

**PERSONNEL COMMISSION MEETING
MINUTES
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT**

January 28, 2009

A meeting of the Personnel Commission was held in the Community Room at the Board of Education Building. Present were Mr. George Bohn, Chairperson; Ms. Rhonda Early, Vice-Chairperson; Gino Barabani, Member; and Mr. Jeff Jossierand, Executive Director.

I. CALL TO ORDER

Mr. Bohn called the meeting to order at 5:30 p.m. Mr. Barabani led the pledge of allegiance.

II. APPROVAL OF THE MINUTES

On the suggestion of Mr. Jossierand, the Commission decided to defer the approval of the minutes of the Personnel Commission meeting on May 28, 2008 until the next meeting pending review from the Commission. Ms. Early moved to approve; Mr. Barabani seconded. The motion was approved unanimously. Ms. Early moved to approve the minutes of the December 4, 2008 Personnel Commission meeting; Mr. Barabani seconded. The minutes were approved unanimously.

On suggestion of Mr. Jossierand, the Commissioners went into closed session.

The Commissioners and Mr. Jossierand returned from closed session at 6:35 p.m.

III. APPROVAL OF THE AGENDA

On suggestion of Mr. Jossierand, item H was pulled from the agenda.

Ms. Early moved to approve; Mr. Barabani seconded. The agenda, with corrections, was approved unanimously.

IV. MATTERS BROUGHT BY THE PUBLIC

Mr. Holt, CSEA Chapter President: I would like to resume the Classification and Commission Rules Committees.

Mr. Jossierand: Commission staff is supportive of restarting the reclassification process.

Mr. Bohn: Would like to know if there anyone else who would like to speak.

Ms. Liz Madera: We would like to get better notification of the meetings.

Mr. Jossierand: I will look into your concerns. I apologize.

V. EXECUTIVE DIRECTOR REPORT

Mr. Josserand reported that the Commission staff is experiencing some issues with email in that the email from one or all Commissioners was not reaching the Director. He reported that the email system was tested today and he hoped that the email issue is resolved. He thanked the IT staff for their cooperation in helping to resolve these issues.

He reported that the window for the reclassification studies is currently open from January 1, 2009 through March 1, 2009. Forms are available at the front desk in Classified Personnel.

Mr. Josserand reported the Board of Education recently approved the reorganization of the senior district staff and that the reorganization is impacting the Commission.

Mr. Josserand indicated that he had presented two options related to the transfer duties.

Option one: Which is favored by Mr. Josserand, followed the "Long Beach model." This model placed all governance with the exception of labor relations under one staff. The benefit is reduced cost, elimination of redundancy and efficient operation. It makes one chain of command responsible for the management of Classified HR. It helps to easily reconcile Commission Rule, Board Policy, Administrative Regulation, contract, and law.

He indicated it appears we are headed to option two.

Option two: Splits the current classified governance along Commission and District responsibilities. This is often the model favored by smaller Districts. As the functions are separated, the devil is in the details, and that this model often results in a competition for resources. It can also result in a little bit of finger pointing between the District staff and the Commission staff. This is something Mr. Josserand suggests we try to avoid.

He suggested that when the duties are split, the duties should be clearly defined and put in writing. The Commission has indicated that it wants the assets and the resources to accomplish its duties. The Commission finds itself in a situation more like a brand new Commission. Making the process work is going to entail some hard work, some time and some culture shifts within the organization. He recommend the Commission and the District have a smooth transition of duties. He suggested that the Commission have a formal process of open discussions between the Commission staff and the District staff. He also suggested that it may be appropriate to include representatives of organized labor in the process. He recommends the Commission require written agreements be brought to the Commission for discussion, revision, and or approval.

He indicated that the current budget crisis is a dark cloud hanging over all and presents us with difficulties and opportunities. On one hand we have decreasing resources which is problematic. We have a selective hiring freeze now which also gives us an opportunity to take a time out in a couple of areas and gives us some ability to make a smooth transitions and that helps us.

He indicated that from his perspective he has been very clear and consistent in outlining the necessary resources as a technical expert the commission needs: a senior analyst and analyst position, an applicant tracking system like NEOGOV and appropriate staff to accomplish its duties.

He indicated that the Commission needs staff to accomplish our work. More staff means more work and greater responsiveness. Less staff results in less. He outlined that there is a competition between the District staff and the Commission staff for resources as we transition duties.

He said that he had brought two classifications for specialist and technician forward tonight that are similar to existing classifications. He shared that it was the clear intent of the Commission staff to use the existing staff to perform the Commissions work. It is the plan of the Commission staff to transfer the existing staff in the near term. In the future it will be the plan of Commission staff to fill future open positions with persons recruited to the two new classifications. The key differences between the proposed classifications are the minimum work experience and educations requirements. There are also different ways of describing the duties in the classifications but they are basically the same. They do the same work.

He recommends the adoption of NEO Gov. as an applicant tracking system. Schedules permitting he suggested a presentation on the system at the next commission meeting.

He shared that the administration has proposed giving the Commission some staff, creation of a facility for the Commission using the portable behind the District office. Using this portable may present some facilities issues for future testing in that office space and testing space may not work together.

The CSPCA conference is the first weekend in February. He is going to talk to the Commission chairperson, that there may be an interest on the part of the Director to go for one or two days for a good reason. He will also share with the Commission and they will make a determination whether that is a good option or not.

That concludes the Executive Director's Report.

Mr. Bohn: Thank you very much for a very informative material. It takes a lot of repeating for it to sink in and for all to understand. Move on to Action Item VI.

Ms. Yolanda Ortega: I do want to voice my appreciation to Mr. Josserand who has spent considerable time speaking with me to try to come up with some possible solutions to concerns that both the District and Personnel Commission has voiced through Mr. Josserand. We have talked about facilities to separate that was one of the first and foremost concerns to try to separate them from the area they are in right now to clearly show there is a separate and they have separate duties. We did suggest the portable that's currently used for testing for offices and want to move as quickly as possible in building those offices and have assured him that we will make facilities available for the testing so that won't suffer. We're still continuing discussions on what the staff is what we have available, the numbers that he's going to need to move over there to be able to perform his duties and for the Personnel Commission to be able to take over the testing and the application process. We've been working very collaboratively. We actually haven't had the time to sit down and out line it very much the way the reorganization was done with District it took quite a bit of time and many people involved so I look forward to doing that with him as well so that we can delineate the responsibilities how we're going to split them up

and exactly who's responsible for who. We'll be able to jointly come together to give you a presentation to let you know what we have at least come to a consensus on. I do appreciate his time and I really hope to make this a smooth transition as well on behalf of the District.

Mr. Bohn: I'm very appreciative of your moving forward and I'm sure the other Commissioners are too. We are moving forward. I don't think anybody can say we aren't doing anything. As we move forward there is a time when you move to the right and move to the left and then moving center but we all want to move down forward to a system that serves the employees and serves the District. Thank you very much.

VI. ACTION ITEMS:

A. APPROVAL OF THE RECRUITMENTS:

Ms. Early moved to approve; Mr. Barabani seconded. The recruitment list was approved unanimously.

Ken Holt: Question or comment about action items. We had a store keeper position at Nutrition Services. Basically in the reclass we started it at one point. Mr. Albiso had seen how important that store keeper position was. Few weeks after that they abolished it and gave all those duties to a classified manager giving her classified work away. They assured me that it would be put back on the recruitment list and filled again with a classified employee, it has not. I was wondering if the Commission would look into that.

Mr. Jossierand: With the Commissioners permission. You touched on a difficult technical issue. The District has certain duties and the Commission has certain duties. That's complicated by labor negotiations. The structure of the District as far as positions, are District's call, that's where their power is. The Commission's responsibility is to classify positions. The question about who would have traction if the accusation in a negotiated setting was is that duties were transferred from the bargaining unit, to out side the bargaining unit. I would defer the lawyers but my personal opinion as a practitioner is that that's a labor negotiation issue. I don't see where the Commission would have traction to force the District to create a classification or although under certain circumstances they might. I'd have to have more information to go to that direction. But with the Commission's approval I'm happy to sit down with the District and Labor Union to help in any way I can to resolve your concern.

Ms. Ortega: The Union has brought that up in our problem solving meetings since I took them over recently and I did commit to looking into that issue so I'm hoping in the near future we'll have that one resolved. It's right now it's taking some time; we're in transition and trying to get a handle on everything. It is taking longer than usual.

Mr. Holt: I just want to agree with Yolanda, it is back in her plate...inaudible, it's the third time it's been passed now it's to heard. So this is not something that happened yesterday. This has been going on for months and months and months so that's why we're addressing it to the Commission tonight.

Mr. Barabani: Now the store keeper position, where is it at?

Mr. Holt: It's at Nutrition Services at the warehouse.

Mr. Barabani: And it's no longer a position?

Mr. Holt: The position exists but the duties from that position the person that was in that position got promoted to a manager and took those duties with him. So there is still a position of store keeper it's just not being filled.

B. APPROVAL OF THE ELIGIBILITY LIST:

Ms. Early moved to approve; Mr. Barabani seconded. The eligibility list was approved unanimously.

C. CONSIDER AND ADOPT FOUR CLASSIFICATIONS:

1. Senior Personnel Analyst (Personnel Commission)
2. Personnel Analyst (Personnel Commission)
3. Human Resources Specialist (Personnel Commission)
4. Human Resources Technician (Personnel Commission)

Mr. Bohn: This is to approve the language of these positions not to authorize the hiring of those positions. This is just to describe what those individuals would be doing if we had those positions.

Mr. Jossierand: It's like starting over again. We don't have to reinvent everything. We just have to reinvent here. The standard positions inside Commission are analyst and HR people within the CSEA bargaining unit who do the work of the Commission. I believe that it is incumbent upon us as we assume our duties to be honest and open with everyone. The two analyst positions, the Senior Analyst and the Personnel Analyst, are management positions. Essentially the Senior Analyst position is equivalent to the most part to an existing position in the District and that's an HR Officer II. The Personnel Analyst is essentially equivalent to an HR Officer I. The number three and number four are existing positions inside CSEA. Human Resources Personnel Commission Specialist and Technician have some differences from the existing classification that currently exist in the District related to minimum work experience and education requirements. As we transition duties we have to be reasonable and we have to be open and honest. What I'm trying to accomplish tonight is that the Senior Personnel Analyst and the Personnel Analyst that are management positions, we create the classifications through the books. That allows me to negotiate in good faith with the District and clearly delineate what the needs of the Commission are based on a hundred years or so of experience with Commissions and based on the practical expertise that we have and that we've consulted with over the course of this process. Once you approve the classifications tonight should you choose too for the management ones, it doesn't mean that there is a position with a person attached or money attached to that classification. That's to fall on negotiations with the District and the Commission staff subject to your approval. The Human Resource Specialist and Technician are a little more dicey. My CSEA friends and the employees who are currently doing that work have an interest continuing doing that work. The situation we find ourselves in wasn't their fault. It was the Commissions fault 20 or 30 years ago when we did what we did. Now as we transition the duties

back I recognize that we have moral obligations to the CSEA employees who are currently accomplishing these duties to not threaten their jobs. My recommendation tonight for the Human Resource Specialist and Human Resource Technician is to clearly not threaten their job and for the record I'll try to explain my logic. To maintain open and honest communication with the District I wanted to make them clearly understand that these are the duties that appropriate people should be performing for the Commission staff and what I believe are properly up to date written job specs. I also understand that there are existing job specs within the District and there are people attached to those positions. Should you decide to approve these two classifications within the bargaining unit, two things will happen in the future. The first is that we will negotiate with the District in an open and honest way, to transfer some monies and open positions to the Commission. The intent of Commission staff will be then to post those positions under the existing current Human Resources Specialist and Technician classifications for existing District staff that ask to be transferred to the Commission. It would be the intent of staff based on how many positions we get and how many people ask to come over that would result in the transfer of the person, the transfer of the money, and the transfer of the position that they currently hold over to the Commission. Now there may be some slight modifications in negotiations with the District that could result, which would in the worse case from these employees consideration, would require those employees' to serve a new probationary period and then would be grandfathered into the new classification. That possibly could happen. But that would be subject to negotiation and collaboration also with our CSEA partners and that within purview of the Commission to approve that but that would have to be further negotiated and brought to you in writing down the road. What I'm clearly saying is the existing employees inside the bargaining unit at the Human Resource Specialist and Technician level should feel no threat for their jobs. Should the Commission get four positions, lets just say for the sake of argument, and that the six existing District staff, let's say that's how many there are I'm not sure, only two of them want to come over, I'm not so sure that the Administration or the Commission would want me to get a rope and drag one of you over but that could result in a threat to existing employees, in that if we can't fill a position willingly and the position exists in the Commission budget, we would find ourselves in the very small opportunity that the Commission would recruit to fill the position and I would argue that that's not the Commission fault, that's the fault of the existing employees who didn't want to volunteer to move over. So that's kind of the background of these four positions. It's not designed to threaten anybody. It's not designed to undermine anybody. It's designed to be open and honest with the administration and bargaining unit, that these are the types of people we need, these are the minimum education and work experience requirements and that we want to perform our duties in an exemplary fashion and we need exemplary employees to do it.

Mr. Holt: My concern with these positions is we're changing the minimum qualifications and I don't see how that's a threat to their jobs if their current position doesn't require those qualifications. What guarantee does it have on keeping their job if they don't meet these new qualifications? The job exists and they've been doing it for years and years and I don't know what sparked the change in the minimum qualifications. Looking at the new job qualifications side by side it's confusing at best. We'll have to sit down and analyze it to see the difference Jeff has explained a little bit to me. I'm still not too clear on the differences. Right now we have good employees who are in the District and they deserve to keep their job and they shouldn't be affected by this political change.

Mr. Holt: If you're asking for four positions and two move over, those two would still be grandfathered would they not?

Mr. Jossierand: Yes

Mr. Holt: And then you can open the job description or the recruitment for those two new positions you created?

Mr. Jossierand: Yes

Mr. Holt: And those two still shouldn't be threatened even if they all four had moved over.

Mr. Jossierand: Unless they refuse to move over. I don't think we can make them move over from the Commission perspective. Now the District might have a different perspective. That's something that we need to talk about. But it's my clear intention not to hurt anybody in this process as we transition duties. This is not the time to be playing silly games because there is enough money for everybody as it is. And I don't want to threaten anybody. They do find work.

Mr. Holt: Just another comment, we just in collaboration with the District and the Commission Director is we just formed a committee to go over job descriptions and refresh all the job descriptions in the District it would have been nice if this maybe had gone to that committee first since we are meeting in about a week or so. To get to understanding what the differences are, doing it on the fly is a lot of loss interpretation between those two but I do appreciate the hard work that you are doing, I just want a guarantee that our people are not going to be affected in any way. I don't want an all or none situation. If it's one person and three don't I don't want to see that one person lose their job. That's my concern and I hope that is the Commissions concern as well.

Ms. Ortega: District also opposes these repositions. The District does believe that it will in fact have a potential of affecting employees in a negative manner. It's already affected, certainly their moral, looking at this believing that they don't have a whole lot of choices. We have employees that currently perform these duties; they're doing them right now. It would be an easy transition if people were moved over the Personnel Commission and assume those duties. If that doesn't occur, let's say that people choice not to leave, then clearly if the work is moving over your going to have a loss of work in Classified Human Resources and we're going to end up with a bumping situation. Well now that we've created these new positions peoples should be able to bump into like positions or transfer into like positions. These positions that are new created are not like the ones that are in existence right now. It was difficult to read them. Some of the job descriptions as you will review actually have strike outs and underlines and you know what's been removed and what the new language is. These job descriptions aren't quite like that and although it may or we're hearing that they may be similar it was difficult to try to figure out what was new about them, what was carried through. It will impact our employees negatively it has a potential of creating lay off of our employees and that's not fair. That's not fair for our employees when they're moving over and that position for the Personnel Commission their going to be doing the same types of duties. Let's say they do choose to move over typically if a person transfers over to a like position, they don't have to go through a probationary period.

There's a potential of losing your job during that probationary period, your released from that positions and your kicked back to a position that no longer exist in Classified Human Resources. This is a difficult time for everyone. The District is trying to transition, live up to the commitment that we made to the Personnel Commission. But not on the backs of the people who currently work in Classified Human Resources. I would highly recommend that this be put off and possibly once we fill those positions, transition people over, because I'm sure that people knowing that their going to need a job and some positions will have to be eliminated in Classified Human Resources would take the option to move over to the Personnel Commission offices. When a vacancy arises bring these back. That why there's never the threat that their jobs are on the line. Bring the jobs back, there's a vacancy then you can start recruiting from within without how ever it is that the Executive Director chooses to do so. I'm hoping that the Personnel Commission listens to that and acts so that, our employees are all ready worried, this is a bad time, they know bumping is coming. I think this can be avoided at least in this particular situation. If it can be avoided and we can assure at least that these people are going to be able to have a smooth transition I think it's in the best interest of our employees.

Ms. Early moved to adopt; Mr. Bohn seconded. Mr. Barabani opposed. The adoption of the Senior Personnel Analyst (Personnel Commission), and Personnel Analyst (Personnel Commission), was approved.

Ms. Early moved to table the Human Resources Specialist until the next Personnel Commission meeting; Mr. Barabani seconded. Move to table Human Resources Specialist until the next Personnel Commission meeting approved unanimously.

Ms. Early moved to table the Human Resources Technician until the next Personnel Commission meeting; Mr. Barabani seconded. Move to table Human Resources Specialist until the next Personnel Commission meeting approved unanimously.

D. DISCUSSION AND NECESSARY ACTION OF THE REVISIONS OF THE JOB DESCRIPTION FOR FAMILY SUPPORT WORKER:

Mr. Barabani moved to approve; Ms. Early seconded. The revised job description for Family Support Worker was approved unanimously.

E. DISCUSSION AND NECESSARY ACTION OF THE REVISIONS OF THE JOB DESCRIPTION FOR BILINGUAL FAMILY SUPPORT WORKER:

Mr. Barabani moved to approve; Mr. Bohn seconded. The revised job description for Family Support Worker was approved unanimously.

F. DISCUSSION AND NECESSARY ACTION OF THE REVISIONS OF THE JOB DESCRIPTION FOR INSTRUCTIONAL AIDE:

Ms. Barabani moved to approve; Ms. Early seconded. The revised job description for Instructional Aide was approved unanimously.

G. DISCUSSION AND NECESSARY ACTION OF THE REVISIONS OF THE JOB DESCRIPTION FOR BILINGUAL INSTRUCTIONAL AIDE:

Mr. Barabani moved to approve, Ms. Early seconded. The revised job description for Bilingual Instructional Aide was approved unanimously.

H. DISCUSSION AND NECESSARY ACTION OF THE REVISIONS OF THE JOB DESCRIPTION FOR LOCKSMITH: - Pulled

I. DISCUSSION AND NECESSARY ACTION OF THE REVISIONS OF THE JOB DESCRIPTION FOR PUBLIC SAFETY DISPATCHER:

Mr. Barabani moved to approve, Mr. Early seconded. The revised job description for Public Safety Dispatcher was approved unanimously.

VII. COMMISSIONERS REMARKS:

Ms. Early is in favor of the presentation of the NEOGOV at the next meeting.

Mr. Bohn ensures it is not his intention that any individual currently employed in this District in Human Resources Classified will lose their job if they happen to come over and work for the Commission. And their job skills will not be re-evaluated based upon what the Commission does in creating a new structure. It is not the intention of the Commission for anyone to lose their job because they didn't meet minimum qualifications that happen to be on the job description and should not be used by the District to threaten employees that have other jobs to qualify for.

Ms. Early, Mr. Barabani, and Mr. Josserand are in agreement with Mr. Bohn.

Mr. Bohn thanked Mr. Josserand for his hard work in moving forward.

CLOSED SESSION:

Personnel Commission moved into closed session with no action to report.

Adjourned: 7:20