



UTAH STATE BOARD OF EDUCATION
Internal Audit Department
Audit Brief
Personnel Management (24-03)

Audit Scope, Objective, and Methodology

On November 3, 2022, the Utah State Board of Education (Board), authorized an audit of personnel management, which was later reprioritized on October 5, 2023. The audit considers the design and implementation of the USBE's control environment as it relates to personnel management. To achieve the audit objective, fiscal years 2023 and 2024 were selected for analysis; however, in instances where trend data was required, or sufficient information was not readily available in the selected years, data back to fiscal year 2019 was included.

To gather information and draw conclusions, the Internal Audit Department (IAD) analyzed available data collected by the USBE and other state agencies, interviewed management and a sample of supervisors and the employees they oversee, and conducted an agency-wide survey.

Background and Context

Conclusions made in the report represent risks to the achievement of objectives specific to the USBE's control environment. Since the USBE has not explicitly determined its risk tolerance and appetite, IAD used auditor judgment when assessing risks and recommending risk responses.

Performance Observations

Risk Identification

Risks identified include:

- Organizational structure: Though USBE's documented organizational structure is hierarchical, a matrix structure is also used for some initiatives and projects without clarity regarding supervisory accountability and priorities. Strategic and compliance objectives, goals, and performance measures do not cascade hierarchically to agency units and individuals.
- Expectations: The culture of the agency embraces unrealistic expectations, which may be due to workload and a lack of documented priorities, awareness, and accountability.
- Internal Control System (ICS) Components and Principles: ICS concepts are neither well understood nor appropriately designed and implemented throughout all levels of the USBE. When control activities are implemented, they are frequently not monitored to ensure they are working efficiently and effectively.
- Communication: Management relies on a mixed communication strategy to provide direction throughout the agency. Regardless of the communication method, disseminated information may include stated requirements that are often not supported by a binding policy and procedure or monitored for compliance, which then may give the perception that the requirements are optional.

Risk Assessment

When a risk is identified it should be assessed in consideration with the agency's established risk tolerance and appetite. Potential effects of the performance observations include inconsistencies, inefficiencies, confusion in expectations, a lack of accountability, decrease in performance, and ultimately, diminished confidence in the USBE.

Risk Response Recommendations

Based on the risk assessment, an appropriate risk response should be designed, implemented, and monitored for operating effectiveness. To enhance the control environment as it relates to personnel management, the USBE should:

- Determine and implement changes to structure, inclusive of its organization, risk management, control activities, training, and communication strategies, that will best support its objectives and priorities.
- Evaluate work priorities, considering objectives, performance metrics, and current resources, and determine whether all current priorities are mandated and/or required.
- Align employee tasks and responsibilities with unit goals and functions, which are aligned with the Board's strategic plan.
- Design and implement supervisor training.

Compliance Findings

Risk Identification

Non-compliance related to personnel management, performance management, incentive awards, and distracted driving due to the following:

- Lack of supervisor training and accountability,
- Lack of comprehensive risk management,
- Lack of monitoring for operational effectiveness, and
- Misaligned priorities.

Risk Assessment

Potential effects of the noncompliance include inconsistencies in employee expectations and accountability, increased liability to the agency, increased risk of fraud, waste, and abuse, inefficiencies, and decreased reliability, transparency, and professionalism.

Risk Recommendation

To remedy non-compliance, the USBE should clarify its policies and procedures, require training on the policies and procedures, and hold supervisors and employees accountable.

Management Response and Auditor Concluding Remarks

See Appendices F and G.



Utah State Board of Education
Internal Audit Department

Personnel Management Audit
24-03

Report No. 24-03

Personnel Management

September 5, 2024

Audit Performed by:

Chief Audit Executive	Debbie Davis, CPA
Deputy Audit Executive	Kevin John, CFE
Supervising Education Auditor	Samuel Allan, CIA
Advanced Education Auditor	Charity Goodfellow



Debbie Davis, Chief Audit Executive
Phone: (801) 538-7639

September 5, 2024

Chair Jim Moss
Utah State Board of Education
250 East 500 South
Salt Lake City, UT 84111

Chair Moss,

On November 3, 2022, in accordance with the Bylaws of the Utah State Board of Education (Board), the Board authorized the Internal Audit Department (IAD) to perform an audit of the Utah State Board of Education's (USB) control environment as it relates to personnel management. On October 5, 2023, the Board reprioritized the audit and within the same month, IAD started allocating resources to the audit as they became available.

To conduct the audit, IAD performed the following procedures:

1. Gained an understanding, through research and inquiry, of applicable laws, regulations, and guidance.
2. Collected information from government websites and databases and the USB, and as needed, relevant supporting entities (i.e., Division of Human Resource Management and Division of Finance).
3. Gained additional understanding of current practices within the USB by conducting an agency-wide survey and interviewing a sample of employees.
4. Reviewed and analyzed the collected information and data and developed conclusions.

We have identified the procedures performed during the audit; the risks identified and assessed from those procedures are included in this report. Risk response recommendations are also provided.

Internal audits are conducted in conformance with the current International Standards for the Professional Practice of Internal Auditing, consistent with Utah Code Annotated and Utah Administrative Code.

By its nature, this report focuses on performance observations and internal control exceptions, weaknesses, and non-compliance. This focus should not be understood to mean the programs and/or processes reviewed during this audit do not demonstrate improvements over time, as well as various strengths and accomplishments. We appreciate the courtesy and assistance extended to us by the staff of the USBE during the audit. A response to the audit was provided by the USBE and is included within the report.

This report is intended solely for the information and use of the Board and the USBE. However, pursuant to Utah Code 63G-2 Government Records Access Management Act, this report is a public record, and its distribution is not limited. If you have any questions, please contact me at (801) 538-7639.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Davis".

Debbie Davis, CPA

Chief Audit Executive, Utah State Board of Education

cc: Members of the Utah State Board of Education (USBE)

Sydnee Dickson, State Superintendent of Public Instruction, USBE

Patty Norman, Deputy Superintendent of Student Achievement, USBE

Angie Stallings, Deputy Superintendent of Policy, USBE

Scott Jones, Deputy Superintendent of Operations, USBE

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I. Audit Scope, Objective and Methodology

1. Audit Scope and Objective

On November 3, 2022, the Utah State Board of Education (Board), approved and prioritized an audit of personnel management; the Board reprioritized the audit on October 5, 2023. The purpose of the audit is to analyze the Utah State Board of Education's (USBЕ's) control environment as it relates to personnel management, inclusive of its design, implementation, and evaluation to cultivate an efficient and effective workforce. To achieve this purpose, fiscal years 2023 and 2024 were selected to complete the review; however, in instances where trend data was required or sufficient information was not readily available in the selected years, data back to fiscal year 2021 was included, as well as comparisons to a 2019 agency-wide survey conducted by the USBЕ.

Additional background and context related to USBЕ's internal control system (ICS) is included in II. **Background and Context**.

2. Audit Methodology

To ensure an accurate and efficient audit, the Internal Audit Department (IAD) used three primary approaches to gather information and draw conclusions. First, data related to personnel management that is generated and collected by the USBЕ was reviewed. Second, several interviews were conducted, which included members of USBЕ Superintendency (management), and a sample of three USBЕ discrete units (unit) comprised of three supervisors and the 31 employees whom they oversee. Finally, a survey was administered to all USBЕ employees in March of 2024; 347 employees responded (respondents) to the survey, which is an 83% response rate, inclusive of partial responses. Not all respondents answered all applicable questions, and not all questions pertained to all respondents; instead, the survey was designed to ask specific questions to respondents based on the answers they provided. Therefore, although respondent populations will vary, reported populations are correct.

Based on the results of the reviewed data, interviews, and surveys, IAD made conclusions specific to the stated audit objective. By its nature, this report focuses on performance observations and internal control exceptions, weaknesses, and non-compliance. This focus should not be understood to mean the data, processes, and policies reviewed during the audit do not demonstrate improvements over time, as well as various strengths and accomplishments. Conclusions are generally presented as performance observations or

findings. Performance observations are presented (see **III. Performance Observations**) following which, findings on compliance are presented (see **IV. Compliance**).

To facilitate ease of understanding the report, please also see **V. Appendix A – Glossary** and **V. Appendix B - Criteria**, which includes references to Utah Code, Board Rule, Internal Policies and Procedures of the USBE, and Standard Operating Procedures referred to throughout the report.

Of note, the term “compliance objective(s),” which is used extensively in this report, is clarified both here and in **V. Appendix A - Glossary**. For purposes of this report, the term compliance objective is synonymous with legal requirement, which is in alignment with the statement below from *Standards for Internal Control in the Federal Government (The Green Book)*, published by the Government Accountability Office (emphasis added):

Compliance Objectives

OV2.22 In the government sector, objectives related to compliance with applicable laws and regulations are very significant. Laws and regulations often prescribe a government entity's objectives, structure, methods to achieve objectives, and reporting of performance relative to achieving objectives. Management considers objectives in the category of compliance comprehensively for the entity and determines what controls are necessary to design, implement, and operate for the entity to achieve these objectives effectively.

II. Background and Context

1. 2020 Internal Control System Internal Audit

In late 2020, the board released internal audit 20-01 *USBE and LEA Internal Control Systems*, which specifically considered “an education entity’s ability (i.e., internal control system [ICS]) to comply with evolving and new regulations and to identify areas of improvement.” The five components of an internal control system (ICS), inclusive of related principles, for the USBE and a sample of LEAs, were analyzed during the audit and several risks were identified.

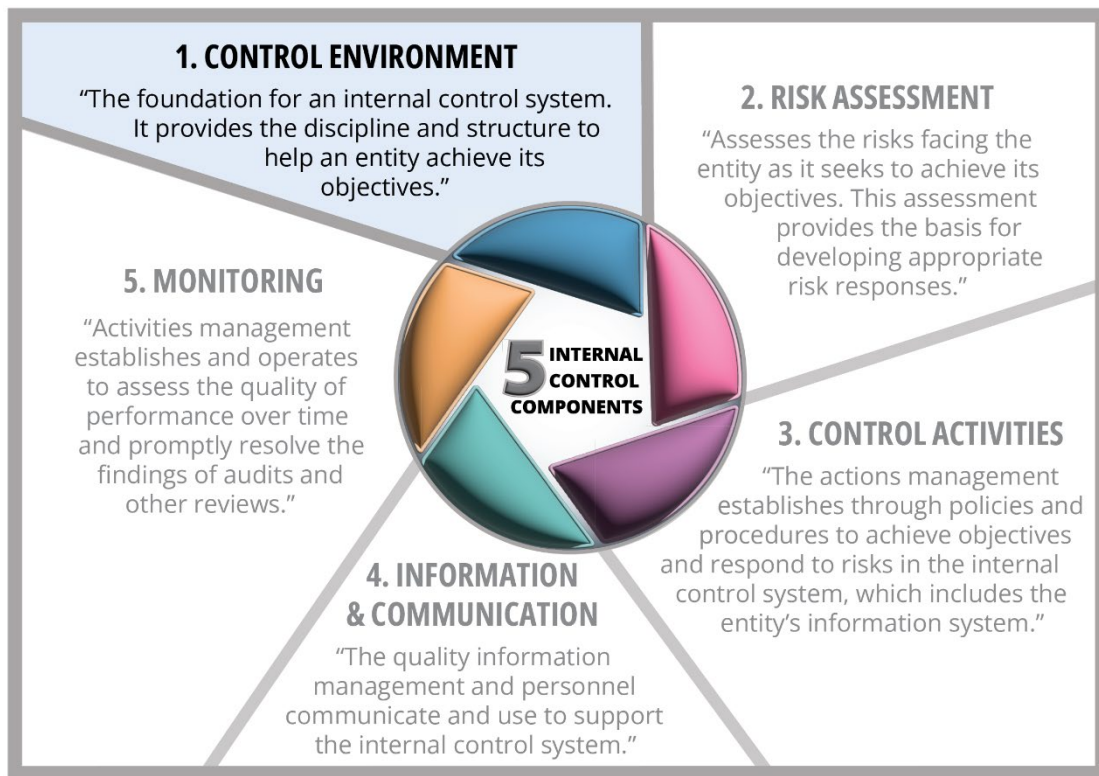
Management provides periodic updates regarding how they are responding to the risks identified in the audit; the latest update was provided in January 2024. Updates have indicated several actions to address identified risks, such as:

- Use of system tools for collaboration and organization,
- Creation of Standard Operating Procedures (SOP) available agency wide, with on-going updates,
- Creation of an agency organization chart,
- Implementation of a Risk Management toolkit, and
- Template for allowable expenditures in programs.

See **V. Appendix C – 1.D. Communications**, **V. Appendix C – 2.C. Control Activity Documents**, and **V. Appendix C – 3.C. Organizational Lines of Authority** for further analysis of the first three items listed above, which are applicable to the scope and objective of this audit.

2. Internal Control System Components

As noted in **I. Audit Scope and Objective**, the focus of this audit is USBE’s Control Environment. The Control Environment is the first of five ICS components.



To comprehensively evaluate an ICS or any individual component of an ICS, it is necessary to consider (see **V. Appendix A – Glossary**) the following elements:

- Design,
- Implementation, and
- Operating Effectiveness.

3. The Risk Lens

Based on the results of the data reviewed, interviews conducted, and survey results analyzed, IAD has drawn conclusions specific to the stated audit objective. Conclusions represent risks to achievement of related objectives. When a risk is identified it should be assessed in consideration with the risk tolerance and appetite of the entity, in this case USBE. Based on the risk assessment, an appropriate risk response should then be designed, implemented, and monitored for operating effectiveness.

Risk Identification

In this report, Risks related to the achievement of objectives are included as part of Risk Identification as follows:

- **Performance Observations** (see **III.1 Risk Identification (Cause)** and **V. Appendix C – 1-4**) and

- **Compliance Findings** (see IV.1-4 and V. Appendix E)

Risk Assessment

As the USBE has not explicitly determined the risk tolerance and risk appetite specific to the achievement of objectives, Internal Audit used auditor judgment when assessing identified risks. See **III.2. Risk Assessment (Effect)** and **IV. Compliance – B. Risk Assessment** for related risk assessments.

Risk Response Recommendations

IAD provides Recommendations as suggested responses to identified risks; See **III.3. Risk Response Recommendations**.

Although recommended risk responses are provided, it is the responsibility of management and the Board to understand the risks, assess them against established risk tolerance and appetite levels, and respond sufficiently to ensure reasonable assurance that objectives will be achieved.

Implementing recommended risk responses is not an internal audit requirement; however, internal audit is required to follow-up and consider how risks have been addressed.

III. Performance Observations

1. Risk Identification (Cause)

When performance or compliance issues are identified—such as those in **V. Appendix C**—it is important to consider the ICS component(s) or principle(s) that may have a deficiency (e.g., no risk response, poorly designed, not properly implemented), which have resulted in defaults (e.g., not achieving objectives [inefficiencies, ineffectiveness, noncompliance]). The process of considering deficiencies—in light of defaults—as identified through audits is one method of risk identification. From an audit perspective, identification of risks to achievement of objectives are frequently labeled as “Causes” (i.e., why objectives are not met).

The causes listed below interrelate and are aligned with components and principles of internal control as found in *Standards for Internal Control in the Federal Government* (i.e., *The Green Book*).

Weaknesses in the Internal Control Environment

1. Organizational Structure.

The USBE’s designed organizational structure is hierarchical; however, for many projects a matrix structure is implemented and used. Furthermore, strategic and compliance objectives, goals, and performance measures and outcomes, do not cascade hierarchically to agency units and individuals.

Hierarchical

As noted, USBE’s documented organizational structure is hierarchical, with staff reporting to a supervisor at tiered levels up to the top position (i.e., State Superintendent of Public Instruction), who reports to the Board. Employee performance plan evaluations in UPM, and approvals for various other items, are done by the employee’s supervisor at the respective tier, with additional approvals by the Superintendency as needed.

Although, hierarchically designed, organizational tiers are not clearly defined (e.g., sections, departments, teams) and thus cannot be clearly communicated. Also, the objectives the various tiers are intended to achieve are likewise neither clear nor communicated.

Matrix

Though a hierarchical structure is documented, to achieve current goals and strategies in the strategic plan, cross-unit collaborative teams with a goal leader

have been established; cross-unit teams may also be devised for work on various other initiatives or projects as well. When an employee participates—whether assigned or as a volunteer—in work related to a strategic goal or special initiative, but clear expectations are not formally documented in UPM, employees may find themselves with competing priorities, multiple supervisors (i.e., UPM supervisor verses a project or initiative supervisor), and limited resources and accountability. Thus, when collaborative efforts to achieve the objectives are pursued, barriers arise, including a lack of clarity in priority, authority, and accountability.

Objectives, Goals, and Performance Cascade

Rather than focusing on how each individual and unit in the agency can improve performance to support USBE's role in the public education system (hierarchical), goals and performance measures and outcomes are generally established for programs or local roles (i.e., LEA, school, classroom roles) of the public education system. This lack of alignment between organizational structure and compliance and strategic goals and objectives was reflected by the Office of the Legislative Auditor General in its [2021-04 A Performance Audit of the Utah State Board of Education's Internal Governance](#) which recommended the board "incorporate all USBE section operations into its strategic plan."

2. Expectations.

The culture of the agency embraces unrealistic expectations. Unrealistic expectations may be, due to:

- Workload (including matrix structure goals, projects, initiatives),
- A lack of documented, intentional, and aligned priorities,
- A lack of awareness of what needs to be achieved, and
- A lack of accountability to achieve what is expected.

Unrealistic expectations are evidenced by the fact that there is an overreliance on employees who identify as consistently overwhelmed. The unrealistic expectations with the associated overreliance is further perpetuated by an informal delegation of authority to employees to know what compliance objectives exist and, in some cases, to unilaterally choose which objectives to comply with and to be held accountable to in their UPMs.

Unrealistic expectations may further be evidenced by the fact that the USBE does not have a supervisor training program to ensure necessary knowledge (e.g., job classifications, Fair Labor Standards Act (FLSA) status, performance evaluation) is obtained and skills developed.

3. ICS Components and Principles

ICS concepts are neither well understood nor appropriately designed and implemented throughout all levels of the USBE. When control activities are implemented, they are frequently not monitored to ensure they are working efficiently and effectively. Specifically:

- a. Objectives are not properly defined in specific and measurable terms.
- b. When objectives are understood, risk assessments—inclusive of tolerance levels when appropriate—are not formally conducted or documented, and control activities are not properly designed and implemented.
- c. Employee work has not been properly risk assessed to determine whether the activity is duplicative or unnecessary; when the activity's value has been determined it may not be properly communicated.
- d. When control activities are implemented, specific information is neither identified nor collected to objectively measure whether the control activity is working or the intended objectives are being met.
- e. The tone at the top is neither unified nor consistent.
- f. Accountability and recognition systems, such as UPM and incentive awards, are not consistently communicated and implemented, neither are they always aligned with objectives.

4. Communication.

Management relies on a mixed communication strategy to provide direction throughout the agency. Vital information is primarily provided at a regularly held leadership meeting and leaders are expected to communicate information to their units. Although a follow-up email is sent to leaders afterward, leaders who did not attend may perceive the material as unimportant, especially if information is contained within memos, SOPs, or other non-binding formats. Finally, employees attending the meeting may be disengaged (e.g., multi-tasking) or perceive the information as unimportant.

In addition to the primary communication method (i.e., leadership meetings), information may also be communicated directly to all employees—usually via email—or to specific groups, sometimes prior to or without, leadership notification.

No matter the communication method, disseminated information may include stated requirements that are often not supported by a USBE P&P or monitored for compliance, which then may give the perception that the requirements are optional.

2. Risk Assessment (Effect)

Potential effects of the risks identified above include:

1. Inconsistency and/or inefficiencies, which may lead to waste of resources and challenges advocating for additional resources, such as additional positions. For example:
 - a. Management cannot make data-driven decisions about critical functions, priority of resources, and retention.
 - b. Middle management authority and/or priorities overridden by executive management prioritizing matrix over hierarchical structure.
 - c. Efforts are duplicated (e.g., multiple lines of approvals without clear responsibilities for each reviewer).
 - d. Employees working on projects that are not critical or required (i.e., self-driven as opposed to objective driven).
 - e. Employees working on initiatives that compete with their critical function responsibilities.
2. Confusion in expectations, which may negatively impact agency culture. For example, it may:
 - a. Reinforce employee perception that USBE P&Ps and associated forms are not important or required.
 - b. Create a perception of unfairness if employees feel their performance evaluation is based on adherence to established expectations or special projects where others are not.
 - c. Reduce transparency in how employees will be evaluated for their time and effort, which may already include inflated UPM ratings that cannot reliably communicate actual job performance, thereby depreciating the value of UPM as a performance management tool.
 - d. Increase difficulty for shareholders and members of the public to receive answers regarding the current state of, and accountability within, public education in Utah.
 - e. Create feelings of apathy and complacency in following policy if they observe agency leaders not complying.
 - f. Impact USBE's ability to candidly advocate for necessary resources, including additional staff.
3. Lack of accountability and evaluation, which may result in the attitude of maintaining only a minimum level of performance.

- a. A lack of established performance metrics may result in an overreliance on opinions (i.e., feelings unsupported by data) at the expense of public education shareholders.
 - b. The USBE may jeopardize its long-term success and values for short-term productivity and employee satisfaction.
 - i. Employees cannot effectively prioritize their time, nor can they be held accountable for their job responsibilities (particularly when they are required to answer to various project leads who do not have direct oversight for the employee's performance).
- 4. Decrease in performance due to burnout, which may lead to increased turnover for the agency.
 - a. Individuals with tenure or in leadership positions may, due to workload, be unable to utilize benefits (e.g., sick leave or exercise release time) that they may need the most. For example, per USBE P&P 04-08 (see **V. Appendix B – Criteria, 3.D**), Exercise Release Time cannot be taken during pay periods where the employee accrues overtime. Therefore, the employees who are the most crucial to USBE operations, and therefore must work longer hours than their peers, are also unable to use exercise time benefit—a program designed to increase employee health and productivity. The discrepancy in eligibility of participation may lead to additional perceptions of unfairness.
- 5. Increase in reputational risk.
 - a. If the USBE does not provide an intentional and uniform approach to identifying and achieving its objectives, its reputation may be diminished. Additionally, the confidence others have in the USBE and its ability to lead Utah's public education system may be diminished.

3. Risk Response Recommendations

Recommendations are provided as suggested responses to identified and assessed risks noted above to help promote continuous improvement. Although recommendations are provided, it is the responsibility of management and the Board to analyze the risks and take appropriate corrective action. While implementing the provided recommendations should not be construed as an internal audit requirement for management and the Board; Internal Audit will follow up, as per professional auditing standards, as to how risks were further analyzed and addressed.

Recommendations include:

1. Management should determine what, if any, changes to the agency organizational structure would be most beneficial to address oversight concerns related to assignments (e.g., special initiatives) that do not align with the current hierarchical structure. Consideration should be given to lines of authority, priorities in context of existing job requirements, and accountability. Changes, or the lack thereof, should be supported by a risk assessment and appropriate control activities, both of which should be properly documented.

See III.1 Risk Identification (Cause), Item 1 for additional information.

See the following areas in V. Appendix C for examples of risks and additional context:

2. Established Expectations
3. Structure
- 3.C. Organizational Lines of Authority

2. Management should ensure alignment between employee tasks and responsibilities (i.e., priorities), unit goals and functions, agency performance, and the Board's strategic plan. This may include ensuring critical functions and use of resources (e.g., time tracking specific to function) are documented and well-understood within each unit and by each employee. Furthermore, employee goals and performance metrics should be directed by supervisors and aligned to the specific tasks and responsibilities the employee is responsible for that aid in achievement of unit and agency objectives (i.e., critical functions). These efforts will support advocacy of resources to establish and maintain the workforce level that is needed to operationalize objectives.

See III.1 Risk Identification (Cause), Items 1 and 2 for additional information.

See the following areas in **V. Appendix C** for examples of risks and additional context:

- 1.C. Work Priorities**
- 1.D. Communication**
- 1.E Strategic Plan**
- 2.F. Utah Performance Management System**
- 3.F. Employee Agreements**
- 3.G. Training and Resources**
- 3.H. Workload**
- 3.I. Satisfaction *Statistical Analysis***
- 4. Accountability**
- 4.D Performance Management**

3. Management and agency leaders should continue to evaluate work priorities considering objectives, performance metrics, and current resources, and determine whether all current priorities are mandated and/or required.

If existing priorities leading to overtime are required, the USBE should then determine whether reallocation of resources is possible; if not, there may be a need to work with the legislature to seek additional resources (e.g., FTE's) or modify existing requirements. If current priorities are not mandated or funded, the USBE should consider strategic abandonment of the priority.

See **III.1 Risk Identification (Cause), Items 1 and 2** for additional information.

See the following areas in **V. Appendix C** for examples of risks and additional context:

- 1.C. Work Priorities**
- 2.F. Utah Performance Management System**
- 3.H. Workload**
- 4.D. Performance Management**

4. Management should design and implement supervisor training. This training should include:
 - a. Sources of requirements and guidelines, and the authority of each source,
 - b. The actual requirements and guidance in source documents (e.g., USBE P&P, SOPs, UPMs), and
 - c. Accountability for compliance with requirements and guidance.

After training is implemented, it should be frequently monitored to ensure it remains relevant and is achieving its intended objectives.

See **III.1 Risk Identification (Cause), Item 2** for additional information.

See the following areas in **V. Appendix C** for examples of risks and additional context:

2.F. Utah Performance Management System

3.D. New Hires

3.E. Onboarding *Unit-specific Items*

4.D. Performance Management

4.E. Incentive Awards *Award Distribution*

See also **V. Appendix E:**

1. Required Approvals

3. Performance Evaluation

5. Management should establish and document risk tolerance and deviation levels for objectives and Standards, specifically as they relate to control activities (see **V. Appendix B – Criteria, 6. 1.10 and 6.09**); the concept of risk tolerance does not apply to compliance objectives. This will also require management to establish clear and relevant performance metrics associated with each objective.

See **III.1 Risk Identification (Cause), Items 2 and 3** for additional information.

See the following areas in **V. Appendix C** for examples of risks and additional context:

2.C. Control Activity Documents

2.E. Ethics & Standards of Conduct

2.F. Utah Performance Management System

6. Management should ensure existing control activities (e.g., policies, procedures, processes) are well-organized, easily accessible, and effectively operating within established deviation levels.
 - a. Management should particularly consider items related to hiring, onboarding, performance management, offboarding, compensation, incentive awards, and required trainings (e.g., data security).
 - b. Specific to performance management and the UPM system, management should consider requiring:

- i. HR to review prior year UPM evaluation results for job applicants who previously worked for the state,
- ii. Clear goals that define expectations aligned to objectives, are specific to individual position tasks, projects, and responsibilities, and that include timelines and metrics to track performance,
- iii. Formal and regular employee-supervisor communication specific to goals and expectations,
- iv. Correlation of rewards (i.e., bonuses and incentive awards) with expectations, tasks, and projects included in UPM, with associated documentation requirements, and
- v. Clear differentiation of overall rankings (e.g., the difference between a score of “Meets Expectations” vs. a “Exceeds Expectations” and what level of effort is needed to achieve the highest score).

See III.1 Risk Identification (Cause), Items 3 - 4 for additional information.

See the following areas in V. Appendix C for examples of risks and additional context:

- 2.C. Control Activity Documents
- 2.E. Ethics & Standards of Conduct
- 3. Structure
- 4.E. Incentive Awards

- 7. Management should consider ways to communicate USBE P&Ps more efficiently and effectively, inclusive of associated documents and their respective authority. Management should also consider, based on risk and significance, whether some SOPs (e.g., onboarding, offboarding) are better suited as a USBE P&P rather than an SOP.

See III.1 Risk Identification (Cause), Items 1 - 3 for additional information.

See the following areas in V. Appendix C for examples of risks and additional context:

- 2.C. Control Activity Documents
- 2.E. Ethics & Standards of Conduct
- 3.J. Offboarding

See also V. Appendix E:

- 1. Required Approvals

8. Finally, management should review existing communication strategies to determine the extent they are sufficient, for employees at each position level, to successfully communicate expectations. Strategies may be abandoned or designed and implemented as needed to ensure clear and effective communication throughout the agency. Management should also consider communication strategies that address employee perceptions of being isolated.

See **III.1 Risk Identification (Cause), Item 4** for additional information.

See the following areas in **V. Appendix C** for examples of risks and additional context:

- 1.C. Work Priorities *Agency Performance*
- 1.D. Communication
- 1.F. Opportunity to Affect Decisions
- 2.D. Required Statewide Trainings *Implementation*
- 4.C. Professionalism

IV. Compliance

Performance and compliance are interrelated because they are both driven by internal control system components and principles. Risks related to performance and compliance must be considered in context of the entire report to understand significance (i.e., which is more concerning—poor performance or non-compliance). Furthermore, both individual risks and risks in their totality should be considered when determining significance.

Compliance findings are presented using the following 3 risk elements (see **II.3 The Risk Lens**):

- Risk Identification (see **1-4.A**)
- Risk Assessment (see **1-4.B**)
- Risk Response Recommendation: (see **1-4.C**)

Also see **V. Appendix B – Criteria** and **V. Appendix D – Compliance** for additional details and context.

1. Required Approvals

A. Risk Identification

1. Weaknesses in the Control Environment
 - a. Lack of training and accountability for supervisors on their personnel management responsibilities, including compliance with DHRM requirements, requirements in USBE policy, and guidance in SOPs specific to:
 - i. Alternative Work Schedules
 - ii. Remote Work Schedules
 - iii. Use of Leave
 - iv. Overtime Accrual
 - v. Exercise Release Time
2. Weakness in Control Activities
 - a. Confusion about the difference in authority of SOPs and USBE P&Ps, particularly when SOPs include language such as “must” and “require.” There may also be confusion given SOP guidance may be interpreted differently.
 - i. Confusion in guidance is evidenced in differing opinions on what “advance approval” means—whether a leave request needs to occur prior to the employee adjusting their schedule or prior to the employee entering data into the payroll system.

- b. SOPs may be difficult to access. For example, there are SOPs by both Topic and by Section, yet the comprehensive body of SOPs is not available in both Repositories (i.e., the Repositories do not have a single source). It may also be difficult to determine whether an SOP is unit specific or agency specific.
3. Weakness in Monitoring for Operational Effectiveness
 - a. Lack of ongoing monitoring by management to assess the design and operating effectiveness of the internal control system surrounding employee alternate and remote work schedules.

B. Risk Assessment

Possible effects of risks identified include:

1. Perceived and legitimate inconsistency in employee accountability and compliance as influenced by which unit and supervisor are responsible for oversight.
2. Increased liability to the agency related to human resource management.
3. Impacts to employee satisfaction and willingness to recommend the USBE as a place of employment (see **V. Appendix C – 3.I. Satisfaction**).

See also: **III.2 Risk Assessment (Effect)**.

C. Risk Response Recommendations

Given USBE P&P require employees to follow DHRM Rule 477 (see **V. Appendix B – Criteria, 3.A**) unless otherwise preempted by USBE P&P, the USBE should consider:

- Clarifying its policy specific to R477 and indicating specifically how the various provisions apply to employees of the USBE,
- Providing training to employees, particularly supervisors, on USBE P&Ps, and
- Holding supervisors accountable in their annual UPM for consistent and compliant supervisory responsibilities.

For employee benefits that require prior approval or authorization (e.g., (leave, alternative work schedules, remote work, exercise release), the USBE should consider requiring evidence of prior approval that is formalized, documented, and maintained in accordance with record retention schedules. Additionally, backup measures should be implemented to ensure that if an employee's supervisor is unavailable to provide approval or authorization, a designee is available to provide the necessary prior approval.

2. Incentive Awards Process

A. Risk Identification

1. Weaknesses in Risk Management
 - a. Lack of comprehensive consideration of risk related to initiating, approving, and awarding cash incentive awards, leading to an inadequate risk response (i.e., control activity).

B. Risk Assessment

Possible effects of risks identified include:

1. Increased risk of fraud, waste, abuse, and non-compliance
2. Decreased efficiency, reliability, and transparency (as addressed in **V. Appendix C – 4.E. Incentive Awards**).
 - a. For example, ERIC's review of incentive awards required that one of 37 (3%) documents, representing six of the 138 (4%) awards, be returned for missing information (e.g., EINs).
3. Lack of specific justification (individual/group or amount) for an award may be detrimental to employee morale and agency culture if it is perceived as management overriding controls or showing favoritism; it may also be perceived negatively by the stakeholders.

C. Risk Response Recommendations

The USBE should consider:

- Clarifying its policy specific to initiating, reviewing, approving, and awarding incentive awards,
- Providing training to employees, particularly supervisors, on USBE P&Ps, and
- Holding supervisors, and others with responsibilities in the incentive award process, accountable in their annual UPM for consistent and compliant adherence to USBE P&P.

3. Performance Evaluation

A. Risk Identification

1. Weaknesses in Risk Management
 - a. Management has not adequately assessed risk, nor established a risk tolerance, for performance management (i.e., accountability of employees), particularly regarding creating and activating plans in the UPM system.
 - i. For example, the unit supervisors interviewed were largely unaware of the requirement for quarterly written feedback. Instead, supervisors stated they provide frequent yet informal feedback on projects, goals, etc.
2. Weaknesses in Control Activities
 - a. Because risk has not been adequately assessed, management has not adequately responded to risk (i.e., established control activities) to ensure all employees have active UPM plans.
 - i. Specific to new hires, in a leadership meeting, attendees were asked to “establish” UPMs for new employees within 90 days of their start date. However, “establish” is not a term of art within the UPM system, nor is it referenced in a USBE P&P or SOP (see **V. Appendix B – Criteria, 3-4**); therefore, this request is neither clear nor binding.
3. Weaknesses in Information and Communication, and Monitoring
 - a. While HR is able to produce reports showing which employees have active UPMs and the date the plan was activated, the reports are not specifically tailored to the USBE nor always reliable. Additionally, management does not receive reports from HR and complete routine analysis for accountability of employee performance.
 - i. While reports are available to track completed UPMs, supervisors who have not finalized UPM plans with their employees are not contacted and held accountable. To illustrate, the 44 employees who did not have UPMs activated within the required deadline (see **V. Appendix C – 4.D Performance Management** for details), report to 13 supervisors. Nine of the 13 (69%) supervisors received an overall rating of “exceptional” in their SFY 2023 UPM review, with another three (23%) receiving a rating of “exceeds expectations.” This indicates that supervisors can still receive a high overall performance rating regardless of whether they activate and evaluate UPM goals for their employees.

B. Risk Assessment

Possible effects of risks identified include:

1. Perceived and legitimate inconsistency in employee accountability and compliance as influenced by which unit and supervisor are responsible for oversight.
2. Increased liability to the agency related to human resource management.
3. Impacts to employee satisfaction and willingness to recommend the USBE as a place of employment (see **V. Appendix C – 3.I. Satisfaction**).

See also: **III.2 Risk Assessment (Effects)**.

C. Risk Response Recommendations

The USBE should consider:

- Designing a policy specific to creating, activating, evaluating, and finalizing employee performance plans, inclusive of timelines and terminology of the UPM system to ensure clarity.
- If a policy is created,
 - Provide training to employees, particularly supervisors, on the policy, and
 - Hold supervisors, and others with responsibilities in the performance management process, accountable in their annual UPMs for consistent and compliant adherence to any policy created.
- Regardless, the USBE should ensure employees comply with applicable DHRM Rule or otherwise exempt the USBE from compliance.

4. Devices and Driving

A. Risk Identification

1. Weaknesses in Control Environment
 - a. While technology, flexible work schedules and remote/telework have broadened the ability to collaborate and balance work and life demands; the oversight body and management have set a tone that participating in virtual meetings—sometimes beyond hands-free device listening or speaking—while driving is acceptable.

B. Risk Assessment

Possible effects of the risk identified include:

1. Distracted driving, which increases the risk of injury or fatalities.
2. Perceived lack of professionalism.

C. Risk Response Recommendations

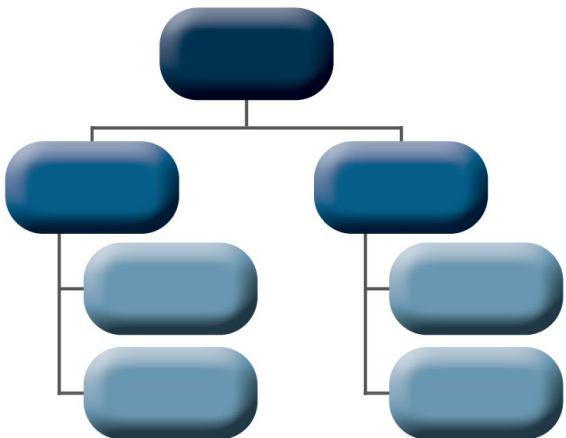
The USBE should consider:

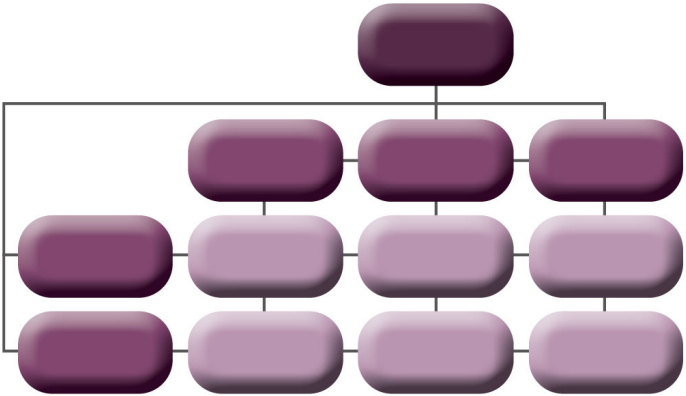
- Designing a policy regarding participation in meetings while driving.
- If a policy is created,
 - Provide training to employees on the policy, and
 - Hold employees accountable in their annual UPMs for consistent and compliant adherence to any policy created.
- Regardless, the USBE should ensure employees comply with applicable laws.

Appendix A – Glossary

Term or Acronym	Term or Acronym Description
Board	The constitutionally established and elected body of 15 members of Utah State Board of Education.
CY	Calendar Year (i.e., January 1 – December 31)
Cascading Alignment	The flow from entity- or system-wide goals to supporting units to individuals. Individual effort or performance then supports achievement of unit goals, which supports entity- or system-wide goals, as illustrated in the graphic found below. <pre> graph TD A[UT Public Education] --> B[Board of Education] B --> C[Agency] C --> D[Unit] D --> E[Employee] E -.-> D D -.-> C C -.-> B B -.-> A </pre>
Compliance Objectives	"In the government sector, objectives related to compliance with applicable laws and regulations are very significant. Laws and regulations often prescribe a government entity's objectives, structure, methods to achieve objectives, and reporting of performance relative to achieving objectives. Management considers objectives in the category of compliance comprehensively for the entity and determines what controls are necessary to design, implement, and operate for the entity to achieve these objectives effectively." <i>The Green Book OV2.22</i>
Control Activities	The actions management establishes through policies and procedures to achieve objectives and respond to risks in the internal control system, which includes the entity's information system. <i>The Green Book OV2.04</i>

Term or Acronym	Term or Acronym Description
Control Environment	"The foundation for an internal control system. It provides the discipline and structure to help an entity achieve its objectives." <i>The Green Book OV2.04</i>
Design	A plan to achieve established objectives (i.e., to show the look and function or workings of a system before it is implemented); should be comprehensive and documented, including identification of necessary forms, personnel, tools, etc. Plans may be documented as rules, policies, procedures, processes, forms, etc.
Discrete Unit (Unit)	A separate part of something larger. "Management develops an organizational structure with an understanding of the overall responsibilities, and assigns these responsibilities to discrete units to enable the organization to operate in an efficient and effective manner, comply with applicable laws and regulations, and reliably report quality information. Based on the nature of the assigned responsibility, management chooses the type and number of discrete units, such as divisions, offices, and related subunits." <i>The Green Book 3.03</i>
Documentation	"Documentation is a necessary part of an effective internal control system. The level and nature of documentation vary based on the size of the entity and the complexity of the operational processes the entity performs. Management uses judgment in determining the extent of documentation that is needed. Documentation is required for the effective design, implementation, and operating effectiveness of an entity's internal control system. The Green Book includes minimum documentation requirements..." <i>The Green Book OV4.08</i>
FTE	Full-time Equivalent. As used in this report, a full-time equivalent employee is allotted 1,776 hours of <u>work time</u> per year, which accounts for work time lost for state benefits such as holidays and guaranteed annual and sick leave (i.e., 2,080 hours less state benefits (304) = 1,776 hours).

Term or Acronym	Term or Acronym Description
Hierarchical Organizations	"A hierarchy is put into place to represent the relationship between workers. An enterprise is hierarchical when every position in the organization, except one, is subordinate to a single superior position. The structure generally has a singular position of power at the top with branching subordinate levels beneath" Taymes. (2024, March 19). <i>Understanding and Creating an Internal Control Structure</i> [Presentation Slide Deck, p. 85].  <pre> graph TD A[] --- B[] A --- C[] B --- D[] B --- E[] C --- F[] C --- G[] </pre>
Implementation	Put a plan into effect; execute the previously designed plan. (See Design)
Internal Control System (ICS)	An internal control system is a continuous built-in component of operations, effected by people, that provides reasonable assurance, not absolute assurance, that an entity's objectives will be achieved. <i>The Green Book OV1.04</i>
Leader	An individual who regularly attends USBE Leadership Council, inclusive of management, supervisors, directors, and coordinators.
Management	"Management - Management is directly responsible for all activities of an entity, including the design, implementation, and operating effectiveness of an entity's internal control system. Managers' responsibilities vary depending on their functions in the organizational structure." <i>The Green Book OV2.14</i> Management as used in this report is the Superintendent, Deputy Superintendents, and Assistant Superintendents.

Term or Acronym	Term or Acronym Description
Matrix Organizations	"A structure in which people with similar skills are grouped in a "bullpen" setting and then utilized as needed for projects that require their abilities...When one or more...positions are needed for a project, they are assigned to that project. The project manager becomes the supervisor to which they report." <i>Understanding and Creating an Internal Control Structure (p.85), Taymes.</i> 
NPS	A Net Promoter Score measures the willingness of respondents to recommend an organization—as an employer—to others and is used as a proxy for gauging the respondents' overall satisfaction with the organization. Based on the score provided (ranging from 1 – 10), respondents are placed into one of three categories: • Promoters: scores of nine or ten. • Passive: scores of seven or eight. • Detractors: scores from zero to six.
Operating Effectiveness	"... [application] of controls at relevant times during the period under evaluation, the consistency with which they were applied, and by whom or by what means they were applied... A control cannot be effectively operating if it was not effectively designed and implemented. A deficiency in operation exists when a properly designed control does not operate as designed, or when the person performing the control does not possess the necessary authority or competence to perform the control effectively." <i>The Green Book OV3.06</i>
Risk Assessment	"Assesses the risks facing the entity as it seeks to achieve its objectives. This assessment provides the basis for developing appropriate risk responses." <i>The Green Book OV2.04</i>

Term or Acronym	Term or Acronym Description
SFY	State Fiscal Year (i.e., July 1 – June 30)
SOP	Standard Operating Procedures (SOPs) are documents that USBE employees may reference in carrying out their day-to-day, operational, or programmatic responsibilities. Typically, SOPs are drafted by the employee responsible for the task. Unless required by an employee's UPM or as referenced to a binding requirement, SOPs are non-binding (i.e., not mandatory) guidance for completing various tasks.
Stock Takes	Implemented in approximately 2021, management presents "stock takes" to the Board, which provide updates on the USBE's progress in accomplishing its strategic plan.
Supervisor	An individual who directly supervises employees.
Termination	Indicates separation from the USBE, regardless of whether the separation was voluntary or involuntary.
The Green Book	<i>Standards for Internal Control in the Federal Government</i> (Issued September 2014 by the Comptroller General of the United States. "The Green Book defines the standards for internal control in the federal government...The standards provide criteria for assessing the design, implementation, and operating effectiveness of internal control in federal government entities to determine if an internal control system is effective. Nonfederal entities* may use the Green Book as a framework to design, implement, and operate an internal control system." <i>The Green Book</i> OV2.01 <i>*The Green Book is the standard the federal government indicates nonfederal entities (e.g., the USBE, LEAs) should use for federal grants management (see 2 CFR 200.303). The Board also indicates it as the standard for LEAs (R277-113-6).</i>
USBE	Utah State Board of Education agency
USBE P&P	Internal Policy and Procedure of the USBE. USBE employees are required to comply with internal policies, which are available on the USBE website: https://www.schools.utah.gov/policy/internal USBE P&P are binding.

Appendix B – Criteria

General Note: The most current reference for each criterion is shown below. However, there is historical criterion that was also effective during the scope of this audit that was reviewed. Historical criterion is not included herein; however, criteria with relevant historical criteria is designated with an asterisk ().*

1. Utah Code Annotated

A. **41-6a-102** Definitions. *(Effective 5/3/2023)*

(12) "Controlled-access highway" means a highway, street, or roadway:

- (a) designed primarily for through traffic; and
- (b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.

B. **41-6a-1401** Standing or parking vehicles -- Restrictions and exceptions. *(Effective 5/10/2016)*

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law, the directions of a peace officer, or a traffic-control device, a person may not:

- (a) stop, stand, or park a vehicle:
 - (ix) on any controlled-access highway;

C. **41-6a-1716** Prohibition on using a wireless communication device while operating a motor vehicle -- Exceptions -- Penalties. *(Effective 5/4/2022)*

(2) Except as provided in Subsection (3), an individual may not use a wireless communication device while operating a moving motor vehicle on a highway in this state to manually:

- (a) (i) write or send a written communication, including:
 - (iii) access the internet;
- (b) read a written communication, including:
- (c) view a video or photograph.

2. Utah Administrative Code (Rule)

A. R277-302-3 Educator License Renewal Requirements. *(Date of Last Change: July 22, 2022)*

- (3) A Utah educator license holder shall accrue 100 license renewal hours prior to license renewal, beginning with the date of each new renewal.

B. R477-2-1 Rules Applicability. *(Date of Last Change: July 1, 2023)*

Title R477 applies to the executive branch of Utah State Government and its career service and career service exempt employees. Other entities may be covered in specific sections as determined by statute. Any inclusions or exceptions to Title R477 are specifically noted in applicable sections. Entities which are not bound by mandatory compliance with Title R477 include:

- (4) officers, faculty, and other employees of the public education system, other than those directly employed by the State Board of Education;

C. R477-2-2 Compliance Responsibility. *(Date of Last Change: July 1, 2023)*

Management shall comply with Title R477.

- (1) Except where prohibit by statue, the DHRM Division Director may authorize exceptions to Title R477 when:
 - (a) Applying the rule prevents the achievement of legitimate government objectives; or
 - (b) Applying the rule infringes on the legal rights of an employee.
- (2) Agency personnel records, practices, policies and procedures, employment, and actions shall comply with Title R477, and are subject to compliance audits by DHRM.

D. R477-6-7 Incentive Awards. *(Date of Last Change: October 25, 2023)*

- (1)
 - (b) Management may not grant individual awards greater than \$4,000 per pay period and \$8,000 in a fiscal year, except when approved by DHRM and the governor.
 - (i) Management shall include documentation of the work units affected and any cost savings in a request for an exception to Subsection (b) for a retirement incentive award.

- (ii) A single payment of up to \$8,000 may be granted as a retirement incentive.
 - (c) Any cash and cash equivalent incentive awards and bonuses shall be subject to payroll taxes.
- (2) Performance Based Incentive Awards.
 - (a) Cash Incentive Awards.
 - (i) Management may grant a cash incentive award to an employee or group of employees that demonstrates exceptional effort or accomplishment beyond what is normally expected on the job for a unique event or over a sustained period.

E. R477-7-1 Conditions of Leave. *(Date of Last Change: July 1, 2023)*

- (1) An employee is eligible for a leave benefit when:
 - (a) In a position designated by management as eligible for benefits; and
 - (b) In a position which normally requires working a minimum of 40 hours per pay period.
- (2) An eligible employee accrues annual, sick, and holiday leave in proportion to the time paid as determined by DHRM.
- (3) An employee shall use leave in no less than quarter hour increments.
- (4) An employee may not use annual or sick leave before it is accrued. Leave accrued during a pay period may not be used until the following pay period.
- (5) An employee may not use annual leave, converted sick leave used as annual leave, or use excess or compensatory hours without advance approval by management.
- (6) Management may not require employees to maintain a minimum balance of accrued leave.

F. R477-7-3 Annual Leave. *(Date of Last Change: July 1, 2023)*

- (1) An eligible employee shall accrue leave based on the following years of benefits eligible state service:
 - (a) Less than five years – four hours per pay period;
 - (b) At least five and less than ten years – five hours per pay period;
 - (c) At least ten and less than 20 years – six hours per pay period; or
 - (d) 20 years or more – seven hours per pay period.
- (2) The following employees shall accrue seven hours of annual leave per pay period, effective from the day the employee is appointed through the duration of the appointment:
 - (a) Schedule AB employees;

- (b) Agency deputy directors;
 - (c) Division directors appointed to career service exempt positions; and
 - (d) An employee who is schedule A, FLSA exempt, and who has a direct reporting relationship to an executive director, deputy director, commissioner, or board.
- (6) An employee forfeits unused accrued annual leave time exceeding 320 hours during year end processing for each calendar year unless the DHRM Division Director authorizes an extension to this timeframe for a specific number of hours.
- (7) An agency may payout an employee's annual leave hours under conditions not connected with separation from employment with authorization from the DHRM Division Director and GOPB.

G. R477-9-1 Standards of Conduct. *(Date of Last Change: July 1, 2022)*

An employee shall comply with the standards of conduct established in Title R477 and the policies and rules established by management.

- (1) Employees shall apply themselves to and shall fulfill their assigned duties during the full time for which they are compensated. An employee shall:
- (a) Comply with the standards established in the individual performance plans;
 - (b) Maintain an acceptable level of performance and conduct on any other verbal and written job expectations;

H. *R477-10-1 Performance Evaluation. *(Date of Last Change: July 1, 2023)*

Management shall utilize the Utah Performance Management (UPM) system for employee performance plans and evaluations.

- (1) Management shall establish a performance management system that:
- (a) defines an overall performance rating scale;
 - (b) identifies performance standards and expectations for each employee in a performance plan; and
 - (c) defines incentives for meeting or exceeding expectations, before work begins, that include:
 - (i) eligible employees or groups;
 - (ii) specific standards, goals, or expectations;
 - (iii) evaluation procedures; and
 - (iv) specific incentives.
- (2) Management shall notify employees when their performance plans are implemented or modified.

- (3) Management shall evaluate an employee's performance in writing at least quarterly.
 - (a) An employee may include written comments pertaining to the employee's performance evaluation.
 - (b) Management may issue a written performance evaluation to a probationary employee at the end of the probationary period.
- (4) Management shall provide employees with regular verbal and written feedback based on the standards of performance and behavior outlined in their performance plans.

I. R477-10-5 Supervisor Training. *(Date of Last Change: July 1, 2023)*

- (1) Each supervisor shall complete supervisor training:
 - (a) within six months of appointment to a supervisory position; and
 - (b) at least annually thereafter.
- (2) Management shall evaluate a supervisor's training completion and effective use of training information and principles in any evaluation of a supervisor's job performance.
- (3) Management shall utilize supervisor training provided by or approved by DHRM which includes:
 - (a) effective employee management and evaluation methods based on the performance management system described in Section R477-10-1;
 - (b) instruction to improve supervisor and employee communications;
 - (c) best practices for recognizing and retaining high-performing employees;
 - (d) best practices for addressing poor-performing employees; and
 - (e) any other information and principles identified by the division to improve management or organizational effectiveness.

3. USBE Policy

A. 04-00 General Human Resources Policy. *(Date: April 1, 2022)*

II. POLICY:

- 1. The USBE follows the Utah Division of Human Resource Management (DHRM) Administrative Rules (Administrative Code R477) except in instances where the USBE Superintendency has adopted specific provisions or Internal Policies that conflict with DHRM Rules. In those instances, the USBE Internal Policy takes precedent.

2. A USBE employee shall comply with these Rules, as well as the additional USBE HR Internal Policies in this document.

B. 04-04, Code of Ethics and Conduct. (Date: April 1, 2022)

I. PURPOSE AND SCOPE:

1. The purpose of this policy is to outline and set ethical expectation for USBE employees in their positions of public trust, furthering the public's confidence in government and public education, to protect against any perception of wrongdoing, and to establish USBE's expectations regarding employees' behavior towards their colleagues, supervisors, and overall organization.
2. This policy applies to all USBE employees, contractors, interns, and volunteers (collectively referred to as "USBE employees" throughout this policy).

III. PROCEDURES:

Core Values

Employees shall:

- a. Demonstrate support of the mission, vision, and values of the Board and Superintendency, and abide by the USBE's administrative rules, internal policies, and procedures that govern the work or professional activities of the employee; and
- b. Observe both the letter and spirit of laws, rules, and policies.

Transparency and Trust

1. Employees shall:

- a. Recognize that being employed as a state employee is a position of trust that should only be used to advance public interests, and not personal gain;
- b. Represent oneself and the USBE ethically, and avoid all appearance of impropriety;
- c. Base decisions and actions on facts free from partiality or prejudice, and unimpeded by conflicts of interest;
- d. Conduct business openly, efficiently, equitable, and honorably;
- e. Avoid relationships or commitments that would knowingly conflict with the best interests of customers or the USBE;
- f. Avoid impropriety, and the appearance of impropriety, to maintain public confidence in the integrity of USBE; and

- g. Make prudent and frugal use of USBE funds, equipment, buildings and supplies.

Professionalism

1. Employees shall:
 - a. Apply oneself and fulfill assigned duties during the time for which the employee is compensated;
 - b. Be respectful and kind to the public and co-workers by:
 - i. Communicating appropriately through words and body language;
 - ii. Identifying, understanding, and anticipating the needs of customers by being attentive, knowing their time requirements, and communicating clear messages;
 - iii. Being sensitive to cultural differences and physical abilities; and
 - iv. Instilling trust and confidence by treating others with dignity and courtesy, and making them feel welcome and important.
 - c. Report to work fit for duty and will not be under the influence of alcohol or illegal drugs, or otherwise impaired due to abuse of prescribed drugs;
 - d. Be appropriately groomed and dressed by wearing clean, well maintained, and professional attire that is appropriate to the type of work and interactions the employee performs (torn, patched/faded clothing, revealing shirts, skirts shorter than mid-thigh, and shirts with obscene or foul language are examples of unacceptable attire);
 - e. Demonstrate predictable and reliable attendance and report to a regularly-scheduled work shift on time; and
 - f. Work with managers and make every effort to maintain appropriate skills for the employee's job assignments.

Gifts

1. Employees shall:
 - a. Report annually to the employee's supervisor all gifts received in the employee's official conduct of business;
 - b. For any gifts that cannot be accepted, the employee may return the gift, pay the giver its market value, or donate the gift to the state of Utah or to an education-related non-profit entity. If the gift is perishable or not practical to return, the employee may share the gift with coworkers or donate it to charity.

Reporting and Violations

4. Any supervisor who has knowledge of unethical behavior shall take immediate, appropriate action in consultation with DHRM and shall document the action.

C. 04-07 Employee Incentives and Administrative Leave. (Date: April 1, 2022)

II. Incentive Awards

1. Incentive awards may be given for many reasons, including but not limited to:
 - a. Providing exceptional customer service
 - b. Improving efficiency of services to customer(s) and/or stakeholder(s)
 - c. Efforts resulting in cost savings and/or revenue increases; and
 - d. Assuming additional workload
2. All incentive awards shall be administered in compliance with R477-6-7 and R477-7-7(1)(c).

III. Cash Incentive Awards

1. Cash incentive awards may be granted to an employee or group of employees that demonstrates exceptional effort or accomplishment beyond what is normally expected on the job for a unique event, over a sustained period of time, or as established in R477-6-7(2)(a)(i).
2. An agency may award a cash bonus as an incentive to acquire or retain an employee with job skills that are critical to the state and difficult to recruit in the market.
3. All market-based bonuses shall be approved by the DHRM Executive Director or designee.
4. Cash incentive awards must be approved in writing by the Superintendent or a Deputy Superintendent.
5. When a cash incentive award is approved, the approver shall give documentation to the recipient of the award and provide a copy to the appropriate section accountant in Financial Operations for processing.

D. 04-08 Exercise Release Time. *(Date: April 1, 2022)*

II. POLICY:

1. It is the policy of USBE that all benefitted employees are eligible for exercise release time within the workday, in order to maintain a healthy lifestyle. This program is neither an employee right nor a guaranteed benefit.

III. PROCEDURES:

1. A supervisor may grant an eligible USBE employee exercise release time, 30 minutes a day, three times per week, in conjunction with a lunch or break period.
 - a. This benefit is pro-rated proportionately for part-time benefitted USBE employees.
2. The employee and the employee's supervisor shall sign the USBE Exercise Release Time Agreement form and included in the employee's UPM file to be reviewed annually and updated if changes are needed.
 - a. In considering a request, a supervisor shall ensure that normal office operations are maintained and may not authorize employees to use the 30-minute period at the start of the workday to delay arrival, nor at the end of the workday thus allowing them to leave early.
 - b. Authorization to participate in this program may be revoked if the provisions of the program are violated or if it interferes with the employee's ability to accomplish work assignments.
 - c. Termination or modification of an employee's exercise release time benefit, by either party, shall be documented as an attachment in the employee's performance management file.
5. To ensure the USBE does not incur unnecessary overtime costs, participation in this program shall be suspended on weeks when an employee is required to work overtime.
7. Supervisors at USBE should be aware the exercise release time policy, and encourage staff to utilize the time, as staff schedules allow.

E. 04-14 Work Schedule. *(Date: April 1, 2022)*

II. POLICY:

1. USBE employees shall meet work obligations by being punctual and working full shifts.

2. Time worked must be reported accurately.
3. The standard workday for USBE is eight hours per day, Monday through Friday.
4. A supervisor shall approve, in advance and in writing or email, time worked outside of an employee's normal shift.

III. PROCEDURES:

1. The standard workday at USBE is a minimum of eight hours, plus uncompensated time taken during lunch, with the offices open to serve the public from 8:00 am to 5:00 pm.
2. Upon approval, an employee may work required hours outside of the normal operating office hours but may not have an alternative schedule that begins before 7:00 am or ends after 6:00 pm (see Alternative Work Schedules Policy). Exceptions to employee working before 7:00 am or ending after 6:00 pm shall be approved by the Superintendency.
 - a. An employee's alternate schedule may not regularly allow the employee to leave before 3:30 pm.
3. USBE employees may choose to take a lunch break or not. The lunch break is uncompensated.
4. Employees may take a 15-minute compensated break period for every four hours worked. Break periods may not be accumulated to accommodate a shorter workday or longer lunch period.
5. Supervisors shall document and maintain all approved overtime hours and verify that there are sufficient funds in the budget to compensate for overtime.
6. For purposes of accruing compensatory time, all exempt employees are automatically coded as "999" and are not compensated for the 81st hour in a pay period.

F. 04-15 Working Remotely. *(Date: October 3, 2022)*

III. Policy – Working Remotely

1. Working remotely is an option, not a universal employee benefit or right, which may be incorporated in an employee's work schedule consistent with Internal Policy 04-15 with approval of an employee's supervisor.
2. An employee is not required to work remotely, unless a different agreement is established between the employee and the employee's supervisor, and an

employee may return to a full-time office arrangement at any time, except as provided herein.

3. There are specific positions within the organization that are mandated to be present in the office on a daily basis. These positions will be designated by the Deputy Superintendent and/or their designee.
4. The employee's supervisor may approve a remote work plan with less than two days scheduled in the USBE office per week, when the employee:
 - a. has a satisfactory attendance record;
 - b. meets performance goals and expectations; and
 - c. consistently demonstrates the ability to complete tasks and assignments in alignment with expectations
 - d. Newly hired employees will be given time to demonstrate these measures while teleworking
5. When considering whether to approve a remote work plan the employee's supervisor should consider whether:
 - a. an employee can maintain or increase personal productivity;
 - b. the nature of the employee's work and responsibilities is conducive to remote work without causing significant disruption to performance or service delivery;
 - c. remote work can be accomplished with no additional cost to USBE;
 - d. remote work is consistent with the needs of USBE, customers, and the employee;
 - e. the needs and schedules of co-workers can be balanced with the needs of the requesting employee; and
 - f. approval or denial of the employee's request is consistent with USBE's response to requests from other similarly situated employees.
6. Human Resources shall review and make a recommendation to the Superintendency on an employee request for a modified remote work plan based on ADA.
7. An employee is accountable for the work performed while working remotely and may be asked to verify hours and work performed via a work log.
12. An employee shall fill out the appropriate Working Remotely forms for inclusion in the attachment section of the UPM (Utah Performance Management).

IV. Employee Responsibilities for Remote Working

An employee utilizing a remote work plan has certain responsibilities depending on the circumstances, including, but not limited to, the following:

8. Documenting all time in accordance with established DHRM time and attendance policies;
 9. Complying with DHRM rules and practices pertaining to requesting and obtaining approval for leave, overtime, or any change to the employee's agreed-upon work schedule outlined in the Employee's Acknowledgement and Remote Work Agreement form;
17. Completing the DHRM Successful Telework training and annually signing a Remote Work Agreement form.

V. Supervisor Responsibilities for Remote Working

A remote worker's supervisor has certain responsibilities, which include, but are not limited to the following:

7. Maintaining responsibility and accountability for treating all remote and non-remote employees similarly in acts involving managerial discretion, including but not limited to:
 - a. Distribution of assignments among employees in the work unit;
 - b. Use of appropriate tracking and communication tools;
9. Completing the DHRM Managing Teleworkers and annually signing a Remote Work Agreement form.

4. USBE SOP

A. ***Agency-wide Organization Chart.** *(Supervisor Reviewed 3/15/2023)*

Deadlines and Dates

The organization chart is updated at least once per month, but requests for changes can be made anytime.

B. **Virtual Meeting Attendance** *(Approved by Management 9/23/2022)*

- Eliminate distractions while presenting in formal meetings.
 - When presenting in a formal meeting, avoid eating to eliminate distractions while on camera or additional background noise.
 - Consider possible sources of background noise when setting up your computer to mitigate distractions. Unexpected noises from a

neighbor, child or pet can cause those speaking to lose their train of thought.

- Eliminate distractions while attending formal meetings.
 - When attending a formal meeting, avoid eating to eliminate distractions while on camera or additional background noise.
 - Consider possible sources of background noise when setting up your computer to mitigate distractions. Unexpected noises from a neighbor, child or pet can cause those speaking to lose their train of thought.
- Choose business attire in virtual meetings.
 - It is important to dress the part for business meetings, even those in a virtual setting. Business attire for work can help you feel professional and confident and demonstrates respect for others in the meeting.
 - Please review USBE Policy 04-04 Code of Ethics and Conduct.
- Set up the right environment and background.
 - For formal meetings, please use your agency-approved background. For informal meetings, please select a background that is professional and does not distract from the work.

C. ***USBE Onboarding** *(Approved by Management 2/13/2023)*

Purpose

The purpose of this document is to provide guidelines/expectations for onboarding new employees in a hybrid work environment.

Overview

These standards and recommendations are to be used when onboarding new employees to USBE, specifically for employees that are planning to exercise the opportunity for remote work.

Prerequisites

Materials and Documents

- Please instruct all employees that are new to USBE to complete the USBE policy training on Canvas
- Effective New Employee Onboarding Training

Procedure

- Approvals
 - Work with HR Recruiter to ensure that proper approvals have been made to hire the candidate Approvals are processed through NEOGov
 - (when new hire applied through NEOGov),
 - move the employee to hired in the system and be sure the following are set up to approve the new hire:
 - Manager,
 - DHRM,
 - Budget,
 - Director,
 - Executive Director/Designee,
 - or a USBE memo (direct hires that did not apply for the position through NEOGov.
- Offer the Position
 - After receiving approvals to formally offer the position, contact the candidate and communicate:
 - Starting rate of pay
 - Start date and time

Onboarding Process

- Before the first day
 - Enter a ticket to initiate the IT process to onboard an employee and start the process to ready their computer
 - Assign a mentor, and communicate responsibilities to the mentor
 - Created schedule and training materials for employees first day
- New Hires First Day
 - Facilitate computer access, and escort to IT appointment
 - Ensure the I-9 is completed
 - Explain expectations for the position and training resources
 - Explain procedures (how to request time off, team calendars)
 - Introduce new hire to mentor and explain roles and responsibilities
- New Hires First Week
 - Assign training schedule and training materials
 - Ensure completion of required USBE and HR trainings

D. ***USBE SOP Hybrid Work Environment Onboarding.** *(Approved by Management 2/13/2023)*

New Hires First Week

- Explain UPM system and if needed have them review trainings
 - Work with new hire to create meaningful goals
 - A UPM plan must be in place within 30 days of hire for benefited employees
 - The following documents need to be read, signed and saved in employee's file/UPM as applicable: Exercise Release Form, Alternative Work Schedule Agreement Form, and Remote Work Agreement Form.

New Hires First 90 Days and Beyond

- Initiate UPM performance plan

E. ***USBE Offboarding** *(Approved by Management 2/13/2023)*

During the Last Two Weeks of Employment

- Supervisor must communicate to IT the employee's last day and application access that will need to be terminated.
- Supervisor should schedule time on the employee's last day to collect USBE property, or designate the responsibility
- Enter an offboarding ticket
 - Select the Request a Service tile, click on Supervisor Actions, and click the Employee Off-boarding tile and complete the ticket
 - If you need assistance, please contact the IT Administrative Secretary

Employee's Last Day

- Supervisor will work with IT to set an automatic email notification to redirect contacts

F. ***Hybrid Work Environment Offboarding Standard Operating Procedure**

(Approved by Management 2/13/2023)

Purpose

The purpose of this document is to provide guidelines/expectations for offboarding USBE employees in a hybrid work environment.

During the Last Two Weeks of Employment

- Supervisor must communicate to IT the employee's last day and application access that will need to be terminated
- Supervisor should schedule time on the employee's last day to collect USBE property, or designate the responsibility

- Enter an offboarding ticket
 - Select the Request a Service tile, click on Supervisor Actions, and click the Employee Off-boarding tile and complete the ticket
 - If you need assistance, please contact the IT Administrative Secretary
- Employee's Last Day
 - Employee shall enter time in the ESS system before the end of the day
 - Supervisor will work with IT to set an automatic email notification to redirect contacts
 - Supervisor or designee will collect USBE property from employee including:
 - IT equipment
 - Mobile phone
 - ID/Access Badge

5. Code of Federal Regulations

A. 2 CFR 200.303 Internal controls. *(Effective August 13, 2020)*

The non-Federal entity must:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

6. Standards for Internal Control in the Federal Government (The Green Book) *(Published September 2014)*

1.02 The oversight body and management demonstrate the importance of integrity and ethical values through their directives, attitudes, and behavior.

1.03 The oversight body and management lead by an example that demonstrates the organization's values, philosophy, and operating style. The oversight body and management set the tone at the top and throughout the organization by their example, which is fundamental to an effective internal control system. In larger entities, the various layers of management in the organizational structure may also set "tone in the middle."

1.04 The oversight body's and management's directives, attitudes, and behaviors reflect the integrity and ethical values expected throughout the entity. The oversight body and management reinforce the commitment to doing what is right, not just maintaining a minimum level of performance necessary to comply with applicable laws and regulations, so that these priorities are understood by all stakeholders, such as regulators, employees, and the general public.

1.05 Tone at the top can be either a driver, as shown in the preceding paragraphs, or a barrier to internal control. Without a strong tone at the top to support an internal control system, the entity's risk identification may be incomplete, risk responses may be inappropriate, control activities may not be appropriately designed or implemented, information and communication may falter, and results of monitoring may not be understood or acted upon to remediate deficiencies.

1.08 Management establishes processes to evaluate performance against the entity's expected standards of conduct and address any deviations in a timely manner.

1.09 Management uses established standards of conduct as the basis for evaluating adherence to integrity and ethical values across the organization. Management evaluates the adherence to standards of conduct across all levels of the entity. To gain assurance that the entity's standards of conduct are implemented effectively, management evaluates the directives, attitudes, and behaviors of individuals and teams. Evaluations may consist of ongoing monitoring or separate evaluations. Individual personnel can also report issues through reporting lines, such as regular staff meetings, upward feedback processes, a whistle-blowing program, or an ethics hotline. The oversight body evaluates management's adherence to the standards of conduct as well as the overall adherence by the entity.

1.10 Management determines the tolerance level for deviations. Management may determine that the entity will have zero tolerance for deviations from certain expected standards of conduct, while deviations from others may be addressed with warnings to personnel. Management establishes a process for evaluations of

individual and team adherence to standards of conduct that escalates and remediates deviations.

3.01 Management should establish an organizational structure, assign responsibility, and delegate authority to achieve the entity's objectives.

3.02 Management establishes the organizational structure necessary to enable the entity to plan, execute, control, and assess the organization in achieving its objectives. Management develops the overall responsibilities from the entity's objectives that enable the entity to achieve its objectives and address related risks.

3.03 Management develops an organizational structure with an understanding of the overall responsibilities and assigns these responsibilities to discrete units to enable the organization to operate in an efficient and effective manner, comply with applicable laws and regulations, and reliably report quality information.

3.04 As part of establishing an organizational structure, management considers how units interact in order to fulfill their overall responsibilities. Management establishes reporting lines within an organizational structure so that units can communicate the quality information necessary for each unit to fulfill its overall responsibilities. Based on the nature of the assigned responsibility, management chooses the type and number of discrete units, such as divisions, offices, and related subunits. Reporting lines are defined at all levels of the organization and provide methods of communication that can flow down, across, up, and around the structure. Management also considers the entity's overall responsibilities to external stakeholders and establishes reporting lines that allow the entity to both communicate and receive information from external stakeholders.

3.05 Management periodically evaluates the organizational structure so that it meets the entity's objectives and has adapted to any new objectives for the entity, such as a new law or regulation.

3.06 To achieve the entity's objectives, management assigns responsibility and delegates authority to key roles throughout the entity. A key role is a position in the organizational structure that is assigned an overall responsibility of the entity. Generally, key roles relate to senior management positions within an entity.

3.07 Management considers the overall responsibilities assigned to each unit, determines what key roles are needed to fulfill the assigned responsibilities, and establishes the key roles. Those in key roles can further assign responsibility for

internal control to roles below them in the organizational structure, but retain ownership for fulfilling the overall responsibilities assigned to the unit.

3.10 Effective documentation assists in management's design of internal control by establishing and communicating the who, what, when, where, and why of internal control execution to personnel. Documentation also provides a means to retain organizational knowledge and mitigate the risk of having that knowledge limited to a few personnel, as well as a means to communicate that knowledge as needed to external parties, such as external auditors.

4.05 Management recruits, develops, and retains competent personnel to achieve the entity's objectives. Management considers the following:

- Train – Enable individuals to develop competencies appropriate for key roles, reinforce standards of conduct, and tailor training based on the needs of the role.

4.07 Management defines succession plans for key roles, chooses succession candidates, and trains succession candidates to assume the key roles.

5.01 Management should evaluate performance and hold individuals accountable for their internal control responsibilities.

5.07 Management adjusts excessive pressures on personnel in the entity. Pressure can appear in an entity because of goals established by management to meet objectives or cyclical demands of various processes performed by the entity, such as year-end financial statement preparation. Excessive pressure can result in personnel "cutting corners" to meet the established goals.

5.08 Management is responsible for evaluating pressure on personnel to help personnel fulfill their assigned responsibilities in accordance with the entity's standards of conduct. Management can adjust excessive pressures using many different tools, such as rebalancing workloads or increasing resource levels.

6.09 Management defines risk tolerances in specific and measurable terms so they are clearly stated and can be measured. Risk tolerance is often measured in the same terms as the performance measures for the defined objectives.

10.02 Management designs control activities in response to the entity's objectives and risks to achieve an effective internal control system. Control activities are the policies, procedures, techniques, and mechanisms that enforce management's

directives to achieve the entity's objectives and address related risks... Management designs control activities to fulfill defined responsibilities and address identified risk responses.

10.03

Top-level reviews of actual performance

Management tracks major entity achievements and compares these to the plans, goals, and objectives set by the entity.

Reviews by management at the functional or activity level

Management compares actual performance to planned or expected results throughout the organization and analyzes significant differences.

Management of human capital

Effective management of an entity's workforce, its human capital, is essential to achieving results and an important part of internal control. Only when the right personnel for the job are on board and are provided the right training, tools, structure, incentives, and responsibilities is operational success possible.

Appropriate documentation of transactions and internal control

Management clearly documents internal control and all transactions and other significant events in a manner that allows the documentation to be readily available for examination. The documentation may appear in management directives, administrative policies, or operating manuals, in either paper or electronic form. Documentation and records are properly managed and maintained. An entity's internal control is flexible to allow management to tailor control activities to meet the entity's special needs. The specific control activities used by a given entity may be different from those used by others based on a number of factors. These factors could include specific threats the entity faces and risks it incurs; differences in objectives; managerial judgment; size and complexity of the entity; operational environment; sensitivity and value of data; and requirements for system reliability, availability, and performance.

10.07 Management designs control activities at the appropriate levels in the organizational structure.

10.09 Entity-level controls are controls that have a pervasive effect on an entity's internal control system and may pertain to multiple components. Entity-level controls may include controls related to the entity's risk assessment process, control environment, service organizations, management override, and monitoring.

10.10 Transaction control activities are actions built directly into operational processes to support the entity in achieving its objectives and addressing related risks. “Transactions” tends to be associated with financial processes (e.g., payables transactions), while “activities” is more generally applied to operational or compliance processes. For the purposes of this standard, “transactions” covers both definitions.

10.11 When choosing between entity-level and transaction control activities, management evaluates the level of precision needed for the operational processes to meet the entity’s objectives and address related risks.

12.01 Management should implement control activities through policies.

12.02 Management documents in policies the internal control responsibilities of the organization.

12.03 Management documents in policies for each unit its responsibility for an operational process’s objectives and related risks, and control activity design, implementation, and operating effectiveness. Each unit, with guidance from management, determines the policies necessary to operate the process based on the objectives and related risks for the operational process. Each unit also documents policies in the appropriate level of detail to allow management to effectively monitor the control activity.

12.04 Those in key roles for the unit may further define policies through day-to-day procedures, depending on the rate of change in the operating environment and complexity of the operational process. Procedures may include the timing of when a control activity occurs and any follow-up corrective actions to be performed by competent personnel if deficiencies are identified. Management communicates to personnel the policies and procedures so that personnel can implement the control activities for their assigned responsibilities.

12.05 Management periodically reviews policies, procedures, and related control activities for continued relevance and effectiveness in achieving the entity’s objectives or addressing related risks. If there is a significant change in an entity’s process, management reviews this process in a timely manner after the change to determine that the control activities are designed and implemented appropriately. Changes may occur in personnel, operational processes, or information technology.

14.03 Management communicates quality information down and across reporting lines to enable personnel to perform key roles in achieving objectives, addressing risks, and supporting the internal control system. In these communications, management assigns the internal control responsibilities for key roles.

Appendix C – Performance Observations

USB E management, with board oversight, has the responsibility to design, implement, and effectively operate a control environment, inclusive of personnel management. The purpose of the control environment is to provide reasonable assurance that the USB E will achieve the objectives of the USB E.

As stated by the *Standards for Internal Control in the Federal Government*, “Tone at the top can be either a driver ... or a barrier to internal control. Without a strong tone at the top to support an internal control system, the entity’s risk identification may be incomplete, risk responses may be inappropriate, control activities may not be appropriately designed or implemented, information and communication may falter, and results of monitoring may not be understood or acted upon to remediate deficiencies” (The Green Book 1.05).

The Board and the USB E have taken many steps over recent years intended to improve the design and implementation of an effective control environment, inclusive of personnel management. However, there remain opportunities for performance improvement.

1. Strategy

A. Risks Identified

Achievement of compliance and strategic objectives, as well as allocation of resources (e.g., personnel, funds) is largely contingent on subjective determinations made by management rather than by a comprehensive risk assessment process supported by reliable data. The ability to prove need or risk is different from the ability to determine which need or risk is greatest.

The Board’s new vision and mission are more inclusive of responsibilities of all USB E units, and thus all USB E personnel. Even though employees feel they are highly adaptable to virtual collaboration tools, communication efforts, although abundant, are not always consistent nor effective in unifying employee engagement to agency objectives and outcomes, and therefore may not intentionally contribute to the success of the agency. Implementing strategic direction through agency-specific goals and strategies may reduce barriers that arise due to differing priorities, and support achievement of compliance and strategic objectives.

Evidence to support final observations is detailed below.

B. Introduction

The USBE is tasked to achieve both compliance and strategic objectives. To document strategic objectives, a strategic plan is created to identify vision, mission, and goals. Strategic objectives should be responsive to compliance objectives, which are outlined in federal and state statute and regulations. To accomplish these critical objectives, management must establish an efficient and effective control environment to organize and to direct its resources, inclusive of employees. To do so, management is tasked with many responsibilities, including:

- Set a tone at the top of commitment to integrity and ethical values,
- Establish Standards of Conduct (Standards),
- Create an organizational structure, complete with key roles,
- Assign responsibilities and delegate authority,
- Demonstrate a commitment to competency, and
- Enforce accountability.

As identified during the audit, achieving compliance and strategic objectives may be hindered by several factors as explained below.

C. Work Priorities

New statutory and regulatory requirements and consistent turnover with USBE personnel demands management to assess and safeguard against risk. The challenge set before management is to proactively ensure resources are effectively prioritized. As explained in the *Standards for Internal Control in the Federal Government*:

2.10 ...The oversight body oversees management's design, implementation, and operation of the entity's organizational structure so that the processes necessary to enable the oversight body to fulfill its responsibilities exist and are operating effectively.

3.02 Management establishes the organizational structure necessary to enable the entity to plan, execute, control, and assess the organization in achieving its objectives. Management develops the overall responsibilities from the entity's objectives that enable the entity to achieve its objectives and address related risks.

In order to determine allocation of new and existing resources, management relies heavily upon employees to identify areas where change is needed. In some cases, management

and their employees have the funding and data (e.g., performance metrics) to affect needed change; however, in many cases no objective metrics exist, or leaders may not advocate effectively (e.g., two of three (66%) unit supervisors interviewed could not effectively communicate their critical function or performance metrics of their unit). Therefore, needed changes, including resource allocations, are subjectively determined as reported in an interview with management. In other cases, legislative requests are necessary to acquire additional resources. New requests are typically facilitated by or determined by management. Likewise, the legislature, Board, and other outside pressures may influence how new and existing resources are used.

Agency Performance

Regarding internal performance metrics, management provides “stock takes” internally and at some Board meetings; stock takes are updates on progress to achieving strategic plan elements. In a review of nine stock takes provided to the Board between 2021 and 2024, all nine (100%) provided updates related to the agency’s support of strategic goals and initiatives as they relate to the public education system (e.g., ACT Readiness Benchmark, 2023 Graduation Data, Teacher Retention); none provided insight into the performance of the USBE’s administrative office or its internal operations.

Management, under the Board’s oversight, uses a top-down approach to hold its leaders accountable and expects its leaders to do the same with their employees. To ensure achievement of objectives with new or existing resources, management reports creating goals and setting expectations with employees. Goals are not cascaded from the Board strategic plan level (i.e., public-education system) to the agency level, then to unit levels and finally to the employee level; rather employee goals may be conflated with goals at the other levels (see **II.1.C Strategic Plan** and **II.4.B. Performance Management**). As such, related data, if available, would be unable to provide the information necessary to direct internal operations to achievement of objectives.

Regardless, the USBE reports establishing a culture of change management and is always looking for ways to improve. While a commitment to improve is commendable, some efforts may represent change for its own sake or be based on a perceived agency need prior to completing an actual assessment of agency need aligned to objectives. In other words, changes are made without data supportive of achieving objectives to prompt the need for change.

The new Board mission and vision are more inclusive of all USBE units than previous iterations, which provides management additional breadth in reporting progress towards achievement of objectives at the agency, unit, and individual employee level.

Funding

Discussions of risk and priorities are prudent, as likewise are fiduciary discussions, meaning discussions of use of taxpayer funds. The results of fiduciary discussions should be well documented, inclusive of identified risk factors, evidence, risk matrix, and so on; otherwise, it may be impossible to determine which risks (e.g., which position is most critical to fill at a certain time with certain dollars) are the most significant and most urgent to address.

If funding allocations are determined based solely on discussions, the likelihood of funding being used in less-optimal ways increases, particularly given some employees are more articulate, better versed in the allocation process, maintain performance logs, track performance metrics, have relationships with individuals that drive appropriations, etc. The ability to prove need is different from the ability to determine which need is greatest.

Positions and Assignments

Identifying new job responsibilities and recruiting employees to fill those positions is driven by multiple factors. For example, one newly opened position was reportedly prioritized due to risk and available funding sources. In a follow-up regarding the risk assessment done to determine how critical the new position is, management reported that no official process or risk assessment was completed and instead the process relied on discussions between management personnel.

Once positions are hired and staffed in the appropriate unit, the position needs the authority to fulfill related job responsibilities. In interviews with individuals in units, two of 31 (6%) interviewees stated that they do not always feel like they have the authority or control to complete their job responsibilities. One interviewee indicated a change in a process for approving minor agreements and MOUs now requiring additional approvals and thus time. Another interviewee pointed to instances where, although authority exists, the information necessary to complete job responsibilities is controlled by others.

Additionally, when interviewees were asked whether they feel their work is duplicative or unnecessary, almost all interviewees felt the work they were performing was necessary, which is not to say critical.

D. Communication

Employees who may collaborate with others and may freely discuss concerns are often more likely to succeed. In a 2019 agency-wide survey, respondents replied neutrally 11% of the time and positively 74% of the time (43% “Strongly Agree” and 31% “Agree”) to the

statement that “I feel that I am able to communicate freely up the line, even when it is bad news.”

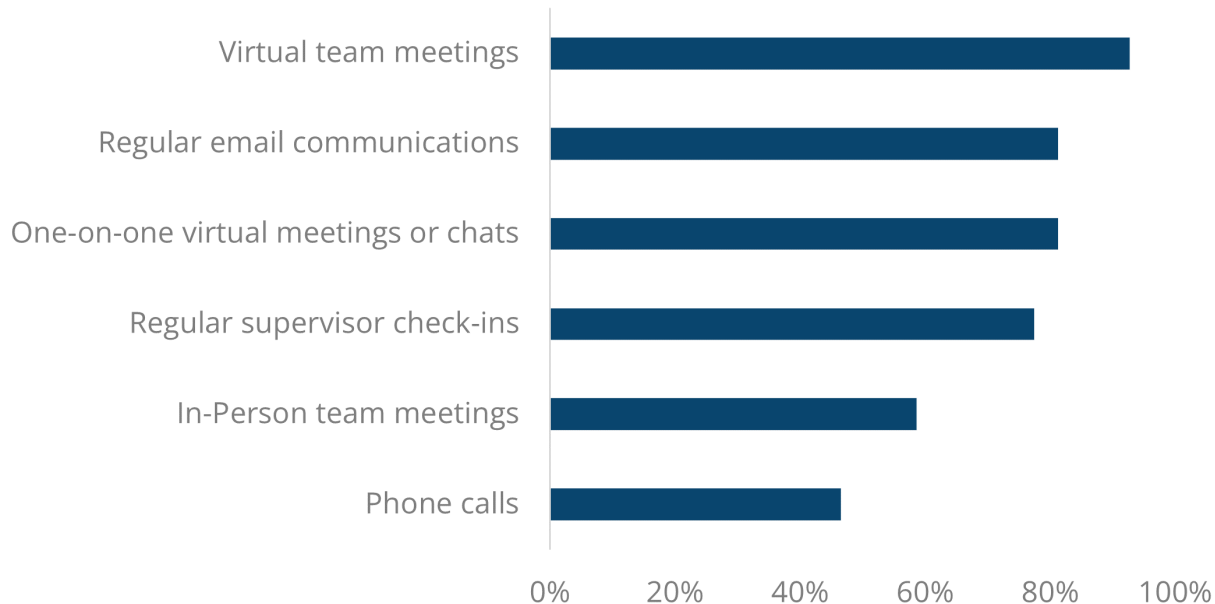
When asked the same question in 2024 but using a four-point scale from “Always” to “Never,” 70% of respondents indicated they can “Always,” communicate up the line while another 22% reported “Sometimes.” Assuming all neutral respondents would have leaned towards agree versus disagree if a neutral option was not provided in 2019, it appears respondents may feel more comfortable communicating up the line now (92%) than before (85%).

In the 2024 survey, 282 of 334 (84%) of respondents also reported that they are confident that important information related to their position will be communicated to them in a timely manner.

Communication Strategies

Of those who participated in the 2024 agency-wide survey, a majority (93%) felt that the most effective way to communicate was with virtual meetings. Other communication strategies are shown in the chart below.

Strategies that contribute to effective communication



Regarding communication strategies, several respondents provided additional feedback about communication deficiencies in their unit. Comments related to deficiencies are provided below (no editing of comments was done):

- *Often we hear things through the grapevine, or by other sections. Sometimes too much time is spent deciding how to share the information that we are late sharing the information and then we are cleaning up messes on the back end. Different sections are communicating things differently...This causes issues between sections, staff, and reduces morale.*
- *My department is not using many of these strategies and often the messaging is inconsistent. Important information is often conveyed during team check-ins that are not recorded which means that anyone who is out in the schools does not receive important updates.*
- *As well as sometimes the information being presented is often presented to different teams and interpreted differently which creates chaos.*

Intra-unit Communications and Teamwork

Many respondents (173 of 334, 52%) in the 2024 survey stated they feel their unit always communicates effectively, whereas many others (42%) stated they sometimes communicate effectively.

Twenty respondents who said their unit rarely or never communicates effectively as a team (i.e., unit) were asked what hinders effective communication within their team; respondents could select more than one option. The top three reasons given for a lack of effective communication were due to managerial skills (50%), inconsistent messaging (30%), and feeling the unit is siloed (30%).

Comments regarding ineffective communication within their unit include (no editing of comments was done):

- *Meetings tend to be dominated by a few voices, and it feels difficult for quieter members of the team to contribute important ideas in which leads to confusion about the specific objectives of projects and who's responsible for which tasks.*
- *In summary, when there are changes, updates, or new things that happen at USBE, often this information is not communicated directly and openly with everyone at the agency. Often there is a hope that things will be passed to everyone through word of mouth, but often, in my experience, that does not happen effectively.*

Comments regarding barriers to effective teamwork within their unit include (no editing of comments was done):

- *It feels like there isn't very much room for innovation and when new ideas are brought up, the reasoning is rarely known, except that we can't. (e.g that's how*

it has always been mentality). Also, the communication of what leadership WANTS giving open guidelines, but not communicating the "want" effectively with the struggle of brainstorming and creation when there really is a specific idea of the ask and having to backtrack or start over.

- There is an unequal and unfair distribution of responsibilities. Some team members work exceptionally harder than others. Preferential treatment happens on our team by our supervisor.*
- There is not a clear vision of how the work in my sections is prioritized and aligns together to further the sections' goals or our efforts towards the strategic plan.*
- Different interpretations and implementation of directives that come from top leadership. The constant changes in processes across the agency make it hard to keep up on and then causes loss in productivity.*

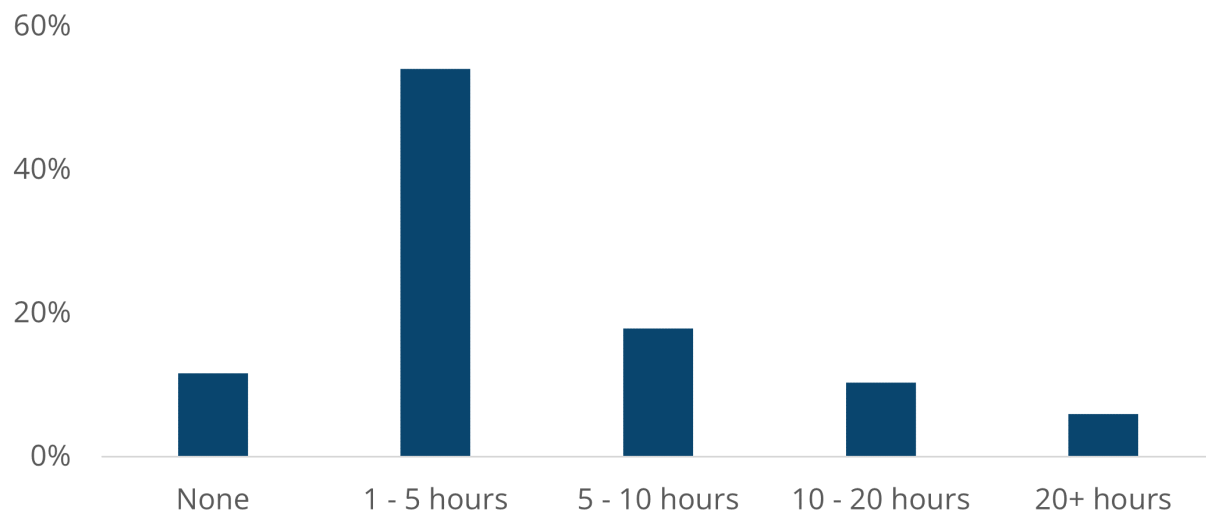
Intra-agency Communications

Sixty-seven respondents selected "Other" reasons why barriers exist in working with other USBE units. One respondent commented the following:

There are way too many silos that prohibit or obstruct advancing the individual and collective work effort to meet or exceed the USBE mission. At times, it appears that egos, pride, protecting "turf" or a misplaced importance of an initiative albeit legislative, Board, or Section create disconnects, duplicity, and redundancy if not competing, conflicting, and confusing messages to schools and LEAs eroding confidence of the entire USBE and our work to support, assist, and provide guidance to those who most depend upon us. Suffice, there needs to be an intentional, deliberative, and coordinated effort to communicate, solicit input from all sections that are impacted by an initiative, and no less than quarterly communication that articulates what each section is doing including status of "the work". Additionally, there needs to be a much more robust effort during the planning of an initiative, etc. to include input, feedback or at a minimum, consultation with all sections impacted by an initiative. The response that "we are way too busy" is unacceptable when it comes to creating and sustaining a high commitment organization. In some respects, USBE leadership must prioritize how we communicate, what we communicate, how often we communicate, and most importantly engage in and act like a learning organization where we learn of, by, from and for one another to increase our individual and collective impact.

Although collaboration with other USBE units was reported to have more barriers than collaboration within a unit, the survey responses indicate that most people spend less than five hours a week collaborating with other units.

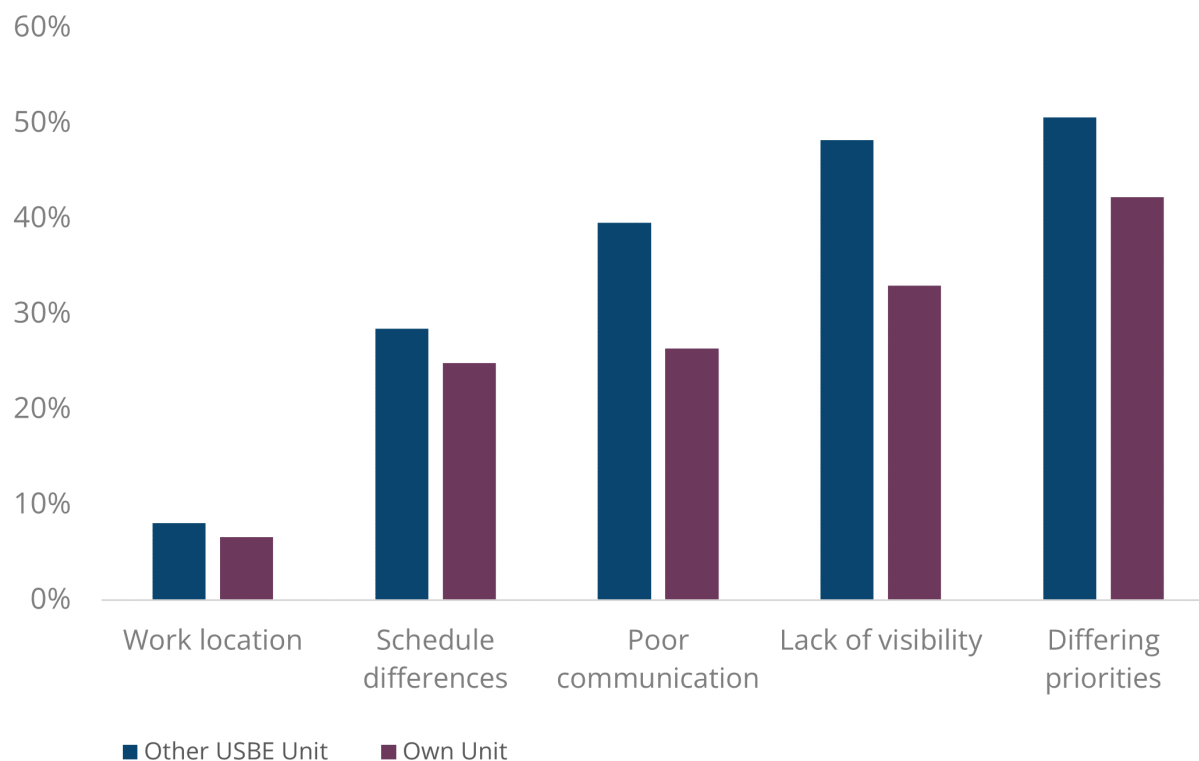
Self-reported hours of weekly collaboration with other USBE [units]



Intra-unit and Intra-agency Communications

Regardless of whether collaboration is within the respondent's own unit or with others at USBE, respondents reported that the most common barriers to effective teamwork or collaboration (i.e., communication) is "differing priorities," which may reflect lack of unity or alignment (i.e., individuals feeling isolated or siloed), or lack of direction. See also **II.1.A Work Priorities, Agency Performance**.

Barriers to Effective Communication



Based on the survey responses, communication has more barriers when working with other units.

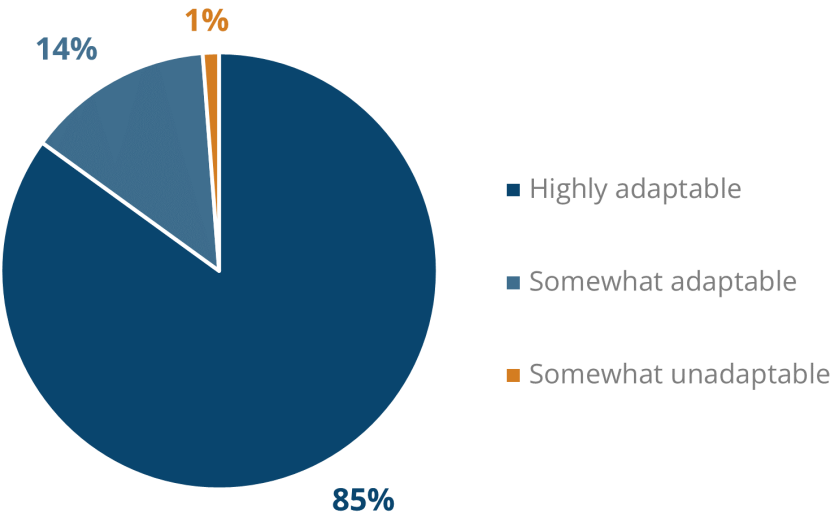
Additionally, several respondents who included “Other” reasons, provided clarification. For both the employees own unit and working with other units, the most cited comments are as follows:

- No barriers to teamwork/collaboration exist.
- Concerns with managerial skills.
- Concerns with being understaffed / high levels of turnover.

Adaptability and Collaboration

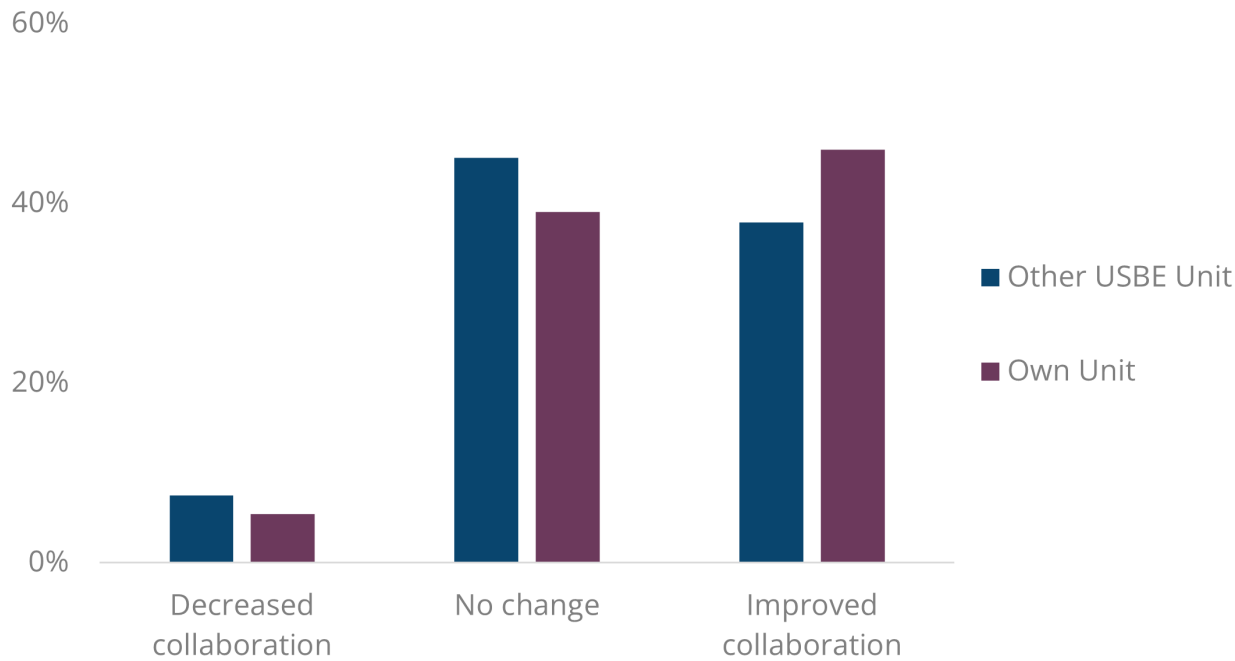
Respondents also feel like their unit is highly adaptable to virtual collaboration tools and technologies.

Adaptability to Virtual Collaboration Tools and Technologies



Despite feeling highly adaptable to virtual collaboration tools and technology, many respondents did not report feeling that collaboration—particularly with other units—improved during remote work (i.e., collaboration stayed the same).

Impact of Remote Work on Collaboration



In addition, when asked about the impact of remote work on collaboration, several respondents were unsure of the level of change and selected “Other.” Reasons for selecting “Other” included:

- They have always worked remote so they could not comment on the change in teamwork,
- They have experienced a mix of increased and decreased collaboration, or
- They were unsure of the impact remote work had on collaboration.

Regarding teamwork within their own unit as it pertains to remote work, several respondents provided additional clarification. A representative sample of comments, demonstrating the diversity of opinions, are provided below:

- *Remote work has improved collaboration in our section. Previously, time was needed for transition, potential travel, interruptions in the hallway or people walking into an office unannounced, and anything in between. Meetings now are more focused on the topic with significantly less side conversation and interruption. Collaboration is more efficient and effective since implementing remote work.*
- *That is hard to answer. In some ways its the same. In other ways I miss being able to walk over and talk to someone. However, I know if went back to the office we would lose good team members.*
- *We schedule in office time for projects we need to collaborate on. Seeing some lack in communication via virtual platforms compared to in person. Working to encourage everyone to speak up in team online meetings.*
- *The dynamics within our team has evolved over the last several years, which has changed collaboration (how/what/when/who) overall which, In a lot of ways, has increased collaboration amongst the team. As a result, Teams meetings/chats [...] are used much more. With a virtual environment, sometimes it can be harder to have more meaningful discussions or brainstorming sessions or explain a concept.*

Fifty-four respondents provided additional comments related to the impact of remote work on collaboration with other USBE units, for example:

- *It is mostly the same as before we worked remotely. I will say the remote work we do has improved significantly and has allowed more people to be involved in meetings and made it easier to schedule meetings.*
- *Sometimes it has had no effect while other times staff make it hard to schedule in person meetings due to their desire to do things remote.*
- *Spontaneous collaboration is missing in the virtual room.*

E. Strategic Plan

The strategic plan, including the USBE's mission and vision, should direct and provide meaning to employees' work; management reported direction is given by creating goals and setting expectations with employees, which is generally done in the Utah Performance Management (UPM) system. Results of the 2024 agency-wide survey reflected 33 (10%) respondents were not familiar with the USBE's mission and vision, and 56 (17%) were not familiar with the USBE's strategic plan.

In the 2019 agency-wide survey, 82% of respondents expressed some level of agreement that they understood how their role contributes to the agency's vision and mission (with another 10% neither agreeing nor disagreeing). In 2024, nearly all respondents familiar with the strategic plan (83%) indicated that they understand how their position contributes to the USBE's mission, vision, and strategic plan.

The 2024 survey also reflected respondents agreed, at significant rates, with the following statements:

- 264 of 279 (95%) respondents agreed with the statement "I am motivated by the strategic direction of the agency." Respondents who disagreed are within each position category: support staff, specialist, coordinator, and superintendency or director.
- 292 of 308 (95%) respondents agreed with the statement "My UPM (e.g., performance evaluation) has a direct connection to the USBE's mission, vision, and strategic plan." Respondents who disagreed are within position category specialist, coordinator, and superintendency or director.
- 319 of 334 (96%) respondents agreed with the statement "My job responsibilities are evaluated in my UPM (e.g., performance evaluation) plan."
- 318 of 334 (95%) respondents agreed with the statement "My final UPM (e.g., performance evaluation) rating is a fair representation of my work the past year."

For additional insight on UPM's see **III.4.D. Performance Management.**

Statistical Analysis

A statistical analysis (i.e., regression) of the survey results—that explains 40% of the variation and that relies on results from 199 respondents—indicates that whether an employee feels motivated by the strategic direction of the agency is affected, in part, by how many years they've been employed at the USBE. In other words, there is a negative relationship between length of employment with motivation. This potentially indicates, that with time, employees become less motivated by the USBE's direction or that personal opinion based on experience becomes more influential than agency messaging.

Alternatively, understanding how an employee's position contributes to the USBE's strategic plan, a belief that USBE leadership is committed to the Standards, and whether their UPM has a direct connection to the USBE's strategic plan are all positively correlated with motivation.

Notably, whether an employee held an educator license has no effect on whether they feel motivated by the USBE's strategic direction. This is particularly interesting because in recent years the USBE's strategic direction, as per its goals, has been focused on the public education system as a whole (e.g., Early Learning, Effective Educators and Leaders, Safe and Healthy Schools, and Personalized Teaching and Learning) and not the internal agency performance. The Board is currently reviewing the strategic plan, and as noted above, the new Board vision and mission are more inclusive of all USBE units.

F. Opportunity to Affect Decisions

In a 2019 agency-wide survey, respondents answered neutrally (11%) or in agreement (77%) 88% of the time to the statement "I have the opportunity to contribute to decisions that affect me and my [unit]." In 2024, a similar question was asked, but did not give a neutral option. When asked to respond on a four-point scale, respondents either somewhat or strongly agreed with the statement 88% of the time.

2. Established Expectations

A. Risks Identified

Expectations are established through various control activity documents (e.g., policies, procedures, SOPs), trainings, and Standards. While the use of SOPs has expanded agencywide, several concerns with SOP organization, development, review, maintenance, and authority exist.

Confusion regarding—and lack of accountability to—control activity documents, training requirements, and Standards, has led to inefficiency and non-compliance with established expectations that persists throughout the agency. This disengagement may also contribute to collaboration barriers and isolation perceived by employees as noted in II.1 **Strategy**.

Evidence to support final observations is detailed below.

B. Introduction

To support the achievement of compliance and strategic objectives, management must establish and maintain expectations within the USBE. To do this, management has designed, directed the design of, or adopted control activities (e.g., policies and procedures, standard operating procedures (SOP), Standards, and required trainings). However, established expectations are not always clearly designed nor consistently implemented. To support this conclusion, several examples are provided.

C. Control Activity Documents

To obtain a foundational understanding of the difference between Internal USBE Policies and Procedures (USBE P&P) and SOPs (see **IV. Appendix A – Glossary**), IAD inquired with management. As described by management, USBE P&P are binding (i.e., required, accountable to), whereas SOPs are non-binding (i.e., guidance). However, there are instances where an SOP may become binding; for example, if adherence to an SOP was included in an employee's UPM. SOPs may also reference binding requirements, though the SOP itself would remain non-binding.

Design

A review of the overall design of control activity documents (i.e., USBE P&P and SOPs, see **IV. Appendix – B Criteria**) identified the following:

- The authority of SOPs as non-binding, with consideration of references to binding laws, rules, and policy and subject to inclusion in UPM, is not clearly documented or understood; additionally, some language in SOPs appears binding (e.g., must, required, applies to all) when, in reality, it is not.
- The difference between “procedures” in USBE P&P’s and “procedures” in SOPs is not clearly documented or understood, and
- The process to approve and update SOPs is not clearly documented or understood.

A review of 12 SOPs (six from SOP – by Topic and six from SOP – by Section) indicated several logistical concerns with SOP development as well as concerns with the quality of review and extent of authority (i.e., some SOPs reference regulation while others only imply regulation). Specifically:

- 12 (100%) SOP titles as listed in the respective repository include non-essential information that is included in the document itself (e.g., dates, names/initials).
- 4 (33%) SOP titles as listed in the respective repository did not match the SOP title on the document.
- 12 SOPs had 60 possible date fields (i.e., dates for prepared, peer review, supervisor review, section specific proof, and management approval); of which, 16 (27%) fields were missing the name and date, and nine (15%) fields had the same individual in multiple of the approval roles.
- 7 SOPs included both a prepared date and an approved date; based on this, the average length of time to approve an SOP is 169 days.

Given the significant nature of the onboarding and offboarding SOPs to personnel management, a detailed review of these SOPs was completed. Issues like those noted above were identified in these SOPs as well as use of SOP titles that are not accurate considering the content of the SOP, nor were titles consistently used within the document. Specific to the onboarding SOP we also noted that the current version of the SOP in the two SOP repositories is not the same, though the Approved by Management date is the same for both versions.

The inconsistent design of control activity documents, as well as the structure of the SOPs in two repositories that do not have the same source, may also impact the implementation and operating effectiveness of control activities as evidenced by the findings included throughout this report (See **II.5 Cause** and **III. Compliance - Effects**). In other words, for a control activity to be correctly implemented, it must first be accessible and understood.

Implementation

Concerns are further evidenced by the fact that the use of SOPs and USBE P&Ps are not consistently implemented throughout the USBE. Some units create SOPs or desk manuals

specific to their units (e.g., onboarding a new employee, providing professional development) while other units rely exclusively on USBE P&Ps and agency SOPs (e.g., offboarding, employee compensation, incentives). Use of varying policies and procedures may not adequately address the agency or unit-specific needs, ensure efficiency and succession planning, and mitigate liability and waste of resources. See **III.3.J Offboarding** for an example of increased liability to the USBE due to inconsistent implementation of an SOP.

Without additional clarity, binding requirements—or requirements that should possibly be binding due to risk or significance (e.g., Onboarding), possibly evidenced by level of approval or language included—may be communicated via non-binding documents (i.e., SOPs). The authority of requirements may not be properly communicated or may inadvertently communicate the wrong message regarding their level of importance or significance.

Other specific details related to concerns about control activity documents are explored in greater detail throughout the report.

D. Required Statewide Trainings

The USBE contracts with the Division of Human Resource Management (DHRM), a division of the Department of Government Operations of the State of Utah, to fulfill its human resources responsibilities, including employee data management and evidence of training completion. The USBE pays for these services annually on an FTE basis in accordance with fees approved by the Legislature. For example, for SFY2024 the rate for HR services is \$862/FTE and for core services is \$12/FTE.

In a review of DHRM data related to statewide required trainings, several instances of employees with expired training were noted, including expired trainings for two individuals in leadership positions who should set an example of compliance. In December 2023, a DHRM report identified several employees with “expired” training:

- Ethics: 60 of 412 (15%)
- Respect in the Workplace: 7 of 337 (2%)
- Respect in the Workplace for Supervisors: 5 of 75 (7%)
- Defensive Driver: 18 of 412 (4%)

Additionally, Successful Teleworking and Managing Teleworkers trainings are required; however, the DHRM standard is to take the training annually whereas the USBE standard is that the training only needs to be taken once unless a supervisor requires it more frequently due to inadequate employee performance. Given the difference in standards,

DHRM's system to record and retain employee training records cannot be relied upon to provide complete data on statewide trainings since the report deletes training dates for data older than two years and instead shows "No Record". The USBE does not maintain separate and accurate records. DHRM records reflect the following, which shows the majority of USBE employees either participated in the training more than two years ago, or did not participate in the training:

- Successful Teleworking: 325 of 341 (95%) with No Record
- Managing Teleworkers: 67 of 74 (91%) with No Record

The USBE maintains its own IT unit and contracts with a vendor to fulfill the security awareness training requirement. Based on the USBE's data, the only employees who have not completed the training are recent hires. DHRM also provides an annual Security Awareness training, which is not required. According to DHRM, 6% of USBE employees have completed this non-required training.

E. Ethics & Standards of Conduct

Management must establish an ethical culture, where employees may perform their best work, unimpeded by unclear expectations and unethical practices. While many initiatives may help foster an ethical culture, a simple and generally low-cost method is to establish Standards (i.e., Standards of Conduct). However, for Standards to be effective, they must be adequately communicated, and all employees should be held accountable to them.

The USBE maintains Standards as USBE P&P 04-04 (See **IV. Appendix B – Criteria, 3.B**). To enhance communication of the Standards to new hires, the USBE updated its onboarding process and directed new employees to review the Standards. References within the onboarding module direct employees to outdated policy; as of December 2023, 20 months later (i.e., current policy was updated April 2022), an active URL to current policy still did not exist.

Furthermore, in the 2024 agency-wide survey:

- 36 of 336 (11%) respondents reported being unfamiliar with the Standards. This may be, at least in part, because several respondents reported either not remembering the last time the Standards were communicated or reported they were never made aware of the Standards.
- 276 respondents reported being aware of the Standards and provided a timeline, of which 47 (17%) reported the Standards had been communicated to them more than two years ago.

Another way to communicate and evaluate adherence to the Standards is within the Utah Performance Management (UPM) System, which will be discussed in greater length in **II.2.D Utah Performance Management System**. Currently, control activity documents do not require employees to attest or acknowledge in the UPM system that they have read and agree to the Standards, Code of Ethics, and other established requirements (i.e., USBE Acceptable Use Agreement and the USBE Conflict of Interest form), though the UPM system has this capability.

In an effort to enhance the UPM rating process, and create consistency throughout the agency, USBE leaders discussed a proposed UPM Rubric. The proposed rubric, which assigns points to goal completion as well as soft skills and values in order to evaluate performance, may be used at the discretion of supervisors. For supervisors who adopt the rubric with their units, the values contained in the rubric will become the values espoused by the supervisor; the Standards themselves do not include specified core values. However, even if the rubric is used, 14 of 21 (67%) required Standards in USBE P&P 04-04 (i.e., designated with “shall”) were not included in the UPM rubric performance measurements. For employees who are not evaluated against the rubric (see **II.4.B Performance Management**), accountability to the Standards is not otherwise apparent at the USBE. In other words, any evaluation of employee adherence to its Standards is left to the supervisor’s discretion.

Although there is little formal accountability to the Standards, it appears most employees still feel the USBE has a culture of adhering to Standards. Only eight of 299 (3%) respondents, disagreed that their leadership demonstrates a commitment to the Standards, and only five (2%) respondents disagreed that their unit demonstrates a commitment to the Standards.

F. Utah Performance Management System

UPM is the state’s employee performance management system and is used to establish individual expectations. The UPM system provided by DHRM consists of various stages for the performance management process, such as created, activated, evaluated, or finalized.

Performance plans cannot be tracked until they are activated, at which point a version history and status data is maintained and reports can be run. Current reports from the UPM system require the user to understand the system and the reporting parameters and assumptions. For example:

- The UPM – Evaluation Status Detail Report provided by Human Resource (HR) staff assigned to the USBE, shows all current USBE employees regardless of whether the individual was an employee of the USBE during the evaluation dates selected. The

report does not show individuals who were employees of the USBE during the evaluation dates selected who have left USBE employment at the time the report was run.

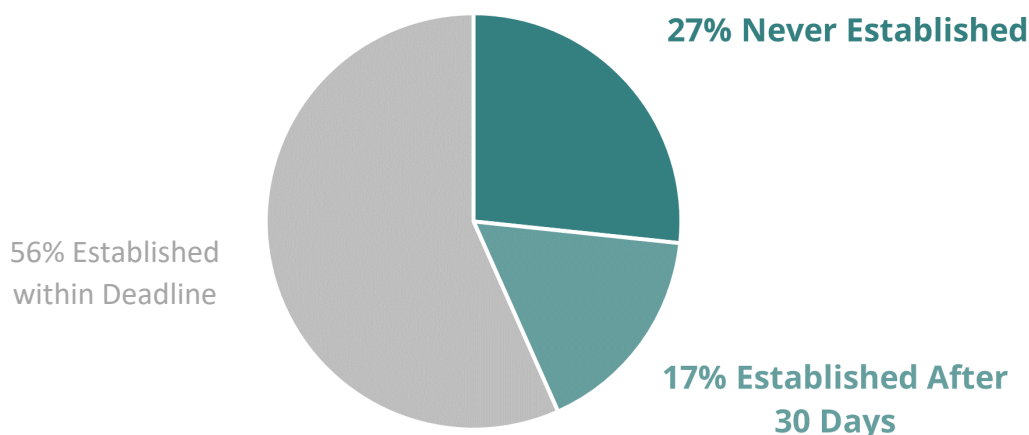
- The UPM report on active UPM plans as of January 25, 2024, was missing an individual. HR explained that a system issue prevented one employee's record from populating on the report, even though the employee had an active UPM plan. After identifying the issue, HR was able to fix the issue so the report could return the employee's record as part of the report.

These system issues are known to DHRM.

Based on a January 2024 analysis of 30 employees hired by November of calendar year 2023, eight (27%) employees did not have activated UPM plans (i.e., plans were never established). This is especially problematic as UPMs are to be relied upon to establish written (i.e., formal) expectations and hold employees accountable to those expectations, which cannot be done if a UPM stays in draft form.

UPM Activation for New Employees

SFY 2024

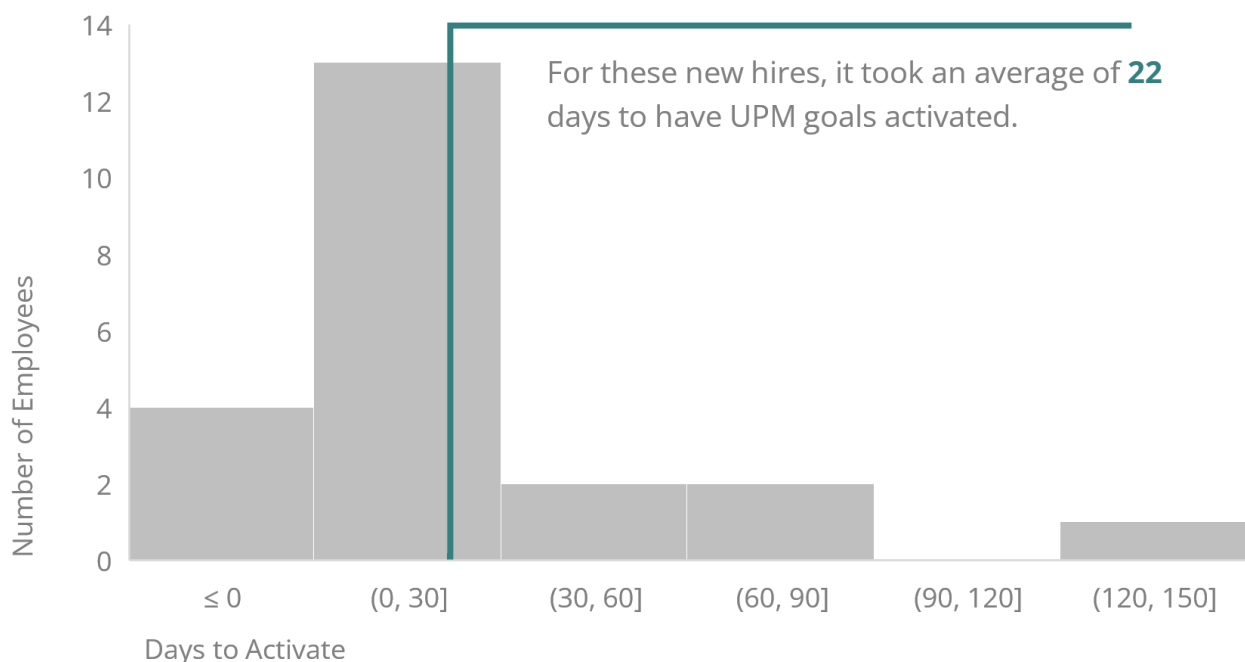


For the remaining 22 employees, it only took 22 days on average to activate UPM plans. Several plans were activated prior to the employee beginning work while other plans were not activated for several weeks after beginning work. According to a USBE onboarding SOP effective at the time (see **IV. Appendix – B Criteria**), performance plans should be activated (i.e., in place) within 30 days of hire. However, as illustrated in the graphs above

and below, 17% (5 of 30) were activated past the timeline guidance in the SOP, with one person's plan not being activated until after 126 days of employment. The chart below categorizes the number of employees by how many days it took to activate UPMs.

Days to Activate UPM Goals

SFY 2024



3. Structure

A. Risks Identified

Expectations established by management (see **II.2 Established Expectations**) impact how structure is operationalized. Confusion with expectations has led to non-compliance (see **III. Compliance**) and inconsistencies in the employee experience at the USBE.

This has also introduced perceptions of unfairness, isolation, and lack of opportunity, as well as frustration with policies, resources, and systems. Challenges with workload and use of leave are also apparent, particularly for more tenured staff and those in leadership positions.

Most employees are satisfied with 1) meaningful work, 2) efforts of the agency to provide training and resources, and 3) relationships with co-workers; however, many employees still would not recommend the USBE as an employer.

Evidence to support final observations is detailed below.

B. Introduction

To further support the achievement of objectives, management must create a structure to hire, train, and offboard employees.

As of January 2024, the USBE is composed of 411 employees, including full-time, part-time, and time-limited employees and contractors. To track its workforce, the USBE relies on several sources of information. The official organizational structure of the USBE that details the USBE's workforce is maintained by various state systems with distinct purposes (e.g., HR, payroll, performance management, financial), which interface to some extent. However, the extent that data from these systems drive decisions in the USBE is unclear. Furthermore, each employee's experience in the agency varies due to their supervisor's awareness and commitment to established expectations (see **II.2 Established Expectations**). Below are examples of programs or processes put in place that are helping support the USBE; however, as noted within each part, there is room for improvement.

C. Organizational Lines of Authority

Documented Hierarchical Structure

To communicate the authority and reporting lines of its employees externally, the USBE uses an organizational chart (org chart) application (i.e., Pingboard), inclusive of employee names, titles, contact details, unit, and reporting lines, organized in a top-down, hierarchical structure. Internally, the org chart also contains information on the employee's primary job responsibilities.

Understanding what constitutes a unit within the USBE is not always clear. In a review of the USBE's website and its org chart, there is inconsistency in how units are named, referenced, and distinguished (i.e., the same unit may be called a team, department, section); whether a unit is or should be headed by a "director" is also unknown. In some cases, a coordinator may oversee nearly a dozen employees while a director may not oversee any, potentially adding to confusion in how units are created and organized, and the authority delegated to positions.

The public-facing org chart, however, is neither considered an official source of organizational information by management, nor can it be relied upon with confidence, as evidenced by the quality of the information. For example, as of October 30, 2023, the org chart was missing basic contact details and critical information. Specifically,

- 14 of 30 (47%) employees hired between July 2023 to October 2023 had not been included in the org chart. Of the 14 new hires:
 - 7 (50%) had a start date more than two months prior,
 - 8 (57%) were not on the list of needed updates to the chart (i.e., neither HR nor supervisors requested the chart be updated), and
 - 1 (7%) is an individual who still works for the USBE and transferred from one unit to another; the old unit removed the individual, but the new team did not add the individual.
- 4 of 34 (12%) employees who left employment with the USBE between January 2023 to October 2023 were still included in the org chart. None of the four (100%) were on the list of needed chart updates as of November 29, 2023.
- 49 of 419 (12%) employees were missing a phone number.
- 11 of 419 (3%) employees were missing an email address.

Furthermore, the de facto process to update the org chart does not consistently mirror the SOP, which directs supervisors to use a data-collection tool to request changes. For example, one individual was removed from the org chart without a data-collection request, and another individual, serving in a support role, submitted their own request, also not using the data-collection instrument.

Regardless, based on interviews with three unit supervisors, the org chart is relied upon to communicate team structure. Despite reliance on the org chart:

- Only two (67%) of the units interviewed have a policy or procedure to submit updates to the org chart during onboarding, and
- None of the three units (0%), have a policy to submit updates during offboarding or to verify that information is updated correctly.

Additionally Implemented Matrix Structure

Although the documented structure of the USBE is a hierarchical, top-down approach, where each employee reports to one supervisor, certain projects throughout the agency are assigned to various personnel in various units, which overrides the documented hierarchical structure. An example of a matrix structure is when management instructs USBE employees to support implementation and provide expertise on legislative bills when they are not supervised by the identified lead.

Employees that have hierarchical assignments as well as matrix assignments are required to balance competing priorities between their assigned job tasks (those their supervisor expects them to complete [hierarchical]) and add-on projects from various project leads from other units (i.e., those management delegates as a priority [matrix]). Furthermore, a formal accountability structure for employees working on these matrix projects is not evident.

D. New Hires

Once the need or desire for a new employee is established, the USBE may directly appoint individuals to a position or initiate a competitive hire process to fill the position. Both options have advantages, and in both cases, procedures have been put in place to try and ensure quality candidates are selected in alignment with available funding.

In cases of direct hire, hiring supervisors complete a form to document the justification for bypassing the more traditional competitive hire process typically seen in a government setting. The form details the position, title, salary, and other pertinent information necessary to make an informed decision. The form then requires several signatures of approval to finalize the process and includes an “approval” box. However, a review of 68 direct hire memos, for employees hired from July 2020 through December 2023, identified:

- 8 (12%) direct hire forms lacked signatures (i.e., approvals), and three of those forms were marked as “Approved.” In at least one instance, the offer was already extended by the time the form was completed requesting approval. Other forms contained all signatures but were not marked as “approved.”

- 9 (13%) direct hire forms did not provide a justification for using the direct hire process; instead, the space for justification was typically used to provide repetitive or unnecessary information (e.g., why the position was available).

For those forms with reported justifications, the most common were demonstrated competency (37%), previous competitive hire applicant (35%), or a competitive hire process was attempted but failed, so they were forced to use another method (e.g., networking) (10%).

Although the direct hire process is not without some challenges, neither is the competitive hire process. According to the USBE's onboarding SOP (see **IV. Appendix – B Criteria, IV.3**), during the process to extend a job offer to an applicant, hiring supervisors should work with HR and be approved to offer the position before contacting the candidate. However, some supervisors may go through this process too quickly and extend an offer before all steps are complete. In at least one instance, this resulted in hiring a former state employee with a previous UPM result of "failed." The USBE proceeded with extending an offer to the applicant without the supervisor contacting the applicant's references or HR reviewing the applicant's previous work experience within State employment.

E. Onboarding

General onboarding of new hires at the USBE is comprised of two basic steps: completing several online courses and being assigned a mentor. Additional onboarding requirements are left to the discretion of the unit supervisor.

Training

In step one, all new USBE employees are instructed to participate in up to 58 USBE trainings housed on Canvas; 52 of the 58 (90%) trainings are "required" by SOP. When recent hires were surveyed about their onboarding experience, the following was identified.

- 8 of 90 (9%) responded the training they received was ineffective in preparing them for their day-to-day responsibilities,
- 10 of 106 (9%) responded the onboarding process was ineffective in ensuring they had the necessary resources (e.g., computer, software permissions, etc.), and
- 10 of 106 (9%) responded that the onboarding training (e.g., DHRM trainings, USBE Policy) was ineffective in providing a working knowledge of the agency and its mission and vision.

To better understand the answers in the survey, interviews with seven employees hired within the last two years were conducted. Three (43%) employees felt the onboarding experience was less than favorable, primarily due to technology issues, incomplete or irrelevant trainings, or logistical concerns. This may not be surprising given 23 of 58 (40%) onboarding training courses had links to policy or outside documents that did not work at the time of this review (i.e., November 2023). Four (57%) employees recommended the onboarding process include a document with all onboarding steps and a document explaining critical functions of all USBE units.

Additionally, of 108 survey respondents with less than two years of tenure at the USBE, seven (6%) responded that the job posting did not match the responsibilities of the position for which they were hired. This was primarily due to the job having additional responsibilities than posted (57%).

Mentor

As noted above, being assigned a mentor is another crucial part of successful onboarding (see **IV. Appendix B – Criteria, 4.C-D**). Twenty-two of 108 (20%) survey respondents with tenure of two years or less reported they were not assigned a mentor. An additional 12 respondents selected “Other” as a survey response; five of whom indicated that while they were assigned a mentor, they received no specialized training for their job responsibilities. For example:

- One employee wrote, *“many of my responsibilities are not in my mentor's realm of knowledge. I have had to seek out people to support me.”*, and
- Another wrote, *“The training system in my [unit] is inadequate at best and the mentoring system is even worse. The lack of training has made it difficult to learn my job and has hindered my desire to continue to work at USBE.”*

Unit-specific Items

Finally, although additional onboarding items are discretionary, they may make a significant impact. Discussions with three unit supervisors revealed:

- One supervisor (33%) maintained a comprehensive employee manual to support them in onboarding employees, including a checklist to track completion of all onboarding steps, and
- The remaining two unit supervisors (66%) rely primarily on HR and support staff to ensure new employees complete onboarding tasks; limited documentation exists to verify whether all onboarding tasks are completed with fidelity or in a timely manner.
 - One (33%) unit supervisor was not aware of the USBE’s onboarding SOP (see **IV. Appendix B – Criteria, 4.C**). This may explain why some personnel

provided outdated SOPs when asked about their process to onboard employees.

- In follow-up with a support staff of one unit supervisor, they were not aware they were being relied on to ensure completion of onboarding tasks, rather they thought they were just supporting the process as needed.

F. Employee Agreements

With newly hired and continuing employees alike, there is a need to clarify how individuals will spend their work time. For example, employees can participate in several benefits to support life-balance while still achieving assigned objectives including, alternative work schedules, remote work, and exercise release time. These are in addition to well-known benefits like 15-minute paid breaks for every four hours worked and unpaid lunch breaks. While most of these options are available to all employees, participation rates vary.

In the 2024 agency-wide survey, respondents reported the following participation rates in programs offered at the USBE:

- 27 of 333 (8%) use a flex-schedule (i.e., work less than five days a week).
- 107 of 343 (31%) participate in an alternative work schedule (i.e., do not work a typical 8AM – 5PM schedule).
 - Although, as discussed later in the report (see **III.1 Required Approvals**), this figure may be underrepresented based on employee understanding.
- 327 of 343 (95%) work from home (i.e., remote work) at least part time.
 - Of 297 respondents who provided additional details about remote work, 94% work more than 50% of their time at their remote location.
- 164 of 343 (48%) participate in exercise release time.
- 157 of 343 (46%) participate in administrative leave for preventative health.
- 123 of 343 (36%) participate in telecommuting.

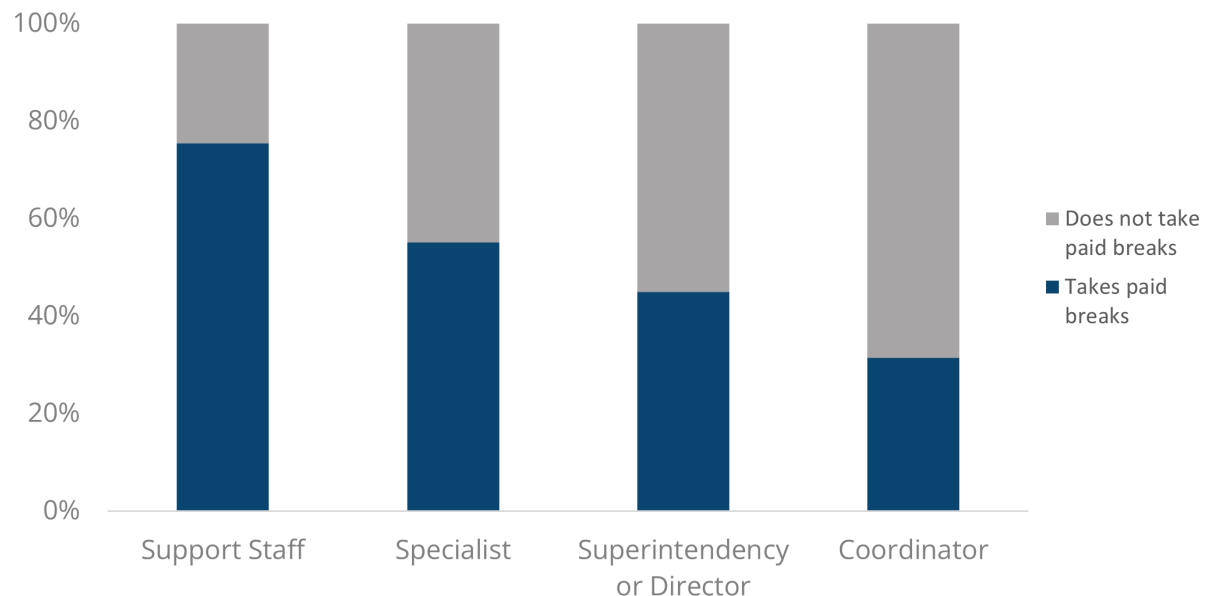
Although some benefits are well established, participation rates still vary.

- 135 of 343 (39%) do not take a formal lunch break.
- 153 of 343 (45%) do not take paid 15-minute breaks.

The survey did not identify whether individual participation is a product or preference of workload. However, some correlation may exist between workload and the ability to take time off (see **II.3.F Workload**), which may provide some insight into why breaks may not be taken.

As noted in the chart below, those who identified their position as "Coordinator" are less likely than all other positions to use paid breaks.

Paid Breaks by Position



Although several benefits are available to employees, to participate the employee may be required to enter into an agreement with their supervisor. A review of three units revealed the following regarding employee use of time; see also **III.1 Required Approvals** for compliance findings.

Work Schedule

According to USBE P&P 04-14 (see **IV. Appendix B – Criteria, 3.E**), employees are required to work between the hours of 8:00AM to 5:00PM with the choice to take an uncompensated lunch break. An alternative work schedule may also be approved, enabling an employee to work between the hours of 7:00AM to 6:00PM, but employees may not regularly finish the workday prior to 3:30PM each day. These hours constitute regular business hours, necessary to keep the USBE open to respond to the public and assist LEAs as needed. Regularly working outside these hours requires additional approval from the Superintendency.

As noted in **III.1 Required Approvals**, unit supervisors do not appear to be aware of or enforce work schedule policies. Twenty of 31 (65%) interviewees reported working an alternative schedule for SFY 2024, though none (0%) had an approved and current Alternative Work Schedule Agreement form or other similar document on file with their supervisor.

Remote Work Agreement

Similar to how deviations from the standard work schedule require approval, working remotely likewise requires additional approval (see **III.1 Required Approvals**). While each of the sampled 31 employees have a completed remote work form (100%), compliance for several employees is primarily due to the ongoing audit, rather than management control activities (i.e., forms were signed the day of the documentation request).

Additionally, per USBE P&P 04-15 (see **IV. Appendix B – Criteria, 3.F**), employees working remotely may be asked to verify hours and work performed via logs; however, whether work logs must be readily available, or are only required on an as-requested basis is unclear. Regardless, 24 (77%) of 31 interviewees report not maintaining any type of a work log to track the remote work performed (i.e., time is calculated by the day, not by time or effort spent on specific tasks).

Exercise Release Time

Another benefit is paid exercise time which may be used in accordance with USBE P&P 04-08 (see **IV. Appendix B – Criteria, 3.D**). Essentially, an employee with an approved agreement may count 30 minutes of exercise during a workday—up to three days a week—as work time.

Exercise time comes with parameters to ensure effective use of the benefit (see **III.1 Required Approvals**). However, monitoring its usage is susceptible to similar concerns as seen above. During interviews with 31 employees, ten (32%) reported using exercise time; supervisors provided two Exercise Agreement forms; therefore, eight employees may be using the benefit without supervisor knowledge. Eight (26%) others in the sample of 31 were unaware of the Exercise Release Time program.

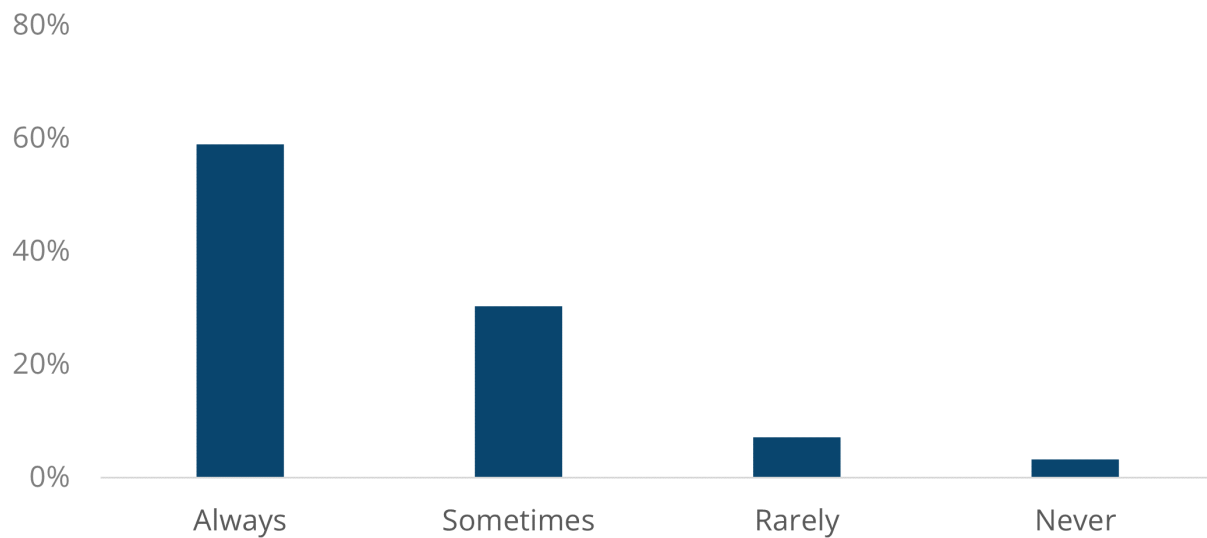
G. Training and Resources

To ensure employees continue to perform at high levels, job training and additional tools and resources are often required.

Training

In the 2024 survey, of 332 respondents, 59% reported that management always encourages professional development, although interestingly there are some who reported never or rarely being encouraged to obtain professional development.

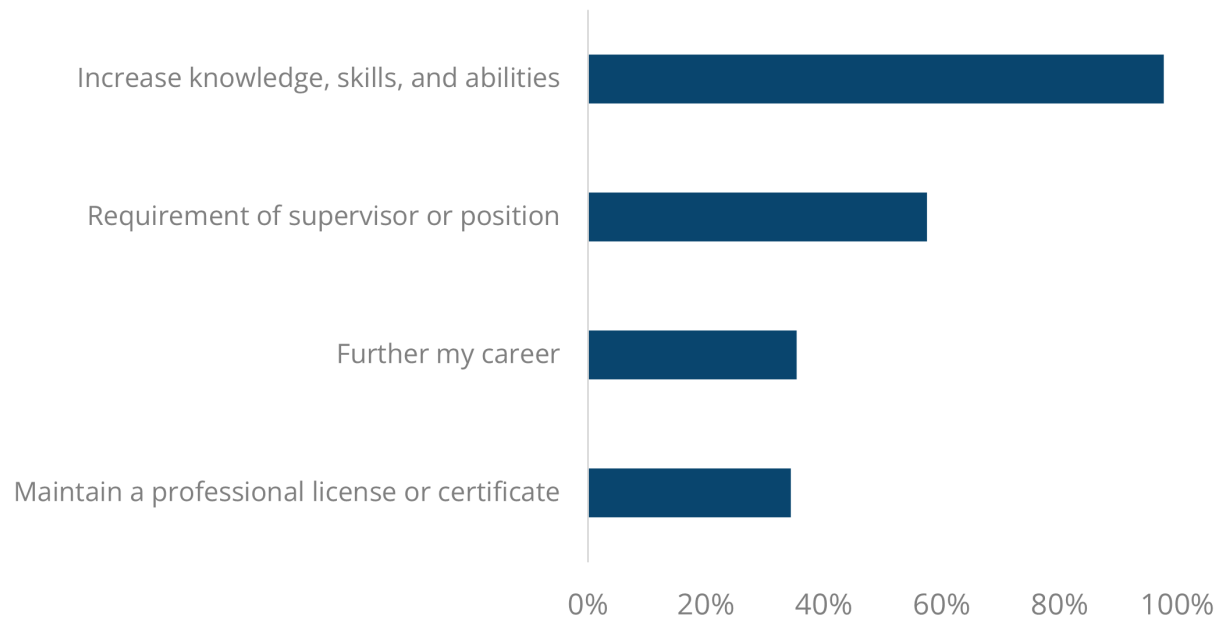
Perception that leadership encourages participation in professional development



Similarly, three of 31 (10%) interviewees stated that they do not or only sometimes receive position-specific training they need to be successful in their jobs. Interviewees raised concerns about being asked to limit position-specific training they perceived as necessary to meet oversight objectives and a lack of communication regarding training opportunities being provided to all employees.

Of 332 respondents, 299 (90%) provided reasons why they participate in professional development. The most common reason, as reported by 292 (98%) respondents, was to increase knowledge, skills, and abilities (KSAs).

Reasons for Professional Development



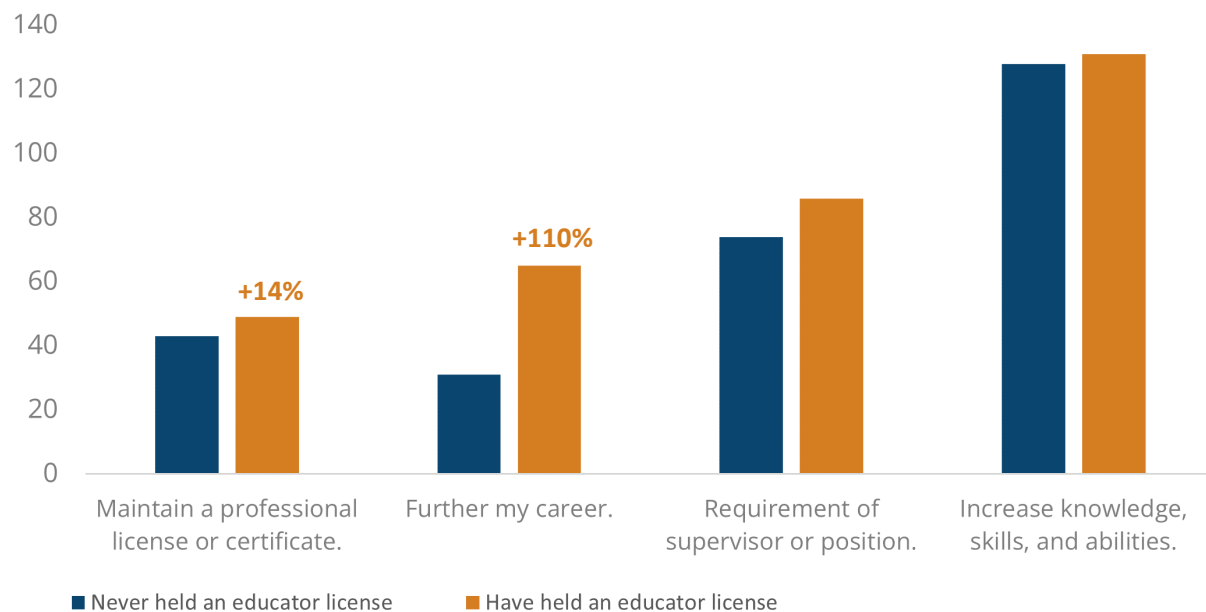
Another reason for participating in professional development, as noted above, is because respondents are maintaining a license or certificate. For example, 155 of 309 (50%) respondents answered they have held an educator license.

For those who are maintaining a certificate or professional license, learning and competency requirements may further motivate the pursuit of professional development, though having held an educator license appears to only have a slight difference (i.e., only 14% more employees have held an educator license than the number of employees who have not held an educator license), as shown in the following graph.

On the other hand, respondents who specifically indicated they have had—not necessarily that they currently hold—an educator license are more than twice (110%) as likely to seek professional development at the USBE to further their career than respondents who have never held an educator license (see table below). This may indicate a desire to use the educator license for its intended purpose (i.e., to re-enter a teaching or administrative position at an LEA). See also **II.3.H Offboarding**.

Reasons for Professional Development

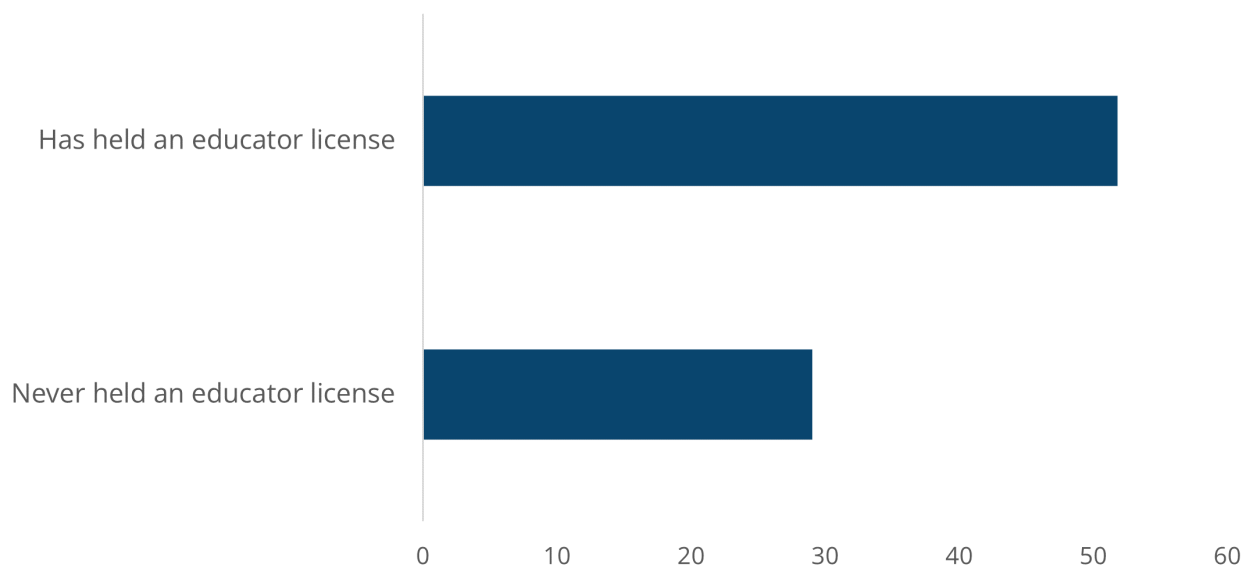
A comparison between those who have and have not held an educator license at the USBE



Additionally, when a USBE employee participates in professional development, those who have held an educator license participate in, on average, 23 hours of development per year more than those who have not had an educator license (52 hours vs. 29 for those without an educator license—an increase of 78%).

Per Board Rule 277-302-3 (see **IV. Appendix B – Criteria, 2.A**), educators renewing their license must accrue 100 license renewal hours over the five years leading up to the date of license expiration or renewal. This requirement is an average of 20 hours per year, which is less than half of what individuals with an educator license at the USBE currently average. Interestingly, 31 people reported participating in 100 or more hours of professional development per year (i.e., 2.5 weeks of work hours = 100/40), with a max of 250 hours (i.e., 6.25 weeks of work hours = 250/40), though what constituted professional development and participation (i.e., possibly instruction) was not specifically identified.

Average hours of professional development



While USBE personnel are clearly engaged in substantial training to improve their KSAs, when asked to provide a list, 14 of 31 (45%) interviewees did not have any documentation outlining their required or necessary position-specific KSAs. Instead, these positions rely on the employees themselves to identify gaps in KSAs, make plans to address them, and ultimately ensure the job is completed at a high level.

Resources

In a 2019 survey, USBE employees responded to whether they have access to the tools and resources they need to do their job, 80% were either neutral or in agreement. When surveyed again in 2024, without the neutral option, 93% agreed, a notable improvement.

When asked about specific resources to ensure job responsibilities are fulfilled, greater room for improvement was noted. Specifically,

- 81 of 334 (24%) reported there are not written procedures on how to complete their job responsibilities, and 91 (27%) reported written procedures are not accessible so someone can cover their position if needed.
- 110 of 334 (33%) reported coworkers have not been trained to cover their position if needed.

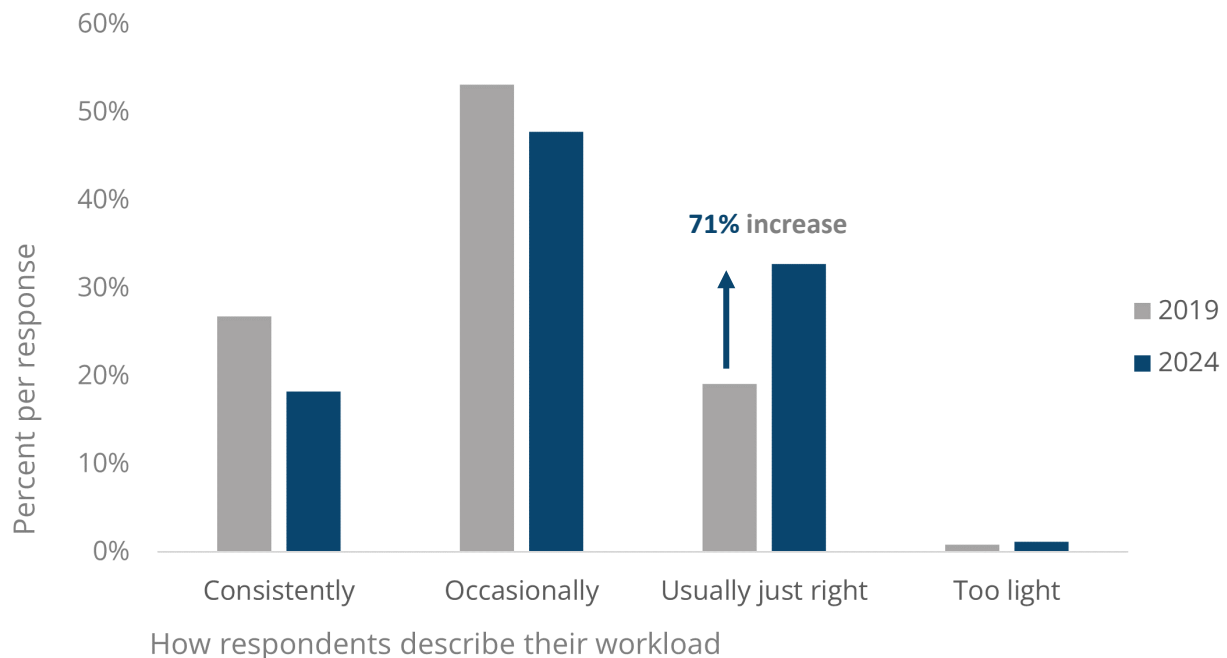
H. Workload

To obtain a better understanding of current employee workloads, several areas were reviewed including, employee perception and trends in annual leave and overtime.

Employee Perception on Workload

During the 2019 and 2024 agency-wide surveys, respondents reflected on their workload. In 2019, 27% felt their workload was consistently overwhelming; however, that figure dropped to 18% in 2024. With the shift in results, the percentage of respondents who felt their workload was usually just right increased by 71%, as shown below. Employees who said their workload was occasionally overwhelming still made up the largest group of respondents.

Workload Comparison: 2019 to 2024



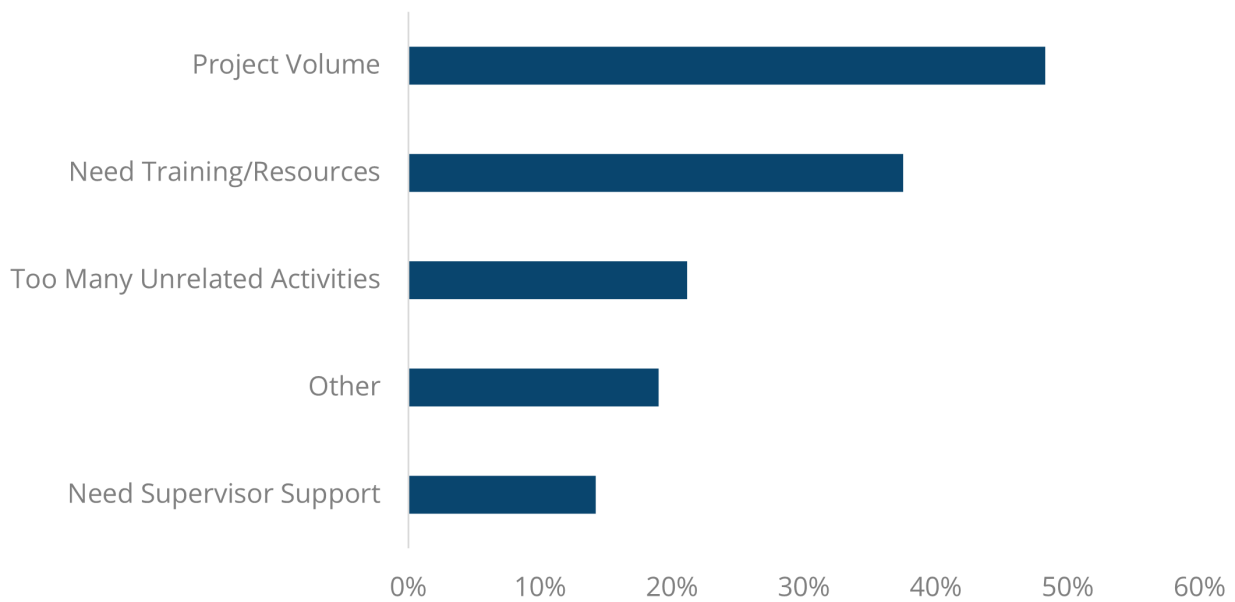
Workload looks slightly different depending on the position the respondent holds. In the 2024 survey, those with positions of coordinator, director, or superintendency felt consistently overwhelmed about a third of the time (32% for coordinators and 35% for directors and superintendents).

Workload by Position



Per the 2024 survey results, feeling either consistently or occasionally overwhelmed was a result of several factors. The most common single response of respondents was that they felt they were assigned too many projects (48%).

Reason for Overwhelming Workload



Those who indicated some “Other” answer (44 respondents; 19%) when responding to the survey listed the following reasons as contributing to their workload being either consistently or occasionally overwhelming:

- Workload fluctuations, where some parts of the year are busier than others (36, 82%).
- Project deadlines (6, 14%)
- High expectations for quality of work (2, 5%)

Examples of comments made regarding overwhelming workloads include the following:

- *There is a lack of clear processes outlined for many tasks related to my position so these must be addressed every time they arise, which often requires having multiple meetings.*
- *I am a high performer and have high productivity; therefore, I am given many assignments outside my job description. My supervisor is also overwhelmed and has difficulty managing our team.*
- *I feel the nature of this work requires a level of commitment that creates the feeling of having "too much" to do. I feel supported by my supervisor and am comfortable with the projects assigned and resources provided.*
- *The work ebbs and flows (e.g., legislative session is always crazy, and there's not really anything that can be done about that). Also, sometimes I get unexpected assignments, such as requests from Board members, that I haven't budgeted time for, and this can be difficult.*

Only one of the respondents who indicated work was “too light” provided additional detail:

- *Some of the projects I'm assigned are assigned to other people as well and between the 2 or 3 of us they're completed quickly. In the busier times, it's great to have 2-3 people working on a project, but in slower times, the work is accomplished much faster.*

Some felt that workload is not necessarily spread fairly or evenly amongst peers. For example, one respondent stated, *“My team has had many responsibilities added to those in my position throughout my time at USBE. Workload does not seem to be a consideration when shifting responsibilities from one team to another.”*

Overall, based on a statistical analysis (which explains 16% of the variation using results from 259 respondents), employee workload becomes more manageable the more access the employee has to tools and resources to do their job.

The analysis also suggest that the more employees collaborate with other units, the more overwhelming their workload is, perhaps because more complicated projects are often the same projects that require cross-collaboration or because projects that require cross-collaboration are in addition to an employee's regular workload.

Leave Approval & Perspective

Employees accrue annual leave at varying rates depending on their tenure and position; sick leave is accrued at four hours per pay period for all employees. Regardless of the rate of accrual for annual leave, whether leave—annual, sick, etc.—may be used may depend on the workload and supervisor.

According to DHRM Rule R477-7-1 (see **IV. Appendix B – Criteria, 2.E**) leave must have prior approval; though one supervisor expressed that leave is an earned benefit and therefore does not need approval. Some supervisors require employees to provide an explanation of leave while others do not. In a review of three units, two unit supervisors (66%) indicated they rely on informal means of approval (e.g., text message, email), while the third requires employees to request use of leave on a shared application.

In the 2024 agency-wide survey, of 328 respondents:

- 127 (39%) indicated they can use leave as needed,
- 124 (38%) indicated they use leave around project deadlines,
- 54 (16%) indicated they only use leave during the slower times of the year (e.g., summer, holidays),
- 11 (3%) indicated they only use leave at the end of the year, and
- 12 (4%) indicated they are unable to use leave throughout the year.

The use of leave varies by position; with those in higher positions feeling less likely to be able to use leave, as illustrated below.

Ability to Use Leave

Shown by Respondent Position



Leave Accrued and Forfeited

In a review of annual leave balances of USBE employees for three calendar years (CY 2021 – CY 2023), the average hours accrued per USBE employee decreased year over year, from 151 hours to 134. The reason for the decrease in average annual leave balances appears to be two-fold.

First, the USBE's workforce is changing; tenured employees with higher leave accrual rates are being replaced with employees who accrue annual leave at lower rates. Second, employees with high leave balances are forfeiting annual leave at the end of each calendar year.

Tenure

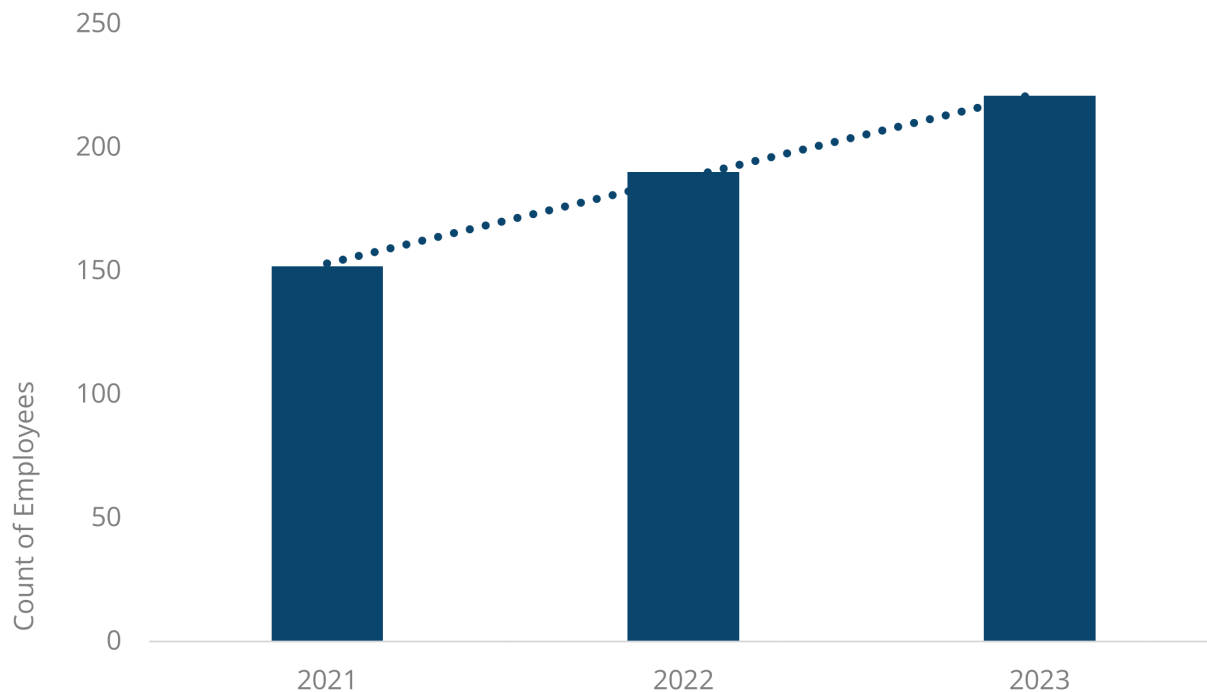
Tenure with the State of Utah (i.e., employer) was examined by looking at annual leave rates of accrual prescribed in law (see table below) to better understand employee attraction and retention.

Tenure	Type of Leave	Leave Hours Accrued per Pay Period	Maximum/Year
< 5 years	Annual	4	104
≥ 5 < 10	Annual	5	130
≥ 10 < 20	Annual	6	156
≥ 20 years	Annual	7	182
Position Based	Annual	7	182

As illustrated in the chart below, the USBE is experiencing significant growth in employees with less than five years' experience in state government. As noted, these individuals accrue annual leave at an accrual rate of four hours/pay period. In CY 2021, approximately 53% of USBE employees had five years of experience or less; by CY 2023, it had risen to 57%.

Employee Tenure by Leave Accrual Rates

Shown for employees with less than five years experience

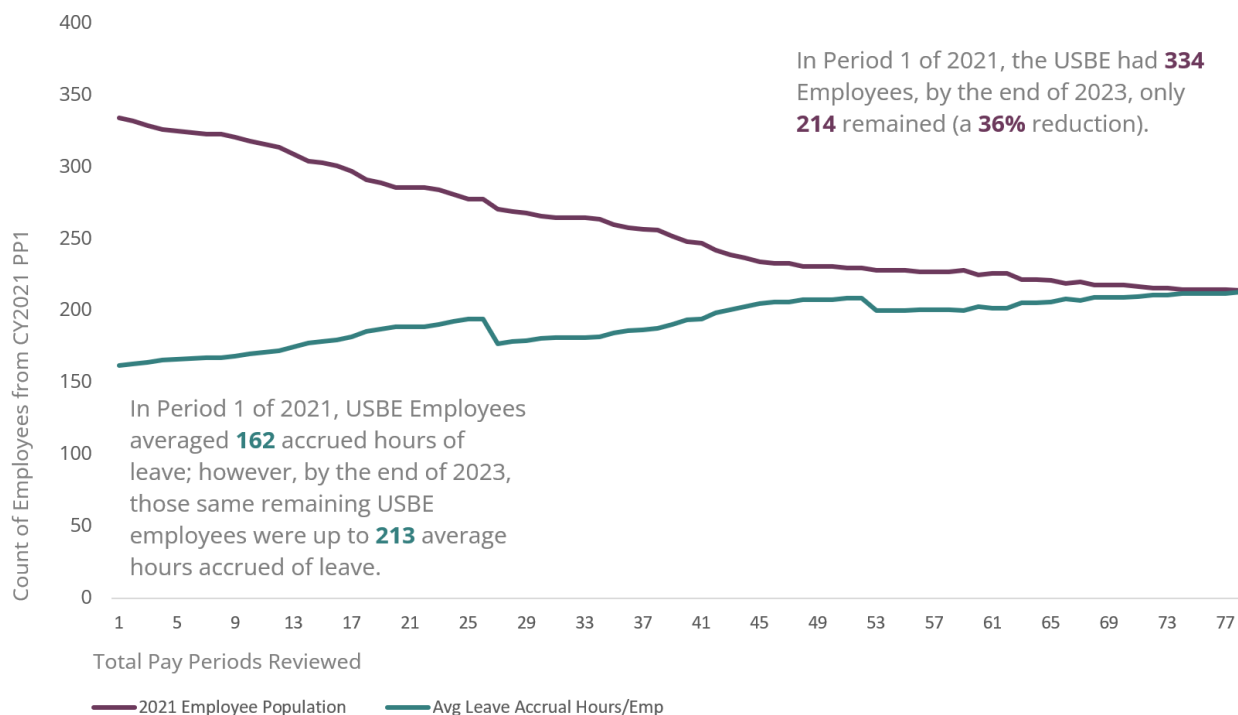


On the other hand, the USBE is experiencing no and/or insignificant growth in employees with more tenure in Utah State Government (over five years).

In a review of employee retention of 334 USBE employees who worked for the USBE in the first pay period of CY 2021, 214 of those employees remained as of the last pay period of CY 2023. This is a reduction of 36% over three years.

Employee Retention vs. Annual Leave Accruals

Shown for calendar year 2021 to 2023



Those employees who were retained saw their annual leave balances grow from an average of 162 hours to 213 hours.

Forfeiting Annual Leave

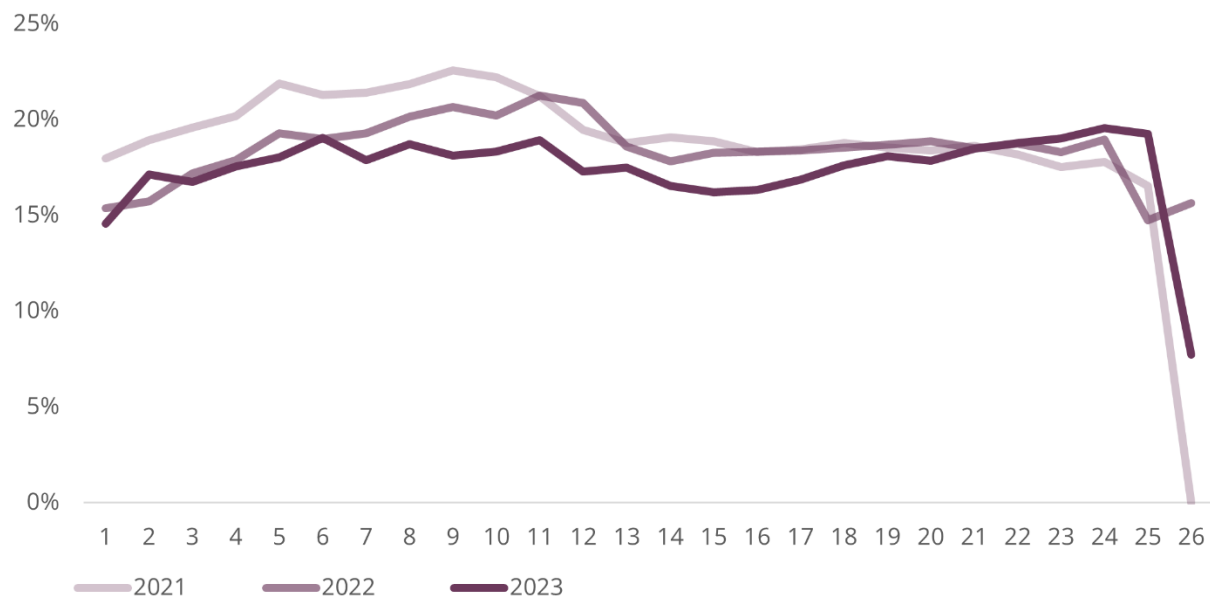
Employees who are retained within the USBE, especially for more substantial periods of time, become susceptible to losing accrued hours. State employees are allowed to carryover a maximum of 320 annual leave hours per year per DHRM Rule R477-7 (see IV. **Appendix B – Criteria, 2.F**), with some minor exceptions.

In the first pay period of calendar year 2023, 57 of 391(15%) employees had starting leave balances greater than 320 hours. In other words, 15% of employees have the potential to lose all annual hours accrued in the new calendar year unless those annual hours are used in the same year.

As shown in the graph below, approximately 15-25% of employees maintain annual leave hours above the maintenance threshold (i.e., 320 hours) at any given time throughout the year. Towards the end of the calendar year, employees must either use their accrued leave above the threshold or risk it being forfeited.

Employees over 320-Hour Threshold

Shown by pay periods in each calendar year



Although many employees try to use their leave in December, as noted by the sharp decline in pay periods 25 and 26 in the chart above, not everyone is successful.

- In 2021, 35 employees forfeited a total of 2,008 hours of annual leave. Twenty of those 35 (57%) employees were either in a leadership position (i.e., director or above) or had worked for the USBE for more than 20 years; they accounted for 83% of the total hours forfeited.
- Additionally, for all three calendar years (CY 2021 – CY 2023), three employees in leadership positions or with more than 20 years of tenure, forfeited all annual leave hours they accrued throughout the year.

In CY 2022 and CY 2023, the USBE requested and was approved to pay out up to 40 hours of annual leave to each employee with over 320 annual hours accrued; this mitigated the amount of forfeiture substantially.

The amount of annual leave paid out or forfeited has now reached the equivalent of two full time employees (i.e., 1776 hrs. per employee – subtracts holidays and leave), as shown in the table below.

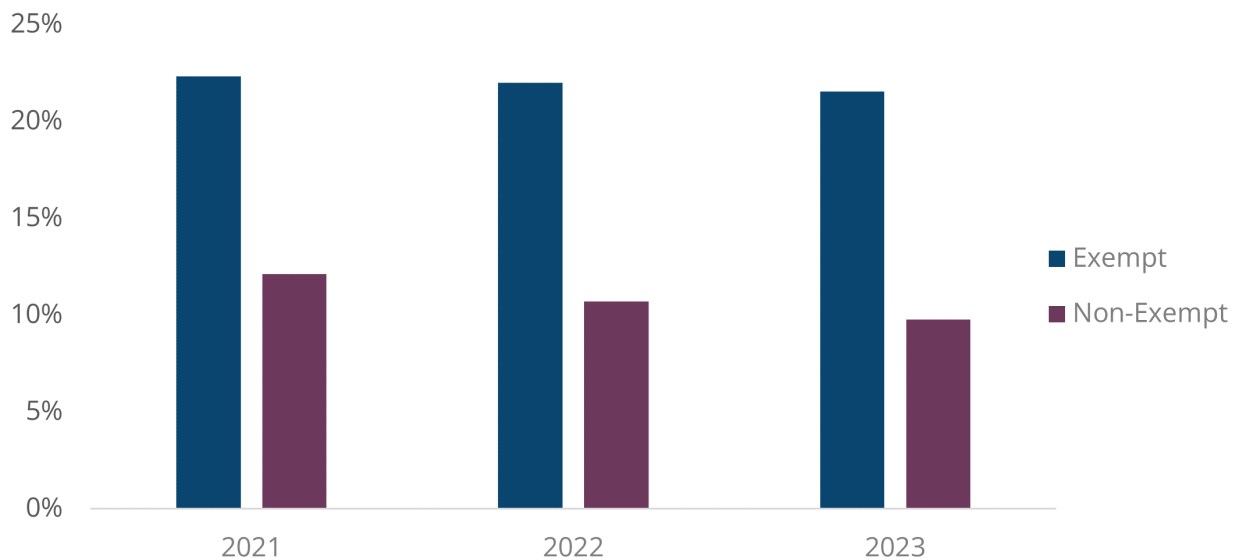
Category	CY 2022	CY 2023
Employees Paid Out	58	71
Leadership / 20+ Tenure	25 of 58 (43%)	27 of 71 (38%)
Full Pay Out (i.e., 40 Hours)	28 of 58 (48%)	45 of 71 (63%)
Hours Paid Out	1,808 Hours	2,355 Hours
Employees who Forfeited	26 of 58 (45%)	32 of 71 (45%)
Hours Forfeited	1,146 Hours	1270 Hours
Total Hours Impacted	2,954 Hours (1.66 FTE)	3,624 Hours (2.04 FTE)

Even if the USBE continues to buyout 40 hours of annual leave per year, the issue may persist; in fact, the issue may be aggravated as some employees may look for ways to increase income in lieu of using annual leave hours provided.

Finally, although this issue impacts tenured and leadership positions the most, it is not exclusive to them. The chart below illustrates the issue through the lens of FLSA exempt vs. FLSA non-exempt positions. As noted, FLSA exempt positions are nearly double the number of FLSA non-exempt positions; however, approximately 10% of non-exempt positions still average annual leave >320.

Average Accrual Above 320 Hour Threshold

Shown by FLSA Status



Overtime

Overtime can show up in a variety of ways. Some employees receive overtime pay, while other employees generate compensatory time off (comp time), which is time given off to employees for working extra hours instead of overtime pay. Also, all employees have the ability to generate excess time, which is overtime hours generated in a pay period or pay week with a holiday, depending on FLSA status. Regardless, employees have the ability to generate overtime.

In fact, between July 1, 2022 and November 10, 2023, an average of nearly a quarter of employees (24%) worked overtime each pay period. This statistic holds throughout the year, regardless of whether the pay period has a holiday (average of 26%) or not (average of 23%). During SFY 2023, overtime hours accumulated to a total of 17,527 hours. At a minimum, this would require the work of approximately ten full-time employees.

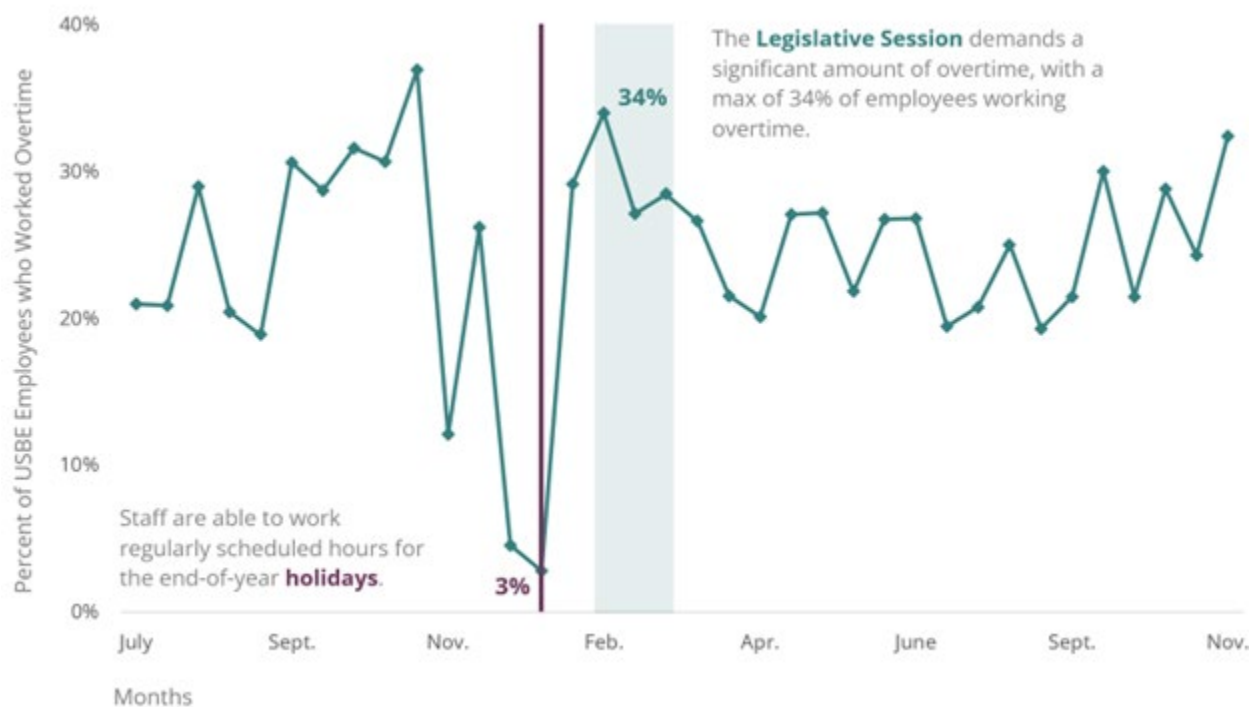
The proportion of overtime accumulation is not the same for every type of position. When reviewing overtime by FLSA status, exempt employees work overtime more frequently than non-exempt employees. Specifically, on average 31% of FLSA exempt employees work overtime each pay period, whereas 13% of FLSA non-exempt employees work overtime, on average, each pay period.

Overtime peaked around early-November and was lowest in December, as illustrated in the graph below. Some events require more overtime than others, with the beginning and end

of the Federal Fiscal Year (i.e., reporting deadlines) and Legislative Session both being above average, whereas the beginning and end of the State Fiscal Year (June/July) being lower than the yearly average, which may, in part, be due to time off in the summer.

Overtime at the USBE

Beginning July 2022 through November 2023



Perhaps one reason why overtime has become normalized for a quarter of USBE employees is because of a perceived expectation of overtime. As written in one unit's employee handbook, specialists are, by default, allowed to work up to 88 hours per pay period (i.e., eight hours of overtime) without prior approval. These types of blanket approvals may indicate to employees that overtime is expected, especially if an employee's supervisor is putting in extra hours each week. It may also signal that ample work and budgeted resources exist for employees to regularly work overtime. Therefore, it may not be surprising to note that of 31 employees interviewed,

- 17 (55%) notify their supervisor when they will work overtime (i.e., they let the supervisor know, but the presumption is that a notification—not approval—of a schedule change is needed), and
- 9 (29%) stated they do not obtain approval to work overtime hours (See also III.1 Required Approvals).

Not all overtime may be necessary. As outlined in **II.3.F Workload**, employees may be participating in tasks not specific to their job responsibilities. For example, the USBE invites all employees to attend a weekly update meeting during Legislative Session. At one meeting, 141 of 424 (33%) employees were in attendance. While employees from all positions attend the meetings, a review of attendance revealed that of those who attended, 26 (18%) had lost either comp time or annual time in the past year, suggesting that these employees are already pressed for time and have little available time to spend on low priorities.

Given many specialists only have responsibilities for a narrow set of programs, many legislative bills may not have relevance to their position, though there may be some value in general awareness. Regardless, the USBE is committing over 100 “man-hours” every time it hosts one of these meetings; with a combined total of just under 1,000 hours during the Legislative session. Whether this is the best use of time for many employees who are already losing time is questionable.

Comp Time

For FLSA exempt employees who generate comp time, there is a possibility that hours accrued may be forfeited at the beginning of the new calendar year given there is no ability to carry forward comp hours. Unfortunately, like annual leave, comp time is being generated at rates that outpace some employees’ ability to use it prior to forfeiture. In January 2023, 45 employees lost an aggregated 862 hours of comp time; the average lost per employee was 19 hours.

The share of comp time is distributed across various positions, though, based on the number of hours reported one director lost more reported comp time than most members of the Superintendency. When interviewed, this director stated they do not report all hours worked because reporting the additional hours worked makes no difference in their overall compensation or situation. Other positions also stated they underreport the number of hours they work because there is no point in including them (See also **II.1.A Work Priorities**).

I. Satisfaction

Several questions posed in the 2024 agency-wide survey and employee interviews related to overall satisfaction with the USBE.

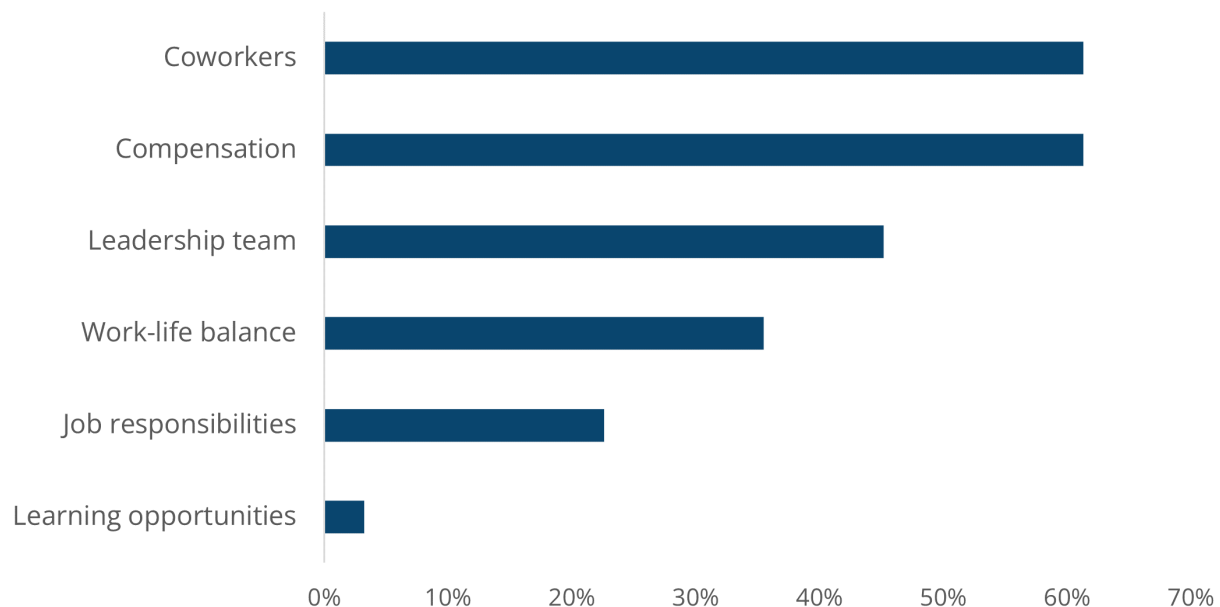
Unit Interviews

As reported by 31 interviewed employees, the most frequently reported aspect of work at the USBE that has led to employees staying at the USBE was equally split between

employees enjoying coworkers and compensation (e.g., wages, bonuses [61%]). Other common themes included:

- Appreciation for the leadership team and the managerial style of their supervisor (e.g., no micromanagement [14 comments])
- Work-life balance, which includes ideas like remote work (11 comments)
- Enjoyable and meaningful job responsibilities (7 comments)

Beneficial Retention Efforts

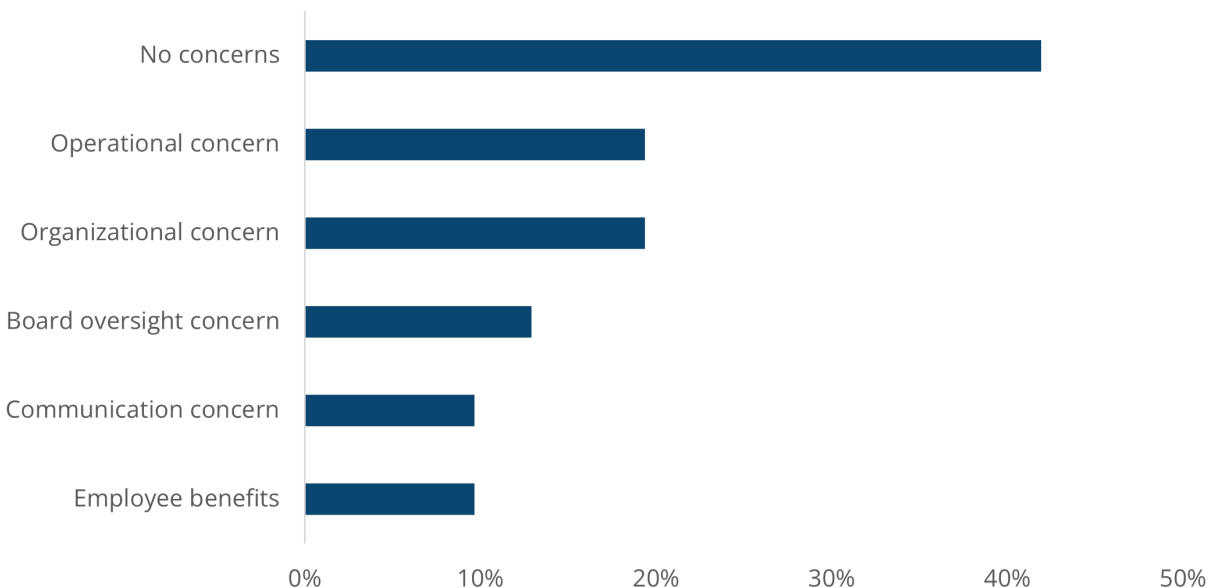


Comments made by employees while reflecting about what the USBE has done to retain them are paraphrased below:

- Flexibility provided in scheduling and remote work has been greatly appreciated. One employee commented that without remote work, travel time to the office would be enough to cause them to seek other employment.
- Relationships with coworkers, nothing else.
 - This is similar to thoughts expressed within **II.2.H Offboarding, Exit Interviews**. One employee was told long ago never to talk to the superintendency, so the employee has “no one else,” and therefore consequently left employment with the USBE.
 - Several employees commented that while they enjoy and appreciate working from home, they do miss seeing their coworkers (and others from the building) more often.
- One employee’s position provides comparatively lower pay; however, the employee believes in the work they do, and they like feeling they’re making an impact.

When given an opportunity to express any additional thoughts about personnel management at the USBE, 13 of 31 (42%) reported no additional feedback. Those who provided additional feedback reported the following, with operational and organizational concerns being the most frequently cited (six, 19%).

Additional Feedback on Personnel Management



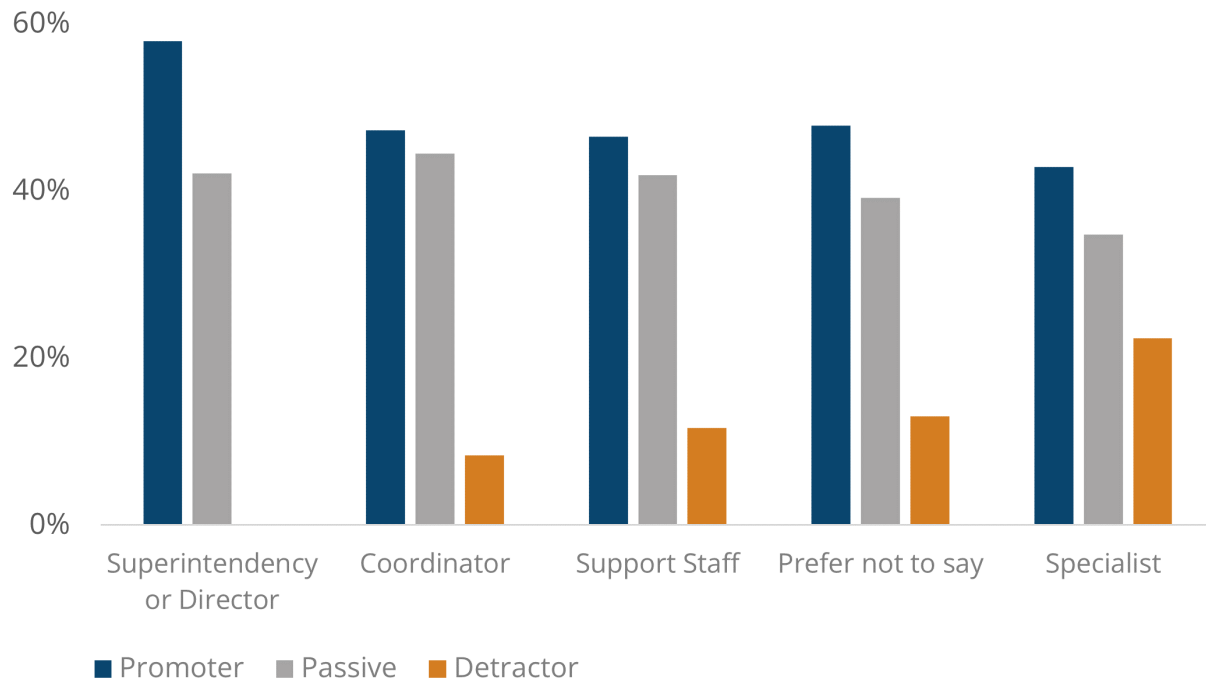
Agency Survey

The 2024 survey revealed that the majority of employees are either somewhat or extremely satisfied with the USBE as their employer, equating to 311 of 332 (94%) of the total responses. However, in terms of a Net Promoter Score (NPS)—which asks respondents, on a scale 1 – 10, how likely they are to recommend the USBE as a place to work to a friend or colleague:

- 58 (17%) are detractors (scores of 0 – 6);
- 125 (38%) are passive (scores of 7 or 8); and
- 149 (45%) are promoters (scores of 9 or 10).

The distribution of these scores varies by position, where 22% of specialists were identified as detractors as opposed to 0% of superintendency and directors.

Net Promoter Score by Position



When it comes to an individual's work, 326 of 334 (96%) find the work they do for the USBE to be meaningful; 244 of those 334 (73%) strongly agree their work is meaningful. However, 35 of 334 (10%) disagreed that they feel recognized and appreciated for their contributions, and 110 of 334 (33%) disagreed that the USBE rewards its highest performers using promotions, raises, and bonuses.

Survey respondents were asked how satisfied they were with their employer and were provided an opportunity to provide comments. Again, at the end of the survey, respondents could provide any additional feedback they had. A review of comments reflected 56 positive comments and 80 comments with negative feedback.

- Positive comments included ideas such as meaningful work, flexibility in work schedule, relationships with others and management.
- Negative comments included ideas such as compensation, management, the Board, feeling siloed, and a lack of KSAs or training.

Statistical Analysis

Based on a statistical analysis of the survey results, an employee's position (e.g., coordinator, specialist) and workload have the strongest impact on whether they would recommend the USBE as a place to work to a friend. The higher up in the organization the employee moves, the more they would recommend the USBE to others. Conversely, the

more overwhelming the job becomes, as might be expected, the less likely the employee would recommend the USBE to others (i.e., a negative coefficient).

The job structure itself, alternative work, remote work, exercise time, telework, and use of leave have no significant effect. Given the USBE often markets its positions to educators (as evidenced by many positions preferring candidates who hold an educator license), it is interesting that those who have held an educator license are also no more likely than others to recommend the USBE as a place to work. The regression model itself explains roughly 16% of the variation and includes responses from 266 employees.

In short, it appears employees stay at the USBE not because of the various benefits but because they enjoy the work they do and find it meaningful. This makes sense given individual goals are largely self-determined and self-assessed; see **II.4.B. Performance Management**. Satisfaction is not necessarily a product of job performance nor project success. The higher the position an employee holds, the more freedom they have in choosing the projects and determining how resources are used, which may have a compounding effect on satisfaction.

Another statistical model (including 332 responses and explaining 33% of the variation) analyzed the impact of an employee's NPS rating (i.e., if they are a detractor, passive, or promoter as to whether they would recommend the USBE as a place to work). The regression indicated an employee's NPS rating may be related to whether they feel overwhelmed with too many projects, whether there are procedures outlining how to do their job or other coworkers who are trained and able to cover for them, and the greatest predictor in the model: whether they feel they have access to the tools and resources they need to do their job.

J. Offboarding

Offboarding refers to the actions taken when an employee leaves the agency and includes tasks such as recovering equipment, removing access to data systems, and conducting exit interviews. A USBE offboarding SOP (see **IV. Appendix B – Criteria, 4.E**) exists to guide supervisors on the necessary steps to take; however, several concerns were identified.

First, although an SOP exists, for a year (i.e., 2/2023 – 2/2024) the SOP was not available in the SOP Repository and could only be found in meeting minutes; the SOP is now available in the Repository.

Offboarding Ticket

Although the offboarding SOP instructs the supervisor to submit an offboarding ticket to the USBE Information Technology (IT) unit within the last two weeks of an individual's employment, analysis and inquiry revealed that this process is not always known or followed with fidelity; often, supervisors rely on HR and support staff to provide support for offboarding.

- Often, IT discovers individuals have left employment when reviewing to see whether employees have completed the annual Security Awareness training. If training has not been completed IT notifies the former employee's supervisor, the supervisor then clarifies that the employee has left the USBE, and IT is able to make updates to the system accordingly. For example, in two known cases, employees who had left employment with the USBE remained in USBE systems for months after their termination date.
- In discussing offboarding with a supervisor involved in the process, the supervisor commented how infrequently the USBE offboarding SOP is followed by other units, which is perhaps understandable given SOPs are not binding. (See **II.2.A Control Activity Documents**).

Exit Interviews

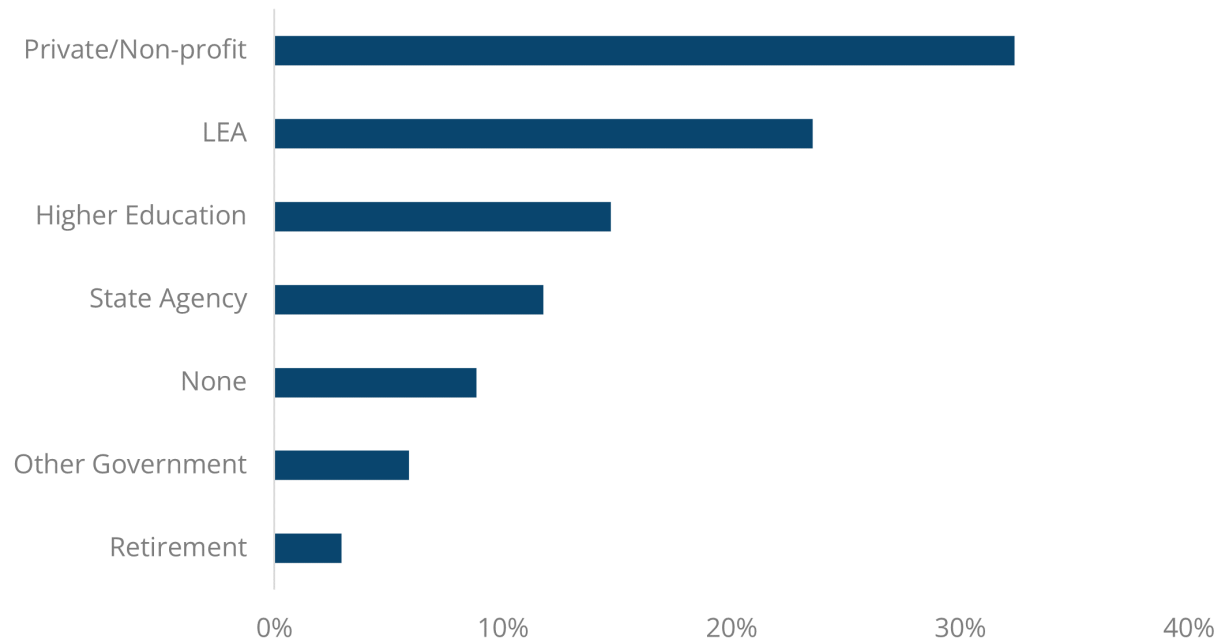
Another important part of offboarding is exit interviews. Currently, HR may extend an invitation to participate in an exit interview with employees who have voluntarily left the USBE; reasons for employees involuntarily leaving the USBE are generally known and documented separately.

HR interviewed 34 employees who left the USBE between July 2022 – November 2023 and asked questions about the new opportunity they were taking. The responses noted:

- 21 (62%) self-initiated the process of looking for a new opportunity, and
- 29 (85%) individuals deemed their new opportunity an advancement.

The chart below illustrates where employees are pursuing their new opportunities.

New Opportunities for Exiting Employees



These 34 former employees were also asked to identify factors contributing to their decision to move to a new opportunity:

- 31 (91%) reported concerns with USBE policies, processes, and systems,
- 21 (62%) reported a lack of adequate compensation or concerns with how raises are given,
- 13 (38%) reported feeling siloed, and
- 13 (38%) reported a lack of communication.
 - Of the individuals identifying lack of communication, ten (77%) specified concerns with communication from leadership and three (23%) listed intra-unit communication concerns.

During the exit interview, employees are also asked to identify the best things about working at the USBE. According to the 34 individuals, the top two factors were:

- 23 (68%) Relationships with people (e.g., coworkers), and
- 6 (18%) Flexibility in working (e.g., schedules).

Of the 34 employees who were interviewed by HR staff at the time of exiting, nine (26%) mentioned an interaction or observation of the Board. Of the nine employees, six (67%) commented negatively regarding their interaction with or their perception of the Board. The remaining three (33%) left neutral comments when referring to the Board. While not

specific to the USBE's personnel management, the Board has a role in how personnel view employment at the USBE.

Summary Report

HR is in the process of developing a summary report of exit interview information for management, which speaks to a desire for data-driven decision-making. The draft report consists of aggregated information from employees who have voluntarily left the USBE and agreed to have their information included. As currently prepared, any analysis or action to be taken in response to the summary report can be assumed to be biased or incomplete as it does not include information from all terminated employees.

In a review of the draft report, additional concerns were identified. For example, the categories of concern in the draft report are duplicative, actions do not address concerns, and action items are not specific enough to ensure achievement.

4. Accountability

A. Risks Identified

Although the USBE attempts to establish a consistent tone at the top, notable differences and perceptions (i.e., mood in the middle) are evident in how supervisors direct employees and hold them accountable for their performance and conduct, particularly related to workload and flexibility (see **II.3.D. Employee Agreements** and **II.3.F. Workload**). The lack of consistent enforcement has enabled supervisors—or the employee—to selectively determine the level of acceptable performance. Likewise, there are inconsistencies in how employees are recognized for performance, thereby increasing the risk of perceived injustice or unfairness.

Performance metrics—both at the USBE and individual unit level—may not exist, be sufficiently comprehensive, aligned to objectives, be promulgated or monitored. When current metrics exist, they may be disregarded. In sum, employees may be driven more by their opinion and desire about how to improve public education, rather than by the USBE's formalized agency, priorities, goals and objectives. Consequently, supervisors may either be unable (e.g., lack of training, documented processes, or KSAs) or unwilling (e.g., complacent, conflict-averse) to enforce rigorous standards for employee performance, thereby placing employee satisfaction above agency and public-education outcomes.

Evidence to support final observations is detailed below.

B. Introduction

The control environment of an organization identifies objectives, establishes a structure to achieve the objectives, and requires accountability. Accountability is an iterative process that is enhanced with input from unit supervisors, who help assess resources and provide feedback on both critical function and critical position needs. However, this audit identified that not all supervisors are equally equipped to provide such input and there are notable differences and perceptions in how supervisors direct employees and hold them accountable for their performance.

C. Professionalism

Employees should be held accountable for not only completing their job responsibilities but also how they conduct themselves while performing their job responsibilities (see **II.2.C Ethics and Standards of Conduct** and **IV Appendix B – Criteria, 3.B**). Establishment and

enforcement of professionalism relies on unit supervisors and, in many cases, the individual employee (i.e., demonstrated integrity). The lack of consistent enforcement has allowed the agency to have an “anything goes” approach in some instances.

Professionalism is often measured by the observer, not the actor; how a person acts may be perceived differently by others, hence the need to establish a minimum standard of professionalism to ensure a consistent message is communicated.

Virtual meetings and work attire are two examples of where professionalism may be questioned. The following observations were made while participating in meetings and interviews:

- Many employees never turn on their camera during virtual meetings, even when directed or when other attendees (e.g., legislative, federal regulators, USBE co-workers) have their cameras on.
- Many employees do not use the approved virtual backgrounds for agency meetings, which in many cases creates an unnecessary distraction, such as children and pets in the background or in front of the screen, and employees eating food during meetings.
- Many employees do not wear professional, or even business-casual attire, even during professional meetings.
- Finally, employees participate in virtual meetings while operating a vehicle, which potentially violates Utah law (see **III.4 Devices and Driving**), and creates a situation wherein, at the least, participation is limited or ineffective.

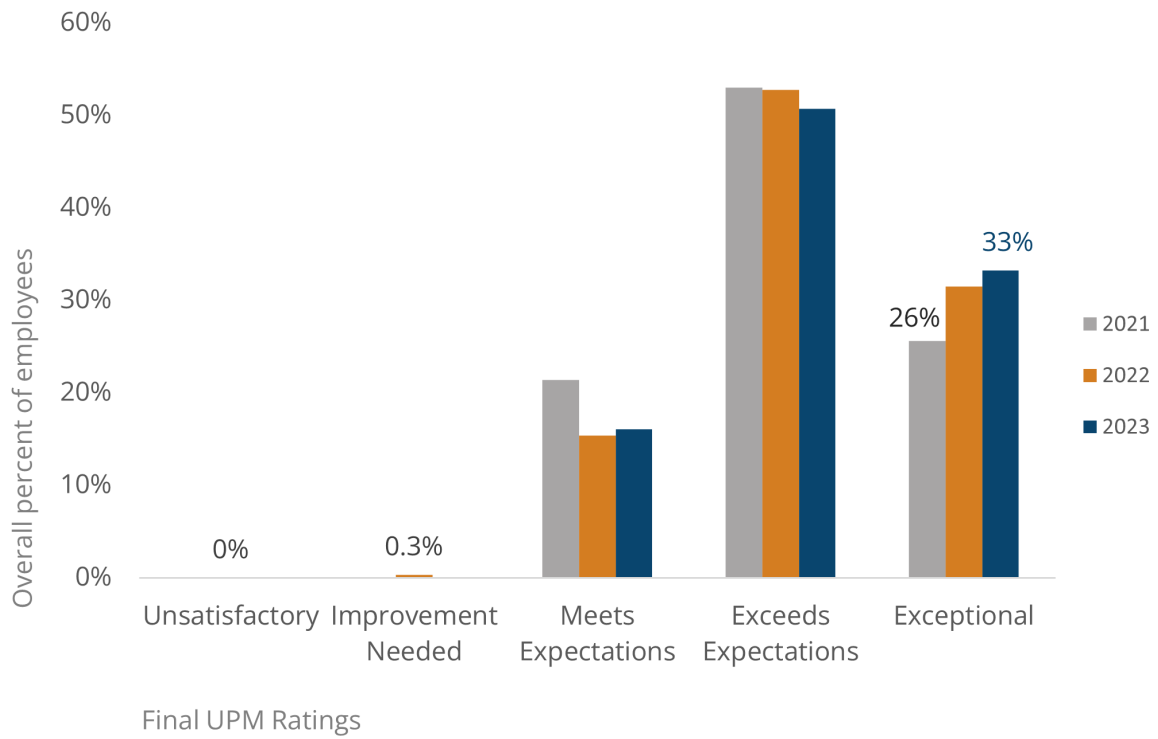
D. Performance Management

As verified in an interview with a member of management, one of the primary ways in which management formally directs and holds employees accountable is through performance plans established and evaluated in the UPM system; in short, this is referred to as “UPM”. As discussed in part **II.2.D Utah Performance Management System**, UPM enables goals to be established to provide employee-specific direction and provides for formal follow-up to those goals. UPM is also designed to provide an overall rating on performance.

Overall UPM ratings are ranked 1 – 5, with 5 being Exceptional and 1 being Unsatisfactory. As shown below, of the USBE employees who received a rating in SFY 2021 — 2023, 82%, on average, were ranked Exceeds Expectations or higher. Additionally, the percentage of employees who received the highest rating of Exceptional is growing, from 26% in 2021 to 33% in 2023.

USBE Performance Ratings

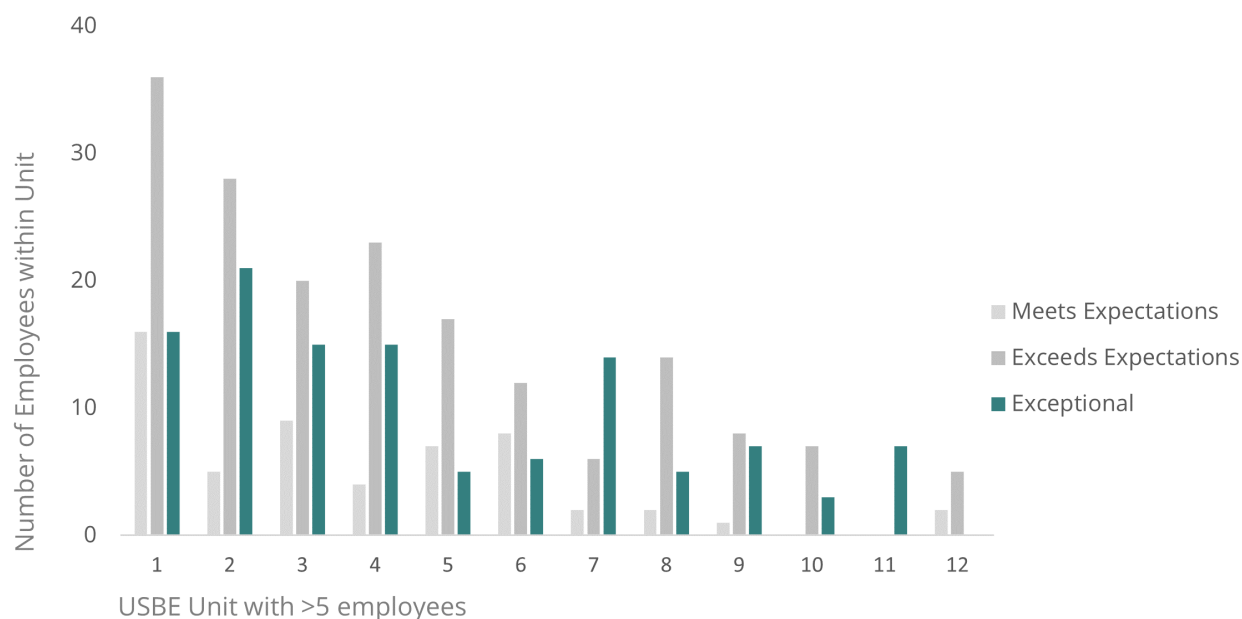
More than 80% of employees exceed performance expectations each year.



The overall distribution of ratings varies widely based on the unit supervisor, as shown below.

SFY 2023 Final UPM Ratings

Ratings typically peak at Exceeds Expectations within each Unit



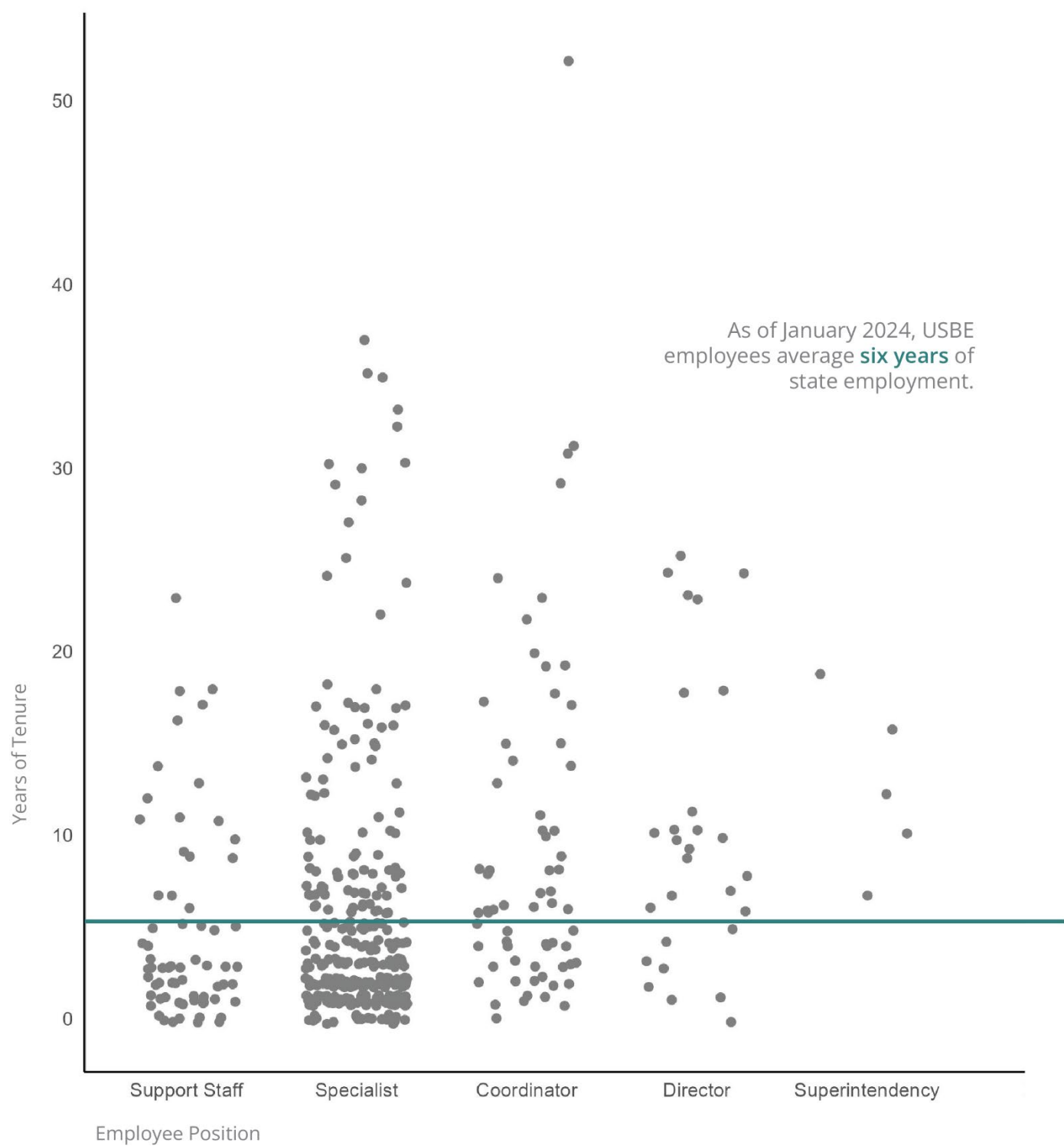
As shown above for units with more than five employees, Exceeds Expectations is typically the most common rank provided, followed by Exceptional. Of the total 14 units at the USBE, nine (64%) rated more than 90% of their employees as either exceeding expectations or exceptional.

Management provided a rubric to assist with mapping performance to a final UPM result; however, the rubric is optional. Of 45 goals reviewed, none of the UPM goals reviewed specifically referenced the use of the rubric or how to differentiate between levels of success achieving the goal (e.g., “Meets expectations,” “Exceeds Expectations”). As one 2024 survey respondent wrote, “I’ve been here for a quite a while, and I still honestly have no idea if I’m doing any part of my job well.”

UPM and Tenure

As shown in the chart below, as of January 2024, employees average six years of employment with the State of Utah (e.g., USBE).

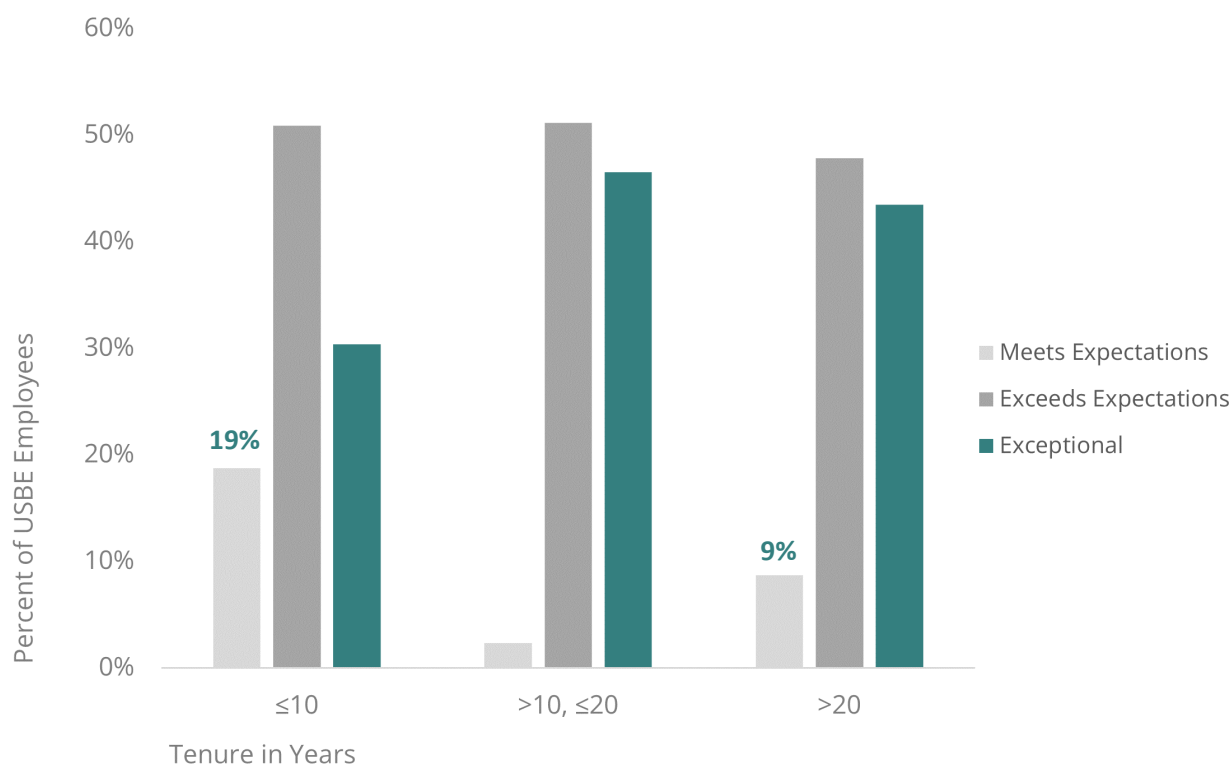
Years of Tenure by Position
SFY 2024



As tenure with the State of Utah increases, employees' performance is typically rated higher; most "Meets Expectations" ratings are given to those with less than ten years of tenure (19%), as shown below.

UPM Ratings by Tenure

SFY 2023 UPM Results



Although, statistically speaking, tenure is not a significant factor in receiving higher UPM ratings, past UPM ratings seem to be the most significant factor in predicting future UPM ratings (i.e., ratings from SFY 2021 and SFY 2022 better predict SFY 2023 ratings); however, this may not correlate with performance at all but may be more a product of those doing the performance evaluation. As noted through inquiry, in practice, UPMs for some may be viewed as nothing more than a formality, and individuals instead prefer a less formal and less documented supervising strategy (e.g., conversations, lack of negative complaints).

For example, two of three (66%) unit supervisors interviewed are not providing written employee feedback quarterly as required by DHRM Rule R477-10-1 (see **IV. Appendix B – Criteria, 2.H**), potentially due to lack of training and awareness of the requirement (see **II.5 Cause**). Other supervisors include performance metrics to determine whether employees

are successful in their responsibilities. There are also those who have no UPM established at all, as previously noted (see **II.2.D Utah Performance Management System**).

Analysis of UPMs

In a more extensive review of activated UPMs, as of January 25, 2024, 44 of 423 (10%) employees do not have active UPMs for SFY 2024 (see also **III.3. Performance Evaluation**). The average number of days in SFY 2024 for which employees do not have active UPMs is 160 days. These 44 employees without UPMs fill various roles at the USBE:

- 2 (5%) are directors.
- 11 (23%) are coordinators.
- 24 (56%) are specialists.
- 7 (16%) are support staff.

Given the number of UPMs not activated, UPMs may be perceived more as optional than as a formal way to direct and hold employees accountable to achievement of objectives. Further evidence that UPM is perceived as optional is that there is no SOP or USBE P&P providing direction regarding the UPM process for existing employees, including compliance with applicable DHRM Rule (see **IV. Appendix B – Criteria, 2.H**); a USBE onboarding SOP exists (see **IV. Appendix B – Criteria, 4.C**), but it only includes information about UPM for new hires.

Additionally, supervisors who do not activate UPMs and evaluate employees as required in DHRM Rule do not appear to be held accountable. To illustrate, the 44 employees who did not have UPMs activated within the required deadline (see **II.2.D Utah Performance Management System** for details), report to 13 supervisors. Of the 13 supervisors,

- 9 (69%) received an overall rating of “exceptional” in their SFY 2023 UPM review, and
- 3 (23%) received a rating of “exceeds expectations.”

This indicates that supervisors can still receive a high overall performance rating regardless of whether they activate and evaluate UPM goals for their employees.

Employee Interviews about UPMs

As previously mentioned, 31 employees from three units were interviewed to better understand performance management at the USBE. Employees responded to questions about measuring job success, the purpose of UPM, and retention. Additionally, employees were given an opportunity to comment on personnel management in general. Responses to these topics are provided below:

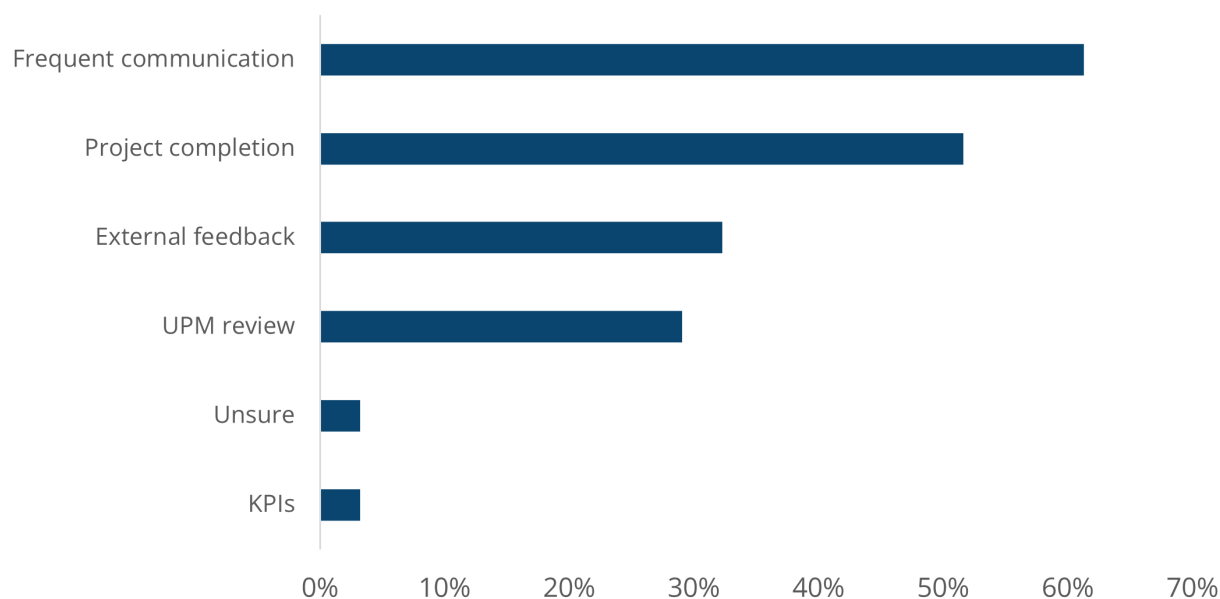
1. How does your [supervisor] know if you're successful?

The most common response (reported by 19 employees [61%]) was frequent, informal communication with their supervisor (e.g., instant messages, standing meetings, email). One unit, in particular, had a common theme of feeling successful if there was a lack of complaints (i.e., “no news is good news”). Other responses, shown in the table below, include:

- Project completion (16 comments)
- Receiving external feedback, whether positive or negative (10 comments)
- UPM reviews (9 comments)
- Key Performance Indicators, or other trackable metrics (1 comment)

Additionally, one (3%) individual stated that they were unsure how their supervisor would know whether they are successful at their job.

Ways Supervisors may Measure Success



2. What does a typical UPM review look like for you?

While the format of UPM is relatively similar across the agency since each unit uses the UPM system, respondents had different experiences. Employee experience with UPM is largely dependent on supervisor preference, such as the frequency of UPM discussions and the design of UPM goals. For example, one employee explained they wrote their own UPM goals within the first few weeks of beginning the job, which meant the goals were tailored to learning rather than performing.

Other comments noted that due to new requirements and legislation, goal setting felt like a “moving target.” Finally, one comment indicated that some people score a four or a five (exceeds expectations or exceptional) by default and receiving a three (meets expectations) would require something negative happening.

3. Do you get written feedback from your [supervisor] on your performance?

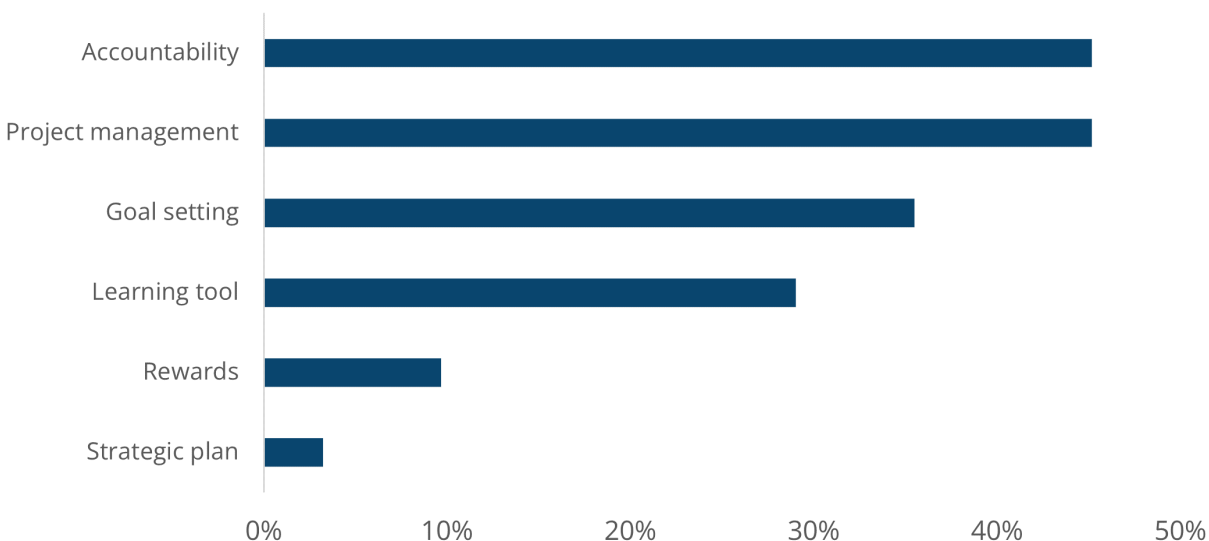
For several years, supervisors have been required to provide “regular” feedback on employee performance. Currently, DHRM Rule 477-10 requires written feedback to be provided “quarterly” (see **IV Appendix B – Criteria, 2.H**). As previously noted, some supervisors hold quarterly UPM reviews with their employees, whereas others do not. Notable comments from employees are provided below:

- *The only time an employee receives feedback from the supervisor is when the employee needs it (and that in the past three years, feedback has only happened once or twice).*
- *Feedback happens organically, especially during projects, where the [unit] will collaborate to ask questions and improve work processes.*

4. What is the purpose of UPM?

Of the 31 employees interviewed, nearly half (45%), as shown in the table below, listed accountability and project management as the main purpose of UPM. Accountability may include providing both positive and negative feedback, whereas project management is specific to completing job tasks and setting expectations. Some employees (10%) felt that UPM was one of the few ways to reward employees, such as by incentive awards or raises.

UPM Purpose



Variation in responses from employees about the purpose of UPM are included below:

- *Employees cannot control their UPM score; it's all an opinion of whoever is evaluating your UPM.*
- *UPM reviews only happen once a year, and employees would like them more often (positive validation and feedback helps encourage and motivate, but even negative feedback is appreciated).*
- *UPM is a tool to appease leadership and has no real impact on the work or outcomes (e.g., bonuses, raises, etc. are not attached to scoring well on a UPM; a score of 3 is treated the same as a score of 5). The current system does not encourage employees to do more than the minimum.*
- *Some UPM goals are generic. The teaching field strives to provide personalized learning for students, yet at the USBE (which should be a leader and example), goals are not tailored to individual needs.*
- *UPM goals should guide the manager and the employee. UPMs sets expectations by communicating to staff the level of performance that is expected. UPM goals helps everyone in the agency perform their best. Because employees can attach documents to the UPM system, UPM ratings are never a surprise; employees know where they stand.*

UPM Goals

Goals in UPM include the following elements:

- Expectation (e.g., what you are trying to achieve)
- Strategy (e.g., how you will achieve the expectation)
- Support Required (e.g., support needed for successful achievement)
- Measure/Expected Outcome (e.g., how you will know you were successful)

To better understand the actual UPM goals established for employees, the elements of UPM goals for 31 employees from three units of the USBE for SFY 2024 were reviewed; this encompassed 45 goals, though three of those goals were created by a unit supervisor for all members of that supervisor's team. The following was noted:

- Other than a general knowledge that the goal must be completed by the end of the fiscal year, only one of the goals included a timeframe or deadlines for the Strategy element (i.e., how to accomplish) of the goal.
- Several examples of goals are provided below. In many instances, goals lacked specificity and measurability:
 - "Finalize one standard operating procedure."
 - "Hold at least two off-site reviews..."
 - "Learn how to run a report..."
 - "Learn a new skill which will result in additional support for the team"
 - "Expand my knowledge of..."
 - "Update all documents and presentations..."

- "Use competency, accuracy, and thoroughness in work produced."
- "I will be more confident in..."
- "Success will be measured by myself becoming a subject matter expert..."

As shown above, UPM goals are narrowly written and provide little room to measure overall performance throughout the year (e.g., one goal was designed to be completed in September, three months into the plan's year). Goals may be added or updated throughout the year, so having smaller goals seems appropriate. However, since many goals do not encompass the employee's overall job performance and conduct, instead covering only few of the employee's responsibilities and skills, it may be that UPM is an inefficient way to hold employees accountable.

UPM as a Significant Driver of Work

UPM is seen by management as a significant way in which the USBE directs its work. However, when interviewed, only one of three (33%) unit supervisors was able to point to a critical function or performance metric of their unit. It is challenging to assess whether UPM goals are aligned with organizational strategy and whether they benefit the agency without understanding how job responsibilities tie to critical functions of a unit and whether those functions align with agencywide compliance objectives or strategic objectives.

Furthermore, some supervisors appear to have relinquished their authority to direct work and instead enable employees to prioritize their own projects and use of time by drafting their own UPM plans. As such, this may promote personal interests for education-related issues rather than supporting agency compliance and strategic objectives.

E. Incentive Awards

USBE P&P 04-07 (see **IV Appendix B – Criteria, 3.C**) was created to outline the distribution process for incentive awards. Several types of awards are possible and awarded for various reasons, such as cash bonuses to retain employees at the USBE and cash awards to recognize exceptional effort.

Awareness

During a discussion with one employee, the individual indicated they had never seen or been made aware of the internal policy on incentive awards, even though the employee has responsibilities directly correlated to processing the awards. Additionally, due to the recent website migration, the employee explained being unaware of how to find internal policies in general.

A lack of awareness was also a consistent concern noted when interviewing three unit supervisors. Responses to inquiry indicated:

- Not all supervisors are aware of the policy.
- Budgets for incentive awards vary widely between units.
- In the past, some units felt incentive awards were not appropriate to distribute, but that perspective is slowly changing, particularly after the units saw others distributing awards.

Awarding Documentation and Procedure

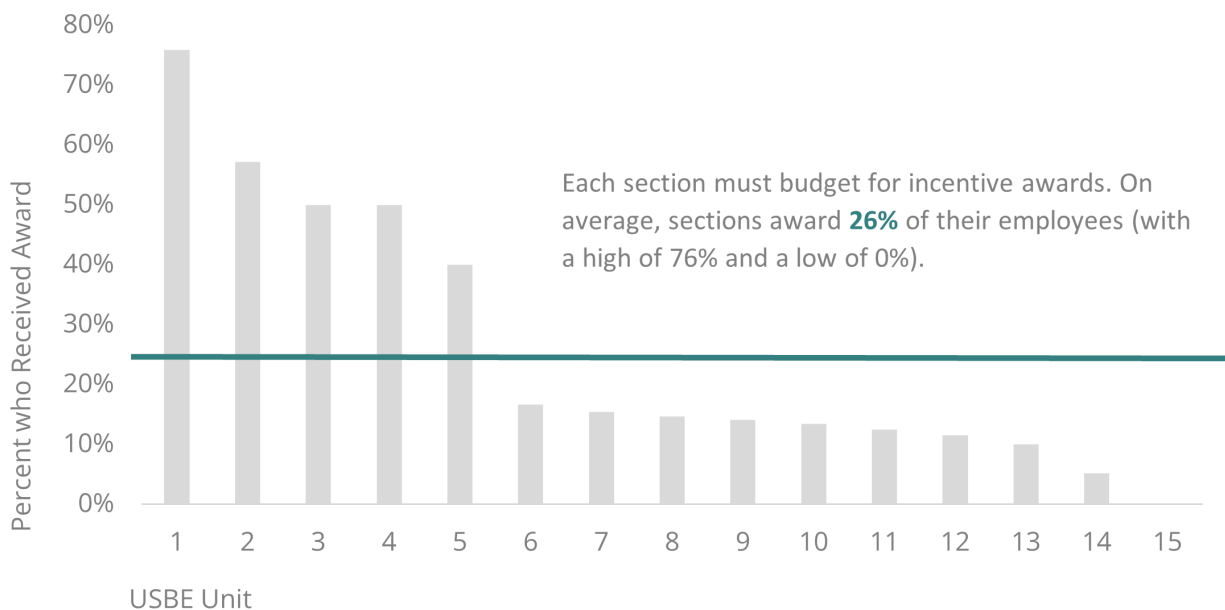
Given the various levels of understanding in the incentive award process across the agency, it is not surprising that the method used to request incentive awards also varies widely despite an effort to consolidate responsibilities by using a new electronic USBE Memo for Personnel Bonuses form, which DHRM approved on April 12, 2022.

Between July 2022 and November 2023, the USBE distributed 138 incentive awards based on 37 justification documents; some employees received multiple awards. An analysis of the documents indicated the prevalence of the award request method as follows, though none of the methods are required:

- Narrative: 25 (68%)
- USBE Memo Personnel Bonus Form: 8 (22%)
- State Finance FI-48 Form: 4 (11%)

Percent of Incentive Awards Distributed, by USBE Unit

July 2022 - November 2023



Another option to process incentive awards is to send a request (e.g., narrative, memo, or FI-48) directly to the state Employee Information Resource Center (ERIC). Notifications sent directly to the ERIC will be processed and funded so long as all relevant information is included. This may happen even if a review of the award never happens by the USBE. Notwithstanding the risk that wrong codes or funding sources may be used, management has not formalized a policy to ensure consistency among supervisors.

Based on an analysis of the 37 justification documents used for the 138 awards, it appears the documentation process may be improved:

1. The USBE submitted one of 37 (3%) documents, representing six of 138 (4%) awards, that had to be returned for missing information (e.g., EINs).
 - a. Additional reviews conducted by ERIC appear to be limited, however, since four of 37 (11%) documents were accepted and processed without evidence of final approval (i.e., a signature from an authorized individual, per policy). Two of four (50%) documents were also processed without any justification for the award being provided.
2. Four of 37 (11%) documents, representing 19 of 138 (14%) awards, did not use a digital signature to authorize the award; instead, these awards used either a screenshot or textbox to type the authorizer's name.

Furthermore, of the 37 separate justification documents, 12 (32%) were group justifications, meaning each respective document included one justification for multiple employees even though employees did not always receive the same amounts. Notably, one narrative used the same justification to award bonuses to 32 separate employees, with bonuses ranging from \$3,000 to \$8,000, a difference of \$5,000.

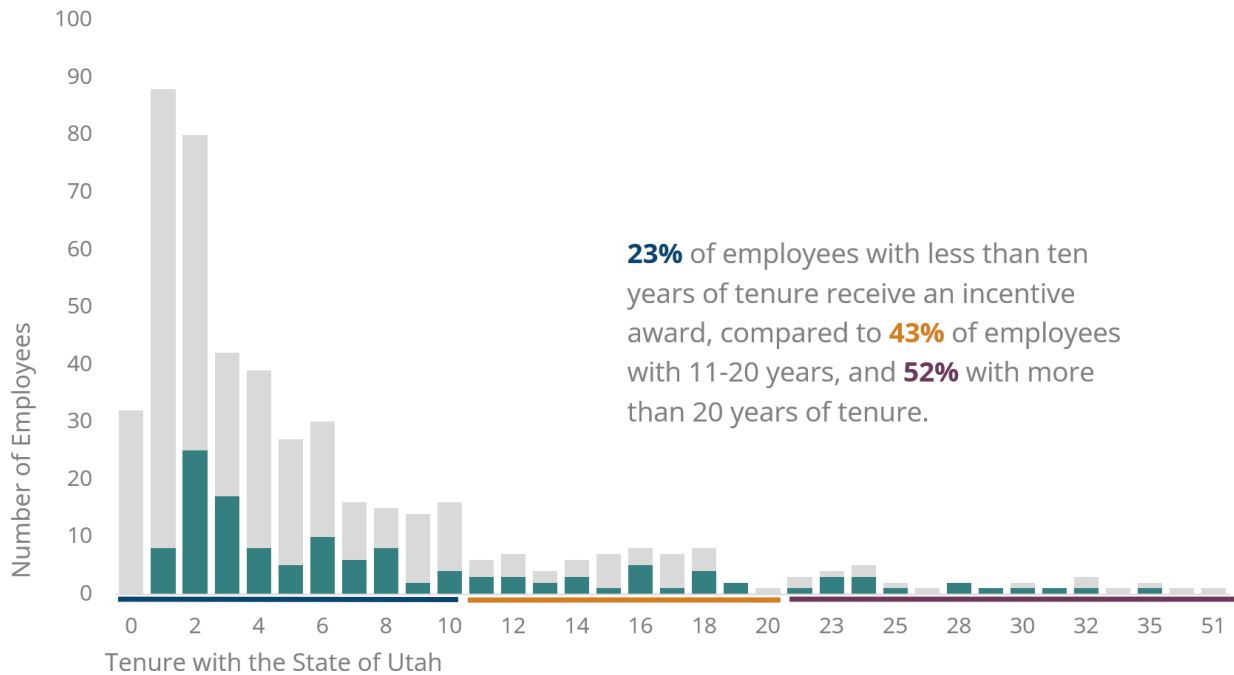
Award Distribution

During a review of 37 pay periods (i.e., July 2022 – November 2023), the USBE distributed incentive awards to 132 of 484 (27%) different employees that worked for the USBE during that time. The specific distribution is shared between FLSA exempt and FLSA non-exempt employees (25% vs. 29%, respectively), and, while any employee may receive an award, the chance of receiving an award increases with tenure.

As shown in the graph below, most employees have been employed with the State of Utah for less than ten years and, on average, about 23% of them received an award. Conversely, employees with longer tenure are more likely to receive an award, with an average of 43% of employees with 11-20 years of tenure receiving an award and 52% of employees with more than 20 years of tenure receiving an award. This may be related to information in **II.3.F Workload, Forfeiting Annual Leave** where it was noted that tenured and leadership positions forfeit leave at higher rates.

Employees who Received an Incentive Award

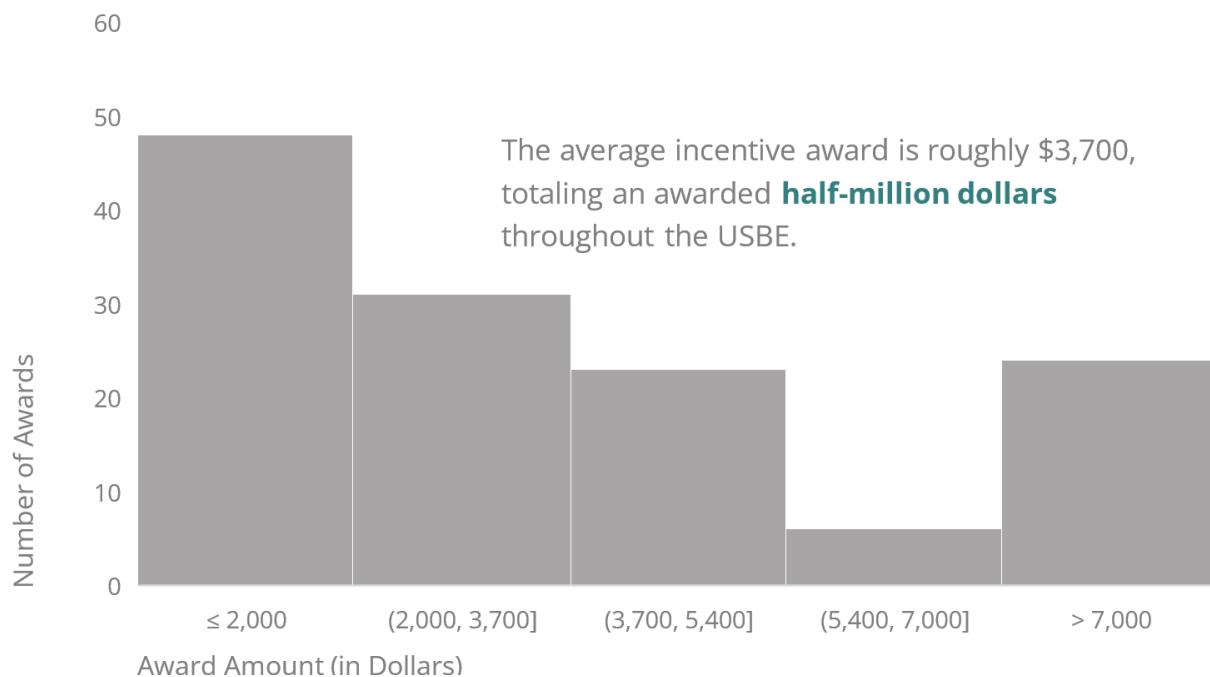
From July 2022 – November 2023



Distributed across 22 of 37 (59%) pay periods in the sample, the USBE awarded \$490,800 to 132 employees. Within SFY 2023 alone, 17 of 107 (16%) employees received awards totaling \$8,000, the maximum allowed within one fiscal year without a required additional approval. The overall amounts awarded during the entire timeframe (July 2022 through November 2023) are represented below. Of the near half-million dollars awarded, the average dollar amount per award is \$3,718.

Award Amount per Employee

From July 2022 – November 2023



Analyzing the incentive amount compared to the employee’s position, FLSA status, gender, hourly rate, and final UPM rating reveals that only one factor is statistically significant: position. While the statistical model only explains 16% of the variation in the data, an employee’s potential incentive award increases the higher their position in the organization (i.e., a director is more likely to receive a larger incentive award than a specialist).

The work of a coordinator, director, or member of the Superintendency is no doubt more visible and possesses the potential to have broader statewide impact than the work of a support staff or specialist. However, neither the visibility nor responsibilities of the position should be the determining factor of the size and frequency of an incentive award. Instead, awards should be for “exceptional effort or accomplishment beyond what is normally expected on the job for a unique event or over a sustained period,” as determined within the criteria (see **IV Appendix B – Criteria, 3.C**).

The current implementation of incentive awards at the USBE suggests either one of two things: 1) that awards relate more to a position than the person filling the position (i.e., the USBE values a role above effort) or 2) people in higher positions are more likely to put forth effort perceived as exceptional. Given that UPM rating has no statistical correlation with receiving an incentive award, it appears that incentive awards are not indicative of overall

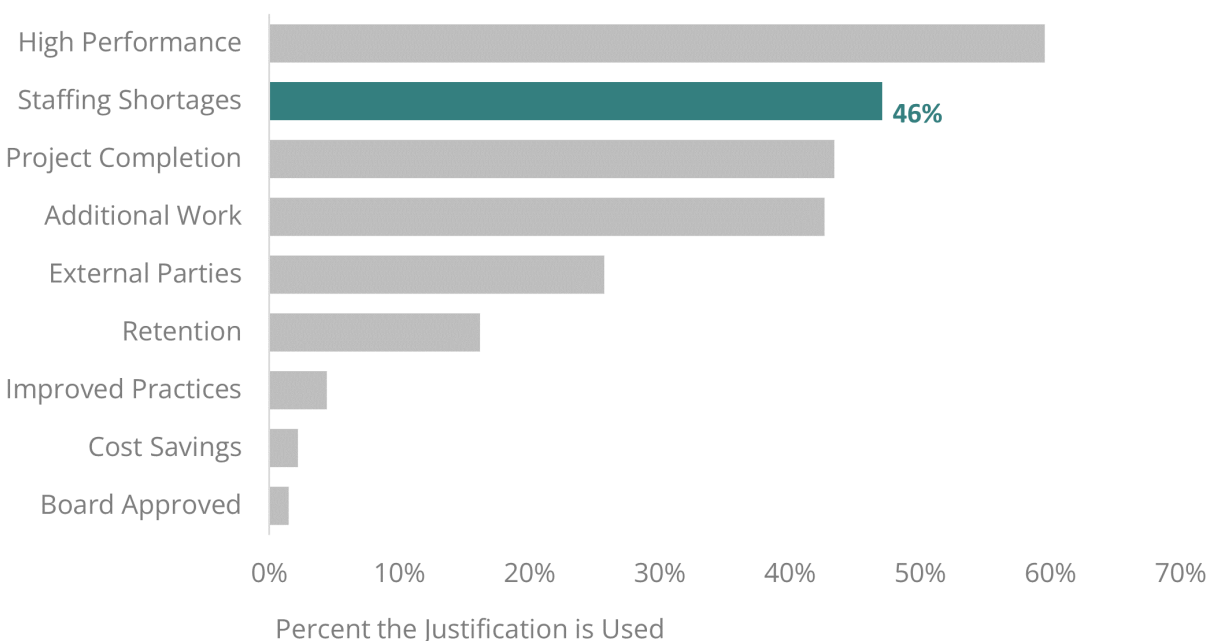
employee performance—which is already felt by some USBE employees based on interviews on UPM ratings (see **II.4.B. Performance Management**)—or UPM ratings lack validity.

As stated in the Standards for Internal Control in the Federal Government (Greenbook) 5.04, *“If management establishes incentives, management recognizes that such actions can yield unintended consequences and evaluates incentives so that they align with the entity’s standards of conduct.”* These unintended consequences may be more pronounced if there is not alignment between an individual’s performance and both the amount and justification of an award.

A review of 37 incentive award documents with justification for 138 employees, showed that two (1%) did not have any justification. For the remaining 136, common justifications were used at the following rates:

Common Justifications for Incentive Awards

Between July 2022 through November 2023



Almost half of all awards mention the employee filling in for others or performing additional work due to staffing shortages, like turnover or transitioning roles. Typically, awards that cite employee shortages likely also include references to additional work caused by the shortages.

During the review, one employee who received a SFY 2022 final UPM rating of “Improvement Needed” received incentive awards in both SFY 2022 and in SFY 2023. The justification in SFY 2023 read, in part, that the award was because “staff continue to perform above expectations,” which appears contradictory.

Finally, and as addressed in **II.3.G Satisfaction**, several employees cited compensation (including the recent, Board-approved, agencywide bonus) as a benefit leading towards increased satisfaction. Prior to this instance, many employees had never received an award, and those who had received an award, had a supervisor who was aware of USBE policies, reviewed the unit budget, and processed the award.

Appendix D – Survey Results

What is your title?		
Response	Count	Percent
Superintendency or Director	20	6%
Coordinator (e.g., Manager, Supervisor, Lead)	38	11%
Specialist (e.g., Analyst, Monitor, Researcher)	214	62%
Support Staff (e.g., Assistant, Secretary)	45	13%
Prefer not to say	28	8%
Grand Total	345	100%

How many years have you worked at the USBE?		
Response	Count	Percent
Less than 2 years	108	31%
More than 2 years, less than 5 years	102	29%
More than 5 years, less than 10 years	78	22%
More than 10 years, less than 20 years	43	12%
More than 20 years	16	5%
Grand Total	347	100%

Did the job posting match the responsibilities of the position for which you were hired?		
Response	Count	Percent
No	7	6%
Yes	101	94%
Grand Total	108	100%

After being hired, was someone assigned (i.e., a mentor) to train you on your job-specific responsibilities?

Response	Count	Percent
No	22	20%
Yes	86	80%
Grand Total	108	100%

How effective was the training from your assigned mentor in preparing you for your day-to-day responsibilities?

Response	Count	Percent
Effective	45	50%
Somewhat effective	37	41%
Somewhat ineffective	6	7%
Ineffective	2	2%
Grand Total	90	100%

How effective was the USBE onboarding process in ensuring you had the necessary resources (e.g., computer, software permissions) to perform your day-to-day responsibilities?

Response	Count	Percent
Effective	73	69%
Somewhat effective	23	22%
Somewhat ineffective	10	9%
Grand Total	106	100%

Do you work full-time or part-time for the USBE?

Response	Count	Percent
Full-time	334	97%
Part-time	11	3%
Grand Total	345	100%

As a full-time employee, how many days a week are you scheduled to work?

Response	Count	Percent
Standard schedule: 5 days a week	306	92%
Flex schedule: 4 days a week	27	8%
Grand Total	333	100%

Do you regularly use any of the following

Response	Yes		No		Total
Lunch break	208	61%	135	39%	343
Paid breaks	190	55%	153	45%	343
Alternative work schedule	107	31%	236	69%	343
Remote work schedule	327	95%	16	5%	343
Exercise release time	164	48%	179	52%	343
Administrative leave for preventative health care	157	46%	186	54%	343
Telecommuting	123	36%	220	64%	343

You selected that you use a "remote work schedule." What percentage of your time is worked remotely? (Based on a 5 day work week)

Response	Count	Percent
0% (i.e., 0 days are remote)	2	1%
20% (i.e., 1 day is remote)	6	2%
40% (i.e., 2 days are remote)	12	4%
60% (i.e., 3 days are remote)	28	9%
80% (i.e., 4 days are remote)	93	31%
100% (i.e., 5 days are remote)	155	52%
Grand Total	296	100%

You selected that you use a "remote work schedule." What percentage of your time is worked remotely? (Based on a 4 day work week)

Response	Count	Percent
100% (i.e., 4 days are remote)	17	81%
50% (i.e., 2 days are remote)	1	5%
75% (i.e., 3 days are remote)	3	14%
Grand Total	21	100%

How would you describe your workload?

Response	Count	Percent
My workload is consistently overwhelming.	62	18%
My workload is occasionally overwhelming.	162	48%
My workload is usually just right.	111	33%
My workload is too light.	4	1%
Grand Total	339	100%

To what extent does your workload impact your ability to use leave (e.g., annual, sick, comp, excess) throughout the year?

Response	Count	Percent
I can use leave as needed.	127	37%
I use leave around project deadlines throughout the year.	124	37%
I only use leave at the end of the year.	11	3%
I only use leave during the slower times of the year (e.g., summer, holidays).	54	16%
I am unable to use leave throughout the year.	12	4%
NA	11	3%
Grand Total	339	100%

Are you able to use all approved leave hours (e.g., sick, vacation) as requested?		
Response	Count	Percent
Yes, I am able to use all approved leave hours as requested (e.g., I do not need to work longer on other days to make up for taking time off).	184	54%
Depends. Sometimes yes, other times no.	106	31%
No, I am unable to use all approved leave hours (e.g., I work longer on other days to make up for taking time off).	35	10%
NA	14	4%
Grand Total	339	100%

Please select all reasons that contribute to your workload (shown for respondents who indicated somewhat or occasionally overwhelming workload)		
Response	Count	Percent
I am assigned too many projects	112	48%
I need additional training or resources to complete assigned projects	87	38%
I am required to participate in activities or tasks unrelated to my position	49	21%
I need additional support from my supervisor.	33	14%
Other:	44	19%
Total	223	100%
"Other" Responses		
Project deadlines	6	14%
Expectations	2	5%
Workload fluctuates	36	82%
Other Population Total	44	

Please select the top reasons that contribute to your workload: (shown for respondents who indicated workload is too light)		
Response	Count	Percent
I am not assigned enough projects	2	50%
I am assigned basic projects that are completed quickly	3	75%
Other	1	25%
Total	4	100%

Are you familiar with USBE's mission and vision?		
Response	Count	Percent
No	33	10%
Yes	303	90%
Grand Total	336	100%

Are you familiar with USBE's strategic plan?		
Response	Count	Percent
No	56	17%
Yes	280	83%
Grand Total	336	100%

Are you familiar with USBE's standards of conduct?		
Response	Count	Percent
No	36	11%
Yes	300	89%
Grand Total	336	100%

When was the last time the USBE's standards of conduct were communicated to you?		
Response	Count	Percent
Less than 1 year	129	43%
1-2 years ago	87	29%
2-5 years ago	25	8%
Over 5 years ago	4	1%
Only during onboarding	31	10%
Other:	23	8%
Grand Total	299	100%

I understand how my position contributes to the USBE's mission, vision, and strategic plan.

Response	Count	Percent
Strongly agree	224	72%
Somewhat agree	82	27%
Somewhat disagree	2	1%
Strongly disagree	1	0%
Grand Total	309	100%

I am motivated by the strategic direction of the agency.

Response	Count	Percent
Strongly agree	139	50%
Somewhat agree	125	45%
Somewhat disagree	14	5%
Strongly disagree	1	0%
Grand Total	279	100%

My leadership (e.g., director, superintendent) demonstrates a commitment to the USBE's standards of conduct.

Response	Count	Percent
Strongly agree	249	83%
Somewhat agree	42	14%
Somewhat disagree	5	2%
Strongly disagree	3	1%
Grand Total	299	100%

My team demonstrates a commitment to the USBE's standards of conduct.

Response	Count	Percent
Strongly agree	234	78%
Somewhat agree	60	20%
Somewhat disagree	4	1%
Strongly disagree	1	0%
Grand Total	299	100%

My job responsibilities are evaluated in my UPM (e.g., performance evaluation) plan.

Response	Count	Percent
Strongly agree	227	68%
Somewhat agree	92	28%
Somewhat disagree	13	4%
Strongly disagree	2	1%
Grand Total	334	100%

My final UPM (e.g., performance evaluation) rating is a fair representation of my work the past year.

Response	Count	Percent
Strongly agree	225	67%
Somewhat agree	93	28%
Somewhat disagree	9	3%
Strongly disagree	7	2%
Grand Total	334	100%

My UPM (e.g., performance evaluation) has a direct connection to the USBE's mission, vision, and strategic plan.

Response	Count	Percent
Strongly agree	183	59%
Somewhat agree	109	35%
Somewhat disagree	14	5%
Strongly disagree	2	1%
Grand Total	308	100%

I have the opportunity to contribute to decisions that affect me and my section.

Response	Count	Percent
Strongly agree	171	51%
Somewhat agree	123	37%
Somewhat disagree	33	10%
Strongly disagree	7	2%
Grand Total	334	100%

I find the work I do for USBE meaningful.

Response	Count	Percent
Strongly agree	244	73%
Somewhat agree	82	25%
Somewhat disagree	8	2%
Grand Total	334	100%

I have access to the tools and resources I need to do my job.

Response	Count	Percent
Strongly agree	191	57%
Somewhat agree	118	35%
Somewhat disagree	19	6%
Strongly disagree	6	2%
Grand Total	334	100%

I can refer to written procedures on how to complete my job responsibilities.

Response	Count	Percent
Strongly agree	112	34%
Somewhat agree	141	42%
Somewhat disagree	64	19%
Strongly disagree	17	5%
Grand Total	334	100%

Written procedures to do my job are accessible so someone can cover my position, if needed.

Response	Count	Percent
Strongly agree	82	25%
Somewhat agree	161	48%
Somewhat disagree	68	20%
Strongly disagree	23	7%
Grand Total	334	100%

A coworker has been cross-trained and could cover my position, if needed.

Response	Count	Percent
Strongly agree	105	31%
Somewhat agree	119	36%
Somewhat disagree	76	23%
Strongly disagree	34	10%
Grand Total	334	100%

I feel recognized and appreciated for my contributions.

Response	Count	Percent
Strongly agree	187	56%
Somewhat agree	112	34%
Somewhat disagree	24	7%
Strongly disagree	11	3%
Grand Total	334	100%

I feel that the USBE rewards its highest performers using promotions, raises, and bonuses.

Response	Count	Percent
Strongly agree	80	24%
Somewhat agree	144	43%
Somewhat disagree	78	23%
Strongly disagree	32	10%
Grand Total	334	100%

How confident are you that important information related to your position will be communicated to you in a timely manner?

Response	Count	Percent
Very confident	148	44%
Somewhat confident	134	40%
Somewhat uncertain	45	13%
Very uncertain	7	2%
Grand Total	334	100%

Do you feel that you are able to communicate freely up your supervisory line, even when it is bad news?

Response	Count	Percent
Always	233	70%
Sometimes	75	22%
Rarely	19	6%
Never	7	2%
Grand Total	334	100%

Do you feel that your section communicates effectively as a team?

Response	Count	Percent
Always	173	52%
Sometimes	141	42%
Rarely	16	5%
Never	4	1%
Grand Total	334	100%

In your opinion, what strategies contribute to effective communication? (Please select all that apply)

Response	Count	Percent
In-Person team meetings	184	59%
Virtual team meetings	291	93%
Regular email communications	255	81%
Regular supervisor check-ins	243	77%
One-on-one virtual meetings or chats	255	81%
Phone calls	146	46%
Other:	8	3%
"Other" Responses		
Project Management	7	88%
Through the Grapevine	1	13%
Other Population Total	8	100%

In your opinion, what are the biggest barriers to effective teamwork within your section? (Please select all that apply)

Response	Count	Percent
Schedule differences	83	25%
Differing priorities	141	42%
Work location	22	7%
Poor communication	88	26%
Lack of visibility (e.g., unawareness of resources or duplication of effort)	110	33%
Other:	55	16%
Total Respondents	334	100%
"Other" Responses		
Managerial Skills	3	5%
Understaffed	5	9%
Turnover	3	5%
No barriers	44	80%
Other Population Total	55	100%

In your opinion, what are the biggest barriers to effective collaboration with other USBE sections? (Please select all that apply)

Response	Count	Percent
Schedule differences	95	28%
Differing priorities	169	51%
Work location	27	8%
Poor communication	132	40%
Lack of visibility (e.g., unawareness of resources or duplication of effort)	161	48%
Other:	32	10%
Total respondents	334	100%
"Other" Responses		
Managerial Skills	4	13%
Understaffed	1	3%
Turnover	1	3%
No barriers	26	81%
Other Population Total	32	100%

On average, how many hours per week do you collaborate with other USBE sections?

Response	Count	Percent
1 - 5 hours	172	51%
5 - 10 hours	57	17%
10 - 20 hours	33	10%
20+ hours	19	6%
None	37	11%
Other:	16	5%
Grand Total	334	100%

How well do you feel your section adapts to virtual collaboration tools and technologies? (e.g., Zoom, Teams, SharePoint, Google Drive)

Response	Count	Percent
Highly adaptable	283	85%
Somewhat adaptable	46	14%
Somewhat unadaptable	4	1%
Grand Total	333	100%

To what extent has remote work impacted collaboration within your section?

Response	Count	Percent
Decreased collaboration	18	5%
No change: same as in-person collaboration	130	39%
Improved collaboration	153	46%
Other:	32	10%
Grand Total	333	100%
"Other" Responses		
Always remote	22	69%
Both	4	13%
None	6	19%
Other Population Total	32	100%

To what extent has remote work impacted collaboration with other USBE sections?		
Response	Count	Percent
Decreased collaboration	25	8%
No change: Same as in-person collaboration	150	45%
Improved collaboration	126	38%
Other:	32	10%
Grand Total	333	100%
"Other" Responses		
Always remote	25	78%
Both positive and negative	1	3%
Unsure	6	19%
Other Population Total	32	100%

Does your section leadership encourage your participation in professional development (e.g., CPE, conferences, webinars)?		
Response	Count	Percent
Always	196	59%
Sometimes	101	30%
Rarely	24	7%
Never	11	3%
Grand Total	332	100%

Why do you participate in professional development (e.g., CPE, conferences, webinars)? (Please select all that apply)		
Response	Count	Percent
Increase knowledge, skills, and abilities.	292	88%
Requirement of supervisor or position.	103	31%
Maintain a professional license or certificate.	106	32%
Further my career.	172	52%
Does not apply.	33	10%
Total	332	100%

Overall, how satisfied are you with the USBE as your employer?

Response	Count	Percent
Extremely satisfied	187	56%
Somewhat satisfied	124	37%
Somewhat dissatisfied	20	6%
Extremely dissatisfied	1	0%
Grand Total	332	100%

How likely are you to recommend USBE as a place to work to a friend or colleague?

Response	Count	Percent
0	5	2%
1	1	0%
2	5	2%
3	8	2%
4	3	1%
5	13	4%
6	23	7%
7	57	17%
8	68	20%
9	55	17%
10	94	28%
Grand Total	332	100%

**How likely are you to recommend USBE as a place to work to a friend or colleague?
– Grouped Response**

Response	Count	Percent
Detractor	58	17%
Passive	125	38%
Promoter	149	45%
Grand Total	332	100%

Have you ever had an educator license?		
Response	Count	Percent
No	155	50%
Prefer not to say	19	6%
Yes	135	44%
Grand Total	309	100%

Please select your age demographic:		
Response	Count	Percent
18 - 34 years old	44	14%
35 - 44 years old	90	30%
45 - 54 years old	83	27%
55+ years old	56	18%
Prefer not to say	32	10%
Grand Total	305	100%

Please select the USBE section you work for:	
Response	Count
CCSI: Prevention and Student Services	6
CNP: Community Programs	2
CNP: School Program Development	4
CNP: School Program Support	5
FO: School Finance (SF)	6
Operations (Ops)	4
Ops: Charter School	4
Ops: Data and Statistics	3
Ops: Financial Operations (FO)	23
Ops: Information Technology (IT)	13
Ops: School LAND Trust	1
Other, not listed	12
Pol: Student Data Privacy	3
Policy (Pol)	1
Prefer not to say	41
SA: Student Support (SS)	14
SF: Fiscal Monitoring	2
SL: Assessment Development	8

SL: Career and Technical Education (CTE)	9
SL: Student Learning	1
SL: Teaching and Learning (T&L)	6
SL: Test Administration and Data	3
SPED: Effective Instruction	2
SPED: Inclusion	2
SPED: Personnel Preparation/Licensing	3
SPED: Utah Program Improvement Planning System	4
SS: Adult Education	3
SS: Center for Continuous School Improvement (CCSI)	2
SS: ESSA Programs & Related State Initiatives	4
SS: Fiscal, Data, and Access	1
SS: Safe and Healthy Schools	4
SS: Special Education (SPED)	16
SS: Youth in Custody (YIC)	2
Strategy and Communications	2
T&L: Early Learning	4
T&L: Educator Licensing	10
T&L: Fine Arts & Beverley Taylor Sorenson Arts Learning Program (BTS Arts)	1
T&L: Humanities	1
T&L: Quality Instruction	7
T&L: STEM+	4
T&L: Technology Supported Learning	6
Utah State Board of Education	4
Grand Total	253

Appendix E – Compliance

1. Required Approvals

Criteria

See VI. Appendix B - Criteria

- 2.E Utah Admin. Code R477-7-1. Conditions of Leave. *(Date of Last Change: July 1, 2023)*
- 3.A USBE General Human Resources Policy 04-00. *(Date: April 1, 2022)*
- 3.D USBE Policy 04-08. Exercise Release Time. *(Date: April 1, 2022)*
- 3.E USBE Policy 04-14. Work Schedule. *(Date: April 1, 2022)*
- 3.F USBE Policy 04-15. Working Remotely. *(Date: October 3, 2022)*

Condition

Employees are not receiving appropriate approval prior to engaging in regulated activities: Alternative Work Schedules, Remote Work Agreements, Use of Leave, Overtime Accrual, and Exercise Release Time.

A. Alternative Work Schedules

Employees are required to work between the hours of 8:00AM to 5:00PM with an uncompensated lunch break. An alternative work schedule may be approved, enabling an employee to work between the hours of 7:00AM to 6:00PM but not to regularly finish prior to 3:30PM each day. These hours constitute regular business hours, necessary to keep the USBE open to respond to the public and assist LEAs as needed. Regularly working outside these hours requires additional approval from the Superintendency.

Supervisors provided documentation for all employees who had approved alternative work schedules. For SFY 2024, 20 of 31 (65%) interviewed employees reported working an alternate work schedule. Of the 20 employees, none (0%) had a current Alternate Work Schedule form on file or other documented evidence of approval though two employees had prior versions of the form on file. Additional exceptions and explanations include:

- 1. 1 of 31 (3%) employees reported regularly leaving work after 6:00PM (leaving at 6:30PM) without approval of the Superintendency.
- 2. 2 of 31 (6%) employees reported regularly leaving before 3:30PM; both reported leaving at 3:00PM.

Of the two employees with prior form versions on file:

- 1. 1 (50%) employee was still engaged in an AWS, though the agreement expiration date was long past.
- 2. 1 (50%) employee's AWS form did not have an expiration date or approval by the employee's current supervisor (i.e., a former USBE supervisor approved the schedule).

B. Remote Work Agreements

Supervisors from three units, who oversee a combined 31 employees, provided 31 (100%) approved remote work agreements for SFY 2024. However, the following was identified:

1. 18 of 31 (58%) forms were signed by a supervisor the day all documents were provided.
2. 4 (13%) were signed by the employee the day the documents were requested and included an expiration date a year or longer from that date (i.e., did not follow the fiscal year).
3. 1 (3%) form did not have an expiration date.
4. 1 (3%) form incorrectly indicated the employee would telecommute five days a week given the employee reported during an interview that they work in the office only once a week (i.e., telework was omitted from the form).

During follow-up discussions, one supervisor, reported using the remote work benefit as well and voluntarily reported not having an agreement in place either. The supervisor rectified the non-compliance a few weeks later.

While USBE P&P may require an employee to demonstrate time worked remotely via a work log, 24 of 31 (77%) reported not maintaining any type of work log to track work performed outside of regular time reporting for payroll purposes.

Additionally, in SFY 2023, 18 of 26 (69%) employees did not have a completed and signed remote work agreement form.

C. Use of Leave

Fourteen of 31 (45%) employees interviewed notify supervisors of leave rather than seek prior approval from supervisors to use leave. Notifications of this sort typically follow an informal process (e.g., phone call, text message); documentation of leave may not be maintained.

D. Overtime Accrual

Of 31 employees interviewed about their process to request overtime:

1. 5 (16%) do not require overtime to do their jobs,
2. 17 (55%) notify their supervisor (i.e., they let the supervisor know, but the presumption is that a notification of a schedule change is needed and not an actual approval), and
3. 9 (29%) stated that they do not obtain approval to work overtime hours.

E. Exercise Release Time

Ten of 31 (32%) employees that were interviewed reported using exercise release time. Of the ten employees participating in exercise release time, however, eight (80%) did not have an approved Exercise Agreement form on file.

2. Incentive Awards Process

Criteria

See **VI. Appendix B – Criteria**

- 2.D Utah Admin. Code R477-6-7. Incentive Awards. *(Date of Last Change: October 25, 2023)*
- 3.C Utah State Board of Education Policy 04-07. *(Date: April 1, 2022)*

Condition

Between July 2022 and November 2023, the USBE distributed 138 incentive awards based on 37 justification documents; some employees received multiple awards. Of the documents reviewed, the USBE submitted four (11%) documents which were ultimately processed without evidence of final approval (i.e., a signature from an authorized individual, per policy). Two of four (50%) forms were also processed without any justification for the award being provided.

3. Performance Evaluation

Criteria

See **VI. Appendix B – Criteria**

- 2.H Utah Admin. Code R477-10-1. Performance Evaluation. *(Date of Last Change: July 1, 2023)*
- 4.D USBE SOP Hybrid Work Environment Onboarding. *(Approved by Management 2/13/2023)*

Condition

As of January 25, 2024, 44 of 423 (10%) employees did not have active UPMs for SFY 2024. These 44 employees without UPMs fill various roles at the USBE:

- 2 (5%) are directors.
- 11 (23%) are coordinators.
- 24 (56%) are specialists.
- 7 (16%) are support staff.

Additionally, in a review of three units, two (66%) unit supervisors stated they do not provide a written evaluation of employee performance at least quarterly.

4. Devices and Driving

Criteria

See **VI. Appendix B – Criteria**

- 1.C Utah Code Ann. 41-6a-1716. Prohibition on using a wireless communication device while operating a motor vehicle. *(Effective: May 4, 2022)*
- 6. Standards for Internal Control in the Federal Government *(Published September 2014)*

Condition

Employees participate in various virtual meetings while operating a vehicle. Participation may necessitate use of the camera, providing comments, and listening (see also **II.4.A Professionalism**).

Appendix F – Management Response



June 24, 2024

Debbie Davis, Chief Audit Executive
Utah State Board of Education
PO Box 144200
Salt Lake City, Utah 84114-4200

Chief Audit Executive Davis,

We appreciate the opportunity to respond to the Personnel Management Audit 24-03. We want to highlight the collaboration and receptiveness of Internal Audit staff in ensuring that the approach and feedback can aid us in improving our internal operations, policies, and processes with personnel management.

The comprehensive approach to this audit, along with the data reported, gives us confidence that our focus on internal controls, including developing and utilizing desk manuals, standard operating procedures (SOPs), and internal policies, have made a difference in effectiveness, efficiencies, and knowledge among our employees. The majority of our employees also provided positive feedback on surveys and in focus groups.

We do acknowledge several areas for improvement, especially training for agency supervisors, in addition to the ethics training already required. Our onboarding and offboarding protocols can be more consistent and we are working to organize our SOPs for easier access. We will continue to support the Board's strategic plan and organize around the cascading strategies and action steps stemming from yet to be determined Board developed goals.

Thank you for helping us in our risk assessment of personnel management and providing feedback and ideas for improvement.

Warm regards,

Sydnee Dickson, Ed.D.
State Superintendent of Public Instruction
Utah State Board of Education

Appendix G – Auditor Concluding Remarks

Based on the response (see **Appendix F Management Response**) provided by Utah State Board of Education (USBE), the following are concluding remarks by the Internal Audit Department (IAD), in no particular order, to ensure elements of the report are clearly understood.

1. Risk Identification

The Management Response acknowledges several areas for improvement, including supervisor training, onboarding, offboarding, Standard Operating Procedures (SOP) access, and a willingness to support the Board’s strategic plan and cascade from Board strategies and goals to the agency. While all areas identified in the response have a direct correlation to recommendations made within the report (see **III.3 Risk Response Recommendations, 2, 4, and 6**), management’s primary focus should be on the identified risks within the report, which include the following:

III. Performance Observations

1. Organizational Structure
2. Expectations
3. ICS Components and Principles
4. Communication

IV. Compliance

1. Required Approvals
2. Incentive Awards Process
3. Performance Evaluation
4. Devices and Driving

2. Survey Results

The Management Response states, “The majority of our employees also provided positive feedback on surveys and in focus groups.” IAD concurs. Although feedback is positive in response to many survey questions, the survey’s purpose is to measure employee perception or opinion. When the survey results are viewed in consideration of all the facts presented within the report, employee perception may be misleading. For example, in the survey 96% of respondents agreed with the statement “My job responsibilities are evaluated in my UPM (e.g., performance evaluation) plan.” However, in review of UPM, only 90% of employees had an active UPM for SFY 2024 as of January 25, 2024. Furthermore, the overall conclusion from the report based on a sample of 31 employees was that their goals are “narrowly written,” “provide little room to measure overall performance throughout the year,” “do not encompass the employee’s overall job performance and conduct,” and “may be ... an inefficient way to hold employees accountable.” See **Appendix C, 1. Strategy, E. Strategic Plan** and **Appendix C, 4. Accountability, D. Performance Management** for additional details. For this reason, we urge caution in placing too great an emphasis on survey results alone.

3. Internal Controls

Finally, the Management Response reports that management has “confidence that USBE’s focus on internal controls ... have made a difference in effectiveness, efficiencies, and knowledge among our employees.” IAD does not dispute this; however, based on the risks identified, including the lack of compliance with established controls, the statement may be too vague to be meaningful, see **III.1. Risk Identification, Weaknesses in the Internal Control Environment (3)**.