

**Temple City Unified School District
PERSONNEL COMMISSION**

**DISTRICT OFFICE
Board Room
9700 E. Las Tunas Drive
Temple City, California**

Unapproved Minutes – Regular Meeting of November 20, 2018

The regular meeting was called to order at 4:00 p.m. by Maria Garner **Call to Order**

Personnel Commission Members present:

Gina Aparicio
Maria Garner

Personnel Commission Member absent:

Ann Seitz

Administrative Officers Present:

Robert French, Assistant Superintendent Personnel
Marianne Sarrail, Chief Business Officer

Staff Members Present:

Juris Burgos, Personnel Assistant
Lucy Lin, Personnel Technician

The pledge of allegiance was led by Gina Aparicio

Pledge of Allegiance

Rachel LaSota, member of the public addressed the Commission regarding her concerns.

**Individuals Wishing to
Address the
Commission**

- The Personnel Commission meeting is not very welcoming to the public when the district office is closed and the front door is locked. My suggestion is to encourage the public to attend the meetings and participate by not locking them out of the building.
- There seems to be a disparity in and not towards Mr. French personally, but in where Mr. French's abilities lie in the district office. He answers to the commission fifty percent and not to anybody other than the Superintendent. If there is any overlap and if Mr. French was told, at any point in time, to answer to the Chief Business Officer, that is not appropriate. The only time the CBO is involved with the Assistant Superintendent of Personnel is when there is an issue of can we financially do something or if we need to make monetary cuts. At no time should Ms. Sarrail be involved in the day-to-day operation of the Assistant Superintendent of Personnel. That was my main concern and I would like the Commission to clarify with Mr. French that he should answer to the Superintendent or Interim

Superintendent, not to any other staff.

- I encourage the Commissioners to take a look at Chapter 3 because you are entitled to legal counsel, separate from the Board's legal counsel. The Board of Education cannot dictate to you when you want to utilize your legal counsel. You do have it available and the district will pay for it and I would strongly encourage that, if at any point in time, that you are not sure, that you utilize that option. There are multiple law firms that the district deals with and you have the ability to choose.

Member Garner - Can I ask, in reference to your comment about Mr. French's association with the CBO, is there a certain situation or certain instance?

Rachel LaSota – Yes. Without going into a lot of detail, because I have reserved my right to pursue other legal options. I do not think that Mr. French was told historically, some issues that arose when I made a complaint. I do not think Board bylaws were followed on some issues. And, to Mr. French's defense, being new to a district, I don't expect him to memorize 5,000 different levels of bylaws. Now, with that being said, I will hold him accountable, being an HR person, with a background in HR, there are some labor rules that are pretty fundamental and I would hold Ms. Sarrail to those same rules. But, I do not think Mr. French got handed clear cut instruction in the ability to handle a complaint against an employee and I don't think he actually understood the magnification of the complaint at the time, even though he did his job. But I think there was a little bit more to doing his job that needed to be done and I think Ms. Sarrail squashed that and I feel Mr. French might have had his hands tied, indirectly, being new, and that's between you and your employee.

Member Garner – So, do you think there was information that wasn't disclosed to him? Information that was withheld?

Rachel LaSota - I think it's a combination of a couple of things. I think that's part of the problem. I also think that Mr. French was not able to do his job as the Assistant Superintendent of Personnel. If an investigation warrants that there is illegal activity, such as harassment or a possible criminal complaint, the typical protocol, under most human resource departments, would be, after an investigation, and there's been an establishment of a wrongdoing that is so egregious, and a manager became aware of it, and a manager chose not to, then he would be liable, especially under federal law and state law. In California, an employee should be placed on leave pending a further investigation, and I don't think that Mr. French, at the time, really exercised the best of his ability that he could do that because I think that there were conflicting opinions on how things were handled, and being new, a couple of weeks on the job, and we've all been new employees, we all know sometimes, being new, do you speak up, do

you not speak up, do you take that bold stand, do you not take that bold stand? So, I think that this Commission needs to just ensure Mr. French's job placement, so that he understands that he does report to you and you are responsible for 50% of his duties.

On a motion of Member Garner, seconded by Member Aparicio, and on a 2-0 vote, the Personnel Commission approved the minutes of the Regular Meeting of October 23, 2018.

Approval of Minutes of Regular Meeting of October 23, 2018

On a motion of Member Garner, seconded by Member Aparicio, and on a 2-0 vote, the Personnel Commission ratified the eligibility list for Director of Purchasing – October 19, 2018.

Eligibility List

On a motion of Member Garner, seconded by Member Aparicio, and on a 2-0 vote, the Personnel Commission ratified the eligibility list for Cafeteria Assistant I – November 6, 2018.

On a motion of Member Garner, seconded by Member Aparicio, and on a 2-0 vote, the Personnel Commission ratified the eligibility list for Campus Supervisor – November 8, 2018.

On a motion of Member Garner seconded by Member Aparicio, and on a 2-0 vote, the Personnel Commission received Personnel Order No. 1819-05.

Personnel Order

Member Garner - If someone gets a stipend, are they to use it on the program for materials and supplies?

Director – If they are getting a stipend, they are getting paid.

Member Aparicio – These stipend positions take place after school?

Director – Some of them are and some of them aren't. These are extra duty assignments.

Member Aparicio – On ratifying working out of classification, these positions are different from their own, so do they get more pay for it?

Director – Yes, they get the pay for the classification that they are working in for that period of time.

Director's Report

The Director is happy to report that after negotiations with CSEA 105, a tentative agreement has been signed. I'm very pleasantly surprised that it's gone so quickly and collaboratively. We had a really good day with 105. We had some things to clarify and some language changes. They accepted our agreement for compensation. We're really pleased with the outcome.

The Director gave an update on the Employee Benefits Committee (EBC). One of the things that is always on the negotiation table with our unions is whether or not to add money to our benefits cap. We are going to put together our Employee Benefits Committee to go through the whole process of looking at our health and welfare benefits. The EBC will comprise of two CSEA #105 members, two CSEA #823 members, two TCEA members and two Confidential members. The committee will meet and interview three companies who will do a lot of work for us as far as going out and looking at vendors and benefits programs. Marianne and I are on the committee as facilitators and non-voting members. I am excited to go through this process. I went through it last year in my previous district and it was probably the most collaborative process that I've ever been through, it was great. We were able to really get plans and programs that really saved our employees a substantial amount of money.

I know that the Maintenance and Operations restructuring was one of the topics at the last meeting. I apologize for not being here. So, here's where we are in the process. It was something that was started a couple of years ago in looking at the maintenance side. I've done research and it's basically a reclassification. There are four employees that are working as building trades technicians, which basically says they have one trade. These four staff members are asking for reclassification into the building trades lead person, which is two trades. So, that's really what it comes down to. In order to do that according to chapter 3 in Personnel Commission rules and regulations, it has to go through the reclassification process. They have to fill out the reclassification request forms and then we do a study on their positions and their duties and see if it justifies a reclassification. So, that's where we are in that process. I know Dave Niles worked on it for a while but as it makes its way through Personnel, we have to make sure that we do that process.

Rachel LaSota – May I add a comment to that?

Director – Yes.

Rachel LaSota - Thank you. So, back between 2007 and 2011, when I was on the Board of Education, we created the Dave Matter position and that creation was because, at the time, the M&O Director was very busy, he was a licensed architect, so he was highly involved in any type of construction and we did the Longden retrograde. So,

during that time, there was a lot of talk about reclass, even then, and there has always been a division between Grounds and the Maintenance side and unfortunately, depending on who the leader is, that division can be increased or it can be lessened. Now, M&O is one unit so it really should be one unit and it should move forward. The issue of having why the Board approved to hire an M&O supervisor was to really make sure that the sites were being serviced and to alleviate the Director from having to deal directly with the sites and that was the whole intent. It was not intended to have any disparity because there was a big problem with the sites not getting the service that they need because, at the time, there was a misconception that M&O made the decision that the sites did not have any say and, through the years, that always seems to pop up on both sides. But the whole purpose of that position, because it didn't exist before that, was to have a supervisor that could intervene and handle things, so the Director was involved in issues with construction so you aren't having 20 different change orders and having other things happen. So, with that being said, and Mr. French is exactly right, it is a reclassification. But something happened when I was on the Board. I happened to spend many years as a supervising regulatory inspector for the state. The Department of Consumer Affairs licenses all locations in the state. Some locations that don't require licensure means you still need to have the education component. In public service, in school districts, what happens is you will hire people into building trades, general trades, whatever it is but they don't necessarily have the education. They have the work experience and there is nothing wrong with that in a merit based system, but as he's saying, to move people up they need more than one trade. I'm going to say to you, I would, before you even entertain this, find out who actually has the education, the solid education, not just work experience, because although work experience is very valuable, you want the actual education, because a plumber needs to be a plumber, and that's actually a license. When we looked at M&O back between those years, I was able, because it was very public, you can go right onto the Department of Consumer Affairs website and you can see who is licensed in what. Back in 2011 I think we only had three actual licensed people in M&O, meaning a licensed electrician, a licensed plumber, and even out of that, from there, we only had three or four other individuals that actually had the education for backflow or for painting or horticulture, because they did different things. So, if you're looking at making a change, in order to justify public money in increasing salaries, I would think you would want to make sure your people actually, it's not just them applying and putting it on paper, and having a manager being able to pick who's eligible or not, because I have a sneaking suspicion that there's maybe been some issues with this. But that would be my own opinion. I really think, before this is even entertained by you, you need to ask who has the education. I don't expect every person to have a license but I would expect people to have an education and being in a school district, education is pretty

important and through the years the district actually has paid for education. I know we did when I was on the Board. We sent people to locksmith school, to all kinds of different training to get what they needed.

Member Garner – So, this is a trade certificate?

Rachel LaSota - Yes, some trades are actually licensed by the state but there's a certificate from that program. For instance, PCC has an electrical certificate. Mt. SAC has horticulture. They have different things that would benefit the district that meet that second trade. To just take the classification, for instance with the State of California, reclassification take years, because there are so many details involved when you are looking at taking a position and upgrading a whole position. It doesn't affect one person, it affects a whole unit and then how does that unit affect other units in similar situations? So I really think that you kind of need to look at the education and the training requirements. The district, in general, some of the job descriptions are very simple. You've got three years of paint experience, whatever, so be it, but where is the education that supports it?

Member Garner – Is that taken into consideration?

Director - Yes, I'm reading the job descriptions. So, education experience equivalent to graduation from high school, supplemented by appropriate vocational work. Three years' experience in general construction, maintenance work, including extensive knowledge in two skilled maintenance trades utilized by the district. This is the leadsperson. Additional qualified education may be substituted for experience on a year to year basis. Then license and other requirements are just the valid California Driver's License.

Personnel Assistant – So, it is the same education requirement?

Director - It's exactly the same, yes. So it's not specific to education. It doesn't say what degree or certificate or anything like that.

Rachel LaSota - I would think you'd want to tighten that up and just for clarification, a lead is only a lead. A lead can't supervise, they can only direct. I think when we created the M&O's Supervisor position, ultimately the plan was to do away with the leads because a lead can't do anything. A lead can only direct the work flow but if there's a problem employee or there's an issue the lead doesn't have the ability to intervene. So, I think when you're looking at an overall reorganization or reclassification maybe it's time to look at the bigger picture. Do you, salary-wise, have leads, and an M&O Supervisor, and a Director? To me, that's cost worrisome. I think Mr. French has his work cut out for him because I think before you do anything with

this, you kind of really need to evaluate the overall unit because moving people into other positions is probably not a good plan until you figure out what you're doing with your Director, your Supervisor and the current leads you have. I actually think this is a big problem but that's just my opinion because we created the M&O Supervisor with the intent to do away with the leads, particularly in Grounds and, at the time, it just didn't work out that way because we were facing severe budget cuts and we were dealing with multiple other issues, something that the district hasn't had to deal with in at least the last five years.

Director - 2007 to 2011 were some tough years. We were negotiating furlough days back in those days.

Rachel LaSota - We did not furlough any staff in Temple City. I was furloughed three days a month with the State of California but we prided ourselves on that and that is something that when you are looking at moving people up and spending lots of money there's always this issue. I've been with the state 20 years, I'm telling you, times are good but times never stay good so I think this is a prime opportunity when Mr. French is already looking and you're looking at both of these classifications and to really do a reorg it needs to be comprehensive and it really does need to be completely redone. There's no reason to rush this and absolutely it would be foolish to because it affects the whole unit and it affects the district.

Member Garner – Is there a big push for a rush from certain people?

Director - I just think it's a process that's been going on. I remember I walked into it when I first got here and Mr. Tauer talked about it, the reorganization. So it's been going on before he got involved with the district. I think, if anything, it's been a process that's been going on for a while. So the first thing, I had to do some research to see if there was a study that was done, initially, and I didn't find that that was done.

Member Aparicio – Do we have a Maintenance Operations Director and Supervisor?

Director – Yes. Dave Matter is our M&O Supervisor and Tony Alfano is the Director. So, when you're looking at reclassifying you always have the opportunity to look at job descriptions and one of the things are the qualifications and you always get a chance to revise that. So, that's the next step in the process. I'll definitely keep you posted as I move forward with that.

Rachel LaSota – Thank you so much for allowing me to be here and please review your policies.

Member Garner would like to congratulate the new Board of Education members. The election went pretty well, I'm excited for a new start.

Matters from the Commission

On motion of Member Garner, seconded by Member Aparicio and on a 2-0 vote, the Personnel Commission adjourned to closed session at 4:42 p.m.

Adjournment to Closed Session

On motion of Member Garner, seconded by Member Aparicio and on a 2-0 vote, the Personnel Commission reconvened to open session at 5:15 p.m. There was no action taken in closed session.

Reconvene to Open Session

On motion of Member Garner, seconded by Member Aparicio, and on a 2-0 vote, the Personnel Commission adjourned the meeting at 5:17 p.m.

Adjournment

Maria Garner

Gina Aparicio