inconsistent ways, meaning the team has not had the opportunity to cultivate shared institutional knowledge. This history of transition has limited the ability of unions to build long-term relationships with LER leadership. To foster stronger union relationships, the Department should concentrate on bringing increased stability to leadership roles (Recommendation 13).

The current operating environment can only be improved through collaboration, cooperation, and the commitment of both parties to make an effort to strengthen the relationship.

⁶ Best Practices for the Union-Management Relationship in the Workplace, Queen’s University Industrial Relations Centre: <https://irc.queensu.ca/articles/best-practices-union-management-relationship-workplace>



APPENDIX A: CHANGE MANAGEMENT PLANNING TEMPLATE EXAMPLES

Prosci 3-Phase Process for organizational change⁷

Phase 1: Preparing for change

- Conduct readiness assessments
- Develop risk analysis
- Identify special tactics
- Identify anticipated resistance
- Document strategy
- Architect team structure and prepare the team
- Develop sponsorship model and prepare sponsors



Phase 2: Managing change

- Customize activities based on strategy analysis
- Create communications plan
- Create sponsor roadmap
- Create coaching plan
- Create training plan
- Create resistance management plan
- Integrate plans into the overall project plan
- Execute change management plans



⁷ Source: <https://www.prosci.com/change-management/thought-leadership-library/change-management-process>



Phase 3: Reinforcing change

- Collect proactive feedback
- Listen to employees
- Audit compliance
- Identify gaps
- Identify resistance and pockets of resistance
- Celebrate successes
- Transition to business as usual





University of Glasgow Change Management Plan Template⁸

Introduction

Provide background, link to strategic goals and other changes

Project Sponsor

This person leads the change project and is accountable for ensuring the project and change plan are implemented

Project Objectives

Detail what the project will achieve.

Change Objectives and Principles

Provide details of:

- What the change process will achieve [e.g. information sharing, engagement, input into system changes];
- Principles that underpin the change plan [e.g. inclusiveness/consultation, timeliness]; and
- Ethical issues that need to be considered and how will the change plan will address them.

Change Plan Elements

What are the main elements in the change plan? [e.g. people/culture, systems/technology, documentation, positions/roles, process, skills] Each of these elements may require a particular focus in the change plan.

Rationale for the Change

List the drivers and constraints for change.
What are the risks for the change process?

⁸ Source: https://www.gla.ac.uk/media/media_359005_en.pdf



Key Stakeholder Analysis

Identify the key stakeholders [consider staff, other colleagues in the University, management, unions, students and other clients] and:

- Analyse their response to the change [e.g. what will be their main concerns/fear, where is there likely to be support for the change];
- Identify their needs in terms of change management and consider the style of communication required [language style & level]; and
- Identify the preferred media for communicating or consulting with them about the change [e.g. sessions involving dialogue about the changes, newsletters, briefings from project team members, frequently asked questions].

Assessment of Readiness to Change

Comment on the status of the change so far [e.g. is there a high level strategy in place that stakeholders are already aware of and committed to that provides a framework for the change].

What elements might support the change [e.g. dissatisfaction with current processes; a workplace culture that supports change and innovation].

Is there strong senior support for the change?

Key Change Messages

Identify about 6 key messages to convey about the change process, being upfront about gains and losses.

Consider:

- What will be gained/lost for the key stakeholder groups in the change process;
- The messages from the stakeholder perspective;
- What will be their main concerns; and
- Presenting changes in a positive light even whilst acknowledging loss.

Identify Change Elements

Structures/Processes/Responsibilities/Resources/Timeframes/Performance Measures

Consider the need for particular change support structures [e.g. a change team, super users/specialists who are trained first and can support people in the workplace, involvement of users/key stakeholders at various stages, change champions in the workplace].

Consider if there is a need for transitional arrangements to support and whether the introduction of the change process needs to be staged.

What will be the impact on workloads and how will these be managed?

Develop Change Plan

Develop a change plan including performance measures [how will you know the change plan is effective?].

Ensure the plan is adequately resourced.

Include a communications plan

Actions	Who	When	Performance Measures



Consolidation

Ensure policies, procedures and performance measures reinforce the changes.
Remove organisational barriers to the change.
Reinforce how changes have provided benefits.

Evaluation

How will the change be evaluated in relation to the achievement of the planned objectives?
How will the change management processes be evaluated – consider summative as well as final evaluations, how can you assess your change management strategies as you implement them?
How will the evaluation outcomes be circulated and promoted to stakeholders?
How will evaluation outcomes be used in other organisational processes?



APPENDIX B: JOB DESCRIPTION SAMPLES

DIRECTOR OF LABOR AND EMPLOYEE RELATIONS⁹

Summary/Objective

The director is responsible for coordinating and directing the labor and employee relations programs and functions. The director has primary responsibility for management and employee relations, labor relations, personnel administration, safety programs, and risk management programs. These functions include responsibility for developing, interpreting and recommending program goals and objectives, policies and procedures, and courses of action. The director is responsible for managing the labor and employee relations activities according to established guidelines and sound administrative practices and in accordance with the organization's mission, values and goals.

Essential Functions

- Formulates and recommends program goals and objectives in all areas of labor and employee relations.
- Builds, develops, and maintains a highly skilled labor relations team to support the organization. Ensures LER staff effectively serve as District representatives in all matters pertaining to management decisions in relation to grievance, allegation, and performance issues.
- Develops, implements and administers (through a variety of techniques such as quarterly meetings) the management-labor relations area of the personnel program in an effort to improve labor relations.
- Ensures the interpretation and consistent administration of District policy and collective bargaining agreements.
- Reviews investigations of issues related to working conditions, disciplinary actions, and employee allegations and grievances. Provides guidance and recommendations for problem resolution to departmental officials and individuals.
- Serves as advisor to department administrators, supervisors, and managers in the application of bargaining unit agreements, District policies and procedures, State regulations, and federal law, as they pertain to the workplace.
- Prepares and presents required and special reports.
- Develops and presents the operating budget for the labor and employee relations department and, upon final budget approval, ensures that all functions operate within appropriated amounts.
- Participates in the development and delivery of training sessions related to bargaining unit agreements, counseling methods, disciplinary process, etc.
- Develop and adhere to measurements of success in accomplishing these responsibilities and incorporating best practices in these measures.

⁹ Adapted from The Society for Human Resource Management: https://www.shrm.org/ResourcesAndTools/tools-and-samples/job-descriptions/Pages/cms_001262.aspx.



Competencies

- Business Acumen.
- Communication.
- Consultation.
- Critical Evaluation.
- Ethical Practice.
- Global & Cultural Awareness.
- HR Expertise.
- Leadership & Navigation.
- Relationship Management.

Required Experience

- Law degree or Master's degree in human resource management, business or public administration, or closely related field or equivalent combination of training and experience.
- Six years' experience in human resource management, three years of which must have been in a responsible labor relations position, and three years of which must have been in a supervisory position.
- Extensive, current experience with collective bargaining agreements to include interpretation, compliance, education and enforcement at the pre-arbitration level.
- Exceptional problem solving and critical thinking when addressing organizational issues.
- Demonstrated ability to think strategically and innovatively while supporting District-wide initiatives.
- Excellent interpersonal skills and the ability to communicate and negotiate with people at all levels.
- Exceptional integrity and ethics.
- Knowledge of Washington and Federal laws and regulations related to employment and labor relations.
- Transparent and collaborative leader comfortable leading and supporting change in a complex environment.

LABOR AND EMPLOYEE RELATIONS MANAGER¹⁰

Summary/Objective

The labor and employee relations manager is responsible for managing a range of activities related to employee/labor relations and staffing functions.

¹⁰ Adapted from The Society for Human Resource Management:
https://www.shrm.org/ResourcesAndTools/tools-and-samples/job-descriptions/Pages/cms_002277.aspx.



Essential Functions

- Administers and interprets various labor agreements, administers grievance procedures and related case management, and provides labor relations support during contract negotiations.
- Administers allegation procedures and related case management.
- Acts as a liaison between department managers and union representatives. Facilitates on-going communication and working relationships with union representatives including coordination of joint labor-management committees.
- Advises managers and employees on sensitive labor and employee relations matters, including grievance and arbitration procedures, performance issues and disciplinary actions. Advises and assists managers in identifying issues and determining appropriate course of action.
- Maintains and reports accurate data. Develops, streamlines, and enhances database reporting and analysis to identify critical information and trends.
- Supports the development and maintenance of comprehensive LER policies and strategies.
- Participates in the development and delivery of training sessions related to policies and procedures, counseling methods, disciplinary process, etc.

Competencies

- Communication.
- Computer and Database (HRIS) Skills.
- Consultation.
- Critical Evaluation.
- Ethical Practice.
- Global & Cultural Awareness.
- HR Expertise.
- Leadership & Navigation.
- Relationship Management.

Required Experience

- Bachelor's degree, preferably in human resource management or related field or equivalent level of experience, training and education.
- Three to five years of experience at a management or senior administrative level with emphasis on employee/labor relations.
- Knowledge of principles and practices of employee and labor relations, collective bargaining, and employment laws.
- Exceptional problem solving and critical thinking when addressing organizational issues.
- Demonstrated ability to think strategically and innovatively while supporting District-wide initiatives.
- Excellent interpersonal skills and the ability to communicate and negotiate with people at all levels.
- Exceptional integrity and ethics.



LABOR AND EMPLOYEE RELATIONS INVESTIGATOR

Summary/Objective

The labor and employee relations investigator position is responsible for conducting investigations into a variety of workplace and school-based allegations and unions grievances. This position works collaboratively with other LER staff, District Legal Department, other District agencies, outside counsel, and local law enforcement to deliver efficient resolutions to investigations.

Essential Functions

- Conducts internal investigations for the District related to violations of District policy, allegations, and union grievances.
- Works independently or with collaborative teams to prioritize, manage, and investigate allegations in a consistent, thorough, and timely manner. Work in partnership with Department Director and other team members to determine investigative strategy.
- Prepares concise investigative case reports and other documentation relating to investigations. Compile relevant documents, data, records, and other evidence to support the case report. Perform initial analysis of complaints, including detailing the factual outcome of an investigation utilizing approved standard work, and making recommendations on countermeasures, operational improvements, and risk mitigation.
- Maintains accurate database tracking system to document the state and outcome of all cases.
- Collaborates with LER staff regarding processes and best practices to improve investigation efficiencies and effectiveness.

Competencies

- Communication.
- Computer and Database (HRIS) Skills.
- Consultation.
- Critical Evaluation.
- Global & Cultural Awareness.
- HR Expertise.
- Relationship Management.
- Ethical Practice.

Required Experience

- Bachelor's degree in human resources, public administration or related field; or any combination of education, training, or experience that demonstrates the ability to perform the duties of the position.
- Workplace or criminal investigations experience, employee relations experience, and participation in labor relations training preferred.



- Strong knowledge of laws, regulations, concepts, and practices applicable to labor and employee relations investigations.
- Exceptional judgment and discretion in scenarios that are complex and highly sensitive.
- Exceptional problem solving and critical thinking when addressing organizational issues.
- Excellent interpersonal skills and the ability to communicate and negotiate with people at all levels.
- Exceptional integrity and ethics.

LABOR AND EMPLOYEE RELATIONS ANALYST¹¹

Summary/Objective

The labor and employee relations analyst position is responsible for performing human resource administrative work and providing analysis of various human resource programs and initiatives.

Essential Functions

- Administer assigned functions, such as records requests.
- Collect and analyze data.
- Track trends and developments in assigned functional areas.
- Conduct studies, perform research, and prepare reports.
- Review, interpret, and recommend policy, process, or program improvements.
- Participate in working groups, councils, and committees.
- Ensure compliance with rules and regulations.
- Manage special projects.
- Train employees on various topics.

Competencies

- Communication.
- Computer and Database (HRIS) Skills.
- Consultation.
- Critical Evaluation.
- Global & Cultural Awareness.
- HR Expertise.
- Relationship Management.
- Ethical Practice.

¹¹ Adapted from The Society for Human Resource Management:
https://www.shrm.org/ResourcesAndTools/tools-and-samples/job-descriptions/Pages/cms_014683.aspx.



Required Experience

- Bachelor's degree in human resources, public administration, or related field and two years of human resource experience or any combination of education, training, or experience that demonstrates the ability to perform the duties of the position.
- Exceptional problem solving and critical thinking when addressing organizational issues.
- Excellent interpersonal skills and the ability to communicate and negotiate with people at all levels.
- Exceptional integrity and ethics.



APPENDIX C: WORKLOAD ANALYSIS TEMPLATE EXAMPLE

The American Speech-Language-Hearing Association's *Implementation Guide: A Workload Analysis Approach for Establishing Caseload Standards in Schools* provides a variety of templates and tools to perform workload analysis for case-based staff. While the specific functional details do not apply to LER, the templates could be easily adapted for use by the Department. A sample Workload Analysis Survey template is included here for reference.

WORKLOAD ANALYSIS SURVEY TEMPLATE						
Task	Monday	Tuesday	Wednesday	Thursday	Friday	Total
Therapy						
Inclusion Therapy						
Consultation						
Evaluation & Screening						
Observation						
Phone Calls & Email						
Report Writing						
Pre-referral Team Meetings						
Evaluation Team Meetings						
IEP Meetings						
Compliance Paperwork						
District Paperwork						
Planning & Material Prep						
Preparation of AAC & Visuals						
Scheduling/Rescheduling						
Professional Dev/Colleague Support						
Travel Time						
Misc Other (list activities)						

One checkmark = 10 minutes



WORKLOAD ANALYSIS SURVEY CONTINUED...

1. Is this a typical week for this time of the school year? (circle one)

Less busy than normal

Typical

Busier than normal

2. List any factors that you feel have influenced your workload this week (for example, crises, scheduling issues):

3. Specifically, what do you need from the school district to be able to:

- Provide appropriate services to meet students' individual needs (as required by IDEA)?
- Implement best practice in school speech-language pathology?
- Ensure compliance with education agency mandates?

Other comments:



APPENDIX D: EISENHOWER MATRIX EXAMPLE

A basic Eisenhower Matrix divides tasks into four quadrants:

- Q1 Urgent and Important: Tasks that should be done immediately
- Q2 Not Urgent and Important: Tasks that should be planned for and completed after Q1 tasks
- Q3 Urgent and Not Important: Tasks that should be delegated or de-prioritized
- Q4 Not Urgent and Not Important: Tasks that should not be completed

By assigning tasks to each quadrant and reviewing the assignments, staff can develop a better sense of Departmental priorities and cultural norms.

	URGENT	NOT URGENT
IMPORTANT	Quadrant 1	Quadrant 2
NOT IMPORTANT	Quadrant 3	Quadrant 4

