

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

**November 30, 2009**

A special 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; Mr. Gino Barabani, Member; and Mr. Jeff Josserand, Executive Director.

**I. CALL TO ORDER**

Mr. Bohn, Chairperson, called the meeting to order at 5:50 P.M. Gino Barabani led the pledge of allegiance.

**II. APPROVAL OF MINUTES**

Mr. Bohn: First day back from Thanksgiving. How is everybody doing? Making it all right. Approval of the minutes of the last meeting for November 19<sup>th</sup>, 2009. We got those minutes this afternoon via email and we also have them here in a hard copy. Have the Commissioner's had a chance to review them enough to consider passing them?

Mr. Josserand: The secretary apologizes that it took us a while but the meeting was very lengthy and staff should be commended for their efficiency getting them done as quickly as they could. If there's any problem it's me.

Mr. Bohn: I did have a chance to read them on the computer this afternoon and I don't find any problems except for a few little typos here and there but the substance is all correct. I don't blame you if you decide to do it until next meeting.

Mr. Barabani: Your staff did a great job but fifty pages is more than I can read in a few hours.

Mr. Bohn: So we'll pull the minutes and hold it over until the next meeting.

Mr. Josserand: As a professional courtesy, if Commissioner Bohn, since he's leaving the Commission, subsequently finds any errors or omissions or anything like that to correct the record I'd beg the Commission's indulgence to allow Mr. Bohn to communicate that with me and I in turn will share with the Commission.

**III. APPROVAL OF AGENDA**

Mr. Bohn: Approval of the agenda.

Mr. Josserand: There was a recent court injunction ordered against the Commission on a number of issues. One of them tonight is action item A and that's Chapter 19, we're prohibited from taking any action on that matter.

Mr. Bohn: So we'll pull that item. Any other changes or additions?

Mr. Josserand: Not from staff, Mr. Chairperson.

Ms. Early: I move to approve the agenda with the recommended changes.

Mr. Bohn: I have a motion to approve the agenda. Do I have a second?

Mr. Barabani: I'll second.

Mr. Bohn: I have a second. All of those in favor say aye.

Mr. Barabani: Aye.

Ms. Early: Aye.

Mr. Bohn: Aye.

#### **IV. REPORT BY THE EXECUTIVE DIRECTOR OF CLASSIFIED PERSONNEL AND THE PERSONNEL COMMISSION**

Mr. Bohn: Report of the Executive Director.

Mr. Jossierand: At the conclusion of the closed session for the last meeting the Commission announced publicly that we were moving towards legal action. In the late evening, early evening about a week ago, Friday, I got called that some of the Commission had been served and there had been an attempt to service on a legal case. We had a hearing on that matter last Wednesday and the results of which have been shared with individual Commissioners. Most of it will be discussed in closed session. Not a surprising ruling given the facts that were before the judge at that time. The import of that is that Chapters 1 and 2, as I understand it, can be enforced. Chapters 3 through 18 minus Chapter 19 up until 22 can not be enforced. The judge ruled that the old Rules could be enforced at this time. That has given staff some opportunity for contemplation in that one of the things that the District and I as your agent and the Commission share in common, many things I'd like to think that we share in common, that we protect the same pot of money from litigation. I'm uncomfortable with enforcing Rules, can't enforce the new Rules, I have some questions about the old Rules. I'm hopeful that those can be readily resolved and there's a hearing coming up, I believe, the third week in December; that matter is just to whether to continue the restraining order or not. So there are some questions that we will bring up to that judge related to that matter. Probably most disturbing of all is that the SAP program that we noticed you at the last meeting that the Commission's access under the various number of screens have been suspended. We had asked through Ms. Gordon to communicate to the District. We certainly needed those screens and access to those matters for us to certify payroll and for us to continue to produce eligibility lists. No action has been taken to turn those screens back on. Staff's pretty much paralyzed. Without having access to verify the accuracy of the payroll documents, the limited ones that are presented to the Executive Director for certification. It's problematic for me to sign those documents when I can't verify the information. It is problematic for me to bring it to you because we don't know whether it's correct or not correct. So we're kind of in a stand off. I've asked the District repeatedly to turn on the screens and to turn on our access to SAP and it appears to the Executive Director that we're playing silly games; I don't know what else to call it. There had allegedly been a number of meetings inside the District and District staff related to this matter and an interest those

meeting results often times come to me very quickly. It's regrettable that there are conspiracies, I use the term very carefully stated, it appears to me based on the information that I'm getting second hand or at least there's possible conspiracies to prevent the Commission from fulfilling its duties related to certification and payroll. It's a very disturbing matter for the Executive Director and its incumbent upon my office to notice the Commission that impasse continues. I'm hopeful through legal counsel that there's some way to resolve those issues because I think these actions are ultimately hurting the education of children and it's very regrettable that some of these disagreements over implementation are taking the forms that they are. That concludes my report Mr. Chairperson and Commissioners.

Mr. Bohn: Thank you. Does anyone have any questions?

Ms. Early: No.

Mr. Barabani: I have one question. When you talk about some of the screens that have been closed off because we've been getting some emails from I guess other staff. I guess she was saying to inform her of the screens necessary and there was an implication in the email that possibly that hadn't been done.

Mr. Jossierand: Staff has given the answer back to Ms. Ortega that we wanted the same access that we had before, but the sources of information that we have within the District that have shared with us because I can only guess at what their motives would be with sharing that information with us. The District allegedly in these discussions has shared that the public scrutiny that we don't have access to this information, but we have to ask specifically for access to specific screens and that once we ask the right question we'll get the right answer. Staff's perspective is that it's very clear what those screens are. They've been readily identified by the District and that we should have access to it. Why you would restrict access to the screens that shows us the history of employees? Which are used to develop points in the testing process for applicants for higher positions; it's beyond us. There was some allegation or assertion in the most recent email that I noticed the Commissioners were copied on that you should have security on these sites, I agree you should have security, but we have had access to it. We had access to it up until two weeks ago with except for minor four or five hour periods. The last time there was, from my perspective, retaliatory behavior. It's a difficult situation in that the specific screens that there's been instructions allegedly given through Ms. Ortega given to IT staff and others revolves around a couple of different screens. PA 20 and the ZZADO programs and there are others but those are specific ones. It's regrettable that the Education Code talks about the Commission having access to any information or records that the District has when trying to ensure policing of the District. The innuendo however that we're just providing adequate security, I think it is what it is. It doesn't mean that we can change the information just means that we can view it. Not allowing us to view looks like a concerted effort to stop the Commission's functions. Whether that's a misdemeanor or whether that opens up people to personal liability, whether it's just plain not nice I guess it's for others to determine. We've asked the question, I believe, the right way perhaps the other side if they were here to represent their position would have some different view. Relations between the District and Commission staff now are very quarrel at the operational level. I brought it up to Ms. Ortega earlier today in an email that we should talk about it and we were going to talk about it tonight but I don't see her here. Does any body have any comment from the District on this matter?

Gladys Byrd: Good Afternoon everyone. Gladys Byrd. I could only comment on SAP...

Mr. Bohn: Pull the mic down so we could hear you better?

Gladys Byrd: Better?

Mr. Bohn: Yeah that's better.

Gladys Byrd: I could only comment on SAP because I am the District lead for HR. The Personnel Commission should have access to PA 20 that is the display. So I'm not sure why you are saying you don't have that. PA 20 is display. When your team didn't have access to KOZADO that had nothing to do with HR. The District has just implemented the upgrade which was effective today. So I would be willing to show your team how to use display. They do not have access to PA 30, but you can display history in the system. Thank you.

Mr. Barabani: I assume there's different screens for different formats and information. Has the District provided the Personnel Commission with any kind of manuals? Like a cookie cutter list that they could look at and see what screens are necessary and what they can ask for. I would never know to guess this PA 30.

Gladys Byrd: That might be true but the staff members that came from HR are aware of those screens. They worked in HR previously before going to the Commission.

Mr. Barabani: They know the names of those screens?

Gladys Byrd: They should we've had the system probably since 2001.

Mr. Barabani: All right.

Mr. Josserand: With the Chairperson's permission. Can I ask you a question?

Gladys Byrd: Sure.

Mr. Josserand: What screens were turned off from access to the Commission?

Gladys Byrd: PA 30, you can create, you can display and you can change. PA 30 was turned off. PA 20; those screens that you need to see you can still view them. You want history you go to transactions or actions and you can see the history of when employee changed jobs. So, the create screen is turned off.

Mr. Josserand: Why?

Gladys Byrd: Because the Personnel Commission... when any one leaves our office we change access. And the changed access was noticed that it wasn't done when we were doing the upgrades. So from the upgrades that's why the changes have come about. It's not only our office but we're changing it throughout the District.

Mr. Jossierand: With no advance warning?

Gladys Byrd: Because you shouldn't have access to create. Why does the Personnel Commission need to create?

Mr. Jossierand: I don't think that's the question.

Gladys Byrd: But you're asking because; what I'm saying is that the Personnel Commission doesn't need to create. So that's why the change was made.

Mr. Jossierand: But we still don't have access to the other forums and the other programs that I asked for.

Gladys Byrd: And if you'd be willing to...I'm willing to show your staff again how they can get into the actions that they need to or the transactions that they need to do their job. And if there's one that does not work, as I've stated before, I'll be willing to...I need to find that out so that I can and if you need that screen I will talk to IT to make that change. Thank you.

Mr. Barabani: I got a question. Is that screen or sign in is it based...if I were to log in would the screens be based on my log in and my rights?

Gladys Byrd: Yes.

Mr. Barabani: They are. (Inaudible) so if he's having a problem it impairs their ability to move things along for them too. Is there somewhere else that they could use, a terminal or somewhere to get the job done?

Gladys Byrd: No. It's your log in; it's your log in ID.

Mr. Barabani: Right but if they were to come inside this building and log in here somewhere like on your computer. Would it work?

Gladys Byrd: It would work just like it would work on their computer. Yes.

Mr. Barabani: Thank you.

#### **V. MATTERS BROUGHT BY THE PUBLIC**

Mr. Bohn: Item five matters brought by the public.

Charlie LaChance, CSEA Labor Representative: I'm not as tall as Gladys. My name is Charlie LaChance with CSEA I'm a labor rep here. First of all, I would like to say thank you to all the Commissioners for being here. I know at this troubled time it doesn't seem that you're being appreciated, but you're doing the right thing. I mean the Personnel Commission, the merit system was created in the fifties at LAUSD because of corruption, favoritism and nepotism. That was the third arm to ensure that the students at the School District had people working for them that should be working there and that they were safe and they were knowledgeable. You're

volunteers. I know what you get, you get nothing. You get a free meal sometimes back there, but it's not free because of the time you put into it. I just want you to know, that from the perspective of the Classified employees here, that we appreciate everything you're doing here and the time you take away from your families and your work and your pleasure to be here to make sure that the right thing is done. It's unfortunate that we had this action taken, it wasn't just taken against the Commission, CSEA was named as a party of interest and it does affect Classified greatly not only here in San Bernardino but across the state. So there is an interest by Classified to ensure that you do the right thing, that we hold you accountable that we hold the District accountable and ourselves accountable for what's necessary to run this School District. George, again we appreciate your time with the Commission; since your tenure there's been integrity brought back to the Board with Rhonda and now with Gino. Sometimes people just mix or they don't mix and three of you work well together. I'm sure that the new Commissioner will work well and I hope that he understands that we're going to appreciate him as well. This is just our opportunity to again say farewell to you George. Thank you for your diligence, your integrity, your honesty and dammit some of those decisions we didn't like but we knew when you made those decisions you believed you were making them based on the information you had and what you believed was right for the School District, for the Classified and the students. Whether I believed that or not you did and I understood that and so did Classified. So we thank you. There's going to be a lot going on as you can tell this Personnel Commission usually don't have attorneys sitting all over in the audience and we have two or maybe three I think we have a third one tonight in the audience to make sure everything is done right. And darn that's all we want done for something to be done right. And may I make one suggestion to the Board? I don't know if it's possible. But we talked about the screens are or not being accessible to the Personnel Commission and Gladys has made that offer to make sure that they are, but I would say this to the Commission for whatever reason they are not being accessible. That maybe the Personnel Commission try restraining the District from keeping access from you to use those tools to do what you need to do, to ensure that we continue to test and rank and hire folks according to the Ed Code and to the merit system. So thank you for your service. I know this was long winded, I don't get the chance to speak this long at a podium they usually boot me out long before. Thank you George personally and then also Rhonda and Gino thank you. Again, I know that you are public servants not receiving anything for this except for the satisfaction for doing the right thing. And George... (clapping).

Mr. Bohn: Are there any other matters brought by the public?

## **VI. ACTION ITEMS**

### **A. Final reading and consideration for adoption of Personnel Commission Rules and Regulations, Chapter 19.**

Item A pulled.

### **B. Recognition of George Bohn, Chairperson, for his service on the Personnel Commission.**

Mr. Bohn: Hearing none we'll move to action items. Item A has been pulled by court order. B, recognition of me I guess...

Mr. Jossierand: Yes sir. I just want to thank you on behalf of the Commission staff, the Classified employees and the children of the District. There's a lot of unsung heroes in the public education and you are certainly one. And you have certainly done a Gilman's effort in all of the duties that you've had for San Bernardino City Unified. The Commission asked me to procure a plaque as a token of recognition of your public service and it's *Presented to George Bohn in appreciation for your valued service and dedication to the children of the San Bernardino City Unified School District. Thank you from the Personnel Commission and Staff.* If you'd just accept that on behalf of all of the people who have...clapping.

Mr. Barabani: I'd like to take a minute here, George. Rhonda said something last week and I waited until this week. It's been a pleasure working with you; one of the best things I can say about anybody is you're a person of integrity; I've worked well with you. I appreciated that you have been friendly to me from the very first day I came which was about a year ago a matter of fact. I know more important than that you really had the merit system at heart. You were here to make sure it worked, make sure that the whole process of the Personnel Commission functioned as the law likes to see it. Like the rest of us you took an oath and I think you honored that oath. That makes you an outstanding representative and I hate to see you go.

**C. To consider creating and funding Provisional assignment for Personnel Commission Director as needed.**

Mr. Bohn: Item C, consider creating and funding Provisional assignments for Personnel Commission Director as needed.

Mr. Jossierand: This item was up for discussion at the last meeting. I've just brought it back for the Commission's convenience. Sometimes time changes your perspectives or if you have additional questions it's agendaized for your consideration. I think staff made it clear staff's perspective of why it would probably be a good idea to do this. There are all kinds of controls that can be put into place. We had a funded position for a Senior Analyst and for whatever reason we couldn't get that the position filled because of the relationship between the Commission and the District. Then the Commission took portions of that money to fund the other half of my salary to have me fully funded by the Commission. Perhaps prophetic decisions on the part of the Commission in recognition of the situation we now find ourselves. We do have a position of Director; we have a Director on appeal. We modified the class specification which I believe is true and correct of where that Director would report to the Executive Director. I've heard no opposition to that at any of the last two years or so of meetings. My recommendation is for the Commission to consider having a Provisional Director on staff on call for limited duties as the Commission may assign; ready to assume duties if something were to happen to me as it did last May. Since we are in litigation between the District and the Commission our side is a little thinly staffed. Pretty much it's the Executive Director and that's my purview with the legal issues related with the Commission's attorneys. It's just a recommendation made in good faith by the Commission's Executive Director. I serve at your pleasure in these matters so if there's any action that the Commission wants to take it's there or if not we can move on.

Mr. Barabani: Last meeting when we spoke about this there was a cap that could be spent on this, correct? If I remember correctly.

Mr. Josserand: It's essentially an open playing field; we have some money that is unencumbered in our budget. Staff recommended around \$10,000 to be moved over to the line item. There are a number of investigations that the Commission would like to have completed. Staff is certainly willing to conduct those investigations within existing staffing if that's the Commission's pleasure. If we wanted to move along faster in some of those this matter would help. I would suggest we look at past history and we look at the situation that we find ourselves in and have that guidance on what we'd like to do. One of the suggestions, I also heard last time, is to run a recruitment and provide an eligibility list. Provisional employee is somebody not often on the eligibility who meets the minimum requirements. Limited Term employee is somebody who is off an eligibility who by standing on the eligibility list is then available for a longer term assignment as a Limited Term employee. Perhaps the Commission would like to consider us running a recruitment for Director and having an eligibility list ready at some point in the near term. That might also be a prudent step to take. So there are a variety of options here. Staff feels its obligation is to share with the Commission the options and potential reasons for one option or the other. Staff is more than willing to answer any questions but that's pretty much where we are at.

Mr. Barabani: I'm trying to get a little history. There's an individual that's on appeal I would assume that they previously held this position.

Mr. Josserand: Yes.

Mr. Barabani: In any way is that going to affect their return?

Mr. Josserand: No.

Mr. Barabani: Ok.

Mr. Josserand: I would not advise the Commission to put a permanent tenure employee in that position at any level since there's an ongoing appeal. It's not fair to either.

Mr. Barabani: That's where I was getting at. And then the Provisional allows so basically...

Mr. Josserand: They can serve ninety days.

Mr. Barabani: Ninety days. Is that continuous ninety days or ninety days all throughout the year.

Mr. Josserand: As a practitioner it's counted a number of different ways. It's my belief that the person can work ninety paid days. That's the interpretation of many people but we can go to the lawyers and ask that question as well at some point. If that's necessary.

Ms. Early: I'm in favor of not acting on this item. My concern stated at the last meeting I still have.

Mr. Josserand: When SAP is turned off there's not much to do and why pay somebody not to do much. I understand you can always act on this at some point in the future. It's just I needed to ask the question again of what's the Commission's pleasure.



Mr. Barabani: The trouble is...so basically this would give us the ability to bring someone in to assist you or to temporarily take the place if something would happen.

Mr. Jossierand: Yes.

Mr. Barabani: Ok. Well I don't know if this will fly but I would like to make a motion for the Provisional assignment for the Personnel Commission Director as needed to vote on.

Mr. Bohn: Were there any stipulations?

Mr. Barabani: The funding issue. The funding to be limited to \$10,000. I don't think we need a stipulation on the ninety days since that's the law anyways.

Mr. Bohn: At the Executive Director's wish or the Commission's wish?

Mr. Barabani: Yes at the Commission's.

Mr. Bohn: Commission's?

Mr. Barabani: Well, I would like that to be both. I would like us to give approval.

Mr. Bohn: Is it your intention to give the Executive Director the approval to do it if he needs to next Wednesday or Friday or...

Mr. Barabani: Yes, but I would also like ultimately that the Commission has preview over it. Since we are all volunteers we can't be here on a day to day basis so we should get contacted to do this.

Mr. Bohn: So you're not suggesting that the Commission is called back?

Mr. Barabani: No, no.

Mr. Bohn: He can do it on his own?

Mr. Barabani: Yeah.

Mr. Bohn: So there is a motion to provide funding for a Provisional assignment in the form of \$10,000 and ninety days to be initiated by the Executive Director. Is that your understanding?

Mr. Jossierand: Yes, Mr. Chairperson.

Mr. Bohn: I have a motion. Do I have a second? I'll second. We have a motion and second. All of those in favor say aye.

Mr. Barabani: Aye.

Mr. Bohn: Aye. Opposed?

Ms. Early: Nay.

Mr. Bohn: Motion passed.

**D. Public Hearing to consider whether the Provisional Employee Relations Director and/or Human Resources Director-Classified has been properly appointed.**

Mr. Bohn: Item D, Public Hearing to consider whether .....

Mr. Josserand: Mr. Chairperson with your permission, this was on the last agenda and we had some significant discussion. My recollection of the discussion was that I think we were very respectful to the individual involved and I want to try to continue that as best we can because it is not his or her fault the situation that they find themselves in. It's not his or her fault that this is the particular case that I have chosen to highlight what I believe is a departure from best practice. There are two issues before the Commission on this matter tonight. One is whether this particular person meets minimum qualifications for the position that they are filling. There is some confusion on what the position is. If you are a Provisional employee you're filling a position that is vacant that no eligibility exists for and that you meet the minimum qualifications, from a practitioner's standpoint. It's very clear. The second issue for the Commission is that there's Ed Code that talks about certification of payroll and that it seems to be very clear to me that certification of payment:

*No warrant shall be drawn by or on behalf of the Governing Board of any District for the payment of any salary or wage to any employee in the Classified service unless the assignment bears the certification of the Personnel Director that the person named in the assignment has been employed and assigned pursuant to the Articles and Rules of the Commission.*

*Whenever the Commission, after public hearing, finds that any appointment has been made in violation of this article or the Rules of the Commission as they may apply to the examination procedures, the Commission may order that no salary warrant shall thereafter be drawn to the employee so appointed, for services rendered after the date of said order. Any violation of this article or the Rules of the Commission as they apply to the examination procedures shall constitute grounds for dismissal of the employee or employees guilty of such violations.*

So there's really two issues before the Commission. It's further complicated by the fact that the new Commission Rules, as I refer to them, have been suspended and that we're operating under the old Commission Rules. I've gone to the old Commission Rules and taken a hard look at them we have a problem. We have an inescapable problem. Whether the Commission chooses to address it in light of the current situation we find ourselves and the relationships with this District. It's ultimately not staff's decision it's ultimately the Commission's. This is not the only case, there are a significant numbers of cases that I haven't certified the payroll for that have come to my attention in the preceding time; whether the Commission wants to address that departure what I would consider best practice or not as a lawyer but what I'd also consider a legal mandate. That's up to you but right now we find ourselves in litigation over Commission Rules. We'll probably find ourselves in litigation over issues as well. I thought long and hard over the Holidays on what's best to do in this particular situation and ultimately, may sound self

servicing, but ultimately I came to the conclusion that it's not my decision. The decision has to rest with the Commission. My decision point is whether to certify payroll or not certify payroll. I have to certify that payroll is properly done and I have a choice to make when I do that within my office and what I'm sworn to uphold. If I can't do that it appears to me from the Ed Code that I have to bring it to you. I'm not a dictator; my position is not meant to be a dictator. I haven't been given the powers to stop the District's business and that's not my intention. My intention is that I can't certify or if I come to find out that I haven't been asked to certify then the question ultimately comes in front of the Commission. Further complicating this is that we don't have access to all of the District's records. We do know that this particular employee has been placed into the SAP system according to sources in the position of Human Resources Director-Classified. We do know, we at least believe, that they are not performing those duties. That could be easily explained, that it's a fiscal issue, that shortcuts were taken in SAP system there may be reasons for that. There may additionally be reasons that an assignment was properly made and it's not a Provisional assignment it's an out of class assignment. Then the whole Commission Rules that are now in effect there's a great detail on what's supposed to happen in those cases. So I suppose trying to frame a decision for the Commission is that you have probably three choices tonight you can table this, hoping that the global issues will solve the individual specific issues and in light of the holiday season and things maybe that's a good thing to do. Another one would be to order that no warrant be drawn for additional pay until there's some demonstration that this was done properly which staff has not been able to provide to you or the third one is determine that the person was properly hired. I think the third option is very difficult to reach because I can't provide you evidence that that is in fact what happened. It has some additional that relate to the lawsuit as well. The particular position that we're talking about I had been led to believe for a long time made certain decision based on the old Rules. Ms. Gordon in her last lengthy letter to the Commission seemed to assure that Commission Rule could not be used to task assignment of duties, maybe I misinterpreted that maybe somebody would want to clarify that. I thoroughly reviewed the existing old Commission Rules and it appears that duties that are referenced in the old Commission Rules reference those duties to somebody that there's currently not a job description for. And in some duties that were allegedly assigned to the District are assigned to a position that no longer exist and then these Rules were updated after the time that that position was created. As the interpreter of Commission Rules I've got a very weighty issue that I don't really know who's supposed to be running what now based on the old Rules, it's very problematic. It appears that the Rules reference the Director of Classified Personnel and Personnel Commission a couple of times separately and then appears Classified Personnel Director what we're talking about here tonight is Human Resources Director Classified. That's a separate job title. So we have a difficult issue that it appears may be decided in courts. So that kind of leads us to a near term on what we do. Who certifies the eligibility list? It appears that I do that. Who certifies the eligibles to individual appointing authorities? It appears that there may be some confusion at worst or it may be that the Commission Staff does it or that there's some other answer but we're in a very confused situation. The fact that there's a hearing coming up may or may not address these issues in the near term. Staff's got a huge question on how we operate now since the old Rules are in effect. Interpretations being what they are and the confusion that resulted, in my view, from the recent decision gives some pretty waited questions to the Commission. Is the Commission interested in a recommendation in this particular case from staff or is the Commission prepared to make a determination?

Mr. Barabani: My problem with making a recommendation is that we had that talk in the last meeting. I was under the assumption, maybe wrongly, that they were going to bring back or help you with information that would help resolve this. Hearing from what you're saying nothing has happened?

Mr. Jossierand: That's correct, sir.

Mr. Bohn: I am going to move that this issue be tabled. Carried over until the new Commission is seated and then the issue can be addressed again.

Mr. Barabani: Can we modify that slightly?

Mr. Bohn: When you table a motion it can't be modified, you either table it or not. Do I have a second for that motion?

Mr. Barabani: I'll do the second.

Mr. Bohn: I have a second to table the motion. All of those in favor say aye.

Ms. Early: Aye.

Mr. Barabani: Aye.

Mr. Bohn: Aye. Opposed? Carried. That will take care of item D and E at this point. We are up to Commissioner's remarks.

**E. To determine whether the Provisional Employee Relations Director and/or Human Resources Director-Classified has been properly appointed.**

**Action items D and E tabled.**

**VII. COMMISSIONER'S REMARKS**

Mr. Barabani: Taking advantage of the Holidays. They decided that we were all here Thursday and I thought it would have been more professional and they decided to serve the Commissioner's with paperwork and things like that. Turns out I guess they came at the cloak of darkness on Friday they didn't even say anything it was the District did this. You'd think they had the decency to just come up here Thursday when we were all here to give us the paperwork. I wasn't there to receive it, just my dogs at home. I believe people came by; Charlie was talking about feeling unwelcome. I guess they went by and they saw my neighbors and parked in front of my neighbors, they knocked on my door, they came at all different times of days; my dogs had to get fed and things like that. I mean I don't understand what happened there, I don't know about you guys, but I mean they were coming by almost close to midnight they didn't announce themselves they didn't say anything from what I understand. I mean nothing personal but who's going to open the door at midnight or when someone is knocking on it and they don't announce themselves. I thought the tactics they used to try to deliver this information was lowly wrong. I know they stepped around my house because there's some bushes that had been stepped on flowers that were stepped on. I'm assuming this I don't know for a fact. That was part of the

way they tried to get us this mount of paperwork. We had the hearing happen Wednesday. I don't understand why all the hoopla and all people sent out to our houses when it didn't appear that it was necessary for us to be there. I mean they went to court they got a decision we're standing by it because we're reputable people. I mean to me, I wonder if management would have done the same thing to School Board Members at that time of night trying to serve them things like that. As Charlie was saying before and I made some statements about that; it seems like the Personnel Commission is being challenged and since I sat here for year the Personnel Commission or sometimes called the Merit System is all that we're trying to do here is to ensure that the taxpayer gets the job that they are ready for. The individual does what the taxpayer is supposed to do. You're supposed to work effectively and serve the public, the merit system and the process of promoting and hiring individuals. The bottom line is it's just based on your ability to perform the job. It's not whether they have political connections or anything like that. The merit system is very simple it's based on education, occupational qualifications, testing, job performance and criteria. That criteria is used for selecting, hiring and promoting people. We also are here to protect the rights of individuals within the system and to provide an independent body that oversees any appeals they may have. Most important thing and I wrote it down here is we provide an open and mutual forum for Classified employee's concerns. We do a lot of other things and I don't want to go on. The recruitments; we recruit from all segments of society we're looking for fair and equitable treatment without regarding politics, race, religion and any of those things. We're only trying to assure the selection of qualified job candidates based on their merit and fitness by using examination. This removes positions from the political arena and personal favoritism, but bottom line is protection of Classified employees by giving them once again a voice because a lot time employees don't have a voice. You can come here and get a formal hearing. I know that this Commission I sat with, both the other Commission members here, they do their best to be non-biased and an independent body, that's what the Personnel Commission is. It's someone that the employee can go to, to hear their appeals in an impartial manner which produces a win win system as far as I'm concerned for the District and the public and most important the taxpayers. It feels to me that we're under attack and I don't know why anyone wouldn't want a system like this that's impartial, fair and just looking for people that does an equitable response for hiring.

Mr. Bohn: Thank you. Well since this is my last meeting and I have been here for three years. I'd just like to say thank you for the professional manner in which the Commission has functioned. From the time Ms. Early and I spent five Saturdays traveling to Oceanside for the Personnel Commission Academy and trying to find out what the appropriate operational structure is and so on. Gino, I encourage you and the next Commissioner coming in to do that also. You really do find out what this is all about and the way it's supposed to be done. Might well be that some of the people in the District also attend the academy to find out what the Personnel Commission is supposed to do. It is my belief, that a lot of people are doing a lot of things within the District and they haven't read the Codes; it's pretty well spelled out in here, why they haven't read them? I don't know. It would be nice if all of the senior staff all read the Codes and understood them. Now when they get done with they may decide that they disagree with what they or whatever, but they would all be on the same page. Knowing what's in the Code and I think that's part of the problem everybody is not educated to be on the same level and has an understanding of what a Personnel Commission or a Merit System District is; how it goes there and why it's supposed to be there. But I would like to thank all of the staff it's been a pleasure working with you professional quality on the job, doing what you're supposed to do.

We couldn't ask for a better staff. They've been outstanding in knowledge and trying to move this forward and as I said in the last meeting it's beyond me why it's so hard for the District to just recognize what the Personnel Commission is and what a Merit System is and how it's supposed to work. I just don't think they want to give up what they've been doing for so many years themselves and I don't understand it, but anyway. I wish you the best of luck and hope you can move things along and keep things going. We'll move to closed session as provided by law evaluation and legal counsel. I do not anticipate any action to report coming.

Mr. Jossierand: Staff would share that there's possible action coming out from closed session.

Mr. Bohn: So if there is we will come out and bring it. If you want to sit here that's wonderful. If you want to find out what it is tomorrow that's good too.

### **VIII. CLOSED SESSION**

As provided by law, the Personnel Commission will meet in Closed Session for consideration of the following:

A. Public Employee Performance Evaluation: Executive Director of Personnel Commission, Government Code Section 54957.

B. Conference with legal counsel, anticipated litigation, initiation of litigation pursuant to Government Code Section 54956.9(c), two possible cases. Anticipated litigation regarding San Bernardino City Unified School District Personnel Commission funding, duties and authority of the Personnel Commission.

### **IX. ACTION REPORTED FROM CLOSED SESSION**

Personnel Commission moved into closed session at 6:45 P.M. with no action to report.

### **X. ADJOURNMENT**

Meeting was adjourned at 6:55 P.M.