

Internal Monitoring Report
September 7, 2021

Policy Title: **Compensation and Benefits**
Policy Type: Executive Limitation
Policy No.: EL 2.7
Period Monitored: August 2020 – July 2021

This report monitors the Board of Education's Executive Limitations Policy.

The Superintendent shall neither cause nor allow jeopardy to fiscal integrity or to public image through employment, compensation or benefits to employees, or independent contractors.

Among other things, the Superintendent shall not:

- 1. Change his or her own compensation and benefits.*
- 2. Promise or imply permanent or guaranteed employment.*
- 3. Establish compensation and benefits that deviate materially from the geographic or professional market for the skills employed.*
- 4. Create obligations regarding compensation and benefits over a longer term than revenues can be safely projected, in no event longer than one year and in all events subject to losses in revenue.*
- 5. Establish or change benefits so as to cause unpredictable or inequitable situations, including those that:*
 - a. Incur unfunded liabilities; or*
 - b. Provide less than some basic level of benefits to all full-time employees, unless differential benefits encourage longevity and District Ends performance.*
- 6. Employ or contract with any member of the Board.*

This report is presented in accordance with the Board's monitoring schedule. I certify that the information is true and complete.

Brian Kingsley
Superintendent of Schools

September 7, 2021

Executive Summary

The main emphasis of this Policy relates to the District's ability to manage and offer competitive compensation and benefits to employees.

The evidence included in this monitoring report indicates that:

- The Poudre School District and its employee groups negotiated a one-year agreement of the Employee Agreement for the 2020-21 school year. The agreement included defined changes to compensation and benefits for employees.
- The negotiated Employee Agreement, contracts, and district policies provide evidence that the District does not guarantee permanent employment to any employee.
- Eleven school districts are routinely monitored and are compared to benchmarks in relation to compensation and benefits. PSD targets to stay within 10% of relevant labor market range for position/salary comparisons and monitors classified, licensed, and administrative/professional staff positions.
- For PSD licensed staff, starting salaries were 3.71% above comparable districts in 2020-21 vs. 8.10% under in 2019-20, salaries for masters & 12 years' experience were 1.74% under comparable districts vs. 4.55% under in 2019-20, and highest salaries were 1.06% under comparable districts vs. 6.73% under in 2019-20. For PSD classified staff, salaries were 1.23% under comparable districts vs. 0.11% under in 2019-20. For administrative/professional staff, salaries were 1.31% under comparable districts vs. 0.52% under in 2019-20. PSD is within the 10% relevant labor market for job/salary comparisons.
- PSD offers generous benefits at a reasonable premium and is in line with peer districts.
- On June 30, 2021, the Employee Self-Insurance Fund had unrestricted reserves of approximately \$20.3 million. At this amount, the reserve fund is at a level to cover approximately six months of claims. This fund has been growing over the past several years and is now within our self-determined level of 4 to 6 months of claims.

Policy Wording:

Among other things, the Superintendent shall not:

1. Change his or her own compensation and benefits.

Interpretation:

The District interprets this policy to mean that adequate controls are in place that will preclude the Superintendent from being able to change his compensation and benefits approved by the Board of Education, without the approval of the Board of Education.

Evidence:

A written contract between the Board of Education and Superintendent exists.

The Superintendent's Employment Contract is the primary document that defines the compensation and benefits package. The Board of Education determines the annual compensation and benefits package for the Superintendent. The Superintendent's salary and benefits can be confirmed through an audit of the payroll system to be determined by the Board of Education.

The above-cited evidence demonstrates that the District has met the requirements of EL 2.7.1 regarding the Superintendent's compensation and benefits.

Policy Wording:

Among other things, the Superintendent shall not:

2. Promise or imply permanent or guaranteed employment.

Interpretation:

The District interprets this policy to mean that the Superintendent shall not obligate the District or lead someone to believe that he or she will always work for the District. District policies, Employee Agreement and other employment contracts do not contain language that indicates entitlement to employment beyond the current fiscal year and provide for staff reductions as may be required.

Evidence:

The following contractual and policy information provides evidence that the District does not guarantee permanent employment:

1. Under 9.2.1 EVALUATION OF PRINCIPALS, ADMINISTRATORS & PROFESSIONALS and 10.8.6 EVALUATION OF LICENSED EMPLOYEES in the Employee Agreement, the Superintendent's ability to guarantee employment is limited by the following language that states, "Nothing in this policy shall be construed to imply in any manner the establishment of any property rights or expectancy or entitlement to continued employment not explicitly established by statute, Board policy, or contract. This policy and/or the evaluation system will not be deemed or construed to establish any conditions prerequisite relative to renewal of contracts, transfer, assignment, dismissal, or other employment decisions relating to school personnel except as outlined in Colorado state law."
2. Further, under 9.2.1 and 10.8.7 it states, "All employment decisions remain with the sole and continuing discretion of the Board of Education, subject only to the conditions and limitations prescribed by Colorado law."
3. Permanent employment is not guaranteed to licensed staff since:
 - a. Teacher employment is governed by the Teacher Employment, Compensation, and Dismissal Act of 1990 and is subject to dismissal based on statutory grounds. Further, the PSD Employee Agreement, Article 14.1.2 states, "The Superintendent shall make the final recommendation to the Board of Education to cancel the employment contract of any non-probationary teacher." Thereby confirming that permanent employment is not guaranteed to licensed educators.
 - b. In the case of a "staff reduction", the Employee Agreement contains specific guidelines for implementation of a reduction as referenced in Article 14.1 – Reduction in Force – Licensed. The ability to implement staff reductions further supports that permanent employment is not guaranteed for licensed staff.
4. Permanent employment is not guaranteed to classified staff since:
 - a. By district policy GDQD, classified employees operate under a 90 calendar-day performance trial period.
 - b. District policy GDQD affirms that the Board of Education delegates to the executive director of human resources the authority to discipline and dismiss classified personnel.
 - c. Article 15.1 – Provisions for Classified Staffing Fluctuations – of the Employee Agreement provides a process for building administrators, department managers, or directors to follow when staffing fluctuations require the elimination or reduction in hours of one or more classified positions.
5. Article 17.1.3 of the Employee Agreement states, "An administrator's or professional's employment status with respect to his or her current administrative

assignment shall be at-will, which means that the administrator serves at the discretion of the Superintendent and that his or her administrative or professional assignment may be terminated without cause.”

The District utilizes the procedural contract language respecting all employment, thereby assuring no employees are guaranteed permanent employment. For these reasons, the District has met the requirements of EL 2.7.2.

Policy Wording:

Among other things, the Superintendent shall not:

- 3. Establish compensation and benefits that deviate materially from the geographic or professional market for the skills employed.*

Interpretation:

The District interprets this policy to mean that hourly rates, salaries, and other paid benefits are competitive within the Northern Colorado area. The District utilizes set standards for the amount of money paid to employees and will provide additional offerings to include health, dental, life, retirement, paid and unpaid time off that are not outside a range of more than 10% of the Northern Colorado market of similar local and state school districts or businesses who hire and pay for like services.

Evidence:

Prior to the negotiations and the budget development processes, the District’s human resources team reviews appropriate data to ensure that the compensation and benefits programs are in-line with both the geographic area and similarly situated school districts. This is done through local salary survey review and by inspecting salary schedules of like groups in other districts. When potential discrepancies are found, the District works to make modifications either through individual adjustments or through gradual increases and changes to salary scales. This ensures both fiscal responsibility and continued commitment by the District to achieve as much equity as possible for skilled groups.

Beginning this fall, a team consisting of employee group representatives (three each from ACE, PASE, and PEA) will participate in this process parallel to human resources in an effort provide for a more informed negotiations process for its employee stakeholders. This process begins in September.

The following chart summarizes salary comparisons using benchmark positions with other comparable markets during the 2020-21 school year. The market comparison districts are: Academy 20, Adams 12, Aurora Public Schools, Boulder Valley School District, Cherry Creek School District, Colorado Springs District 11, Jefferson County

School District, Littleton Public Schools, St. Vrain Valley School District, Thompson School District and Weld District 6 Greeley. These market comparable districts are defined as the school districts in Colorado having annual student enrollment counts approximately one-half to three times that of PSD located along the Colorado Front Range. Additionally, reference is made to city/county governments and applicable private sector employers using similar benchmark positions as defined by major duties, responsibilities and functions. The customized survey data is reasonable as it is related to industry standards used by Oehm Consulting Services and Employers' Council.

	PSD Classified Positions		PSD Administrative/Professional Positions	
	2019-20	2020-21	2019-20	2020-21
Number of job titles	227	225	54	67
Number of benchmark titles	116	102	37	37
% over/under market	0.11% under	1.23% under	0.52% under	1.31% under

The chart demonstrates that Poudre School District's Classified and Administrative/Professional pay plans are within the 10% relevant labor market range for job/salary comparisons.

The classified side shows the effect that infusing approximately \$3.9 million from the 2019 Mill Levy Override known as 4A. This was applied to the classified salary schedules. No other new money was applied to these salary schedules in the 2020-21 school year as the District cut budgets due to COVID. There was no 4A money applied to the administrative/professional salary schedule, nor was there any other money applied to this schedule in 2020-21. The administrative/professional salary schedule was frozen for 2020-21.

The following chart summarizes salary comparisons for licensed educators at three key points in the salary schedule.

PSD Licensed Staff					
Starting Salary		Masters & 12 Yrs. Exp.		Highest Salary	
2019-20	2020-21	2019-20	2020-21	2019-20	2020-21
8.10% under	3.71% above	4.55% under	1.74% under	6.73% under	1.06% under

The chart demonstrates that Poudre School District's licensed educator salaries are within 10% relevant labor market range for job/salary comparisons as noted at three key comparison points: starting salary, mid salary, and highest salary.

The chart also demonstrates the effect that infusing approximately \$10.8 million from the 2019 Mill Levy Override known as 4A. No other new money was applied to the licensed salary schedules in the 2020-21 school year.

Benefit Plan Comparison

The following charts compare Poudre School District's 2020-21 employer contributions for medical, dental and vision insurance in four categories: employee only, employee/spouse, employee/child(ren) and employee/family.

Benefits data used include district contributions for medical, dental, and vision coverage combined.

Peer districts in the market comparison include: Academy 20, Adams 12, Aurora Public Schools, Boulder Valley School District, Cherry Creek School District, Colorado Springs District 11, Jefferson County School District, Littleton Public Schools, St. Vrain Valley School District, Thompson School District, and Weld District 6 Greeley.

Employer Insurance Contribution for Medical, Dental, Vision

	PSD Minimum	Minimum of Peer Districts	Difference	PSD Average	Average of Peer Districts	Difference	PSD Maximum	Maximum of Peer Districts	Difference
Monthly contribution Employee Only	\$637.00	\$534.09	19.27%	\$678.00	\$570.18	18.91%	\$719.00	\$593.91	21.06%
Monthly contribution Employee/Spouse	\$637.00	\$612.15	4.06%	\$678.00	\$664.63	2.01%	\$719.00	\$703.69	2.18%
Monthly contribution Employee/Child(ren)	\$637.00	\$601.92	5.83%	\$678.00	\$643.11	5.43%	\$719.00	\$676.09	6.35%
Monthly contribution Employee/Family	\$637.00	\$709.20	-10.18%	\$678.00	\$776.98	-12.74%	\$719.00	\$826.30	-12.99%

In looking at the chart, PSD appears to be out of the 10% range in the employee only and employee/family tiers. However, these numbers are skewed for the following reasons:

- One peer district contributes significantly less toward the employee-only premium and offers two extremely high deductible health plans which result in lower premiums. Removing the data for this district would change the minimum difference from 19.27% to 12.59%, average difference from 18.91% to 11.98%, and maximum difference from 21.06% to 13.84%.
- Two peer districts contribute significantly more toward premiums for their employees that elect employee/family coverage than they do for employee-only coverage. Removing the data for these districts would change the minimum difference from -10.18% to -1.69%, average difference from -12.74% to -3.43%, and maximum difference from -12.99% to -2.84%.

Furthermore, data shows more districts are increasing premium cost share requiring their employees to pay more of the employee-only premium. PSD has not done this and continues to pick up the majority of the employee-only premium.

Overall, the comparisons show that PSD offers generous benefits at a reasonable premium and tends to be in-line with our peer districts.

Poudre School District offers two (2) health plans including the PPO-1 and PPO-2 Plans. The PSD health plans fall mid-range in relation to peer districts for coverage. The PSD plan deductibles are significantly lower than other peer district plans, and the out-of-pocket maximums tend to be on the low end in comparison to peer districts. This is considered a positive when hiring and retaining employees as it results in less out-of-pocket costs to employees when obtaining services. However, the more generous coverage (lower deductibles and out-of-pocket maximums) generally results in higher premiums.

Districts range from 70% - 90% coverage paid by the plan for services. PSD is in line with majority of other districts at 70%.

The following chart lists the maximum number of paid days the classified and administrative/professional employees in the Poudre School District were afforded during the 2020-21 fiscal year in comparison with other similar districts. These figures are based on full time, 260-day employees. Calculations include vacation, floating holidays, personal, and yearly earned sick days.

Paid Days Off	Maximum of PSD	Maximum of Peer Districts
Administrative/Professional	45	49
Classified	45	47

Licensed standard contract length is 186 days per year and is consistent with peer districts.

The District’s paid time off is statistically similar to peer districts. The District’s leave time in all forms is also in compliance with Colorado’s Healthy Families and Workplaces Act that went into effect in January 2021.

For the above reasons, the District has met the requirements of EL 2.7.3.

Policy Wording:

Among other things, the Superintendent shall not:

- 4. Create obligations regarding compensation and benefits over a longer term than revenues can be safely projected, in no event longer than one year and in all events subject to losses in revenue.*

Interpretation:

The District interprets this policy to mean that total compensation costs, including accrued benefits paid out on an annual basis, are analyzed and integrated into budget planning for the current fiscal year and the following year projections without creating a violation of EL 2.3, Financial Condition and Activities.

Evidence:

The District’s licensed salary schedule provides the ability for compensation increases on an annual basis. These are normally referred to as “step” increases. Implementation of steps, as well as any increases to salary schedules, are dependent upon state revenues and subject to the collective bargaining process where applicable. Budget planning takes into consideration annual and one-year projections that include compensation and benefits. The January 2020 “Financial Planning and Budgeting” monitoring report details evidence that the District does not create financial obligations that cannot be satisfied within one year.

In the event a multi-year agreement exists (like in the current superintendent contract), all funds required to pay the contract in full are held in a reserve account.

The above-cited monitoring report is evidence that the District has met the requirements of 2.7.4.

Policy Wording:

Among other things, the Superintendent shall not:

5. *Establish or change benefits so as to cause unpredictable or inequitable situations, including those that:*
 - a. *Incur unfunded liabilities; or*
 - b. *Provide less than some basic level of benefits to all full-time employees, unless differential benefits encourage longevity and District Ends performance.*

Interpretation:

The District interprets this policy to mean that an implementation or change in benefits will only occur with Board of Education approval. Further, the District interprets this policy to mean that financial enhancements that are in addition to base compensation and contribute to total compensation are planned for in the current fiscal year and future years budgeting process.

Evidence:

Through the governance of Poudre School District's Plan Document and the Open Enrollment information reported annually, the District demonstrates both predictability as well as fair treatment in accordance with the policy since Poudre School District benefits are administered according to the guidelines set forth in the Plan Document that governs the eligibilities of the benefits program. Employee Benefit Eligibility tables, as governed by the Plan Document, are published annually and given to every Poudre School District employee as a part of the Open Enrollment period that occurred from July 1, 2021 to July 15, 2021. In addition, newly hired employees are provided the Employee Benefit Eligibility tables as part of the new employee information materials.

Policy Wording:

- a. *Incur unfunded liabilities; or*

Interpretation:

The District interprets this to mean that the District's Employee Self-Insurance Fund

balance should maintain an undesignated and unreserved fund balance enough to cover approximately six months of claims, which is consistent with industry standards.

A stop loss policy is an umbrella policy that limits the District's liability on the total claim of dollars owed for an individual and group in a given plan year. To protect against liabilities incurred through unforeseen benefit claims, the District maintains a stop loss policy of \$325,000 per individual.

On June 30, 2021, the Employee Self-Insurance Fund had unrestricted reserves of approximately \$20.3 million. The Fiscal Management Summary reports, prepared by staff monthly and summarized and presented to the Board of Education on a quarterly basis include supplementary information regarding the Employee Self-Insurance's year-to-date revenues, expenses and changes in fund balance. The reserve fund is maintained at a level enough to cover approximately six months of claims.

Based on the above cited evidence, the District has met the expectations outlined in EL 2.7.5a.

Policy Wording:

- b. Provide less than some basic level of benefits to all full-time employees, unless differential benefits encourage longevity and District Ends performance.*

Interpretation:

The District interprets this policy to mean that staff who are 1.0 equivalency and in regular positions are provided eligibility for employee-related enhancements in addition to base salary.

Evidence:

Employees who work 90 consecutive days (excluding temporary, substitute employees on the "S" salary schedule, and/or any employees with variable working hours) and work 100% based on the then current administrative, professional, licensed, or classified (8 hours per day) calendar are considered full time.

Additionally, all full-time employees are notified in writing of their eligibility for benefits and the specific enrollment requirements as defined in the guidelines set forth in Section 2 of the Employee Agreement.

Additionally, employees meeting the guidelines of a full-time employee as defined by the Affordable Care Act are notified in writing of their eligibility for benefits and the specific enrollment requirements.

All full-time employees are offered the same basic level of health, dental, life, vision, retirement, and paid and unpaid time off. Based on this evidence, the District meets the expectations of EL 2.7.5b.

Policy Wording:

Among other things, the Superintendent shall not:

6. Employ or contract with any member of the Board.

Interpretation:

The District interprets this policy to mean pay money or other offerings to a current Board member.

Evidence:

A review of hiring records demonstrates that no member of the Board of Education works for the District as an employee or as an independent contractor.

The District has met the expectations of EL 2.7.6