

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

October 27, 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 Josserand, Executive Director.

I. CALL TO ORDER

Mr. Bohn, Chairperson, called the meeting to order at 5:32 P.M. George Bohn led the pledge of allegiance.

II. APPROVAL OF MINUTES

Mr. Bohn: The first item on the agenda is the approval of two Commission meeting minutes; one for May 27th and one for July 22nd. The minutes are attached and we will look at May 27, 2009 first. Do any of the Commissioners or anybody else see any corrections?

Mr. Josserand: The Commission may recall that these have been held over to this meeting because staff and I've made some mistakes and hopefully I have corrected them.

Ms. Early: Commissioner Bohn, I move to approve the minutes from May 27, 2009 with the following corrections: Page five third line from the bottom change *get from to meet with* and the last line it should be *and it sounds like there is* insert an *a* there it should be *there is a problem*.

Mr. Bohn: Any other corrections? I don't hear any other corrections. I have a motion to approve the May 27th minutes. Do I have a second?

Mr. Barabani: I'll second it.

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

Mr. Barabani: Aye.

Ms. Early: Aye.

Mr. Bohn. Aye. Opposed? We'll move on to the July 22, 2009

Ms. Early: Commissioner Bohn, I move to approve the minutes from July 22nd with the following changes: On page two, half way down the page, right before it says Mr. Josserand where it says Ms. Early finish the sentence out it should read *his item is not actually featured in* instead of a period it should say *in the minutes (period)*. Then on page four, midway the page, it's where it says Ms. Early *come up with the rationale for the recommended changes (period)* delete *that it would take*.

Mr. Bohn: Are there any other changes? I have a motion to approve the minutes. Do I have a second?

Mr. Barabani: I'll second.

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

Ms. Early: Aye.

Mr. Bohn: Aye.

Mr. Barabani: Aye.

Mr. Bohn: Opposed? Both minutes are approved as corrected. Approval of the agenda.

Ms. Early: I move to approve the agenda.

Mr. Barabani: I'll second.

Mr. Bohn: There is a move to approve the agenda and second. All of those in favor say Aye.

Mr. Barabani: Aye.

Ms. Early: Aye.

Mr. Bohn: Aye. So moved. Report of the Executive Director.

Mr. Josserand: I waive my report in the interest of time and out of respect for the Commission's busy evening.

Mr. Bohn: That will bring us then to matters brought by the public. Are there any individuals from the public that would like to speak this evening?

Ken Holt, CSEA Chapter President: Few things I want to give you heads up that I am going to be speaking on some Action Items that are coming up tonight on the agenda. Also, I want to thank you Mr. Bohn for your hard work and dedication serving on the board. It's kind of disgraceful that the District is pulling you off the board. Especially after the integrity you have shown this board. To me it feels like it's a plot to pull apart the Commission. I do want to thank you for your hard work and dedication.

Mr. Bohn: Thank you.

Ken Holt, CSEA Chapter President: Also, I wanted to bring to your attention we talked about the Storekeeper a few meetings ago. It still hasn't been resolved. I was told that it was going to be put on the list to be hired for. I have not seen it yet. So I would respectfully request that you guys do your investigation on the Storekeeper position. If you guys need information we have

some further information to give you to help you with that. Other than that, I will make some comments as questions arise. Thank you.

Mr. Bohn: Thank you.

Steven Holt, First Vice President CSEA: Good Evening Commissioners. Before I get started I would also like to extend my sentiments to you Mr. Bohn. We appreciate your service and commitment to the Commission and all that you have done. We're really disappointed that you were not reappointed but we do thank you for your service.

Mr. Bohn: Thank you.

Steven Holt, First Vice President CSEA: I would like to ask the Commission to investigate into Custodian IVs. They are being grandfathered out of the District and there's question that they were never negotiated with effects. We do not know where that work load went they took and the work is still there. We're asking the Commission to look into that and what happened to those job duties and descriptions for the IVs and where the work went to. Is that something that is under the purview of the Commission?

Mr. Bohn: I think so.

Mr. Josserand: Yes.

Steven Holt, First Vice President CSEA: Ok. Thank you.

Mr. Bohn: Staff will take a look and review.

Mr. Barabani: Steve, I had a question.

Steven Holt, First Vice President CSEA: Yes.

Mr. Barabani: Were these classifications ever dismissed or reclassified?

Steven Holt, First Vice President CSEA: The Custodian IVs were all pulled from various sites they were at the high schools sent down to Maintenance and Operations. And as they retired or move along whatever happens to them they are just not filling those positions they are basically grandfathering them out of the District. The District never did sit down and negotiate the effects. The workload and everything has been changing back and forth with the custodial field but those duties of the IVs still remain present with any other classified workers. Custodians Is, IIs, and IIIs are assuming those duties; the District is claiming that they are not doing it but then they are not telling where those duties went to.

Mr. Barabani: The classifications were never dissolved, as far as you know?

Steven Holt, First Vice President CSEA: No.

Mr. Barabani: Ok. Thank you.

Steven Holt, First Vice President CSEA: Thank you.

Charlie LaChance, Labor Representative CSEA: As my two predecessors here, I'd like to say thank you very much George for your time on the board. You brought some balance and integrity to the Board and I'm sorry to see you go. I am hopeful that the next Commissioner will do half as well as you do. He's got some big shoes to fill but thank you. We didn't always agree, didn't always like your decisions but that's what balance is all about but you always gave it with an explanation and integrity and we would like to let you know that we appreciate your service on the Board and we wish you well.

Mr. Bohn: Thank you very much.

Charlie LaChance, Labor Representative CSEA: I'm not quite sure as well if this is in your purview to do as a Commission but we have a difficulty at one of our schools, Golden Valley. We are working with the District and Ms. Ortega, who is here, has actually sent some memos to that particular site as well as others to have work of the Rec Aides to stop working as classified employees. So the District is making that attempt but what I would like to request, because there is more than that there, is that there is a workload issue with all of the employees at Golden Valley. What has happened as you can imagine with reductions in months from twelve months to ten months and from eight hours to six hours, many of our folks, particularly clerical, are working in an environment where the hours were lessened the months were lessened but the work is still there. So I'd like to request if I could to the Commission to do an audit of the workers at Golden Valley on all of the office staff to see how the work is being done and who is doing that work.

Mr. Josseland: With the Commission's approval, I heard two potential issues. Issue one, please correct me so I make sure I understand on the record what you would like us to look at, is that there's a work load issue that perhaps they have too much to do at the staffing level.

Charlie LaChance, Labor Representative CSEA: Correct.

Mr. Josseland: As a general rule that's not a Commission's situation that would be the purview of the Board from my perspective as a practitioner. However, if the belief is that there may be a more complex problem on the second issue and that is that the existing staff there may not be properly classified and then as another level properly assign their work within those classifications i.e. we may have out of class issues we may have reclassification issues; some of that may find itself in the labor contract and some of it might be found in the Commission purview. What staff may suggest to the Commission based on your good faith request is for Staff to meet with CSEA and perhaps the District if they would like to attend and listen to the concern and see if we can help me understand what the issues are so we can make an adequate review and reasonable recommendation to the Commission. Does that make sense?

Charlie LaChance, Labor Representative CSEA: Number one, your right, if it's out of class then that's between District and the Union. We have provisions in the contract to do that for out of

class work. We can file a grievance or discuss that with the District. My concern is doing a work place audit and I'm not quite sure where that would fall. By audit I mean finding out where the work has gone and who's doing the work and shadowing those employees to see if they were an eight hour employee and now they're a six hour employee where are their two hours of work going? Who's doing it? Does that make sense to you as an audit? Because that's what I meant by an audit.

Mr. Josserand: Yes ma'am. With the Commission's permission and with your permission I would like to actively consider and discuss that with both of you and the District to see if there is a role for the Commission to try to help come to a resolution of this or if the Commission has any traction on any of these issues. I think I need more story to adequately address if there is potential here for Commission involvement if that's ok.

Charlie LaChance, Labor Representative CSEA: Does the District or the Commission, normally foot the bill for a work place audit? Who moves that there be an audit in the work place?

Mr. Josserand: What I ask you to today is let us research that. Off the top of my head it's a term that I'm not really familiar with except in the capacity of a classification study. So if the interest, let's say after we talked about this, is that there needs to be a classification study at that site the District signs off on it the Labor Union signs off on it we go in there and try to find out what is going on collectively maybe that would work. If there is an interest in having the Commission go in and take a look at that I'd have to ponder that some. With respect I don't think I am prepared to answer that question right now.

Charlie LaChance, Labor Representative CSEA: Ok. I have Sharon Thurman with me who is from Golden Valley and she would like to just give you a little description of why we came to the Commission for an audit. Certainly, the District has done its part to try and alleviate Rec Aides doing classified work by sending memos out. In fact, we had a meeting today where Ms. Ortega found out that some things were still occurring that she thought weren't. So there hasn't been a lack of movement on the District's part to stop that end of it. But we think it's far more reaching I think it's better to come from a worker there than it is for me talking about workload issues. So if you don't mind, I would like Sharon Thurman to address what some of those issues are. So when you do discuss it in closed session or do further investigation, you'll know what we're talking about.

Mr. Josserand: For the record, we can't discuss it in closed session but staff will work on it and make a recommendation but I will talk to you if that's ok.

Charlie LaChance, Labor Representative CSEA: Wherever you discuss it.

Mr. Josserand: Yes ma'am.

Sharon Thurman: My name is Sharon Thurman and I do work at Golden Valley Middle School in the office. Since we've had all of the cutbacks on hours and the like the work overload issue has really gotten horrible at Golden Valley. It has caused some of our Rec Aides to be working in the office to try and fill in the areas that we're having trouble with. And again as Charlie said

that was brought to Ms. Ortega's attention and she is working with us on that. But we are having an extensive amount of work overload issues in the office. So that's from Golden Valley.

Mr. Barabani: I'd like to ask you a question. In your opinion is this an issue of workload, how much you're doing your duties versus like your duties and responsibilities? Do you believe you're working out of class, what you were originally hired to do?

Sharon Thurman: I don't believe I'm working out of class I just feel that there is a lot more work being given to us regarding reports and the like that they are wanting to try and keep up with. For me as far as the number of students in the school and the like that normally we wouldn't have but I think because they are worried about the number of students to the number of teachers or whatever, we are constantly having to draw up reports and then I'm having to draw up reports for transportation because I do busing also.

Mr. Barabani: Now is that part of your Recreational Aide?

Sharon Thurman: The Recreational Aides do a lot of the filing in the office and a lot of answering the phones in the office, a lot of the helping out with the students that come into the office, they do a lot of that.

Mr. Barabani: And that was your original job duties when you were hired, I mean in your job description?

Sharon Thurman: For mine yes.

Mr. Josseland: For the Rec Aides? Sir no.

Sharon Thurman: Not for the Rec Aides.

Mr. Barabani: That's what you're hired as now, right?

Sharon Thurman: No, I am an Attendance Tech.

Mr. Barabani: Oh ok.

Mr. Josseland: The Rec Aides are essentially...

Sharon Thurman: They're essentially supposed to be working out with the lunch areas kids and stuff like out in the lunch area and out in the fields playing soccer and stuff.

Mr. Josseland: We are lucky to have Ms. Gordon here. Essentially under Ed. Code they are playground assistants I think that's what they are listed as.

Ms. Gordon: Yes, I believe that is true and is that's their only position; they are excluded from the classified service.

Mr. Josserand: With the Commission's permission, a couple of questions that I am going to ask the labor rep when I meet with her that would be helpful. I don't want an answer right now. I certainly don't want an answer from you on this issue but I do want the labor rep to have an idea of the questions that I will ask her for the record is: Is everyone being paid during the time they work, as an example? Is everybody having their assigned work within their classification specification? That's a question that I'd ask. Are people asked to take work home? Those sorts of things. So those are some of the questions that I'll ask her. It would be helpful if she knew the answers so just kind of as a subject area expert at that site those are questions that I'll ask of her. Thank you.

Sharon Thurman: Ok. Thank you.

Mr. Barabani: Thank you.

Mr. Bohn: Thank you for your input. Is there any body else who would like to speak this evening? Hearing none, we will move on to item six, Action Items.

VI. ACTION ITEMS:

A. To consider the approval of a contract with Hinshaw & Culbertson LLP, Kristine E. Kwong, Attorney at Law, to provide advice and counsel regarding employment and school law.

Mr. Bohn: First item is A to consider the approval of a contract with Hinshaw & Culbertson LLP, Kristine E. Kwong, Attorney at Law, to provide advice and counsel regarding employment and school law. Do you have any input?

Mr. Josserand: If there is a motion, this is allowing the Commission to be familiar with. Staff recommends that you move forward.

Mr. Barabani: I make a motion that we do this. I looked over the paperwork and I think that there is a lot of questions that we need answered. This might be an avenue for us go on.

Ms. Early: I second.

Mr. Bohn: We have a motion to hire the firm of Hinshaw & Culbertson to deal with problems that might arise in regard to counseling and appointment and school law. All of those in favor say aye.

Ms. Early: Aye.

Mr. Barabani: Aye.

Mr. Bohn: Aye. All of those opposed?

B. Consider approval of the following recruitments (items will not be read individually).

Mr. Bohn: Item B) Consideration of the approval of the following recruitments; items will not be read individually. There are 17 items on the list for approval for recruitments. Do I have a motion?

Ken Holt, CSEA Chapter President: I have something to add.

Mr. Bohn: Oh, excuse me.

Ken Holt, CSEA Chapter President: I have a concern with items C and D, the job descriptions.

Mr. Josserand: We're not there yet.

Mr. Bohn: We're not to job descriptions. We'll get there eventually. We're still on Item B.

Ken Holt, CSEA Chapter President: I'm good with that one.

Ms. Early: I move to approve the recruitments as listed on the agenda.

Mr. Bohn: I have a motion to approve the recruitments listed on the agenda items one through seventeen. 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. All of those opposed. None.

C. Consider approval of the following Job Description Revision: Facilities Planning & Construction Manager.

Mr. Bohn: Item C) Consider the approval of the following job description revision: Facilities Planning & Construction Manager.

Ken Holt, CSEA Chapter President: My concern is we have a job description committee to review the job descriptions and both C and D; there are some changes that are alarming that I'd like to have the committee see and to have the committee's recommendation for this before it comes before the Commission. It seems that we have bypassed that process. I'll talk about D when we get there later. I have more concerns with D than I do with C.

Mr. Bohn: Are you addressing both items C and D at this point then.

Ken Holt, CSEA Chapter President: I have a problem with both of them but we're on C.

Mr. Bohn: Is it the same problem with both of them?

Ken Holt, CSEA Chapter President: No, I have a different problem with D.

Mr. Bohn: Ok. So we're talking about C.

Sherry Gordon, Atkinson & Andelson: If I may just briefly, as to both items C and D, those are both management positions they wouldn't come before your committee. That may help clarify your concerns.

Mr. Bohn: Thank you.

Ken Holt, CSEA Chapter President: We still have concerned people.

Mr. Bohn: Ken, do you have something else to say?

Ken Holt, CSEA Chapter President: No, I'm ok.

Mr. Josserand: With the Commission's approval, Ms. Ortega, I am still relatively new to the District and sometimes it surprises me what I don't know. I believe that there was a bond measure for the District not too long ago and there's some construction going on.

Mrs. Ortega: Yes there is. That position is quite important to continue working with building schools and the other facilities improvements that are going on. That's the person that does that and without that person I fear that we're going to see quite a slow down in what the District is doing. And yes we did get that bond and that person works with those monies to improve the schools and continue building the schools.

Mr. Josserand: With respect to everyone and everyone's opinion from staff is that sometimes we get caught in the middle. It's staff's judgment for the benefit of the Commission we recommend that you approve C in that I believe that it would be a significant fiscal hardship on the District as they try to execute their bonds and building construction. Staff viewed the changes to see as being fairly apple pie and very simple. We didn't see anything, perhaps staff is in error but I will recommend that you consider approving C.

Charlie LaChance, Labor Representative CSEA: I'd like to speak on C if I may. Since it's a revision I know it's management so it will not fall under the job description committee that CSEA and the District are working on together. I do have a couple of questions. One is that it says it's a revision so it's an existing position I assume?

Mr. Josserand: Yes ma'am.

Charlie LaChance, Labor Representative CSEA: Let me ask you do the wages change with this or do the wages stay the same?

Mr. Josserand: No ma'am. Correct me if I'm wrong Ms. Ortega but I don't believe that there was any recommendation to change the wages. This was essentially a way to give clear direction from the Board via their agents, the Administration, for this employee to do a good work for the children. Not that I'm on the District's side or CSEA's side.

Charlie LaChance, Labor Representative CSEA: I didn't ask that I just asked about the wages.

Mr. Josserand: I'm just calling this one the way I see it.

Charlie LaChance, Labor Representative CSEA: Was there wage changes with that?

Mrs. Ortega: No.

Mr. Bohn: It would be in order then for a motion to consider the approval of this job description.

Ms. Early: I'll make a motion.

Mr. Bohn: I have a motion by Ms. Early to approve the job description listed on Item C. Do I have a second? I will second that. All of those in favor say aye.

Ms. Early: Aye.

Mr. Bohn: Aye. Opposed?

Mr. Barabani: No.

Mr. Bohn: So recorded.

D. Consider the approval of the following Job Description Revision: Employee Relations Director.

Mr. Bohn: Item D) Consider the approval of the following Job Description Revision: Employee Relations Director.

Ken Holt, CSEA Chapter President: That I have concerns with, on whether it's on the committee or not. It looked like the job description with all the strike outs. It's looking like, it seems to be, being catered for a predetermined position. In here we are considering this when we have talked about issues like Storekeeper for two years that have been brushed off. I have a huge concern with this. It seems like this is being pushed as a priority where everything else is being pushed to the side. Then the job description, if you look at it the strike outs are very alarming. How they are trying to change the educational requirements out to tailor for a predetermined position. So I would hope you guys would consider that before voting I guess.

Mr. Barabani: When I originally looked at this that caught my eye also; the abundance of requirements taken out of this job. I'm assuming that they haven't reclassified or anything like that. Then if I am reading this correctly looking down here where it says *Bachelor's degree from*

an accredited college or university and additional related course work have been crossed out. I would assume that additional work would have been up there with the five years of experience. I can see something here. This person has to deal with collective bargaining unit, the laws and standards of work, maybe they should have some type of personnel or employment or human resources type of degree and I don't see that here. I'd like to make a motion right now because of this it's so vague. Can we look at this again and eliminate this class?

Mr. Josserand: As the Commission you can take action that you'd choose tonight.

Mr. Barabani: I'd like to make a motion to eliminate this class. We need to relook at this whole thing over.

Mr. Bohn: Would it be more appropriate to table the item until it's a little more studied. I'm not sure just exactly what ...are you trying to?

Mr. Barabani: Well I'm confused here because I don't know what the position is.

Mr. Bohn: The position exists.

Mrs. Ortega: The old position exists. There's nobody in the old position.

Mr. Bohn: There's nobody in the old position?

Mrs. Ortega: That's correct. I just want to clarify and I may not have understood correctly. There is a Bachelor's degree required and there are five years of increasingly responsible experience in employee relations or human resources required. I just want to make sure that you understand that the strike outs are what are gone, everything that's not struck out remains as a requirement.

Mr. Barabani: I understand that. It says you struck out the part where it says *major course work in public education, public administration and industrial relationships*. That's everything this job entails. This person who ends up getting this job is going to be dealing with a collective bargain. Like I said involved in all of the structures in employee relations and all of that has just been taken out and it just says Bachelor's degree. I guess that could be in anything.

Mrs. Ortega: This particular position that you are looking at will not be dealing with collective bargaining. If you look at the definition you'll see that collective bargaining has been removed because that would be the Assistant Superintendent's responsibility. This is a position that existed prior to an Assistant Superintendent and that may have been what that responsibility was. There was no Assistant Superintendent in that position now that's my responsibility as an Assistant Superintendent so this position would not be doing collective bargaining. This person is doing the litigation, the safety, provides assistance to employee relations such as investigations, all liability claims; so you can see that there is a chance of responsibilities in the sense of reorganization and since the responsibilities were added to my title. If you look at the examples of duties you'll see that we make every effort to align what that person would be responsible for with what the experience and education will be. If you're more comfortable with

adding some verbiage that you mentioned earlier, Mr. Barabani, I'd be more than happy to redo that and I can see where you're coming from on that point. I don't have an issue with that.

Mr. Barabani: Well, since you kind of restated that you can that person is not responsible for litigations, investigations and things like that. So, what are you looking for instead of a Bachelor's degree or any kind of education? I mean right now, I'm going to be blunt, this basically I mean I got a Bachelor's degree but I know I'm not qualified to do this.

Mrs. Ortega: I understand and certainly like I said we can easily add something. We always look for something that's school related. We need to know that somebody understands how a school system works. So we would want a Bachelor's in an area that people would be familiar with that level of trying to come in and not understand anything that is going on in a school system. We also didn't want to not be able to consider somebody that maybe came in with a Bachelor's in some law related field or some safety related because a good portion of their job is also related to litigation and to the safety issues. So, in making it specific to human resources or specific to what was there prior to that, may result in having some people not being qualified for it that may have a Bachelor's in an area that would be very helpful.

Mr. Jossierand: With the Commission's permission, if I could ask you a couple of questions? Staff for the Commission's benefit the Board of Education fixes and prescribes the duties of the position. That's their role and law. You classify the position. Now, it takes people like me and Ms. Ortega a lot of years and a lot of sweat and lawyers and everybody else to figure exactly what that means. This one has been batted around for a while and as I listen to the discussion I find the classification doesn't seem to be very clean. What I heard maybe you suggest is that we start over and we re-write a new classification rather than update an old one. But what I'm looking for as a staff member and opening discussions and I think I heard that from Ms. Ortega, willingness to work with the Commission to resolve this issue. Perhaps, we re-write the classification from the ground up rather than modify one and maybe that help breaks the log jam but that's my suggestion to just consider for the Commission and the Administration. It's helpful for us to be collaborative and work together but maybe we just do it over again and bring it back to you. But if the Commission is prepared to approve it tonight, it's whatever the Commission's call is. It just occurred to staff that it might be helpful to say out loud.

Mr. Barabani: I'm not looking for the focus to be so narrow. Like you said it cuts off a lot of people but also as it stands right now it's so broad that it should be eliminated. This should be cleaned up with better verbiage and tighten up on the education and we seem to agree on that. Let's make my motion less, let's table it.

Ken Holt, CSEA Chapter President: Just some clarification, I heard that they said that this is an open position. It's been open for ten years vacant maybe a year less. Here it is a predetermined position for an employee, we know that. We've put off filling vacancies, Custodian IV vacancies, Storekeeper year after year after year. When it comes to a management position it becomes a dire need, when does the dire need come to the classified range? I think that's where the focus needs to be instead of us focusing our energy on this particular one. It's appalling to be honest with you. Here it is a vacant position and if it was that important then why has it been

empty for nearly ten years. It's a position out there but it has been for ten years. I think nothing short of abolishing that position would be appropriate. That's just an opinion from me.

Mrs. Ortega: If I said open position I apologize. It's an existing position I just wanted to make sure that's what I meant or intended to say if I didn't. When Mr. Holt is saying that it's a predetermined position I would not know what he is speaking of. Is somebody working in that position? Yes. As many employees all around the District are working out of class. Somebody is working in a position that has those duties and that's due to the reorganization. If you recall the reorganization was a result of an Assistant Superintendent leaving and that position not being filled. Not only was that position not being filled but the Administrative Assistant retired and that position wasn't filled as well. What I know what the District often fails to do is share with the Personnel Commission how many other management positions once they became vacant have not been filled or have been abolished. Many Directors, many Coordinators I fully understand that Classified has taken a hit but to say that this position is less important than anything else we're trying to fill is really unfair. It's a result of the reorganization and I think that we have worked hard to be fair to everybody and I'm not saying that Classified hasn't been hurt but there have been cuts as well in management positions, high-level positions. Directors, any time a management position opens the direction is you freeze them. It's not going to be filled. You have seen that with the Director of Classified Human Resources, that position hasn't been filled. You've seen that with a variety of positions where Certificated retired or left because of the early retirement incentive and those positions were not filled. I would be more than happy to provide a list to you because this has been happening with those high-level positions with the direction of the Board for several years. So it's not just one group of people that are suffering right now but I do want to say that this position is important because of the reorganization. As you know I'm in Classified Human Resources because of the reorganization and different duties and additional duties were put on my shoulders. That's one of the positions that provides support to me. As Employee Relations Assistant Superintendent, I used to be in charge of a smaller division now it's a very large division including School Police and Classified HR. And without that position to assist in doing investigations, dealing with just a variety of different things does present a hardship in the office. I am not minimizing by any means what Classified has dealt with at all and I never would. So I really would like to encourage and request respectfully that the Personnel Commission would consider approving this with changes. I have no problem with the changes because I certainly understand where you are coming from but it is an important position as well. Thank you.

Steven Holt, First Vice President CSEA: It's no dispute that there's been reorganization on the District's part but, and maybe somebody can clarify it for me, a lot of the duties of that are with HR are going back to the Commission or should be as well as some of the staff. This has been, as President Holt pointed a vacant position for quite a while and I don't know if you guys can look up the exact amount of time and get that information to us. But I'm concerned because there have been a lot of positions that have been going on for years with the Commission that we have been arguing about the District that have been looked over. We've had hiring freezes, we've had abolishment of our positions, we've had several increases they're building new schools new buildings; we've increased all over the District and yet we're told do more work. And all I am hearing is they need this position cause they have more work when a lot of the work is going to the Commission. We pick up the slack as Classified everyday. We're not getting

anything out of it all of our positions are still on hold. So I think it is a matter of priority and I'd like to see stuff like the storekeeper dealt with first. I think that would be something the Commission would look at because it is appearance on our understanding that it's being done because it's a high level District position and our positions are being overlooked. If you guys would look it up I would like to know how long this position has been vacant. Why all of a sudden it's such a hurry to get this through? Especially with everything else that is going on in the District. Thank you.

Charlie LaChance, Labor Representative CSEA: I just wanted to show you this, we had this at a Board meeting and it says "*When does this stop?*" *It stops now.* The reason that's important is what everyone is talking about Yolanda is absolutely right; everyone is doing more work from top to bottom. I'm not going to deny that everyone including her staff, herself are doing more work as our Classified are as you heard from Sharon Thurman and you heard from me. This position has been vacant somewhere between eight or ten years or frozen. The person that's doing some of that work now has been doing that work since Ms. Ortega I think was promoted. She can correct me if I'm wrong but probably about that period of time. I think the reason that Classified and actually I do agree that that classification should be abolished altogether because the work is being done without that position and that position includes a pay increase for whoever steps into it. Or if they come off the street which I doubt will happen is at a higher rate of pay than someone who is working as a Secretary or Technician. I think it's important for the Commission to know as we explain to the Board on Tuesday night is that Classified took a 2.09 percent decrease in their pay or reduction in months or reduction in hours. That's considered a layoff. We've had people reduced in months and reduced in hours on top of their 2.09 percent decrease in pay. The step increases still move forward in the contract, which are in there, and that contract hasn't been affected. In exchange for that 2.09 percent decrease in pay they receive five furlough days which means it's like five extra vacation days.

Mr. Bohn: Charlie, I think we're getting out of...

Charlie LaChance, Labor Representative CSEA: Then let me just say this real quick. We support abolishing this position. The reason we want to abolish is because we don't think it's right or just that this position is approved and the District spend money on this position when the District has said over and over again said that they want to cut funding and we are on a budget crisis. The reason I gave you that background George is because I think you need to know why CSEA is taking that position. With all due respect sometimes we agree to disagree, the District and CSEA, and we agree to disagree with this position. They believe that it's essential, we believe the works getting done right now without that position. We would support abolishing that position altogether. Ok.

Mr. Josseland: With the Commission's permission, if I can try to give some foundation. By Commission Rule, the Administration or CSEA can place items on the agenda before the Commission if they give them to us in the appropriate timeline. That's where this one came from. The Commission classifies positions, the District fully has the power to staff the District but they have to use your classifications. There is a balance of power between the classification process, from my vantage point, and the staffing process the fixing and prescribing of duties between the Commission and the Board. The mandate that comes to mind where the

Commission has significant power is to ensure that an adequate field of competition is admitted to the examination for any classification. That is, the minimum standards aren't so restrictive from my stand point in plain English that they eliminate most people who have a right to apply for public work but they are not so low as to admit people that obviously will not serve the public's interest well and will not do a good job. So it's a balancing act on how high minimum education and minimum work requirements are. The other power that the Commission has is to classify positions into job families, relationships and the third part of that is that I think we have a contract with all parties concerned. Particularly, the public that we are sworn to protect and take care of to do our job well. The economic considerations on who the District chooses, what positions they choose to fill, as sympathetic as we may be, it's not our problem. It's our job to determine whether a classification is proper and correct. This one has some emotion attached to it. I see you having a couple of different options: eliminating the classification (that's what I heard from some people), starting over and writing a clean, fresh classification that better meets the District's interests (that may have some attractiveness to it in that it gets us out perhaps of a controversial issue and helps us move forward), another way would be is to approve it as it is presented by the District tonight and as it is present to you, which the District has the right to present to you, you however are mandated to do whatever you want with it. The third option would be to table it with perhaps direction to staff to re-work it into something that may be more powerful if the Commission is not going to act on it tonight, but I see those as your three possible solutions.

Mr. Bohn: I looked down here and it seems to me that we have blocked off this experience, training and education question down here. By looking at it, the way it exists these people don't exist out there. We don't go to college and study public education and then also move over and study personnel administration and then also go and study industrial relations. Those are major categories you might study but I don't see what purpose it falls in the School District when we're talking about industrial relations. Public education is the process of teaching children, personnel administration is about working with staffing of people and so on, so I don't find any problem with striking out some of this *has to have major course work in public education, personnel administration, industrial education and related fields*. I think the five years of increasingly responsible experience in employee relations or human resources is what this job appears to be all about. Maybe at one time it wasn't but it appears to be that that's what it's headed for today and with all the strike outs it eliminates a number of reasons why they might have had this experience before.

Mr. Barabani: Well, as I am listening to what you're saying there is a lot of valid points but I also look at the point that if you are saying you are looking for someone that has training and experience here, then there's no value being set that it just says Bachelor's degree but in the description in items that haven't been crossed out it says you're *going to represent the District in formal grievances, you're going to deal with civil rights, discrimination act* all these things and these are things that you do study when you are going to get a public administration or a business degree or even a human resources degree; these things come out of it. I'm not saying that degree in particular or narrow it down just to that but something more than just a Bachelor's degree. Plus so many things have been taken out. The reason I said originally the classification should be eliminated and started from scratch and redid it this would be better. Right now instead of

arguing about this of what it should be or shouldn't be, I think it should have been presented to us in a much better form to where we understood exactly what they were looking for.

Mr. Josserand: Just as an aside. Ms. Ortega if you could correct me for the record, the recommendation is also a salary change on this and dropping it down from a 70 to what a 65? Essentially...

Mrs. Ortega: Actually it's a 75 to a 70 where all the other Directors are. It's a decrease.

Mr. Josserand: So then I wanted to point out...

Mr. Bohn: It is a 75?

Mrs. Ortega: Yes, it was a 75 but we're recommending a 70.

Mr. Josserand: I wanted to point out that on the sheet the Commission has there's not a strike through on the salary but there is a lowering on the salary.

Mr. Barabani: Well, then I would like to make a motion...I'm sorry.

Charlie LaChance, Labor Representative CSEA: Point of order, there's already a motion on the floor that you need to rescind that or...

Mr. Barabani: You're right. I want to rescind my original motion...

Mr. Bohn: It did not have a second so...

Mr. Barabani: I think this needs further study of this. I'd like with any further investigation to put this on hold until it's been clarified.

Mr. Bohn: Putting it on hold means tabling it?

Mr. Barabani: Yes.

Mr. Bohn: You would like it then for it to come after it has been looked at a second time?

Mr. Barabani: I don't want it looked at a second time. I'd like for this to be cleaned up to where...

Mr. Bohn: If we're going to make a motion and we're going to pass that we need to know what your intent is for the motion.

Mr. Barabani: Ok. My original intent was if we eliminated this and then start over I thought that would be the best method but no one seems to like that. I actually thought that that would be the easiest way to go. So can we refine this and then bring it back? To where it's...

Mr. Bohn: I would assume we might be able to table it and have staff and senior administrative staff relook at it and then bring it back.

Mr. Barabani: I guess the motion would be any further study of this class.

Mr. Josserand: From staff's perspective absolutely. As a courtesy I'd ask Ms. Ortega are you willing to meet with me over that issue to help us break this?

Mrs. Ortega: Not a problem at all but I would like just some clarification on what you would like refined because we used this particular job description because many of the responsibilities are still there and I don't want to bring it back and have you see the very same verbiage there again and feel that we're trying to pull something over on the Personnel Commissioners; many of the responsibilities of that position that's what that person is going to be doing.

Mr. Barabani: Well, for instance under *five years of increasingly responsible experience in Employee Relations* this job descriptions seems to be the job the way it was originally and as you stated a lot of the things in the reorganization changed that. So now we have *five years of increasingly responsible experience in Employee Relations or Human Resources* then the rest of that is cut out and then the rest of it up here has been cut out. So under there, I would say if we did a study in this class we would know who did that. This is what I'd like to see under those five years that this class should have. In the same way, what kind of degree would be applicable to this class? Right now, it's very vague.

Mr. Bohn: So you agree that we table this motion and staff and the District get together and look at this and then bring it back. Would that make your...?

Mr. Barabani: By tabling it means that you're going... Well, you know what the class is so study what the class is going to be and we can write a job description that's appropriate and then they'll do right by the merit system. Once again, I guess it's the same motion. Let's table this until pending further study in this class and bring back.

Mr. Bohn: I have a motion to table it for further study and looking at this class. Is that correct?

Mr. Barabani: That's correct.

Mr. Bohn: Do I have a second to that? I do not have a second. Going back to the original, is to consider the approval of the job description revision as item D of Employee Relations Director. Do I have a motion to approve this job description revision? I do not have a motion to approve this job description revision. Table has died and motion has died. At this point, I would think that you would re-submit the item maybe with additional information that would help to clarify some of the concerns that you have heard hear this evening. See if we can get this solved.

Mrs. Ortega: Thank you very much.

E. To discuss prioritizing the Personnel Commission Budget and consider moving money and/or modify funding of various line items.

Mr. Bohn: Moving on to item E. To discuss prioritizing the Personnel Commission Budget and consider moving money and/or modify funding of various line items.

Mr. Josserand: As the Commission is well aware, the Commission moved forward last spring with a budget. The County Superintendent of Schools proposed to object that budget and a public hearing was conducted. A correspondence trail ensued between the Executive Director and the honored Superintendent of San Bernardino County, where we shared our feelings and I'm grateful for that opportunity to look at that. My recollection and interpretation of where the County Superintendent of Schools left us was get back to us when you people down there resolve the issue. We're working towards that goal. Ongoing discussions between the Executive Director of Personnel Commission and the senior representatives of the District have been ongoing. We've had a couple of hiccups and couple of misinterpretations and couple of well we've got human beings involved. All in short of it is that we have insufficient funds from the Director's perspective to continue all normal operations through this year. We have one unfilled position that regrettably for whatever reason we have not been able to fill for a Senior Analyst that has been talked about, talked about and talked about. We thought we had it resolved, I think, both sides from various points, but for whatever reason hasn't. So you have unencumbered money and people categories and in the lower half of the budget which is overhead expenses, you have some monies there. I wanted to share with you that the District as an example had been paying for testing services and I sought money from the District to pay for those testing services perhaps that was a misstep on my part. I had ongoing discussions with the District since our last Commission meeting and found myself cleared to pay for those testing services. We have run a couple of recruitments through the testing process and I am signing four eligibility lists tomorrow. We have overarching staffing deficiencies to handle the assigned duties that we do have and we have overhead funding deficiencies. It's incumbent upon me to act as your agent so from time to time I ask for your input on how we should prioritize our funding. I'm not necessarily seeking any guidance tonight if the Commission is not prepared to give any but if you are, I am prepared to receive it. So this is an action if there's any concerns or any discussions that the Commission would like to have this is where we do it.

Mr. Bohn: On the items, just so we know what we are looking at, for example 40 Computer Software and so one. It is budgeted at \$73,000 is that correct? And the minus \$3,204 is that we are over budget by \$3,000.

Mr. Josserand: No. What in the top in black you'll see \$76,280.49 at the top, what staff did to try and give the Commission a sense of what we spend our money on and what category that's the total amount of money that we have. The red amount is what we've encumbered or what more precisely in plain English, what we've spent. At the bottom you'll see that we still have \$61,244.83 as of 10/15. There's a significant budget problem in this State, I'm sure we read the papers and watch the news and we know that, staff from the Commission's perspective is always very careful in our expenditure funds and I suppose what I'm doing here is noticing the Commission that I've spent some of your money and I continue to spend some of your money but we've been very frugal in that the fiscal starts I believe one July. So one July, one August, one September we're a quarter in and we haven't spent very much money. So you do have some money to spend if you'd like us to come back and make some recommendations. You can move

around on your budget there's decisions that you can do pretty much within prescriptive law what you've prioritized within those laws, you can do quite a few things in your discretion. So that's just your overhead money. You have unencumbered people money if you want me to continue to try to work with the District to fill the Senior Analyst position. That's what we'll do but right now the money is not being spent.

Mr. Bohn: Mr. Holt.

Ken Holt, CSEA Chapter President: Yeah I'd just like to make a couple of recommendations since we have, it's kind of funny that we're talking about this now, seems like the Commission has had a reorganization that has some priorities that aren't being filled which doesn't seem to be a priority to the District as far as funding. I'd also like for you guys to consider fully funding Jeff's position so he's not paid half by the Commission and half by the District. With that looming over your head if you don't do our bidding your out of here. I'd like to see him funded under the Commission fully. So I'd hope you guys would consider that. Also, some of these vacant positions it's appalling to me that we talk about the District's reorganization and how critical it is to fill some of these new positions on their end but when it comes to the Commission's end it's not a priority and I tend to highly disagree with that. So that's a couple of thoughts that I wanted to bring up in topic but I'd really like to see the Executive Director's position to be fully funded by the Commission and not split by the District. Thank you.

Mr. Barabani: On that regard, to fully fund the position, since the last few months we've accepted a lot of responsibilities and taken on a lot of employees that are in our reorganization also. I guess one of our responsibilities is paying our bills and since we're doing the half half maybe we should fully fund the Executive Director of Classified Personnel and Personnel Commission. I'd like to make a motion to do that.

Mr. Bohn: Would you state the motion?

Mr. Barabani: I make a motion that we fully fund the Executive Director of Classified Personnel and Personnel Commission.

Mr. Bohn: I have a motion to fully fund the salary of the Executive Director. Do I have a second?

Ms. Early: I'll second.

Mr. Bohn: I have a second.

Mr. Josseland: With the Commission's approval. Directors often times find themselves in the gun sights of everybody and it's no different here. When I can in to this District we had had some significant rough relations between the Commission and the District. I'm here to make things better. Who pays me? As long as, I think it's important to my wife that I am paid don't get me wrong, but who pays me as an individual employee I'm not that concerned. I would hate to be provocative to the District but that's in the Commission's hands. The concern that I have as an individual Executive Director for the Personnel Commission is that I'm half funded by the

District and I'm half funded by you currently. If you read my job description it's pretty clear what I'm supposed to be doing. In the three years that I have associated with the District both as a mediator and temporary employee and contracted employee, we've had a slow transition to where some of those duties that I'm tasked to do in my contract, I'm not a lawyer so correct me, some of those duties that I'm supposed to do in my job description are clearly on the other side of the fence with the District but I'm not doing them. So frankly last October I served at the pleasure of everybody as long as I can try to make this work within certain provisions and I continue to serve so I'm punning on this one whatever the Commission chooses the right thing to do so I don't have a recommendation one way or another but I do thank you for allowing me to work; a lot of people don't have jobs.

Mr. Barabani: I want to say this is nothing against the District. They have shown some good faith regarding employees and our budget. Part of our responsibility is to pay our bills and we need to pay our bills for the people first.

Mr. Bohn: We will vote for the motion to fund the Executive Director. I would assume we're talking about for the rest of the year or are we talking over the whole year?

Mr. Barabani: For the whole year.

Mr. Bohn: All of those in favor say aye.

Mr. Barabani: Aye.

Ms. Early: Aye.

Mr. Bohn: Aye. Opposed? So moved.

Mr. Josserand: In light of that decision. What the Commission may want to consider at some point is we do have some unencumbered monies. We have a Director's position that is not filled but is on the books. We may want to bring a provisional person in, as you know I had some health issues this spring and you never know what's going to happen, to have somebody on deck for succession might be a good business practice. So that's just something for you to ponder as you would see fit. There are some available out there who are imminently qualified and are pretty smart and they might help from time to time. So, within the confines of finances we do have, staff would ask that you consider that at some point.

Mr. Bohn: Mr. Holt.

Ken Holt, CSEA Chapter President: One last thing, after hearing some of the conversations. Some of the duties that aren't given back to you that you are contracted for, my question would be, does the Commission are you seeking to get legal help to return those duties that are contracted to you? Seems to me that that should take place; I have a concern with that they are holding back on the Commission and you're contracted to do those duties maybe some of those duties that they are holding back on is what they are trying to add into this new position in HR. So I would hope that you guys would investigate that and see what exactly the duties that are

missing that the District's doing. It seems to me that they are trying to create positions for the District but I'm not sure if they are or are not belonging to the Executive Director in his contract. So I would encourage you guys to look into that. Thank you.

Mr. Bohn: This concludes the action items. Move on to the Commissioner's remarks.

Mr. Josserand: We have one more sir item F.

F. Final reading and consideration for the adoption of Commission Rules, Chapters 3-18 and Chapters 20-22.

Mr. Bohn: Oh I'm sorry. Final reading and consideration for the adoption of Commission Rules, Chapters 3-18 and Chapters 20-22.

Sherry Gordon: May I? Good Evening everyone. (Microphone difficulties) I would be happy to raise my voice no one has ever accused me of having a soft voice so let me try it this way and if I turn my head away from you for a moment I'm not trying to be disrespectful. I heard the term collaboration and problem solving several times this evening so it is my distinct pleasure to stand before you this evening to try and continue this process. On this specific item that's on the agenda this evening, this Commission has undertaken a very large job as you started several months ago. Looking at a review of the current Commission Rules, it's something I suggest to District Boards in reviewing their Board Policies and Administrative Regulations on a fairly regular basis, to make sure they keep up with the law. I know you are all familiar with your own rules they constitute a rather thick booklet of materials. So undertaking a review of those rules has to be done with some care. I would commend not starting a new set and reinventing the wheel. It appears that in this case that may in fact be what has been done. It appears from my brief review, meaning that I haven't gone word by word, that what you're being given is a rather liberal adoption of the Rules that are in place at Montebello Unified. I can commend that as a beginning point that's a good place to start rather than just try to write a book. The last time you were given part of that book to review, I probably don't need to remind you because you just approved the minutes of that meeting, on July 22nd when given a stack of chapters of the Rules three to 22 with exception of 19 you gave direction to staff that perhaps they should come back to you in groups of two or three so that you could do a meaningful review. You also mentioned that it would be helpful to have some kind of either a strike through to show the old Rules and what was being taken out and what was being put in much like the revised job description that you were given this evening. Finally, Mr. Josserand suggested after those suggestions were made that perhaps a matrix could be done to compare the existing status quo so you could see what you are now operating under and what the result would be if you adopted the new Rule. Unfortunately, somewhere in the translation some of that got lost; your promises, your requests were not fulfilled because that's not what has come back to you this evening. What you received this evening is the same three to 22 minus 19 and without going through each and every page as I have gone through each and every page I don't want to go through item by item with you. You need some time to do a considered study on these proposed changes absence of such a study because they were picked up from another District in going through I find at least 43, no I'm sorry 58, separate areas where the topic in Montebello is covered by collective bargaining agreement in the District and there isn't a tight fit of course Montebello Personnel Commission's

rules were never intended to replace or supersede the current CSEA agreement here in the District and so there's some things that just don't fit in at all. There are some other 48 areas where the way things are now being done would change dramatically by the mere institution of a new rule and I would remind you, I'm talking to the choir I know, but I would remind you that your rule-making authority under Education Code section 45261 is to adopt rules in a whole list of areas, rules and the code is very specific for procedures for the District's Governing Board to follow not procedures to set up a new department in the District, some new Commission procedures. So that's another area that you need to look at there are yet others a whole list and I didn't count my question marks. I went through and identified all the areas where the new proposed rule doesn't conform to what happens here in the District things like there's a rule that applies to bus drivers you don't have bus drivers here. There's a new Rule dealing with differential pay for employees who were out on extended leave there's no such thing as differential pay in this District. We adopted what is called the 50 percent rule and it doesn't work the same way. There are procedures here for the Commission to assign substitutes when for instance a Custodian or an Instructional Aide or a Clerk were going to be absent for a day. That's not how things are done and it's not how they are anticipated to be done. I would respectfully request that this matter come back as the revised job description has been requested to come back but come back this time truly in bits and pieces two or three pages, two or three chapters at a time instead of, I didn't count the pages they're not numbered, instead of something in excess of 100 pages and with the matrix that you have already requested so you can see how is it done now and how are you proposing it to be done but have we considered whether this is in alignment with the current CSEA contract. There are other places where the conflict isn't with CSEA contract in the new Rule it's with the current District practice. That District practice as all of you who have been involved in any printing like the time with collective bargaining know may have become past practice and the Commission doesn't have jurisdiction to force a change in past practice. So with all due respect we would suggest that perhaps now is another time to do a more considered study and to look at these in bits and pieces. Failing that there are so many dramatic and I dare say (inaudible) that the District would really have to consider its alternatives tomorrow morning on what to do in order to make sure that Employee Relations and that the calm waters that we are trying to create will be maintained and not turned over on their heads. We would beg your consideration of our request so that we can come to you with not one evening's worth I'm afraid this is three or four hours worth of work so that we can look at these chapter by chapter and perhaps head off some of the unforeseen consequences of the rather sweeping changes that are being suggested. Thank you for your indulgence this evening.

Mr. Josserand: With the chair's permission. Ma'am if I can just kind of clarify a couple of things for the record. Is that the Montebello Rules were based on the Torrance Rules, Torrance Unified; they were adopted by the California Schools Personnel Commissioners Association as model rules for the Commissions of this state. There are a number of other Districts statewide that have those rules. The reason some of the points, just touching on them, bus drivers as an example, are in our proposed Rules because in this District they've contracted out and certainly they can uncontract out for bus drivers in which case Commission rule would apply. In the instances I think that there's maybe a misunderstanding perhaps you can help me on a point that if there's conflict between the Commission Rule and CSEA's contract in this District's case the CSEA contract prevails. What the written rules are to provide governance for are the non-represented employees when there's the law is very clear, you can teach me I'm sure that if

there's a conflict between the Commission Rules and the legal task is that the layperson is point one that it has to be a proper subject of negotiations and it has to be contained in the rules for the contract to prevail over the Commission Rules. So I'm doing in these what basically what my community recommends is best practice. That's all I have to share.

Sherry Gordon: I would commend best practice. However, when best practice is put in place I don't understand where the right people who will be reading the rules and who will hopefully be reading the contract to find two completely different concepts or procedures to be followed and having them in all good faith come follow your procedure only to find out they have blown the time line in the collective bargaining agreement. Adopting Rules knowing that they're in conflict with the current agreement or current past practice is setting people up for confusion. Certainly we don't want to do that and that can be avoided by taking a look at chapter by chapter. Then adopting best practice perhaps but best practices that conform to what we do here in the District. There are differences here in things like vacation accrual and how to calculate when an anniversary dates come. There are many of them and I can take your time and go through and I probably found like 60 to 75 percent of them already and I can go through those one by one but we could do this with some due consideration and instead of putting the Commission, CSEA and the District in a position where things aren't consistent we could make them consistent and make them good practice. We could bring the proposed rules in alignment with the requirements of the law. That's all very doable; you did two chunks the first night you put this together and you managed that. You got feedback from the District on those proposed changes and those were taken into consideration when you adopted those first two chapters of changes. Our suggestion is that we do that again.

Ken Holt, CSEA Chapter President: Hello. Ken Holt again. I'm a little confused here. Seems like we're driving along and then you slam on the parking brake. I remember the desire of the Commission was to have these done by June. We've made, Jeff has made every attempt to form a cohesive group to go and to do these. He's offered to go through these month after month and present any changes that need to be made and give them back to him so he can present them to the Commission. In the short extent of time I am wondering if the District has given you that information. It seems odd to me that the night that it's on the agenda to be approved now there's concerns. What happened to all those months from June until now with those concerns? If it's four hours worth of work as Ms. Gordon stated. Four hours has gone by a million times so I think we need to move forward at some point and I think tonight is a good point. If there's changes that need to be made after they're adopted because they don't comply with the District then we come back to the Commission and make those corrections especially it sounds like she has most of them identified now. I just hate to see the parking brake pulled again and I know you guys had a desire and they went above and beyond what your desire was in that six month time limit. Jeff's made every effort for us to come together and meet and go over these rules. He has said to bring any concerns to him and he would present them to the Commission. None of which has happened at this point so I think there has to be some point where we move forward and I hope tonight would be that point in time that we do that. It's getting tiring to see that we keep stopping progress instead of moving along.

Ms. Ortega: I want to clarify. I know that Mr. Josserand has been ill and I've been ill but there's not been any communication whatsoever to sit down with Mr. Josserand to review the next few

chapters that were going to be brought forward to the Personnel Commission. On chapters one and two, I sent a memo to him, actually a bulletin letting him know but as far as sitting down to discuss it, unless it was done with Mr. Albiso, who's not down with my office. So I just wanted to clarify that I'm not attempting to ignore it or I didn't disregard any invitation I didn't see an invitation to do so.

Mr. Bohn: In relationship to put the Commission directive back in May or June we basically said folks you need to get together now; I can't run your schedule and I can't run Jeff's schedule. You're the ones that are paid eight hours a day to do it you knew it was coming and there has been no attempt that I can see to come together even from CSEA. I know CSEA wants to go forward but there has been no attempt by CSEA, the District or the Commission staff that I can understand that says we've worked on chapter two and we've gotten together. All it is we're just going through the same old thing day after day after day some place along the line it's going to have to be stopped. You can correct people to do things if they don't; then people would have to go on to do the next thing. Then maybe what Mr. Holt was talking about that maybe each individual item doesn't fit but somehow we've got to move along. The Commission in the future has got to move along some way.

Mr. Josserand: With the Commission's permission, there's two points. There's a savings clause in the Commission Rules so if there's something illegal that we've subsequently find out that you've approved and as a learned professional in this I don't see that as being the case but the rules overturn and I bring them back to you. As regards to the discussion about chapter one and chapter two; you may recall that you adopted those over a year ago as I recall and that was in consultation with the District. Then there were additional concerns this spring that were expressed with chapter one and two; those concerns from the District were looked at and changes were made based on those recommendations after the rules were in place. So that's just for refreshing your memory.

Mr. Bohn: Steve Holt.

Steven Holt, First Vice President CSEA: You're right if something was presented that falls within laws and rights, CSEA has every right to say that's a negotiable item and we demand to negotiate. At that time the two parties get together. With past practice I never heard anything stipulated over established past practice but I do want to put on public record that there's been an ensuing struggle of power between with the Commission for well over a decade and legal battles that have ranged all the way up to state. We've had Commission office and equipment seized, records seized, people and Commissioners locked out of offices. So if they're talking about past practices where stuff hasn't been followed it's because the District has prevented and put the brakes on the Commission from following Commission rules in the past. There's a saying if it isn't broke don't fix it well, these Commission Rules are broke and at some point they do have to start. You can go over this a thousand times; I agree with Ms. Gordon that it is thicker than a phone book you're always going to find something that needs to be tweaked or fixed or whatever and at that time the Commission can deal with it but I think at some point I agree with you Mr. Bohn, we have to start to go on and on and on is a disservice to every classified member here in this District and I would encourage the Commission on behalf of CSEA to move forward with these rules and help service our members. Thank you very much.

Charlie LaChance, Labor Representative CSEA: You're right, George, everybody has had an opportunity to look at these rules and regulations and make changes as they deemed necessary. As counsel for the District pointed out there are 58 separate areas where there are issues covered by the collective bargaining agreement. The collective bargaining agreement supersedes the Personnel Commission Rules so CSEA is not worried about that. If there are 58 areas that she's noted that are in conflict or already covered not necessarily in conflict but already covered, those will work their way up through the collective bargaining agreement. If there's 48 areas that would drastically change the way things have been done that's not necessarily a bad thing. We've had the opportunity to look at the Rules, the District's had the opportunity. I know that Ms. Ortega and I at some point maybe May or June said did you take a look at this? We both thought the Rules and shook our heads and said it's a lot of work. So my recollection is we've been talking about these Rules since March and we gave a deadline of June and here we are Monday is going to be November and I think we need to move forward with these. If there is something illegal there is that clause as Jeff pointed out. I think it's time to move forward there is a change coming about I don't want to start from step one all over again with the new Commissioner and have him go through this again saying lets start from ground one because our new Commissioner hasn't seen the new Rules and Regs and the new Commissioner needs to read them and they need to know. So I say lets move forward and we do have a working relationship with the District now where we didn't necessarily before and we can fix those things on an as needed basis as if we find that there's something horrid in the Personnel Commission Rules. We work with the Commission and the District and say this needs to be changed we take it to the next Commission meeting and we resolve that. So I would strongly support on behalf of CSEA that we move forward with these Rules. Let it be a new day. Let this be done with so that we can move forward so we can do what's best for the students and the staff here at the District.

Mr. Bohn: Anybody else? An order for a motion as the desire of the Commissioners.

Mr. Barabani: I'd like to make a motion that we adopt the Commission Rules, Chapters three to 18 and 20 to 22.

Mr. Bohn: I have a motion. Do I have a second?

Ms. Early: I second.

Mr. Bohn: I have a motion and a second to adopt Chapters three to 18 and 20 to 22. All of those in favor say aye.

Ms. Early: Aye.

Mr. Barabani: Aye

Mr. Bohn: Aye. Opposed? So moved.

VII. COMMISSIONER'S REMARKS

Mr. Bohn: Commissioner's remarks. Do the Commissioners have any remarks?

Ms. Early: Based on the discussion we had tonight I would like to have three items agendized for the next Commission meeting. One of them is the status of the Storekeeper position at Nutrition Services. Several months ago we were told that the responsibilities for that position had been assumed at least half of them by the Delivery Driver and we have not had a status report on that. So, I would like for that to be placed on the agenda. Also, Golden Valley school site, could you report out if the Rec Aides are in fact doing classified work. I would like for you to look into the responsibilities for the person that is at least assuming some of the responsibilities for the Employee Relations Director and come back to us with recommendation. I would like for all three of them to appear at our next meeting's agenda.

Mr. Josserand: Yes ma'am.

Ms Early: I so move because I need a second for that.

Mr. Barabani: I'll second.

Mr. Bohn: We have a motion and a second to agendize the three items just mentioned for the next meeting. All of those in favor say aye.

Mr. Barabani: Aye.

Ms. Early: Aye.

Mr. Bohn: Aye.

Mr. Josserand: Point of clarification on the Director's part for this item, in that I need to define what next meeting is. Is that I've been noticed that there's a request and the Commission is independently considering a special meeting next Wednesday at the regular time in this location. It would be for other matters it would be difficult for staff to respond to all three of these at next Wednesday's meeting. Staff would recommend that the next meeting in, clarify staff does not mean to be disrespectful, officious or bad...

Ms. Early: Next regularly scheduled meeting.

Mr. Josserand: Yes ma'am. Ok thank you.

Mr. Bohn: Any other Commissioners?

Ms. Early: I have one more. I would like to move that we have a special meeting preferably next Wednesday to discuss chapter 19 of the Commission Rules.

Mr. Bohn: I have a motion to have a special meeting of the Commission next Wednesday to discuss one item chapter 19. 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. So moved.

Mr. Josserand: In reference to that issue you'll find being passed down to you a copy of draft chapter 19 and I have one as required by law for the CSEA president and for the District in this case Ms. Ortega and I'll present those to them after the meeting.

Mr. Bohn: Are there any other remarks? Hearing no other remarks the Commission will move to closed session as provided by law for the four items listed public employee performance evaluation, conference with legal counsel, public employee discipline, and conference with legal counsel, existing litigation.

Mr. Josserand: For the Commission's benefit and the public our closed session is being moved to the Commission's office in that we had facilities change and reference for the Superintendent's request to use the usual location. In interest to your families staff does not believe there will be a report out of closed session.

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: 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.

C. Public Employee Discipline/Dismissal/Release per Government Code Sections 54954.5 (e) and 54957.

D. Conference with legal counsel, existing litigation-Abram Flory v. San Bernardino City Unified School District per Government Code Sections 54954.5 (c) and 54956.9 (a).

IX. ACTION REPORTED FROM CLOSED SESSION

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

X. ADJOURNMENT

Meeting was adjourned at 7:17 P.M.