

The fifth meeting of the Human Resources Advisory Committee (2019-2020), (Hereafter HRAC) met on Monday, March 9, 2020 from 6:00 p.m. to 7:51 p.m.

In attendance were:

- Brittany Burke, FCFT HR Manager
- Catherine Carroll, FCPS Equity and Employee Relations (EER)
- Cheryl Larson, Community Representative from Mount Vernon District
- Elaine Tholen, School Board Member Liaison
- Helena Harte, Student Representative
- Howard Dwyer, At-large Community Representative
- John McLaren, FCFT Senior Member Relations Specialist
- Kimberly Adams, FEA President
- Leonard Bumbaca, HRAC Co-Chair, Community Representative from Mason District
- Marwa Ali, Community Representative from Sully District (present via telephone)
- Melody Thorson, HRAC Co-Chair, Community Representative from Springfield District
- Ray Lonnett, Executive Principal, Region 1
- Stefanie Kline, Community Representative from Providence District
- Steve Fiumano, Community Representative at-large
- Tiffany Price, Community Representative from Lee District (present via telephone)
- Tina Williams, FCFT President
- Victoria Heidt, Student Representative

The meeting proceeded as follows:

6:00 p.m. to 6:08 p.m. Minutes, Meeting Agenda, and Introductions

Co-Chairman Bumbaca reminded that our minutes could not be approved as they were not printed for this meeting; the group will check the February and March notes for approval at the April meeting. All present were able to participate in introductions.

Co-Chairman Bumbaca asked for a volunteer to take the meeting minutes and Student Representative Victoria Heidt volunteered.

Co-Chairman Bumbaca noted that Elaine Tholen will be joining the HRAC meeting as soon as she is finished her previous meeting (covering FCPS COVID 19 contingency plans) elsewhere in the building.

6:08 p.m. to 6:21 p.m. Review of Data Requested by HRAC from Catherine Carroll from HR-EER

Steve Fiumano passed out the HRAC Data Request information. The group proceeded to review the information. Elaine Tholen joined the meeting. Catherine stated that she went back as far as she could with the data collection (the data begins on July 1, 2015 as this is when the new data management system was adopted). She further stated that:

- 15% of the discrimination cases were in regards to sexual harassment
- Data collection took so long because when someone files multiple harassments in one day it comes off as the number filed instead of 1 case as it is from a single person. Hence, discrimination cases are not always on a 1:1 basis, but the data management comes off this way.
- When they provide recommendations (specifically termination), it is a full assessment of their workplace history including previous patterns in letters (member files) and evaluations.
- Instructional and operational employees have different processes for sexual harassment termination
- They might sign an agreement whereby FCPS does not give a bad reference and the individual can go seek out other employment. The only thing FCPS will say about the employment are the days employed and position.
- Catherine Carroll reminded the committee that this is a complex process.
- Steve Fiumano questioned the number of agreements that have been made since July 1, 2015.
- Catherine Carroll stated that agreements are mutually beneficial, and these agreements are not made in favor of one party or another; she further reminded that these agreements are private.
- Mediation is not something that is utilized a lot — both parties need to come to this on their own; HR can recommend it, but HR cannot enforce it.
- 84 grievances have been filed since July 1, 2015
 - 51% of grievances were resolved in support of the employee and 49% were resolved in favor of the supervisor; this is almost completely split

6:21 p.m. to 6:42 p.m. Co-Chairman Bumbaca opened up the Data portion to a Q&A

Steve Fiumano asked, “What are the quantities of settlement agreements that have been filed since 2015? How many agreements have been set since 2015? Who initiated the agreement/who initially wanted the agreement? Was there an investigation report done in concert with the settlement agreement? In any given year, how many investigation reports were done?”

- This would need to be followed up on.

The group opened up discussion about the premise of the questions Steve Fiumano was asking concerning whether more agreements were in favor of administration versus staff.

After elaborate conversation, Catherine Carroll requested written clarification of what that the committee specifically wanted to know before she could proceed to find the information.

- Catherine asked what the purpose of finding the number of agreements is.
- Kimberly Adams responded that it would help understand our current situation in FCPS.
- Howard Dwyer reminded that these agreements are the end of an issue, not the start.
 - Steve Fiumano brought up the question of management — though there was an agreement, did the management face repercussions? Is there a bias in favor of management?

6:42 p.m. to 7:31 p.m. Ongoing Work with the Employee Bill of Rights

Co-Chairman Bumbaca presented Brittany Burke who has been working on a draft of the FCPS Employee Bill of Rights which the committee focused on during the February 9, 2020 meeting.

- Co-Chairman Bumbaca stated that we reviewed the IRS Bill of Rights as a model last meeting; there are common themes in each of these documents.
- There is no sexual harassment procedure; it just links one to the discrimination procedure.
- Retaliation procedures are difficult to find.
 - If a professional cannot locate it, how will a staff member be able to do so?
- There is not consistent communication between HR and principals.
- Steve Fiumano stated that the concept of “When you see something, you should say something” should be codified.
 - He would like this to be in a separate area on the Bill of Rights
 - Brittany Burke reminded that she agrees though she is not sure it serves a place in the Employee Bill of Rights; it should be implemented but is this the correct place to do so?
- Ray Lonnett suggested that for the whistleblower section we could put in the anonymous tip line number.
 - Staffers may not know or may not be as familiar and this would be a way to directly put it into the hands of employees.
 - People may not know where to go when conflict ensues.
- Brittany Burke noted that harassment happens from between parent and teachers too. Where do we draw the line when it comes to this conflict?
 - You are an employee of FCPS, and you have the right to expect a certain standard of behavior
- Steve Fiumano questioned, as he stated he does every year, “Do the policies and procedures of FCPS apply equally and impartially to all FCPS employees?”
 - Kimberly Adams stated, “No, they don’t.”

- Steve Fiumano noted that they should.
- Steve Fiumano stated that there is no 360 review even though there should be.
- Co-Chairman Bumbaca brought the conversation back to the Employee Bill of Rights
 - Every section of the Employee Bill of Rights should apply to *all* employees
- Kimberly Adams stated that regulation wording is shifting to become more punitive
 - Prince William County has implemented silent witness procedures though FCPS will not implement it. It is a sentence in Prince William County's regulations.
- Brittany Burke reminded that she believes that this Employee Bill of Rights is teacher-focused. She is wondering how we can remind teachers about the regulation that allows teachers to remove disruptive students from their classroom as administrators recommend to stay away from this.
 - Stefanie Kline further agreed that as an operational employee, she feels that the Employee Bill of Rights is not for her as it is so teacher-focused.
- Tina Williams asked, "Who writes these regulations and policies?"
- How can we change the culture?
 - Elaine Tholen asked, "Can we come up with a list of things that describe the ultimate culture?"
- Elaine Tholen recommended that #6 on the Employee Bill of Rights be changed to say "Everyone is expected to act in a fair and equitable manner" — the key word being "everyone" instead of "managers"
 - She would also like for this wording to be more positive
- Elaine Tholen asked if we could have a solid 10 points that are for all employees then have a separate section for teachers, support employees, principals, and so forth
 - This could be a multi-year, powerful project
 - This year we could solidify our 10-12 sections then break into working groups next year for the specific groups of employees
- Brittany Burke reminded that with this initial draft, she wanted to put forth all points that should be visible to employees even though some do not have a place in this Bill of Rights
- #8 is covered under FOIA
- Elaine spoke about creating a document or calling the bill a "Portrait of a Workplace" similar to POG
- Elaine spoke about how School Board spent afternoon discussing the strategic plan
 - Improving metrics and goals under the four main headings of plan
 - Want Strategic Plan to feed into School Implementation Plan
 - Steve Fiumano brought up the Ignite System by Verizon
- Co-Chairman Bumbaca reminded that, ultimately, this is about student success — if you have a caring workplace environment, you are likely to create a caring student learning environment.

7:31 p.m. to 7:36 p.m. Ray Lonnett Response

Ray Lonnett stated that he is excited to be here tonight and is glad he can contribute to the dialogue. He wants to ensure that this caring workplace environment is established. He believes these resources are important as employees and employers often do not know what to ask for.

The question of, “What can I do?” is a prominent one.

- Steve Fiumano reminded that the system should be the same at every school.
- Brittany Burke reminded us that we cannot blame administrators as a whole.

7:36 p.m. to 7:41 p.m. Review and Progress Update HRAC Recommendations (June 2019)

Co-Chairman Bumbaca read notes (previously provided by Helen Nixon) as follows:

“The Office of Talent Acquisition and Management (TAM) in collaboration with the Office of Equity and Cultural Responsiveness and Region Offices have been working to deliver a four-part professional development series to school principals around recruiting, hiring, and retaining a diverse workforce. The PD is focused around the following objectives:

Objectives included:

- Understand what bias is and why it matters
- Identify our own biases
- Understand how biases impact the employment lifecycle
- Explore and implement strategies to minimize the impact of bias in recruiting, hiring and retention
- Support others to identify and mitigate their biases

Three of the four sessions have taken place with the final session scheduled for April. Additionally, assistant principals and DSSs have completed session one.”

Ray Lonnett spoke on these objectives and how they are being approached:

- Principals looked into what demographics are typically hired and explored bias.
- There was a panel that came in and there were four employees who felt that they might have been one of the only teachers that were their own ethnicity; how can the principal create an environment or establish a culture that is welcoming and will emphasize retention.
- The two big areas of focus for principals were how can we hire teachers from a variety of backgrounds and how can we create a safe and welcoming culture.

7:41 p.m. to 7:51 p.m. Agenda Setting for Next Month Including Consideration of Utilizing the Extra Hour

Co-Chairman Bumbaca put forward the idea of adding our extra hour to our April meeting. Stefanie Kline proposed a 5:30 to 8:30 p.m. meeting. The group agreed to meet from 5:30 to 8:30 p.m. on April 13, 2020.

Elaine Tholen shared that the Public Engagement Committee is currently looking toward a template for School Board proposals but Ms. Tholen doubts it will be in place by April when we begin putting together our presentation.

Steve Fiumano brought up the idea of changing the “Employee Bill of Rights” to “Tenants of Employee Conduct.” Co-Chairman Bumbaca stated that we can revisit this at our April meeting.

Steve Fiumano once again brought up the question of who initiated the agreements. Cheryl Larson stated that this information will not be present in the data — regardless, “What is the purpose?” Cheryl Larson stated that we cannot assume bias.

- The question of “*why?*” continues to emerge in the conversation.
- Co-Chairman Bumbaca stated that it might be helpful to know what category of employment was affected by these agreements and how many agreements there were.
- Cheryl Larson once again stated that she does not see the purpose for answering this question.

Steve Fiumano and Cheryl Larson proceeded to revisit their points with no forward motion. Co-Chairman Bumbaca invited Cheryl Larson and Steve Fiumano to continue their discussion after the meeting.

The Co-Chairs adjourned the meeting at 7:51 p.m. after reiterating that the next meeting will be on Monday, April 13, 2020 from 5:30 to 8:30 p.m.