

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

November 9, 2010

A meeting of the Personnel Commission was held in the Community Room at the Board of Education Building. Present were Ms. Rhonda Early, Chairperson; Mr. Barabani, Vice Chairperson, and Mr. Michael Salazar, Member.

I. CALL TO ORDER

Ms. Early called the meeting to order at 5:43 p.m. Ms. Early led the pledge of allegiance.

II. APPROVAL OF AGENDA

Ms. Early: Any motion to approve tonight's agenda?

Mr. Salazar: I make a motion that we approve tonight's agenda.

Mr. Barabani: I'll second that.

Ms. Early: I have a motion and a second for Approval of Agenda, all in favor signify with the voting sign of aye.

Mr. Salazar: Aye.

Mr. Barabani: Aye.

III. APPROVAL OF MINUTES

Ms. Early: Aye. Agenda approved. Next agenda item Approval of Minutes, starting with Personnel Commission meeting of October 27, 2010.

Mr. Barabani: Madame Chair, I have not completed reading the minutes of the 27th.

Mr. Salazar: I'll move that we approve the minutes of October 27.

Ms. Early: I second the motion. All in favor signify with the voting sign of aye.

Mr. Salazar: Aye.

Ms. Early: Aye.

Mr. Barabani: I'll abstain on that.

Ms. Early: Motion carries. Approval of minutes dated October 18, 2010.

Mr. Barabani: I'll make a motion to approve those.

Ms. Early: I second the motion. All in favor signify with the voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye.

Mr. Salazar: Aye.

Ms. Early: Motion carries, minutes from October 18th are approved. Next agenda item, approval of minutes dated October 14, 2010. I move to approve October 14 minutes.

Mr. Barabani: I'll second.

Ms. Early: All in favor signify with the voting sign of aye. Aye.

Mr. Barabani: Aye.

Mr. Salazar: Aye.

IV. PUBLIC COMMENTS

Ms. Early: Minutes for October 14th are approved. Next agenda item, comments from the public.

Charlie LaChance, Labor Representative for CSEA: Good evening commissioners my name is Charlie LaChance, I am the labor relations representative for the classified employees here in San Bernardino City Unified. I have a couple of questions, first and foremost I wanted to know if the commission, or any of the commissioners, had signed any documentation to have the CSO work, quote on quote, out of class as a Police Officer for San Bernardino City Unified School District Police Department?

Ms. Early: No.

Mr. Barabani: I have not.

Mr. Salazar: No.

Charlie LaChance, Labor Representative for CSEA: I read an article in the newspaper very recently that a CSO was working out of class as a Police Officer. My question to the commissioners, my request to the commissioners would be to investigate how this occurred. If the commission is unable to sign any documentation to hire anyone, or to have a list, or to test, is one of the first questions. The second question would be if the CSO is working out of class, they would have to work out of class in their own bargaining unit. There are two separate bargaining units here, the classified employees and the police department, we can't have a classified employee work in a completely separate different department out of class; they would have to go through the hiring process, the testing process, (inaudible) process and be hired as a Police Officer. Probably

there's someone here from the police department that would probably ask you the questions, if I don't, about have they have gone through the proper training, how do we know that they've gone through the proper training, and if they haven't been through proper process with the Personnel Commission. So if you could please investigate that, that would be greatly appreciated. My other question is to see where you are with the District in terms of hiring a provisional personnel commission, but I see that's on your agenda, is that correct? So I'll wait for that. I would just like to ask if you've heard anything from the state superintendent of schools on his decision on who the neutral commissioner is.

Mr. Barabani: I have not.

Charlie LaChance, Labor Representative for CSEA: No one's heard back?

Mr. Salazar: No.

Charlie LaChance, Labor Representative for CSEA: Just so you are aware the CSEA has also petitioned the county superintendent of schools asking that this to be a fair process in our support of Rhonda Early, not that the gentlemen that was recommended by the district may or may not be qualified; he certainly hasn't attended one meeting, he hasn't been here to be interviewed, he hasn't been here even when he was recommended by the District, he wasn't here to accept that recommendation. We are hoping that the state superintendent will give his decision that makes sense to us as I hear anything I'll certainly keep all of the commissioners up rise to that in case I hear first; I don't know who will hear first I'm hoping that one of us does, but it would just; to make that decision by the end of October, we're at November 9th. So I certainly will make a few phone calls tomorrow and see where we're at, thank you.

Ms. Early: Thank you.

Eric Vetere, School Police Officer Association VP: Good evening, Eric Vetere, School Police Officer Association. We are aware of the situation with regards the CSO working out of class; it has been a common practice for us to bring CSO's up to the ranks in Police Officer status. I will say that the CSO that was moved up to Police Officer is totally trained attended the full academy, is able to function as a Police Officer. This is the first time we've come across since we've become a separate union from CSEA we're moving him up from CSO to Police Officer deals with different bargaining units. It's something new that both unions are facing at this time, but he's fully trained to be able to do that job it's just a matter of which bargaining unit does he fall under. More so, in alliance we brought up with regards being able to protect him if he was involved in a critical incident with attorney representation and stuff like that, so that's how it originally came to light.

V. ACTION ITEMS

Ms. Early: Thank you. Are there any more other comments? Seeing none. Next agenda item, Action Item V (A), the commission will discuss the status of the hiring practice for:

Brian Astrachan, provisional Personnel Commission Director and Patrick Maher, provisional Senior Personnel Analyst. To my knowledge there has been no progress. Both individuals, I believe, have been in contact with the Human Resources department and we still do not have anyone sitting in the Personnel Commission office to sign off to fill positions. Any other comments from my fellow commissioners?

Mr. Salazar: I have no comments, Madame Chair.

Ms. Early: Action Item V (B), It is moved that the commission approve the agreement with Musick, Peeler & Grant to be employed by the commission as attorneys for the commission as provided for under Education Code 45313, with a specific REIF to be approved for each specific matter for which counsel is to be employed. I so move.

Mr. Barabani: I will second that.

Ms. Early: Is there any discussion on this item? All in favor of the motion signify with the voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye. Any opposition? Any abstentions?

Mr. Salazar: I'll abstain from voting.

Ms. Early: Ok. Motion carries. Action Item V (C), it is moved that the commission formally request that the district preserve all video recordings taken by any cameras at the district office on October 14, 2010 between the hours of 5:00 p.m. and 11:00 p.m. until an investigation can be completed into the accusations of Commissioner Salazar that he say a "parking lot meeting in violation of the Brown Act" during that time, I so move.

Mr. Barabani: I'll second that.

Ms. Early: Any discussion? All in favor of the motion signify with the voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye. Any opposition? Any Abstentions?

Mr. Salazar: I'll abstain.

Ms. Early: Motion carries. Action Item V (D), it is moved that the commission employ Kristine Kwong, Musick, Peeler, & Garrett as counsel to the commission pursuant to Education Code Section 45313 due to the legal counsel to the governing board: 1. failing to respond to request of May 25, 2010 for legal opinions and legal assistance, 2. declaring a conflict in response to a written request concerning the matter of the district's appointment of a person to serve as the Executive Director to the Personnel Commission,

and 3. declaring a conflict in response to a written request concerning legal opinions regarding “creating new higher classifications and appointing classified staff without first having the commission classify the positions.” I so move.

Mr. Barabani: I will second that

Ms. Early: Is there any discussion on this item? All in favor of the motion signify with the voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye. Any...

Mr. Salazar: I'll oppose.

Ms. Early: Ok. Motion carries.

Charlie LaChance, Labor Representative for CSEA: I'm sorry I didn't hear the third vote, was that oppose or abstain?

Mr. Salazar: Nay.

Charlie LaChance, Labor Representative for CSEA: Thank you.

VI. COMMISSIONER'S REMARKS

Ms. Early: We're down to Commissioner's Remarks. Do either of you have any closing remarks?

Mr. Salazar: I have no closing remarks Madame Chair.

Mr. Barabani: No.

VII. CLOSED SESSION

Ms. Early: Ok, No closing remarks tonight. Next agenda item, the commission will now go into Closed Session, conference with legal counsel, Kristine E. Kwong, Musick, Peeler & Garrett LLP, existing litigation (Section 54956.9a): San Bernardino City Unified School District; Dr. Arturo Delgado v. Personnel Commission of the San Bernardino City Unified School District Case No: CIVDS 916709. Pursuant to Government Code Section 54957 to discuss: Public Employee Appointment of: Personnel Commission Director (Provisional), Personnel Commission Director, and Provisional Senior Personnel Analyst. The commission will now adjourn into Closed Session.

VIII. ADJOURNMENT

Meeting was adjournment at 5:58 p.m.