DATE	January 4, 2023
TIME	12:00 pm
LOCATION	Teams Meeting / 5005 Business Park North Bakersfield, CA 93309
TEAMS LINK	Click here to join the meeting
PHONE NUMBER	(213) 204-2374 / ID: 597 260 60#

Personnel Committee Agenda

Per Governor's Executive Order N-29-20 and Assembly Bill 361, Meeting to be held via Tele-Conference. Members of the public may join the tele-conference or listen to the call from the CAPK office at 5005 Business Park North, Bakersfield, CA 93309

1. **Call to Order**

2. **Roll Call**

Maritza Jimenez (Chair)	Nila Hogan	Guadalupe Perez
Joe Garcia	Jonathan Mullings	

3. **Public Forum**

The public may address the Committee on items not on the agenda but under the jurisdiction of the Committee. Speakers are limited to 3 minutes. If more than one person wishes to address the same topic, the total group time for the topic will be 10 minutes. Please state your name before making your presentation.

4. **New Business**

a. Head Start Personnel Update – ***Info Item (p. 2-3)*** — Jerry Meade, Assistant Director of Head Start, Program

b. New Agency-Wide Attendance Policy – ***Action Item (p. 4-13)*** — Lisa McGranahan, Director of Human Resources

5. **Committee Member Comments**

6. **Next Scheduled Meeting**

Personnel Committee
12:00 pm
February 1, 2023
5005 Business Park North
Bakersfield, CA 93309

7. **Adjournment**

This is to certify that this Agenda Notice was posted in the lobby of the CAPK Administrative Office at 5005 Business Park North, Bakersfield, CA and online at www.capk.org by 5:00 pm, December 29, 2022. Paula Daoutis, Administrative Coordinator.

MEMORANDUM

To: Personnel Committee

From: Jerry Meade, Assistant Director ~ Program
Robert Espinosa, Program Design and Management Administrator

Date: January 4, 2023

Subject: *Agenda Item 4a:* Head Start Personnel Update – **Info Item**

The Head Start and State Child Development Division is committed to continue providing an ongoing update regarding personnel challenges affecting the Head Start program.

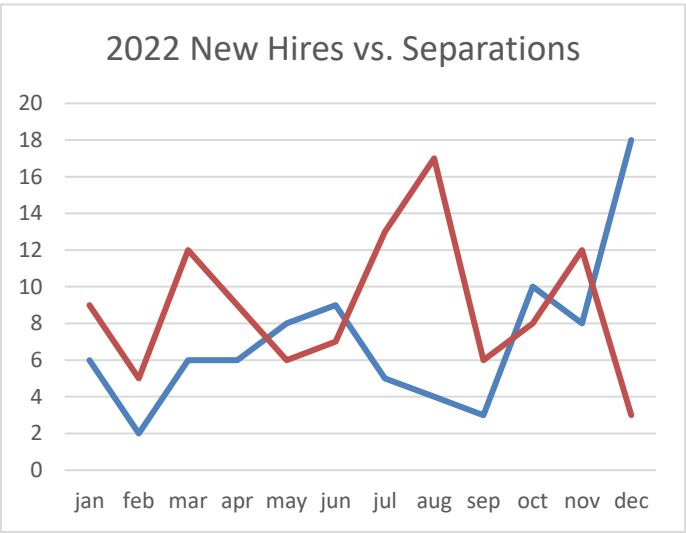
Looking back at 2022, the highlights below document the Head Start and State Child Development Division's staffing challenges:

January 2022 – December 2022

- 701 positions were budgeted in 2022
- 594 positions filled on average in 2022
- 85 staff were onboarded in 2022
- 107 staff were separated (voluntary and involuntary) in 2022

Separations:





The line charts above represent the volatility of the Head Start and State Child Developments Staffing throughout 2022. With 107 terminations, 16 were hired in 2022 representing 15% of the 2022 termination left within 12 months. The most significant reason for the 107 staff leaving was for a new job with better pay, benefits and growth opportunities (68%). Other reasons included retirements (5%), relocation (6%), lack of childcare (4%), family responsibility/elder care (5%), with the balance in employer driven or no reason provided by employee.

Wage Comparability vs. Total Compensation:

Wage comparability is currently underway with CAPK's HR department. When looking at wages, CAPK is close in relation to hourly rate of pay. Looking into total compensation, staff have identified a discrepancy with the total competition. When evaluating CAPK's threats for recruiting and retaining qualified teachers: school districts, transitional kindergarten, and fringe benefits are the highest. In collaboration with Finance, the data below represents a few examples of discrepancies in total compensation.

	CAPK	**KCSOS**	**PBVUSD (Pre-K)**	**PBVUSD (TK)**
Starting Wage	23.73	28.20	24.94	42.48
Salary	49,358.00	51,879.00	51,875.00	54,414.00
Benefits Employee Cost	(6,448.00)	-	-	-
Benefits Employer Cost	18,228.00	17,324.00	18,000.00	18,000.00
	61,138.00	69,203.00	69,875.00	72,414.00
Adjusted Hourly	**29.39**	**37.61**	**33.59**	**56.53**

Loss of Qualified Staff:

The loss of Bachelor Degreed Teachers is a threat. The Head Start Act requires that no less than 50% of all Head Start Teachers (nationally) have a bachelor's degree. Grantees nationwide worked diligently to hire fully qualified staff as well as support existing staff with degree attainment. Even though, CAPK demonstrated improvements to increase the number of Head Start Teachers with BA degrees over the last few years, the current staffing situation at the end of 2022 has shown a significant decrease. In fact, CAPK's BA degreed Teacher percentage has declined lower than recorded numbers in 2018-2019 when the push was at its highest.

BA teacher PIR 2019	~	41% HS & 17% EHS
BA teacher PIR 2021	~	60% HS & 41% EHS
BA teacher PIR 2022	~	53% HS & 37% EHS
BA teachers today	~	34% HS & 31% EHS

Next Steps:

The data presented shows the staffing situation has shifted from a concern to a crisis. Program staff have met with the CEO, CFO and Director of HR to exercise emergency measures to support recruitments, onboarding and retention. In the coming months, the CAPK Board will be presented with action items to support shifts in job duties, recruitment incentives, retention incentives (both tangible and intangible), and compensation strategies. Program Staff will continue to improve onboarding strategies and new hire trainings to improve retention. The recent increase in State contract reimbursement rates as well as the projected 5.2% Cost of Living Adjustment from the Office of Head Start will result in increased revenue provided that adequate staff are hired to serve full funded enrollment. These additional funds can be used to support improved compensation strategies, as well as programmatic changes to support more desirable work environments (classroom size, flexible working hours, approaches to leadership, etc.) In partnership with the Office of Head Start, our National/State Head Start Associations, and our local community colleges/universities, CAPK staff will continue to build the desirability of Early Childhood Education as a desired profession.

MEMORANDUM

To: Personnel Committee

From: Lisa McGranahan, Director of Human Resources

Date: January 4, 2023

Subject: *Agenda Item 4(b)*: New Agency-Wide Attendance Policy – **Action Item**

In our ongoing commitment to item number 4 of the Strategic Plan, "*CAPK seeks to be an employer of choice and attract and retain a high-quality workforce to achieve the organizations desired results*," attached hereto is a significantly revised attendance policy. The former policy, attached for reference also, no longer aligns with CAPK's vision nor the Strategic Plan. The new policy is far more employee-friendly while still allowing for employees to be held accountable for achieving reasonable attendance.

Some of the highlights of the new policy are:

- Absences related to sick time are now classified as either protected or unprotected.
- Employees now can take their earned, needed sick hours either for themselves or their families, provided the hours are subject to protection, without fear of disciplinary action.
- Absences will follow a rolling 12-month calendar, as does Federal and State protections, so that the attendance policy more clearly aligns with existing protection protocols.
- There are tiers of attendance accountability for part- and full-year employees, so that employees who can work a part-day can do so more easily.

This policy has been reviewed and approved by all parties including SEIU. Additionally, this policy will have no fiscal impact on the budget. In accordance with our Strategic Plan Objective 4.2 the benefits of this new policy will increase staff morale and assist with future recruiting efforts.

Recommendation:
Staff recommends that the Personnel Committee approve the new attendance policy for all CAPK employees.

Attachments:
New Attendance Policy
Current Attendance Policy for Full Year and Part Year

Policy and Procedure

POLICY TITLE:	Attendance Policy
BOARD APPROVED DATE:	TBD
APPLIES TO:	Community Action Partnership of Kern Employees
DEPARTMENT:	Human Resources

PURPOSE:
This policy aims to set forth Community Action Partnership of Kern's (CAPK) policy and procedures for handling employee absences and tardiness to promote clarity and transparency of policy, the efficient operation of the agency, and to minimize unscheduled absences.

POLICY:
CAPK's policy is to provide a standard of attendance for all CAPK employees. Punctual and regular attendance is an essential responsibility of each employee at CAPK. Employees are also expected to remain at work for their entire work schedule. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided. Employees are expected to accurately record the start and end of their daily work time using an appropriate electronic method of timestamping available to them in their workplace or voluntarily on the ADP Mobile App. Under no circumstances are hourly employees permitted to work or perform assigned duties "off the clock."

Employees must not begin work earlier than scheduled and may not work beyond their regularly scheduled hours without authorization.

CAPK does not allow for make-up time.

SCOPE:
This policy applies to all hourly CAPK employees. Exempt employees are also responsible for upholding the standard of attendance as stated above.

DEFINITIONS:

Absence	The failure of an employee to report for work when they are scheduled to work; when an employee misses a full scheduled day of work; or fails to work their entire scheduled shift.
Protected Absence	Protected absence is excused and does not contribute to attendance actions. The categories below describe when time away from a scheduled workday is considered protected absence: • CAPK provided and accruable paid sick leave (including California MPSL) • CAPK provided and accruable paid vacation • CAPK provided paid holidays

	• Lactation Accommodation Leave • CAPK provided bereavement leave • Jury duty leave • Witness leave • Disability leaves of absence pursuant to the ADA • Disability leaves of absence pursuant to the California FEHA • Worker's Compensation leave • Organ and Bone Marrow Donor leave • Military Service leave • Military Spouse leave • Leave for Pregnancy and Pregnancy Related Disabilities • Leave for Victims of Domestic Violence or Serious Crime *To seek medical attention *To attend court proceedings *To plan for personal safety and reasonably accommodation • Parental Leave for Child's School/Daycare Activities • Parental Leave for Child's School Suspension • California Statutory Leave for Voting • Family Medical Leave Act leave • California Family Rights Act leave • California Alcohol and Drug Rehabilitation Leave • California Paid Family Leave • California Volunteer Civil Service Leave • California Literacy Accommodation • Any other local, state, and federal protected leave Protected leaves of absence are detailed in separate policies and applicable local, state, and federal regulations and are subject to eligibility, notification requirements, and other limitations.
Unprotected Absence	Time away from the scheduled workday that does not meet the criteria of a protected absence, as described above. Unprotected absence includes late arrival, early departure, and full day absence if not otherwise arising from a protected leave. Unprotected absence contributes to attendance actions.

POLICY GUIDELINES:

Mandatory Notification Requirements

The giving of notice will not change classification of leave as protected or unprotected.

If it is necessary for an employee to be absent or late for work because of an illness or an emergency, the employee must notify his or her supervisor at least two (2) hours prior to the

start of their scheduled workday or as soon as possible. If the employee is unable to call, they must have someone make the call on their behalf.

Employees who must leave work before the end of their scheduled shift must notify a supervisor immediately.

Employees with three (3) or more consecutive days of excused absences *because of illness or injury* must give Human Resources proof of physician's care and fitness for duty release prior to returning to work.

Other than emergency situations or unforeseen circumstances, employees must provide a one (1) week advance notice to their supervisor for any pre-planned sick circumstance (i.e., medical appointment, etc.).

Unprotected Absence Points Accumulation

Attendance points are accumulated based on the amount of scheduled time missed from an unprotected absence in a workday, as described below. Unprotected absence is tracked in a rolling 12-month period, calculated from the first day of unprotected absence. Points are removed from tracking after the rolling 12-month period.

Unprotected Absence Violation	Penalty
Less than two hours of missed work on a scheduled workday	½ point
Two hours or more of missed work on a scheduled workday	1 point
One day of no call/no show	2 points

Attendance Warning Notification and Disciplinary Action

Point accumulations will result in warning notices. Below are the thresholds at which the notices are generated.

Full-Year Employees

Warning Level	Points
Documented Verbal Warning	5
Written Warning	6

Final Written Warning	7
Subject to Discharge	8

Part-Year Employees

Warning Level	Points
Documented Verbal Warning	3
Written Warning	4
Final Written Warning	5
Subject to Discharge	6

Job Abandonment
Notwithstanding the above, any employee who fails to report to work for a period of three (3) days or more without notifying his or her supervisor and is not on protected leave will be considered to have abandoned the job and voluntarily terminated the employment relationship.

Tentatively Agreed:

Date: December 21, 2022

SEIU 521: _____

Community Action Partnership of Kern: _____

COMMUNITY ACTION PARTNERSHIP OF KERN
Full Year Attendance Policy
Revised 09-02-2019

It is the policy of Community Action Partnership of Kern (CAPK) to provide a standard of attendance for all full year CAPK employees. Management recognizes that circumstances beyond an employee's control may cause the employee to be absent from work for all or part of a day. Absenteeism will be evaluated throughout the year and during performance evaluations.

I. GENERAL ATTENDANCE POLICIES

1) WHEN YOU OR A FAMILY MEMBER IS SICK: Full year employees that work 40 hours per week or more and are classified as full-time and accrue sick leave at 3.69 hours per pay period. Regular benefited employees working less than 40 hours will accrue sick time on a prorated basis. The foregoing accruals include the State of California mandated paid sick leave of one (1) hour of paid sick leave for every thirty (30) hours worked (capped at 3 days or 24 hours per calendar year.) An employee cannot have a negative sick leave balance and sick leave has no cash value.

2) WHEN A DOCTOR'S NOTE IS REQUIRED: A healthcare provider's clearance to return to work (with or without restrictions) (i.e. doctor's note) is required when the illness is three (3) consecutive days or more to ensure you can return to work (subject to reasonable accommodation of any restrictions). If an employee is on intermittent or full time FMLA/CFRA or any other state or federal protected leave, then the employee will contact Human Resources in regard to returning to work and a healthcare provider's clearance may be required.

3) WHEN AN EMPLOYEE WILL BE ABSENT DUE TO ANY REASON FOR THREE (3) (or more) WORKDAYS: Employees who are absent from work for three (3) or more consecutive workdays must contact CAPK Human Resources immediately. CAPK Human Resources will make a determination whether the employee should contact the Hartford to apply for FMLA/CFRA, or any other state or federal protected leave. The Harford determines eligibility (not CAPK) for FMLA/CFRA and approves the leave based on complete and timely documentation from your healthcare provider.

4) USE OF ACCRUED VACATION: Employee vacation time must be scheduled as provided for in CAPK policies and the Collective Bargaining Agreement.

5) UNSCHEDULED ABSENCES: If an employee will be late for or absent from a scheduled shift, the employee must personally notify their supervisor or the supervisor's designee, by phone or text message, at least two (2) hours prior to the start of their scheduled workday or as soon as possible. Employees must make this notification for each day they will be absent unless Human Resources has approved/been notified of the extended absences. Notification does not excuse the tardy or absence.

6) FAILURE TO CALL IN AND REPORT YOUR ABSENCE (No call, no show): Failure by an employee to call in and report his or her absence for more than three (3) consecutive workdays is considered job abandonment and will be grounds for immediate termination. If an employee is unable to call due to an accident, injury, or illness resulting in a hospital stay, a family member should call CAPK Human Resources within three (3) work days to ensure employee is not terminated from his or her position. Proper documentation is required to verify the employee's accident, injury or illness.

7) MAKE-UP TIME: CAPK does not allow for make-up time. (Approved at Meet and Confer: January 27, 2017.)

8) PROTECTED LEAVE: Time off for any FMLA, CFRA, or any other state or federal protected leave is not considered in the attendance hours. Employees on approved state or federal leave may use accrued sick leave, vacation time or leave without pay after accruals are exhausted. Employees are allowed to integrate qualifying leave accruals with State Disability Income (SDI).

II. ATTENDANCE SYSTEM RULES

In order for CAPK to provide a standard attendance policy for all employees, CAPK maintains an attendance accrual system to ensure standardized attendance consistency.

A) Annual Attendance Rule (Calendar Year):

The Annual Attendance Rule counts hours used in a 12-month calendar year (full year employee). Starting at 48 or more hours of time off, notices (NOT a disciplinary warning) will be issued to employees. The ADP Attendance system will be modified to ensure it is non-disciplinary in nature and that all notices will also be non-disciplinary in nature. Sick Leave and vacation time must be used prior to leave without pay. Sick leave, unscheduled vacation time and leave without pay will calculate towards the Annual Attendance rules as outlined below.

B) Should employees miss consecutive sick days that would put them at a higher notice level, the higher notice will be administered and may or may not lead to disciplinary action, depending upon the circumstances and/or extenuating or mitigating factors. Recommendations will be made by the Division Directors to the Chief Executive Officer (CEO) for review and approval. Example: You use 68 hours of sick leave, unscheduled vacation time or LWOP, you will receive a written notice. You would bypass the Memo Contact Log notice level.

NOTE: The first 24 hours of sick leave taken or used do NOT subject the employee to any disciplinary action of any kind whatsoever (per State of CA law)

Notice Level	Hours of Missed Work
Memo/Contact Log	48
Written Notice	68
2nd Written Notice	78
Possible Disciplinary Action	96+ (plus)

Note: The above hours include the first 24 hours taken or used.

IMPORTANT NOTE: Possible (NOT Automatic) Termination at 96+ (plus) hours of sick leave taken or used by the employee. Using 96.0 hours of sick leave DOES NOT cause possible disciplinary action. Using more than 96 hours, even if only 15 minutes (96.25 hours), DOES cause possible disciplinary action.

COMMUNITY ACTION PARTNERSHIP OF KERN
Part-Year Attendance Policy
Revised 09-02-2019

It is the policy of Community Action Partnership of Kern (CAPK) to provide standards for attendance of all CAPK employees. Reliable and consistent attendance is a condition of employment. Management recognizes that circumstances beyond an employee's control may cause the employee to be absent from work for all or part of a day. However, excessive and abusive absenteeism will not be tolerated. Absenteeism will be evaluated throughout the year and during performance evaluations. All state and federal protected leaves are excluded.

I. GENERAL ATTENDANCE POLICIES

1) WHEN YOU OR A FAMILY MEMBER IS SICK: Part-Year employees that work full-time but less than 12 months a year will be allowed to take up to 40 hours of sick leave per CAPK's Head Start school year. Employees that start after August 31, will receive a pro-rated amount of sick leave based on employment as of the first of the month:
    - September 36 hours
    - October 32 hours
    - November 28 hours
    - December 24 hours
    - January 20 hours
    - February 16 hours
    - March 12 hours
    - April 8 hours
    - May 4 hours

    The foregoing accruals include the State of California mandated paid sick leave of one (1) hour of paid sick leave for every thirty (30) hours worked (capped at 3 days or 24 hours per calendar year.) An employee cannot have a negative sick leave balance and sick leave has no cash value.

2) WHEN A DOCTOR'S NOTE IS REQUIRED: A healthcare provider's clearance to return to work (with or without restrictions) (i.e. doctor's note) is required when the illness is three (3) consecutive days or more to ensure you can return to work (subject to reasonable accommodation of any restrictions). If an employee is on intermittent or full time FMLA/CFRA or any other state or federal protected leave, then the employee will contact Human Resources regarding returning to work and a healthcare provider's clearance may be required. physician's verification of illness (i.e. doctor's note) is required when the illness is three (3) consecutive days or more to ensure you can return to full duty upon your return. If an employee is on intermittent or full time FMLA/CFRA or any other state or federal protected leave, then the employee will contact HR in regard to returning to work and a doctor's note may be required.

3) USE OF ACCRUED VACATION: Employee vacation time must be scheduled as provided for in CAPK policies and the Collective Bargaining Agreement.

4) UNSCHEDULED ABSENCES: If an employee will be late for or absent from a scheduled shift, the employee must personally notify their supervisor or the supervisor's designee, by phone or text message, at least two (2) hours prior to the start of their scheduled workday or as soon as possible. Employees must make this notification for each day they will be absent unless Human Resources has approved/been notified of the extended absences. Notification does not excuse the tardy or absence.

5) FAILURE TO CALL IN AND REPORT YOUR ABSENCE (No call, no show): Failure by an employee to call in and report his or her absence for more than three (3) consecutive workdays is considered job abandonment and will be grounds for immediate termination. If an employee is unable to call due to an accident, injury, or illness resulting in a hospital stay, a family member should call CAPK Human Resources within three (3) work days to ensure employee is not terminated from his or her position. Proper documentation is required to verify the employee's accident, injury or illness.

6) MAKE-UP TIME: CAPK does not allow for make-up time. (Approved by Meet and Confer: January 27, 2017.)

7) PROTECTED LEAVE – Time off for any FMLA, CFRA, or any other state or federal protected leave is not considered in the attendance hours. Employees on approved state or federal leave may use accrued sick leave, vacation time or leave without pay after accruals are exhausted. Employees are allowed to integrate qualifying leave accruals with State Disability Income (SDI).

II. ATTENDANCE ACCRUAL SYSTEM

In order for CAPK to provide a standard attendance policy for all employees, CAPK maintains an attendance accrual system to ensure standardized attendance discipline.

A) The Annual Attendance Rule counts hours used over a 10-month (part year employee) period. Starting at 32 or more hours of time off, notices (NOT a disciplinary warning) will be issued to the employee. The ADP Attendance system will be modified to ensure it is non-disciplinary in nature and that all notices will also be non-disciplinary in nature. Sick Leave and vacation time must be used prior to leave without pay. Sick Leave, unapproved Personal Days and leave without pay will calculate towards the Annual Attendance Rules as outlined below.

B) Should employees miss consecutive sick days that would put them at a higher notice level, the higher notice will be administered and may or may not lead to disciplinary action, depending upon the circumstances and/or extenuating or mitigating factors. Recommendations will be made by the Division Directors to the Chief Executive Officer (CEO) for review and approval.

Example: you are currently at the Verbal Notice Level of 36 hours. You then use 12 hours of sick leave, unapproved Personal Days or LWOP; then you would move to a 2nd Written Notice Level at 48 hours (36 + 12 = 48). You would bypass the first Written Notice Level of 44 hours. You would NOT receive two separate written notices.

Notice Level	Hours of Missed Work
Memo/Contact Log	32
Verbal Notice	36
Written Notice	44
2nd Written Notice	48
Possible Disciplinary Action	49+ (plus)

Note: The above hours include the first 24 hours taken or used.

IMPORTANT NOTE: Possible (NOT Automatic) Termination at 48+ (plus) hours of sick leave taken or used by the employee. Using 48.0 hours of sick leave DOES NOT cause possible disciplinary action. Using more than 48 hours, even if only 15 minutes (48.25 hours), DOES cause possible disciplinary action.

Effective date 09/02/2019
Union Approval 09/02/2019