



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: April 11, 2023

TITLE: Approval of Renewing Employee Contract Forms for 2023-2024 Fiscal Year; Direction to Administration to Issue Appropriate Contracts to Renewing Contracted Staff; and Modification of Previously Approved Retention Stipend Amounts for Returning Employees to be at least 5% in FY 2023-2024

BACKGROUND:

General Information about Employee Contracts

Amphitheater Public Schools typically issues employment contracts to returning certificated, professional and administrative personnel in April. The meet and confer process completed in March to enable the Governing Board to approve a compensation plan for the following fiscal year in April. Employment contracts generally issue after the April meeting. Employees prefer this timeline because it enables them to have the best known information about the compensation and fringe benefits being offered to them with the offer of contract.

Administration has generally honored this preference for employees, although there were some years when offers of contract issued before the Governing Board approved the compensation package for the following fiscal year. Those years, while few and far between, were necessitated by delays in the state's approval of an educational budget or extended meet and confer committee discussions. In those years, contracts had to be issued before the Governing Board had approved a compensation plan; otherwise, the school year would have ended and staff left without any written guarantee of employment in the following school year.

Important Term Contained in All Employee Contracts

For this reason, a term is included in all employee contracts that enables contracts to be issued with the agreement that the specific salary to be paid is actually the amount approved by the Governing Board at the completion of the meet and confer process. This permits the District to pay qualified employees a salary in excess of what is actually written into their employment contract if the final number approved by the Governing Board at the completion of the meet and confer actually exceeds the salary amount identified in the contract. This term has been included in employee contracts for several years now. Specifically, the relevant contract term says:

District agrees to pay [EMPLOYEE] a salary of [AMOUNT] together with any salary increase approved for [EMPLOYEE] as part of the 2023-2024 compensation package approved by the Governing Board upon completion of the meet and confer process. District is providing this contract to [EMPLOYEE] to confirm [EMPLOYEE]'s appointment for the 2023-2024 school year. The parties intend, however, that the [EMPLOYEE] salary for this contract be the amount approved for [EMPLOYEE] by the Governing Board as part of the 2023-2024 compensation package and that said amount shall not be less than the salary stated above for [EMPLOYEE]'s fulltime employment for the 2023-2024 fiscal year. In the event there is a difference between the salary amount stated here and the amount approved by the Governing Board to be paid as salary to [EMPLOYEE], then the amount approved by the Governing Board shall govern. [EMPLOYEE] will not be mandated to

file additional paperwork/amendment to receive the additional monies as these sums will be automatically directed to [EMPLOYEE] in accordance with this contract.

This year, the meet and confer recommendation being considered by the Governing Board recommends increasing “base pay by 2% for eligible employees, and if the state budget increase for salaries exceeds that 2%, then the additional funding above 2% will also be passed through to eligible employees as an equal percentage increase.” If the Governing Board approves this compensation recommendation, then the above-identified contract term will permit qualified employee contracts to be issued with the currently known salary increase of 2% to base pay and then, if the state budget increase for salaries exceeds that 2%, then the qualified employee would receive an updated computation sheet before they start work in FY 2023-2024 that confirms their total salary for the fiscal year. This contract term has been employed successfully several times in the past to enable compensation increases for contracted employees because the term demonstrates a clear intent by the parties to the contract that the salary includes any compensation increases permitted through a subsequent Board-approved compensation package.

Retention Stipend Limited Solely to Returning Employees Who Complete FY 23-24

As an incentive to accept their offer of contract, a term is also included in all returning employee contracts that authorizes a 5% retention stipend for FY 2023-2024. The term states:

[EMPLOYEE] shall also qualify for the additional 2023-2024 stipend approved by the Governing Board that is equivalent to at least 5% of [EMPLOYEE]’s projected annual pay, to be calculated on the basis of [EMPLOYEE]’s projected base daily rate of pay multiplied by [EMPLOYEE]’s projected number of work days for the year. This stipend shall be over and above whatever base compensation terms are approved by the Governing Board for the 2023-2024 fiscal year.

Current employees who accept their offer of contract and remain with the District in FY 2023-2024 will qualify to receive the 5% retention stipend.

Consistent with the retention stipends issued in FY 2020-2021 and in FY 2022-2023, this 5% retention stipend shall apply to all returning employees (contracted staff and hourly/support staff) who worked for the District in FY 2022-2023 and will continue to remain continuously employed with the District in FY 2023-2024.

In FY 2023-2024, the retention stipend will be issued as a single lump-sum payment before the end of September 2023 to meet the federal deadlines for ESSER allocations. However, the retention stipend is calculated based on the entirety of work days in FY 2023-2024. Therefore, the 5% retention stipend should include the caveat that employees who separate from the District without completing their scheduled number of work days for FY 2023-2024 are responsible to refund the prorated amount for any work days not completed when the employee separates from the District, and the District shall have the right of setoff to collect said funds from any amounts owed to the employee at the time of separation.

Proposed Forms of Contract Presented with This Agenda Item

Administration is presenting forms of contract for returning employees with this agenda item. If approved, the appropriate version of the “Returning Employee” contract will be issued to qualified employees who worked for the District as a permanent employee in FY 2022-2023 and return to work for the District in a contract eligible position in FY 2023-2024. All versions of the “Returning Employee” aka “RE” contracts include the 5% retention stipend term quoted in the section above.

The proposed forms of contract for consideration by the Board are listed below.

- RE Administrator - 10 mos
- RE Administrator - 12 mos
- RE Administrator – ASRS Retiree Return to Work - 10mos
- RE Administrator - ASRS Retiree Return to Work - 12mos
- RE Cabinet
- RE Cabinet - ASRS Retiree Return to Work
- RE Multi-Position Officer
- RE Multi-Position Officer - ASRS Retiree Return to Work
- RE PENT - 10 mos
- RE PENT - 12 mos
- RE PENT - ASRS Retiree Return to Work - 10 mos
- RE PENT - ASRS Retiree Return to Work - 12 mos
- RE Teacher - Part Time
- RE Teacher - ASRS Retiree Return to Work
- RE Teacher - Short Term
- RE Teacher - Standard

These are the same forms of contract previously approved, with applicable dates changed as needed for FY 2023-2024 and the retention stipend set at 5% for returning employees, for all certificated, professional and administrative staff (including rehired ASRS retirees) who receive contracts.

Approval to Issue Contracts to Returning Employees

Through this agenda item, Administration also requests authority to issue the appropriate “Returning Employee” contract to all qualified employees who will continue their employment with the District next fiscal year. These include all employees currently in an employment contract with the District except: (1) short-term contract employees (this includes ASRS Retiree Return to Work contract employees), and (2) employees who have been approved to, or provided notice of intent to, separate this year. There is a different process in place for issuance of short-term contracts, including ASRS Retiree Return to Work contracts, which occurs later in the spring after staffing plans are finalized, but employees currently on a short-term or ASRS Retiree Return to Work contract should be assured that any contract issued to them for next year will include the 5% retention stipend provision in it as long as employment is continuous.

Once approved, Administration will arrange for the appropriate contract offer to be issued electronically to qualified returning employees through the District’s enterprise resource planning (ERP) software named “Infinite Visions”. A.R.S. § 15-381.01(B) permits contracts to be issued electronically, rather than printed and delivered via interoffice mail. Administration has successfully issued offers of contract electronically through iVisions for more than a year.

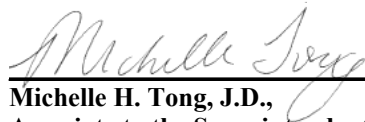
Electronic contracts are more efficient both for Human Resources and the recipient employee. Qualified employees will receive an email from the Human Resources Department that contains a link to their specific contract. The employee can access their specific contract, review and accept it electronically by selecting the “accept” option in iVisions, and print a copy for themselves. Employees no longer need to travel to the District’s Administrative Offices to turn in a signed contract as in the past.

There is one caveat, which is that the iVisions contract template only provides a single signature line for the District. For this reason, the Governing Board delegated authority to the Governing Board President last year to sign approved employment contracts on behalf of the Board, as permitted by Arizona state law, so that iVisions could issue contracts electronically. It is recommended that the Board delegate that same authority to the Governing Board President again this year so that iVisions can be utilized again for efficiency purposes.

RECOMMENDATION:

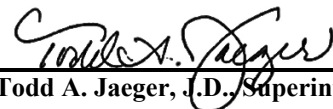
Administration recommends that the Governing Board take the following actions regarding this agenda item:

1. Approve the forms of contract as presented for use with certificated, professional, and administrative staff (including rehired ASRS retiree staff) for Fiscal Year 2023-2024.
2. Delegate signatory authority for these forms of contract to the Governing Board President for the electronic issuance of contracts.
3. Approve a retention stipend of at least 5% for FY 2023-2024, to be paid from the District's ESSER funds for returning employees in all positions (classified, certificated, professional, and administrative, as well as for returning substitutes) and direct that employees who separate from the District without completing their scheduled number of work days for FY 2023-2024 be responsible to refund the prorated retention stipend amount for any work days not completed when the employee separates from the District, with the District to have the right of setoff to collect said funds from any amounts owed to the employee at the time of premature separation.
4. Direct that the appropriate form of contract, together with any compensation package approved for Fiscal Year 2023-2024, be issued to renewing (not short-term) members of certificated, professional, and administrative staff for Fiscal Year 2023-2024.

INITIATED BY:

Michelle H. Tong, J.D.,
Associate to the Superintendent and General Counsel

Date: April 7, 2023



Todd A. Jaeger, J.D., Superintendent