

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

**January 13, 2011**

A special meeting of the Personnel Commission was held in the Personnel Commission Office. Present were Mr. Gino Barabani, Chairperson; Ms. Rhonda Early, Vice Chairperson; Michael Salazar, Member.

**I. CALL TO ORDER**

Mr. Barabani called the meeting to order at 5:42 p.m.

Mr. Barabani: Add a little roll call to this; just basically put on record that all three commissioners are here. Stand up to do the flag.

Mr. Barabani led the pledge of allegiance.

**II. APPROVAL OF AGENDA**

Mr. Barabani: Do we have a motion, Approval of the Minutes? Agenda, sorry. Approval of the Agenda?

Mr. Salazar: I was going to; go ahead sorry.

Ms. Early: Mr. Chair, I move to approve tonight's agenda with the exception of page 6, under supporting documents from our December 16<sup>th</sup> meeting. This item was not an agenda item it was pulled from the agenda so can we pull the supporting document from tonight's agenda.

Mr. Barabani: That would be fine.

Ms. Early: Page 6, Action Item IV (C), was not an agenda item at our last meeting. It's right before you get to the page that says employment opportunities, School Police Officer.

Mr. Salazar: There's two sets.

Mr. Barabani: What happened on the last agenda not everything was put on there, the items that were placed on the original agenda from last month this is an attempt to make sure it get to the items. Actually, what do you consider sections? Can I get a second I'm pulling that item action IV (C), I'll second it.

Ms. Early: My motion was to approve tonight's agenda with the exception of the second page 6, supported documents, to have that approved from tonight's agenda package.

Mr. Salazar: Actually, I have one other item that I'd like pulled from tonight's agenda. That would be Action Item IV (F), which is really the entire package of meeting 12/16, supporting documents; and the reason I say that is because I went through that and the items don't match up with the agenda.

Mr. Barabani: Ok.

Mr. Salazar: I think we need to go back and renumber them.

Mr. Barabani: Could you give the number of the page you want to start with?

Mr. Salazar: Yeah, it's page, looks like page what if we start...

Unknown Speaker: 16.

Mr. Salazar: Actually before that; wherever it starts on the bottom, again I apologize it's kind of confusing. On the bottom it says *agenda package of meeting 12/16/10*, the very bottom there in very small print, anything that says that. I apologize I mean I had this and I got it (inaudible) kind of confused again.

Mr. Barabani: No that doesn't ; it's the one that says 12/16, which would go; that would be, the first one I have is page 13.

Mr. Salazar: That probably about right, Mr. Barabani.

Unknown Speaker: We have page 1.

Mr. Barabani: Ok, let's go through this. The Jack O'Connell letter you would like that...

Mr. Salazar: Just because I think that the numbering is wrong on, we need to make sure that we get that numbering right and enter it into the record.

Mr. Barabani: Let's correct that now.

Mr. Salazar: Well you know; going through the process of correcting it now, that's fine.

Mr. Barabani: Ok, we're going to start talking about, I'm going to write this down; the first one is the Jack O'Connell letter.

Mr. Salazar: I don't know what that relates to.

Mr. Barabani: Ms. Early's appointment.

Mr. Salazar: No, but I mean I don't know what Action Item it related to from the 12/16 agenda.

Mr. Barabani: Ok.

Mr. Salazar: That's all; I mean just to make sure we got it.

Mr. Barabani: Oath of Office.

Mr. Salazar: Did that line up? I think that might have, actually.

Mr. Barabani: We signed that was part of it. We went through these items; well I mean we did these things on that day. These were items that were supposed to have been attached as copies at our last agenda and they just somehow when this was sent in to be printed the last agenda, this was printed out here these items weren't here; these are just updates...

Mr. Salazar: I have the 12/16 agenda and this letter from Jack O'Connell relates to what it should have, I mean usually it says you've done with Action Item IV (A), it usually has something up here that says it relates to whatever the Action Item is, right? This doesn't, so if we just label it and...

Mr. Barabani: Ok.

Mr. Salazar: You know what I mean, that's what I'm talking about, I mean it's not that I don't want these in there; I want them where they belong, but they're just out of; there's nothing that says ok what Action Item it relates to. That's the first thing, the Oath of Office, Rhonda Early. Not a problem we just need to put in Action Item IV (A), right?

Mr. Barabani: Nersi, do you have the original agenda that I sent with all these things attached it related; the way it was printed, not the way it was printed out here the way that I had sent it.

Nersidalia Garcia, Secretary III: For today's meeting?

Mr. Barabani: No.

Nersidalia Garcia, Secretary III: December 16<sup>th</sup>?

Mr. Barabani: Yes.

Nersidalia Garcia, Secretary III: What you did December 16<sup>th</sup> is you sent me the item in D; you sent me the attachment of item D and I didn't; I got the agenda from Mr. Astrachan. Ms. Early emailed the agenda December 16<sup>th</sup> to Mr. Astrachan on his personal email. I never got anything else, I never got attachments; the only attachment that was attached to this agenda for December 16<sup>th</sup> was item D which was the one that you sent me, you sent it to me three times; I have my email copies right here.

Mr. Barabani: That's because I couldn't; I know what happened, it happened three times because Mike's address wasn't working.

Nersidalia Garcia, Secretary III: Item D I did attach it to December 16<sup>th</sup> and the other items I did not have no record of it. So, therefore it was not my fault.

Mr. Barabani: So you didn't receive a whole package.

Nersidalia Garcia, Secretary III: I did not receive the whole package.

Mr. Barabani: I don't know what's happening here because last...

Alexis Jenks, HR Specialist PC: I think what she's trying to say is I don't know if it was the error on Nersi's part, but whoever sent the agenda, the back-ups the items the back-ups all of them were not sent to Nersi; she only got one. The discrepancy it wasn't on the part of staff; she printed out and she re-typed what was sent to her. That's how, I think, some of the items were missing; it was never emailed to her she only got one agenda back-up item.

Nersidalia Garcia, Secretary III: Because even Ms. Early asked me at the end of the meeting, what happened to all the attachments? And I said I never received any.

Mr. Barabani: When I sent the agenda out, like I did today...

Nersidalia Garcia, Secretary III: Yes, but the 16<sup>th</sup>.

Mr. Barabani: That's, and when I sent it to you this time I said there's 42 pages

Nersidalia Garcia, Secretary III: Right.

Mr. Barabani: And I sent you the whole thing as a PDF.

Nersidalia Garcia, Secretary III: Right and they're right here.

Mr. Barabani: That's that one; the previous one was sent that way, but then it didn't get printed that way.

Alexis Jenks, HR Specialist PC: Show him your emails, Nersi, show him the emails that were sent.

Mr. Barabani: That's all right hold on. I will look in my emails.

Nersidalia Garcia, Secretary III: The December 16<sup>th</sup> you didn't do the agenda, Ms. Early did it.

Mr. Barabani: Ok.

Nersidalia Garcia, Secretary III: And Ms. Early emailed it to Mr. Astrachan. You just sent me item D that you wanted as an attachment to the agenda.

Mr. Barabani: That's correct.

Nersidalia Garcia, Secretary III: Remember?

Mr. Barabani: Yeah.

Nersidalia Garcia, Secretary III: Ok so that's what happened. I want to make a correction that it was not my fault.

Mr. Barabani: Oh.

Nersidalia Garcia, Secretary III: It was just an.

Mr. Barabani: Did someone blame you?

Nersidalia Garcia, Secretary III: On this agenda, on the attachment it saying that it's my fault that part of the staff made a mistake, but I don't take it personal.

Alexis Jenks, HR Specialist PC: Yes on the agenda item it says that it was staff's (inaudible).

Ms. Early: I emailed the completed agenda package to Mr. Astrachan; he forwarded the package to Nersi.

Nersidalia Garcia, Secretary III: He never forwarded it to me, he just gave me a copy of the agenda and he said he never got the attachments.

Ms. Early: And we spoke about the attachments over the telephone because it was a collective effort in preparing the agenda, so these are just the supporting documents that were not attached to our last month's meeting.

Mr. Barabani: Ok.

Mr. Salazar: So all I'm suggesting is that we just make sure they're labeled properly before we bring them into to the (inaudible) official, that's all, and they're not properly labeled.

Mr. Barabani: What's on the web right now then for this meeting?

Nersidalia Garcia, Secretary III: This.

Mr. Barabani: Is it proper?

Nersidalia Garcia, Secretary III: Yes, you just sent it to me and I saved it.

Mr. Barabani: No, no, not this one now. For the agenda package that was on the previous one, if I went on the web right now what would I see?

Alexis Jenks, HR Specialist PC: If you went on the web the only thing that you would see for December 16 you would see the agenda, you would see the items that the Personnel Commission office added to the agenda which was recruitment information and you won't see the attachment; the only attachment that you sent which is item D, that's what's online right now.

Mr. Barabani: So you are telling me that's incomplete then.

Alexis Jenks, Human Resources Specialist: Right, because that's how it was sent to the office, right.

Mr. Salazar: That is why I suggest that we just take that item and pull it off for now correct this and then bring it back and then we can enter that stuff into the record cause we don't want to take the commission's time tonight to do that. Staff can probably help us to do that. Which, I think that takes care of your issue as well Ms. Early; that that item will be removed, was that page 6 that you had?

Ms. Early: I have page 6 as being pulled from tonight's agenda and from what I can tell action items as they are submitted in this packet, they're lined up as action items before in our agenda where in fact they were Action Item V. It could be some of the confusion was Mr. Astrachan asked that the agenda package be emailed to his home email address, so that he can work on it during the weekend and for some reason the package that we received and was posted didn't have the supplemental materials; so the materials, the items are not lining up with, but they are in order. There just happens to be one additional page that was never on the agenda and I just wanted it to be pulled. The employment opportunities they're here and they're self explanatory, the oath is self explanatory, action IV (B) should be V (B), action IV (A) should be V (A). It's easy to follow it's just that the numbers are not lining up.

Mr. Salazar: That's all I'm saying, we should probably get those numbers correct and then enter them into the record.

Ms. Early: I am fine with correcting them as we sit here; the subject matter is all in place, whatever you prefer.

Mr. Barabani: All right. Let's correct it now, because I'll forget to do it, I don't mind doing it right now. Let's start with the first letter of Jack O'Connell. I don't have previous agenda in front of me. Ok Action Item A, the commission will make appointment today that will be the Oath of Office will go with that, and Bryan, because we also have the Vice Chair move that; so we will have Jack's letter, Oath of Office with Rhonda Early, on page 1, page 2, and page 3.

Mr. Salazar: On Jacks letter that is going to be?

Mr. Barabani: Page 1, just like it's stated right there.

Mr. Salazar: Oh no, I am not worried about that. I mean I got that, but its action item on the top it should be what action item? Because I mean we always refer to this back to the 12/16 agenda, right?

Mr. Barabani: Right it should be, ok we have the pledge, right and then Item B.

Mr. Salazar: So it is Item 1B.

Mr. Barabani: That is correct. Ok.

Mr. Barabani: Then Item B, the Oath office Rhonda Early, which would be also item 1(B), feel free to correct me.

Mr. Salazar: I don't know where this is, Oh, the Oath of Office, gotcha, 1(B).

Mr. Barabani: Feel free to correct me, alright now when we get down; call Item C that will be the Oath off Office Bryan Astrachan.

Mr. Salazar: Which is action item 1(C)?

Mr. Barabani: Now the agenda was next, approval of minutes, now we have action item IV Commission make appoints for the Commission. That should be V (B). The item labeled IV (A) should be IV (B).

Mr. Salazar: There is no IV (B).

Ms. Early: You have the agenda, so I am going with what you are saying.

Mr. Barabani: I am sorry; it's V (A).

Mr. Barabani: So change action item IV (A) to V (A) there you go, we will get this solved. Ok, now in this packet today, we have action item V(B), and that was the commission, let me look action item V (B), the commission will receive the report, and the legal opinion this action item IV(B) should have been V(B)

Mr. Barabani: Then we have action item V (C).

Mr. Salazar: Where it has nothing to do with anything right?

Mr. Barabani: Well it says school police officer, the commission will receive the following recruitment bulletins and that comes under part of V (C). If you want to label that is part of V (C) all the bulletins are school police officer.

Mr. Salazar: So this action item says, regular meeting need to be scheduled till June 30<sup>th</sup> 2011, and it is recommend that, what does it have to do with recruitment?

Mr. Barabani: This was pulled.

Mr. Salazar: It is what you want to pull, because this has nothing to do with that action.

Mr. Early: Yes.

Mr. Salazar: Ok, I am with you.

Mr. Barabani: I am going with the original how we added the original item. See the agenda item here; it is item V (C). So we are pulling school police officer?

Ms. Early: No we are pulling page 6.

Mr. Barabani: Ok.

Ms. Early: Action item IV(C) as it is, we are pulling that one, because it was not on the agenda item.

Mr. Salazar: Because it does not relate to anything.

Mr. Barabani: Ok, now the next one, action V (D), move that the commission appoint...

Mr. Salazar: Now, these employment opportunities are what now?

Mr. Barabani: V (C).

Mr. Salazar: So all of those will be labeled.

Mr. Barabani: Let's make sure they are all there? Let me start with the Cafeteria Worker the first one, Campus Security Officer is the next one.

Mr. Salazar: Do you want to put them in order? Is that what you want to do?

Mr. Barabani: Yes I do, I want to make sure they are all in there, Education Assistant, Food Worker Training, Public Safety Dispatcher, and School Police Officer. Yes, if you want to label them to.

Mr. Salazar: Put them in order renumber them to on the bottom so it's all in order?

Mr. Barabani: Whatever you like.



Mr. Salazar: I think that makes sense.

Mr. Barabani: All these items would come under; I see you would like to be numbered action item V(C) and then 1, 2, 3, 4, 5, 6, 7 I mean 6, ok.

Mr. Salazar: Yes, and then change the numbers on the bottom of the page also, to correspond with the page number.

Mr. Barabani: Well, no that will confuse us is that will be the page. At the top of this as an example, for the staff the first one will be action item V(C) 1 and the next one would be V(C) 2.

Mr. Salazar: Ok, and at the bottom of the page, the next page would change from 12 to 7?

Mr. Barabani: Count them. 1,2,3,4 5, I have six. How did you get 7?

Mr. Salazar: Because this is the next page.

Mr. Barabani: O.K., 7,8,9,10,11, here is what they did, look, it's seven; it's backwards from the agenda item that's all, But that will work; we will go from 7 to 12 o.k.

Mr. Barabani: Twelve will become 7, 11 shall become 8, 10 shall become 9 and goes on like that.

Mr. Salazar: Then we will label them on the top action item where ever the action item is, which action item is Campus Security Officer?

Mr. Barabani: We have School Police Officer and Public Safety Dispatcher and then campus security officer 1 that is number 2 it will be Action item V(C) 2.

Mr. Salazar: The next one is? What, Education Assistant III right?

Mr. Barabani That will be V(C) 3.

Mr. Salazar: What page number are we following, I am sorry.

Mr. Barabani: Which one are we asking about?

Mr. Salazar: Action item V(C) 3.

Mr. Barabani: That will be number 9.

Mr. Salazar: V(C) 4 is?

Mr. Barabani: Page 10, the next one is Public Safety Dispatcher, V(C) 5 that will page number 11.

Mr. Salazar: School Police Officer?

Mr. Barabani: That would be page 12 as you can see it was just (inaudible). Now page numbers should be on track.

Mr. Salazar: Page 13. So the action items should be changed on the top of that page as well then, right? Because there is no action item V.

Mr. Barabani: That should be Action D. The page is correct.

Mr. Salazar: Page 14 is part of that. And page 15 is?

Mr. Barabani: Is Action item E that would be V (E).

Mr. Salazar: 17 is V (F) right? Then 18?

Mr. Barabani: Is V (G).

Mr. Salazar: V (G) yes, V (H), page 19, page 20 is V and then 21 is that part of the same thing?

Mr. Barabani: That is part of I, the same thing on the next one.

Mr. Salazar: And 24 should be V (J).

Mr. Barabani: Up to 26, o.k. Thanks for catching that Mike. We have two issues there now that I have seen it, disabling, mislabeling from 4 to 5, and it's clerical, yea, you are right. What happened is on this item that we talked about, what happened was when we had the agenda the last time, all this items, when they printed out the agenda were impacted because I did not catch it until when I was up here and I believe it was when Mr. Underwood spoke about it, when I went to look, and the items were not there. So, we were referring in here about not having printing, the whole thing was not printed, but this other item, that is not what we were referring to this could be the context.

Mr. Salazar: Yea, it's right now.

Mr. Barabani: We have a motion and made corrections and we accept agenda the way it is now, with the item pulled which is action item, which would be V(C). Call for a vote.

Ms. Early: Aye.

Mr. Salazar: Aye.

Mr. Barabani: Aye. I know that was very confusing, I got the package here, if you want it after the meeting so you can take it, Instead of going and listening to it on the tape.

### **III. PUBLIC COMMENTS**

Mr. Barabani: Ok now we are open to public comments. And when you speak, could you say your name, so it can be heard over on the recorder. Thank you.

Cindy Andrade, Classified Employee: My name is Cindy Andrade 3<sup>rd</sup> Vice President from CSEA. I want to read a letter from a sub employee who is on the list to test on Tuesday. *I have been subbing for Nutritional Services for four years at this time I need to have a permanent position. My husband is not employed, so I need the opportunity of being hired. If you freeze the testing, this would affect my family. I would hope you would listen to me by not stopping the testing. I have an opportunity to test on January 18th. Thank you, my name is Imelda Gomez.*

Mr. Barabani: Could you Nerci make copies of that?

Cindy Andrade, Classified Employee: Myself I do think that by stopping the testing will hurt our classified, we are here for our members, our classified, if you stop the testing we have work overload, we have so many openings that are hurting our classified, and I think you need to take in consideration of how hard it is on everyone. I think you the Commissioner are here for hiring, Gino? Correct? I think if you stop it then you are working against us. I'm talking for the classified who I know myself and a lot of us are working, taking overload, we are working harder and we are trying to make a job done in 6 hours, or 8 hours, or 4 hours or 3 hours that can't be done. Because we do not have enough workers to complete our job assignments, I just think that by freezing it you are hurting us, you are not helping us.

Steven Holt, 1<sup>st</sup> Vice President for CSEA: Just like to kind of merit on those comments, I know that the district and commission are kind of caught between a rock and hard place right now, and there is certain restriction rules that are implemented and must follow, but if there is a way that we can continue with the testing, we would be grateful if you did that. We would like to hire, classified people are hurting, our local union, it's hurting our local classified members at work, its hurting the community from a very poor county, one of the poorest county as I might mention in the United States. A lot of people are trying to get jobs right now and it's bad and tough out there. We understand that there are a lot of complications involved of what is going on between the commission and district right now, but if there is any way to we could move forward we would encourage you to do so. We heard from a lot of concerns individuals out there and from our contiguous so I would like to express that to the commissioners. Thank you.

Tambra Trujillo, Classified Employee: Hi, I am Tambra Trujillo I work at Serrano Middle School; I am also the secretary for CSEA. Almost daily I speak with the people who work in our cafeteria, and I see that they are short 5 people, I see the work that they do and struggle to get their work done, I have advised them to ask their manager to prioritize, but, as you all know when you are working on that, you are working with the

short of amount of people to do the work. You still have to find a way to get it done because it wont, you can't go day to day, and what ends up happening is the people are getting more and more tired which, it can cause injuries, it can cause safety problems, because they can be back to work tired, because again everyday and it makes problems at home, I hear them crying to me, I had several people I have talked to and they are almost feeling hopeless and that is sad because you cant keep going back to work and feel hopeless. When I told them is we are going to be getting new people, they were so excited, and now to hear that we might not want to be able to hire this other people. I do not know how I can't go back and face them myself tomorrow and tell them the bad news that testing has been stopped. It's hard and their work is getting more and more compiled, I did not know what to say it's said, so if you guys can your way around it, and find a way to hire this people. Thank you.

Alexis Jenks, HR Specialist PC: I just have to say as a person that has actually set up the exam for Cafeteria Worker and Food Worker Trainee in addition, to being frustrated for employees it would also be frustrating for commission staff to have to call over 250 people to let them know that they are not to show up on Tuesday and Thursday and Friday of next week. There are 108 people expected to come for Cafeteria Worker on Tuesday and 168 expected to come on Thursday and Friday for Food Worker Trainee so, in addition to everything that everyone else has said from the school site stand point I can definitely understand how they are in need for cafeteria workers. From my stand point and Irma stand point we have actually screened this applications, we set up testing, it went out in the mail and me personally I don't want to have to deal with the applicants when they come in as they have before, upset because we accepted the application and never processed it. We went through this a year ago I do not want to have to go through these this year. I would like to try to say that we can get this year started off somewhere to a good start, at least so we can get some eligibility list kicked out.

Carl Greenwood, District Employee: My name is Carl Greenwood, CSEA Officer, I have a two fold problem that I see, first one is echo on the work load as a lead person on the site, there is many, many nights when we have 1 person out sick and one person on vacation that is over 24 hours of work that one person has to do. Because there is nobody to help; there is no backup, there is nobody in the yard. So they just say handle it. You kill yourself all night trying to get it prepared for the kids for the next day. Your rushing, because they say, you want your run plus we want more, so you are literally killing yourself every night and your rushing, and when you get hurt, they ask what were you doing? Why were you running so fast? 2. I have been in law enforcement a long time, most of this school police officers I know them personally. I know how much time it takes them to go to school, train themselves, sometimes with out money from the district but, they still go to get that training to better support us. We have a acting chief who is very well trained, very well schooled, if they can't do their jobs, they are not going somewhere else to do their job, if we can't to our jobs, we are not going somewhere else to do our jobs. What is that going to do for our kids? What is that going to do for our district? What is that going to do for our city? Think about that, think about the expertise you have as acting chief, the expertise you have of officers that are here putting forth more of what you supposed to do, your custodial is putting forth, everybody is

putting forth more, cafeteria workers, and we are just asking you to stop, take, listen, and help us, look at what you can do to help us. Thank you

Helen Leach, Classified Employee: My name is Helen Leach and on a personal I am a Serving Kitchen Operator at Emmerton School. I recently went back to work because I had a car accident and I was out for three months, but the thing is I can't take my furlough days, I have no more vacation, no more sick leave because I had to use all that. I can't even use my furlough days because we are so short of staff that I can't take off if I get sick, and then, also, they are pulling the people from Junior High to High School to help in Elementary Sites, so that is making them short, so its like why would you stop the testing so that we can get the people that we need so that if I became sick. I am a single parent I can't take off right now. I can't take off because we are short staff. I have no more sick leaves, no more vacation because of a car accident, not my fault at all. I can't do anything because we don't have enough people, and I am there for the kids, I don't want to take off, we are short staff already, because I love the kids, that is what we are here for the kids, not for anything else but for this kids. Thank you.

Denise Boswell, Classified Employee: I have been for this district for many years; I appreciate the work that you guys are trying to do. Because there has been a lot of things and stuff going off for a long time, but to send us back to square one where we started a few years ago is very frustrating, we come in and the same thing, if someone is out at night, I have to come and do two or three peoples jobs to have been prepared, and I have 1 ½ hour to do. Some people do 8 hours plus my job, there is no time. I understand things are frustrating everywhere, but it's not just Custodial or School Police or Cafeteria. Cafeteria has been hit the hardest, the clerks are doing two or three peoples jobs everyday for years, I have seen it going on for years. And, we are finally given a little hope that is something that is going to happen, and now it's been stashed back, we do not know all the legalities of it, I know you guys do, but if there anything you can do, I ask you would consider looking at those things because just to see the morale that has been at this district for so years, so bad, it's very frustrating, very saddening and it should not be this way.

Cindy Andrade, Classified Employee: My name is Cindy Andrade I am a Serving Kitchen Operator. Right now I am doing Serving Kitchen Operator position and I am also doing five hour computer person's job to, I am doing two jobs. I am not complaining about doing the work, I will do it, like she said we are here working for the children, but I think our classified employees do not trust anyone at this point. Right now they are hearing a lot of things, you know about the commission, through management and getting the wrong information. Now, if you would let this testing go through you would change a lot of their opinions, they would come and work harder, they would be smiling they would be happy, if you have a happy employee you have a hell of a better staff. That is all I wanted to say. Thank you

Charlie LaChance, CSEA Labor Representative for Classified: My name is Charlie LaChance I am a CSEA for Chapter 183 the reason I am here to ask you to vote no on Action Item C, which is the action item that I believe all these people are talking about

stopping the recruitment the testing and the ranking of employees. I know there are a lot of legalities, and I would of not want to be a Commissioner any day I rather be me than you. I mean you guys are having a tough time. But the bottom line is there is no reason to stop the recruitment, the testing, and the ranking, you need to go forward just as is if those other pieces are already in place. There is 278 people coming for testing next week, logistically to contact those people and tell them no, number one is going to be difficult, number two test them, it does not dilute any of the other pieces of litigation or issues that you have, it does not dilute that you can still move forward with that. You know San Bernardino County is one of the poorest county's of the state. I don't know if you know that the city of San Bernardino has the highest percentage rate of unemployment almost at 19 percent. This district is one of the largest I am not sure maybe the largest employers in the city. By not continuing this recruitment and the testing and the ranking what you do I think with everyone who is a member what I am seeing is the morale is lowest is ever been. This was their way of hope that things were finally on the right path. Their health is at risk, you heard them saying that they are overworked, causes problems at home, they hurry more chance for workers compensation, liability, the safety issue of not being able to hire Officers, Campus Security Officers, Dispatchers is unbelievable, and one of the biggest issues and one of the largest groups I believe and I think you commissioners probably have information is the Food Service Workers and Food Service Trainees who are being hired. Without letting this testing continue forward it's like giving the district a get out of jail free card to justify contracting out, and would I file charges for that, absolutely. And they know that, but we all know that charges take a year to two years down the road and we do not have time for that. You hear people and I know it is for the children, but its also for our employees and paychecks, I have so many employees who are two or three hours employees who have put in for a five or six or seven hour position, so that they can better take care of their family, quit that second job somewhere else and have benefits. This is an opportunity for them; they have not had the opportunity in 3 years. We have 400 vacancies, 278 people to be tested. I know that 278 people are not going to be hired, but they are going to be tested, let's say you get 150 of those, it's a huge amount of employees. Nobody knows better than me of all the litigation going around because CSEA is part of that litigation. If I thought this would in some way dilute that, or jeopardize that I would not ask that you do it, but I really, truly believe that if the commissioners looked at all of the pieces and this statistics and vote no on action Item C and let this go forward that you would do the best thing you can do for the commission, for the employees here to speak to you, the students, and the community, this community is hurting for people to do work. So, I employ you to please vote no on Action Item C and let it go forward. Thank you

John Simpson, Classified Employee: Chief Job Stewart, Building services, I get all over the district and I get people asking all the time; are you going to get more people? I say, I hear we are going to get people that are going to the process and then I hear this new rumor that is going around, that is, is this going to stop? You can't do this, we got a lot of people out there who need help bad, you talk to unhappy people and they are upset, you need to get some people hired, please, keep it going.

Alex Raya, School Police Officer: Once again I am speaking on action Item C and I agree with everybody else that is here we want the testing to continue for our positions, our partners dispatchers, CSEA Campus Security, Food Service Workers we are trying to make sure that we can do our job as well, it may be two positions for officers but those two positions really would help the police officers that are working right now, keep them from being strained and be able to respond to calls a little quicker, if emergency situation arises where everybody can take care of business a little quicker. Make sure that all the staff members, and the students, everybody was working, so I really would like for you to vote no on that, I can back CSEA and anybody that is classified, I don't think that freezing and stopping and voting against the position is going to help. Anything you guys are doing, whatever litigations going on and keep the testing going for all the employees we are trying to hire. That is all what I have to say.

Charlie Lachance, CSEA Labor Representative: The primary function of the Commission is to recruit, test, rank so that employees could be hired, that is your primary function for you to cease and desist that I don't think it is in anyone's best interest, so please once again, when that comes for that vote, I would ask that you vote no.

Mr. Barabani: Any more public comments? All right we will move on. As we go through these action items I will make some comments that relate to what you have to say. I made some notes; I made some notes to myself.

#### **IV. ACTION ITEMS**

*Mr. Barabani: Action Item A, it is moved that the Commission appoint Gino Barabani as a hearing officer and investigator pursuant to Education Code section 45311 and 45312 with the full powers listed in the Education Code regarding the following matters and authority to request all necessary legal assistance in enforcing the authority granted to him on the following matters:*

- 1. Whether or not the position of Associate Superintendent was created and filled by the district in accord with the rules of the Commission and the statues of the merit system, whether or not the position was filled with certification of the personnel director under Education Code section 45310, and to make a recommendation on whether or not the commission should hold a public hearing pursuant to Education code section 45310 to consider ordering that no salary warrant be further issued.*
- 2. Whether or not the position currently designated as Assistant Superintendent performing the duties of Employee relations/Human Resources-Classified is a certificated or classified position under Education Code Section 44065, 45104, 45103, and 45265 and if deemed classified determine if it was created and filled by the district in accord with the rules of the Commission and the statues of the merit system, whether or not the position was filled with certification of the personnel director under Education Code section 45310, and to make a recommendation on whether or not the commission should hold a public hearing pursuant to Education Code section 45310 to consider ordering that no salary warrant be further issued.*
- 3. Whether or not the out-of-class and "interim", provisional, and "substitute" appointments for classified staff appointed to Human Resources duties and responsibilities are appointed in accord with the Rules of the Commission and the statues*

*of the merit system and whether or not the appointments or assignments were made with a certification of the personnel director under Education Code section 45310, and to make a recommendation on whether or not the commission should hold a public hearing pursuant to Education Code section 45310 to consider ordering that no salary warrants be further issued. That is actions item A-1, 2 and 3. I make a motion. Do I have a motion?*

Ms. Early: I so move.

Mr. Barabani: Do I have a second? I will second it. Excuse me, open up for discussion along for the commissioners here; first off it was an item that was on the agenda. On the last agenda and there was some concern whether it could be fairly processed and whether the commissioners should do that and that response we send a letter asking, Mr. Delgado as part of the package here, if we can get together and try to hire an independent investigator, keep this and make this items, as far as I know I have not received any response. That is all I have to say on that. Call for the vote. I vote aye.

Ms. Early: Aye.

Mr. Salazar: Nay.

Mr. Barabani: Motion passes.

Mr. Barabani: *Action Item B, It is moved that the commission terminate the provisional appointment of Bryan Astrachan as Personnel Commission Director as required by the Education Code and the Rules of the Commission. I have a motion.*

Ms. Early: I so move.

Mr. Barabani: Do I have a second? I second it. Open it up for discussion along with commissioners. This item, I want to make sure it's understood because it sounds very technical, when we use the word terminate it just means he has to vacate the position. He has moved the hiring along he has done a great job, we have an eligibility list, and we have a rule in place that says that once an eligibility list is we can no longer have a provisional for appointee for 15 calendar days. We know that we are under a court order that the district brought us in and part of that is we have to follow the old rules. As the Chair, I don't want to be held in content for that court order, and I am assuming the two other commissioners will agree, so we have to perceive with that and that is part of testing thing that we don't have anyone here at moment, when we get to the other one I have taken some notes, hopefully we can come to some kind of resolution on that.

Alexis Jenks, HR Specialist PC: I have a question. Are we able to ask questions?

Mr. Barabani: Oh no, you have to make it in public comments.



Alexis Jenks, HR Specialist PC: I just wanted for you to repeat something that you had said. But it's ok.

Mr. Barabani: I called for the vote.

Mr. Salazar: I have a comment, may I? Actually, I guess I have a question more so than anything else. Mr. Astrachan, has he done a good job? I don't know who I ask, maybe the staff. I guess I can ask you Mr. Barabani.

Mr. Barabani: It appeared that way, don't u think so?

Mr. Salazar: It seems like it, seems like he has done a good job. But I am not asking myself, I am asking you.

Nersidalia Garcia, Secretary III: Can I answer that question?

Mr. Barabani: No.

Mr. Salazar: Yes, if you don't mind.

Mr. Barabani: We are holding a discussion among the commissioners.

Mr. Salazar: Well, I am a commissioner and I would like to ask some questions, and I like to ask staff some questions. Staff is here.

Mr. Barabani: Well, I know, but I am not in agreement if you ask my opinion. I documented that with this letter.

Mr. Salazar: Thank you, that is great, I appreciate it.

Mr. Barabani: Wait a minute, I am not done. People have the package to read it, on behalf of personnel commission please accept our recognition for a job well done, while you served as Personnel Commission Director during the past several weeks. You have greatly assisted the Commission and the district, and the classified employees by accepting this assignment in such challenging circumstances and working so diligently to accomplish as much you did. As we have discussed, with the approval of the eligibility list for Personnel Commission Director and the Commission's action to offer a person on that list the permanent position, your tenure as the Provisional Personnel Commission Director must now terminate. Please arrange with Ms. Ortega to turn in your District issued identification, the office keys, and other district property that you may have been issue as soon as mutually convenient. Once again, thank you for your hard work and willingness to assist us. Should you have any questions please feel free to contact me. It's the letter I send, you ask me if I think he did a good job; I think so, I said it on this letter.

Mr. Salazar: Thank you. Are you done? Thank you, may I?

Ms. Early: Mr. Chair, What is the date on that letter?

Mr. Barabani: The letter is January 7, 2011.

Ms. Early: Ok, thank you.

Mr. Salazar: I just want to make it clear for the record; although this letter says on behalf of Personnel Commission, I had nothing to do with writing this letter. So Mr. Barabani who signs this letter does not speak for me.

Mr. Barabani: Your signature is not at the bottom.

Mr. Salazar: For the record, it says on behalf of the Personnel Commission. I am the Commissioner for these commission, you do not speak for me.

Mr. Barabani: Ok, so I assume you don't agree with anything.

Mr. Salazar: You don't have to assume anything. You don't speak for me, Mr. Barabani. I am not asking you to assume anything, I am just saying for the record you don't speak for me, and I did not sign this letter obviously. It is not my signature. Now, may I?

Mr. Barabani: Sure

Mr. Salazar: Ms. Garcia, can you give us just a couple of minutes and tell us about Mr. Astrachan?

Nersidalia Garcia, Secretary III: Well, yes he asked me first.

Mr. Barabani: Ok, go ahead.

Ms. Early: Mr. Chair, I think it's inappropriate for us to be having an employee evaluation in open session. So I am not sure what that has to with the topic here. And I will not participate in that.

Mr. Barabani: Ok, that is a very good point.

Mr. Salazar: So we establish for the record that Mr. Astrachan has done a good.

Nersidalia Garcia, Secretary III: Yes.

Mr. Salazar: I think that is pretty much it and you said it yourself.

Mr. Barabani: What I stated was in the letter.

Mr. Salazar: Are you done? May I continue? Or are you going to continue interrupting me?

Mr. Barabani: Well I am now that she mentioned, she made a very valuable point, and we are not going to evaluate his work and his ethics here.

Mr. Salazar: What can I talk about? What you say?

Mr. Barabani: It is not appropriate, as a commissioner you know, you should of not talking about personnel matters about an individual per say, if you are asking this people to evaluate him at this time; it could be issues with that.

Mr. Salazar: Well I didn't prepare this agenda and Mr. Astrachan's name is on it.

Mr. Barabani: I prepared this agenda item we are voting here it is. Hold on it is moved that the Commission terminate the provisional appointment of Bryan Astrachan it's a simple procedure. Yes or no do we terminate his position.

Mr. Salazar: But we are in the discussion phase on this are we not?

Mr. Barabani: But we are not in the evaluation phase of the employee.

Mr. Salazar: But we are in the discussion phase of commissioners.

Mr. Barabani: Among us.

Mr. Salazar: I mean they just happen to be here, the public.

Mr. Barabani: No you are not calling; you are calling on the staff to make an evaluation.

Nersidalia Garcia, Secretary III: I am giving my opinion not my evaluation.

Mr. Barabani: No, not on an employee.

Mr. Salazar: I am done with that question, Mr. Barabani, I have moved on. So we establish that Mr. Astrachan has done a good job. What will happen once he is terminated? Does that mean we can no longer go on with recruitments until we have somebody else in place?

Mr. Barabani: Most likely.

Mr. Salazar: So, and we don't have anyone in place right now.

Mr. Barabani: We do have a valid candidate that has been chosen.

Mr. Salazar: But, we have nobody that is in place tomorrow morning to start with this testing.

Mr. Barabani: We could if the district will process the employee but they haven't so far.

Mr. Salazar: I am not interesting in talking about hypothetical.

Mr. Barabani: No, it is not hypothetical, let me finish. It is not hypothetical the district has not, not processed the employee we have chosen.

Mr. Salazar: I have one question for you, and I am going to state it again.

Mr. Barabani: I am not here to answer your question.

Mr. Salazar: Very good, that is what I thought. First of all let me go ahead, again for the record, this are very important people to me. I don't what you think about them but, to me they are important people. They have very valid concerns, and their concerns are concerns of mine and the function of this body is to fairly and inequitably get people hired and working and, what I am hearing is that the termination of Mr. Astrachan creates a gap, until such time we have somebody permanently in place, and that gap is basically a stop, and that stop is basically everyone of this people stood up and talked about it, and I know this is an action item, but if you want me to hit it again, I will. But I think the point is this right here is the apprehensive strike on action item C, and therefore for the record I can not vote to approve this item. Thank you very much.

Mr. Barabani: Well I am glad that you taken consideration in the concept of these members and insinuate that I don't. When I come here I vote yes or no, I take a stand, I don't abstain 90% of the time because I am afraid to take a vote like you do.

Mr. Salazar: You don't intimidate me, and you don't frighten me.

Mr. Barabani: And when you talk about a gap, gap does not exist because of me, the gap exist because we are under court order brought on by the district. The district took us to court a year ago a judge said we must follow the old rules, I am not going to be placed on contempt charges by the judge because you want to grand slam me.

Mr. Salazar: Where did you get your law degree from?

Mr. Barabani: I did not get one.

Mr. Salazar: That is what I thought.

Mr. Barabani: Well, do you want to be contempt to court?

Mr. Salazar: Are you a lawyer?

Mr. Barabani: I am using my best judgment. I got a judge that says I have to follow the rules. The rule says, the (inaudible) can only stay fifteen days that is not brain surgeon.

Mr. Salazar: And I am voting my conscience.

Mr. Barabani: All right, call for the vote.

Ms. Early: Mr. Chair, I just want to, and I am not sure if everybody had a chance to review the supplements that were attached to the agenda but a Provisional appointment is only permissible under the rules of the Education Code when there is an active recruitment and no eligibility list, once this activities are concluded the provisional appointment must end within fifteen calendar days under the rules. So, it matters not how well a job a person has done, we are talking about our operating rules that we must abide by, what we established, we did not evaluate the performance, and that is my statement for the record. What we established is that Mr. Astrachan rendered a service to the district and I appreciate your correspondence thanking him for services that were rendered. Under the law we have a time pocket started, once our eligibility list was established, and once we conducted our interviews. Mr. Astrachan and myself actually had this discussion and he is aware of this law. So, realize by voting for this item, you are not saying that he is terminated because we were dissatisfied with his service. He is terminated simply because a clock started, and I just wanted to make that clear. In case anybody believes that he is terminated because we were dissatisfied with his performance, we have not done a performance evaluation within this setting. I am in favor of going forward simply because I feel like we do not have another choice.

Mr. Barabani: Thank you for your statement, I made that statement of termination is just a word you are just much more eloquently than I am. And I want to call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye.

Mr. Salazar: Nay.

Mr. Barabani: Motion passes.

Mr. Barabani: *Item C. It is moved that the commission freeze all active recruitments until such time as a permanent Personnel Commission Director is hired by the district. Call for the motion.*

Ms. Early: Commission Chair, I move to not adopt Item C, so I am not in favor of freezing all active recruitments.

Mr. Salazar: I will second that.

Mr. Barabani: Can I amend the motion? Open it up for discussion. As it stands now listening to the audience speak, I wrote a note right here about the *recruitment*. Sit here and let the testing go through, I heard the statement and it rang well. We need supervision when we do this testing. We can do many things, we can table it to the next meeting maybe, and I can mend the motion and ask for a call on that. That will take 2 weeks and the people we are talking about, how many people would have to be contacted, how many people individuals would have to be affected by this. What it does it comes to a simple matter as someone that knows how to test and how to continue this recruitment. The person we chose to be our commissioner and the district hasn't processed is sitting here, and I am going to make a motion to continue on what happens there, I do not know what is going to happen. I like to make a move that the commission appoint.

Mr. Salazar: There is a motion on the floor.

Ms. Early: The motion currently before us is to not freeze all active recruitments.

Mr. Salazar: That was a motion, and I second it.

Mr. Barabani: All right, yea... So what do you want to do?

Mr. Salazar: We are done with the public comments? Right?

Ms. Early: Do you want to mend the motion?

Mr. Barabani: I was trying to mend the motion. I would like to take a vote to amend the motion. Do I have a second?

Mr. Salazar: What are you talking about?

Ms. Early: Let's hear your amendment?

Mr. Barabani: Ok, this is what I am talking about. I would like to mend the motion to say that, I like to point to Mr. Maher who is on the list, to be as a professional expert to supervise and advance the (inaudible). I made this notes right here, current schedule testing on the following conditions: Mr. Maher would not be an employee of the district. Mr. Maher would not be compensated for his work as an uncompensated volunteer. He is an expert too. If Mr. Maher is prevented by the district, because we are trying to get this done from acting as a professional expert for the commission or interfere within in during the testing we will halt the testing and the testing will be null and void. I think we will have an expert there, the testing can continue.

Alexis Jenks, HR Specialist PC: You have experts in the office that have been testing. That is crazy.

Mr. Barabani: No, we are not taking questions.

Mr. Salazar: There is a motion on the floor.

Mr. Barabani: I am amending the motion.

Mr. Salazar: And you are amending it to what?

Mr. Barabani: Amending it to, it is moved that the commission dissolve active recruitments until such time the permanent commission director is hired by the district. I say we do not need the personal commission director to do the testing, what we need is an expert, and I want to point Mr. Maher as a man of his word, to allow him to become the professional expert to supervise the scheduling and the testing and under the condition that the district does not interfere.

Cindy Andrade, Classified Employee: If there is a friendly amendment, does it have to be in writing?

Mr. Barabani: No.

Charlie LaChance, CSEA Labor Representative: From all the schools of order I have seen them Gino.

Mr. Salazar: I think that this item is very clear on the agenda, and I think basically what Rhonda stated can be really simplified, I may be wrong, I may need help with this Rhonda, but what we are saying is no to that action item. In essence, all we have to do is call for the vote on that item as is, and no on that vote right there and that is the end of the item.

Charlie LaChance, CSEA Labor Representative: Roberts Rules has the right to make an amendment. There has to be a second on that amendment and that amendment dies, he has the right to amended.

Mr. Salazar: Understood.

Mr. Salazar: That is fine, I understand that, but I am just trying to reinstate what Rhonda had stated its another way to say it I know I am not going to, excuse the language, I don't mean to try to spin that, I just mean that, what you are saying is I am not trying to put words in your mouth, no where on that item, so that is kind of where the item stands. Now we have an amendment, a second amendment to that item?

Cindy Andrade, Classified Employee: No one has second it.

Mr. Salazar: Second as in number one and number two? Because the first amendment would of being what Rhonda was talking about, because she has actually changed that, right?

Charlie LaChance, CSEA Labor Representative: No, did you change it Rhonda?

Ms. Early: No

Mr. Salazar: We are talking about voting on item as it is.

Cindy Andrade, Classified Employee: If there is not a second, then it will not go through.

Mr. Salazar: Well, I second it of what she said.

Charlie LaChance, CSEA Labor Representative: Then she said she was not support of C and you seconded that?

Mr. Salazar: Correct.

Charlie LaChance, CSEA Labor Representative: Then Gino made a friendly amendment, if there is no second to his amendment then that goes away and vote on the original. I am sorry; going to parliamentary school makes me see those things. I am sorry.

Ms. Early: I just want to see if I understand your amendment to the motion.

Mr. Barabani: I will say it again.

Ms. Early: Ok.

Mr. Barabani: *My amendment is that we move that the Commission appoint Patrick Maher as a professional expert to serve and advance all current scheduled testing on the following conditions, 1. He will not be an employee of the district. 2. Mr. Maher will not be compensated for his work, but will work as uncompensated volunteer. Number 3. Mr. Maher, if he is prevented by the district as acting as a professional expert for the commission or interferes by the district during the testing, the testing will be halted at that time, and it will be null and void. I do, I do not want to say anything at this time.*

Charlie LaChance, CSEA Labor Representative: There is a point of order and maybe you know this, there is a point of order for the motion, if he is not, Mr. Maher or who ever it is. Is not an employee of the district does he then has the right to see confidential information of the district, to oversee this?

Patrick Maher: Yes.

Nersidalia Garcia, Secretary III: No

Audience: No, I think not.



Mr. Barabani: He is going to be because we are pointing him as an expert, the only difference I think is an expert and a counselor while we have him here.

Charlie LaChance, CSEA Labor Representative: Well you said, he will not be an employee of the district so it's the concern of ability to see confidentiality,

Mr. Barabani: Neither a consultant that comes in,

Charlie LeChance, CSEA Labor Representative: Do they have access of that?

Mr. Barabani: I do not know Charlie, I have seen that.

Charlie LaChance, CSEA Labor Representative: I like you to find that out.

Ms. Early: Since we have Ms. Kwong here, can you provide us with an answer to Ms. LaChance question?

Kristine Kwong, Attorney at Law: Sure, to answer your question, the commission is going to retain a consultant to monitor the testing and the consultant will be standing in the shoes of any other person that is responsible for doing it, so that person will have access to confidential information, but the same time because they are acting in a consulting capacity and as a professional expert they will maintain all of the confidence that any other person maintains and they will monitor the testing. I think what your move is, if for any way, if this testing process is interrupted by any outside source as the district, I think what I am hearing from you is that you want the complete process halted until the commission will make the decision of what to do.

Mr. Barabani: That is correct.

Kristine Kwong, Attorney at Law: Which you have the authority to do.

Mr. Salazar: Are there any as a volunteer, do we have any, should we as a commission, have any concerns with that status?

Kristine Kwong, Attorney at Law: As long as your volunteer as an expert maintains all of the duties that are required to perform and agrees to perform them then you should not have a problem. The fact that he is not compensated does not alleviate that persons responsibilities and perform the duties they are still held for standard they are not compensated for the performance.

Mr. Salazar: Why would you volunteer to do such a heavy job?

Patrick Maher: Because I am concern about employees of this district, I have been volunteering for nine months, for ten months I am committed to the principles of the merit system, I believe the employees have a legitimate concerns here tonight of what the halting of the examination of process will do, this is the way of complying with the legal

requirements. There is a lot goes in the testing that people do not understand. On the written analyses, you got to do item analysis, you got to do cut test, itemized the test, you got to validate the written test, you got to follow certain rules and procedures, you have to deal with appeals, you have to deal with someone that shows up and says, I need a reasonable accommodation, I need a reader, all this things kinds of things go into that and I have that expertise and I am willing to offer my time and my services as I have been for nine month to the district, to advance the classified employees and advance the work of the commission.

Mr. Salazar: You want to do that for free?

Mr. Maher: Yes, I have been doing it for free for nine months.

Mr. Salazar: And you want to continue to do all that for free?

Patrick Maher: Yes, yes, I know that people who think that money is the only thing important, is not an issue for me, but I am willing to volunteer my time, my skills, my talent and my contribution to the district to the classified employees of the commission.

Mr. Salazar: Ok.

Charlie LaChance, CSEA Labor Representative: Has there been a second?

Audience: No, there has not been a second.

Ms. Early: I am going to second the amendment.

Cindy Andrade, Classified Employee: Oh come on!!

Ms. Early: To appoint Mr. Maher as an uncompensated professional expert, to assist and oversee the testing process, I second.

Cindy Andrade, Classified Employee: Why aren't you on our side? You suppose to be on our side.

Helen Leach, Classified Employee: You already said something, then he seconds it, and then here we go again. We are back to square one.

Ms. Early: From what I have seen we have decided to not freeze the recruitment and testing and my understanding is that Mr. Barabani's concern is that the process is going as it should be and accord with the merit system. So he is asking from your feedback, it looks like you're willing to volunteer to assist with the process, so if anything, it is going to expedite the hiring process.

Helen Leach, Classified Employee: Not if the district gets into and if the district gets into it then it halts to a stop.

Cindy Andrade, Classified Employee: It halts. Come on, you do not think that's going to happen?

Ms. Early: What do you mean not if the district gets into it?

Cindy Andrade, Classified Employee: That is the second part of this is the district. That is part of it, it halts the process.

Helen Leach, Classified Employee: Did you hear everything, crazy!

Carl Greenwood, Classified Employee: We all know that the district is going to interfere so, what is the point? They are not going to hire.

John Simpson, Classified Employee: Why are you going this route?

Mr. Barabani: So, what you are telling me is whether there is a person in that position overseen the merit system rules are followed or if not the district will interfere?

Carl Greenwood, Classified Employee: Exactly.

Mr. Barabani: So, why should I continue with the testing if they are going to interfere?

Cindy Andrade, Classified Employee: You know why,

Mr. Barabani: If they did not want you in, would you follow the rules?

Cindy Andrade, Classified Employee: If you know that they don't want someone, and you know that this is happening, why would you even suggest it? Because you know it's going to happen. So it is going to halt.

Mr. Barabani: What you are telling me, hold on. What you are telling me is the other way around is what happens also, correct?

Cindy Andrade, Classified Employee: You suppose to be on our side, you suppose to be working for our employees of classified.

Gladys Byrd, Acting Assistant Director for Human Resources Classified: Excuse me! Excuse me, Cindy wait; this is open for discussion, why don't you appoint someone that already works in the Personnel Commission Office to oversee?

Alexis Jenks, Human Resources Specialist: No, not even that, don't appoint Patrick Maher!

Gladys Byrd, Acting Assistant Director for Human Resources Classified: Have someone work in the commission office, out of class, we have experts here.

Mr. Barabani: Call of order, we have a motion on the table.

Helen Leach, Classified Employee, Yes, they have been doing it for years.

Alexis Jenks, HR Specialist PC: We are not adequate, that is what the agenda says, the staff that works for the commission is not adequate, we are not adequate enough, and our skills are not high enough.

Helen Leach, Classified Employee: What do you mean?

Alexis Jenks, HR Specialist PC: You would have to ask the person that wrote the agenda. That is ridiculous.

Helen Leach, Classified Employee: They have been doing it for years. That is crazy. What was the point of the meeting tonight?

John Simpson, Classified Employee: For somebody else's agenda.

Cindy Andrade, Classified Employee: There is an agenda but it is not ours.

Carl Greenwood, Classified Employee: I think what we are asking is we know who we are dealing with, we all know who we are dealing with, and if this is your choice of who you might want to hire, that is great, but right now they are not going to fill it. They do not want to hear it. So what are you going to do or what can you do to make this process go through? We know, if you say that today, the district tomorrow is going to say, go to hell. So we are still sitting here going through this crab, so what else can you bring up to make this thing go forward? We are telling you right now this is not going to work. Do you have a plan B?

Mr. Barabani: I want to make sure that the principles of merit system are followed during the testing.

Carl Greenwood, Classified Employee: I am asking you do you have a plan B? If this does not work out, do you have another plan to get this people to work?

Mr. Barabani: Yes, but we might have to wait, there is another meeting in a few weeks. I think this is something because I was taking notes.

Denise Bobswell, Classified Employee: Since there is people that want to volunteer, why don't you come down and work in our cafeteria.

Helen Leach, Classified Employee: I need help, that is not fair to us.

Carl Greenwood, Classified Employee: And clean the dirty bathrooms.

Helen Leach, Classified Employee: That is not fair to us. But you guys are going to do what you want to do anyways. You say one thing and you do another thing. Same thing the district does.

Carl Greenwood: You are doing the same thing the district does.

Ms. Early: Mr. Commission Chair, the way I see this is that we voted to continue on with the testing and the recruiting. That is the way I see this. What I also see is that we have someone who will be coming in to volunteer.

Cindy Andrade, Classified Employee: But they are not going to let him.

Ms. Early: But he is not asking to be paid. He is coming as a volunteer.

Cindy Andrade, Classified Employee: It doesn't matter, they don't want him.

Ms. Early: Do we know why? So is the district in charge of testing or is the commission?

Cindy Andrade, Classified Employee: But it does not matter, No, it matters that is going to halt. You said if the district intervenes in any way that it will halt and they will.

Carl Greenwood, Classified Employee: I bet you they know that.

Denise Bobswell, Classified Employee: What is intervening?

Patrick Maher: I just want to say a few things, you either stand in the merit system or you don't stand in the merit system. What everyone is saying is this, if the district wants to violate the law, if the district wants to say the personnel commission can not do what is hired to do, what is suppose to do and everyone run and panics then you let the district do what they do. That is not what the merit system is about. I am more than willing to step aside

Cindy Andrade, Classified Employee: Please do.

Helen Leach, Classified Employee: Please do so.

Patrick Maher: Can I finish please? I don't mean to be echoed.

Helen Leach, Classified Employee: Go ahead

Patrick Maher: I am here trying to make a point and make my position known. Everyone else had a chance to speak. There is nobody in this district that knows how to do professional testing. Let me explain to you why, professional testing requires doing item analysis and cut scores, it requires sitting down with experts and running a thing called an angle test to establish what your cut score would be and to establish your ranking score. They don't know how to do that, I am telling you right now they do not how to do that; In

addition to that, there are already three bulletins that I think have a question on legal basis. They already have to look at. It may be resulting in illegal examination process that I think it needs to be fixed. So it is just not a matter of doing things, it is not a matter of saying lets just give them a test and that is all you do and create a list it's by giving job related examination which is required by law. This is what I wanted to say, you stand behind the merit system, you stand behind the law, if the district is causing the problem, why aren't you at the governing board yelling at them? Why aren't you at the governing board and ask them why are they violating the law? Why aren't you at the governing board and ask them, every time the commission tries to do something, the district interferes with it and stops from doing it and blames it on the commission that is my only point.

Cindy Andrade, Classified Employee: Then why can't you amend what you said about the district? Why can you three get together now and amend what you said about halting the procedure if the district interferes, can you do that?

Mr. Barabani: Modify my wording?

Cindy Andrade, Classified Employee: Yes, modify the wording on that.

Patrick Maher: Give the district complete control on what happens.

John Simpson, Classified Employee: I don't know if this is a controversial thing. Why are going down the damn controversial road? There is no reason for it; I got nothing against the merit. But why are we going down this way?

Mr. Barabani: We are trying to get this test done.

John Simpson, Classified Employee: Ok, we got somebody in place now, why can we get that done?

Mr. Barabani: I need someone to make sure they are done correctly?

John Simpson, Classified Employee: And your staff is not qualified?

Alexis Jenks, HR Specialist PC: No we are not; we are not according to him.

Kristine Kwong, Attorney at Law: I think you need to consider the consequences if it's not done correctly. You have two routes, you have the testing process. If the testing process does not follow the law then your whole test is just a waste of time. The outcome of the test will be completely useless, and you try to create an eligibility list it is a bad eligibility list, if you try to hire from it, you can't hire from it because the entire process is completely tainted. If you make a mistake, I think the district would have a legitimate basis to the question the entire test, and to throw it out I think that is what you are getting at so, the cautious thing to do is to make sure that when you are going through the process that all the eyes are dotted are the T's are crossed along the way so that when you

do come with the eligibility list, that the list is pure, it's clean and it will stand legal attack so that you have a valid list. That is the point.

John Simpson, Classified Employee: My question then, fourteen years ago when I was hired, did we have personnel commission in effect?

Mr. Barabani: Hold on give me a second, yes.

John Simpson, Classified Employee: Who was there?

Mr. Barabani: The commission I believe was Denise Rhodel, but don't hold me to that.

John Simpson, Classified Employee: That was the legal commissioner? The district was not fighting for anything?

Mr. Barabani: I don't know that is fourteen years, it's along time ago.

John Simpson, Classified Employee: No I am just curious, if the district has been fighting the Personnel Commission all this time fourteen years ago, that means that I am an illegal employee.

Mr. Barabani: You are asking me to go back farther than that. I can't.

Carl Greenwood, Classified Employee: I resent what Pat said that we are trying to go around the system. I think what I said was let's find another way. Can we extend the acting commissioner through another 5 days or 10 days to get through it, is that something legal? O.K. you said not. Lets brainstorm to find a legal way to do this with all the legal ratifications in place and get it done, let's just not, if we have to stay here tonight till midnight to get it done lets figure it out, so nobody is trying to get around the merit system or we would not be here tonight.

Mr. Barabani: You are right about the district, Carlton, sorry for interrupting. When we first appointed Bryan, you were here you made a speech, Rhonda went out and got that person, try to recruit someone that is only October 18<sup>th</sup>, I looked that up and they did not get around that appointment till seven weeks later. If they would have done what we said correctly, we are running in a neutral box. I heard them saying and I asked you guys to go to the board also and complain about this stuff. I want to do things that are legal and correct.

Carl Greenwood, Classified Employee: Understandable, that is what I am trying to say, lets try to find a legal way to get it done.

Mr. Barabani: Because they did not process him in a correct amount of time and they were given a lot of time to do it. Time just clicks away and we got down, brought in and moved could have moved fast enough and then eligibility list was certified, we can't wait

forever on that, 15 days that is the rule. I got the court order that the district holding us down.

Cindy Andrade, Classified Employee: We know that.

Mr. Barabani: Ok. I understand the process, we are in this (inaudible), I don't want to wait we offered this as an amendment. You are saying?

Carl Greenwood, CSEA Officer: You know the outcome, it's a no Brainerd.

Steve Holt, CSEA Vice President: I like to start out by saying, I don't think anybody is questioning Pats expertise and qualifications, and I am very happy he would volunteer his time to help in this process, but I think what a lot of people are saying that we know that the district for whatever reasons belongs to them, they have a problem with him and we are concerned about it if they come to a halt, because we all know what is going to eventually going to happen is that, he is going to volunteer his time, there is going to be some type of communication done saying get rid of him, whatever, and then everything stops. Nobody is trying to belittle anybody or their qualifications, and I do understand what you said about it the testing does have to be done right till a certain degree, but if it is not perfect and its legal and we can get somebody in and is not a grade A, but maybe it's a C but still legal, I think people are looking at more filling the jobs and helping us out, and if they would recognize him as a volunteer I would not have a problem with that but, I think a lot of us know that it is not going to happen and that is where the concern is because they said over and over again for whatever reasons they wont share with you or us that they are not going to recognize him as your selection and I know that off the battle will consume and continue that is still going to be very hard for us and this whole testing process is going to come straight to a halt, and that is why they were saying is there a plan B? Can we do something else? If we stop everything, they are right, we kind of go backwards and we are back in the woods.

Denise Bobswell, Classified Employee: If they do not recognize him as a director why would they recognize him as a volunteer? That is where we are going.

Patrick Maher: Legal status is different, they don't have to take any action to employee me; they do not have to take any action by the board. I am not an employee, I am limited, and the only thing they can do is actively interfere as opposed to possibly not acting, that is what the difference is. They can actively interfere by having the police department come by and escorting me out of the room. They can actively interfere by having the police department escort me out of the office by not allowing me to see the documents. They can actively interfere with that.

Cindy Andrade, Classified Employee: Then it stops. The testing stops. You are shrugging your shoulders, like it is nothing. It's important.

Patrick Maher: It is important. I am saying, I can't say anything about that. If they do that, I can't stop them, and then the district wants to disobey the law.



Cindy Andrade, Classified Employee: Then why do we want to go that route, when that might happen? Do they actually think they won't?

Mr. Barabani: Hold on, hold on. One of the things about this meetings and I talked to the other commissioners we are trying to reframe from this. I like the idea; I like to hear everybody's idea.

John Simpson, Classified Employee: You say you have an eligibility list, how many people are on that list? Where is it at? Is it certified, is it registered? Where is the list? We did not see the list?

Mr. Barabani: Its not, the list is not something that is made in public.

Cindy Andrade, Classified Employee: Who certified the list?

John: Simpson: Who certified it?

Mr. Barabani: The list on what, the eligibility list for the Personnel Commission?

Cindy Andrade, Classified Employee: Can we have a name a time, a date and when?

Mr. Barabani: It's in the commission. I do not have that with me; I did not know they were going to ask this question.

Cindy Andrade: Do you have the right to certify the list?

Mr. Barabani: Yes.

John Simpson, Classified Employee: I don't see anything signed. We should be able to know how many people are on the list!

Mr. Barabani: You got it, I do not have that with me, and I did not know they were going to ask about that.

Cindy Andrade, Classified Employee: Do you have the right to certify the commissioners? You do?

John Simpson, Classified Employee: I don't see anything signed?

Mr. Barabani: He asked a very important question, he asked about the signature, when Bryan, the original one is on file, we don't put the signatures on the internet, we cross out the names, you will see the blackened out of date of personal information and things like that, it on file.

John Simpson, Classified Employee: This tells me nothing, there are no names on here.

Mr. Barabani: Wait a minute, hold on we are going on to another subject, we are on C here and we are talking about the eligibility about recruiting and making sure we establish eligibility list for this specific jobs. We are not talking about Item C. I know we are not talking about. You can ask me questions later, let's stay on track. We are on item C.

John Simpson, Classified Employee: You want us to stand here and take this. As far as I am concern, this is related to C because you want this to happen.

Cindy Andrade, Classified Employee: May ask her a question?

Mr. Barabani: Item C? I do not know if she is willing to answer.

Cindy Andrade, Classified Employee: Are the commissioners allowed to certify the list?

Kristine Kwong, Attorney at law: The list for candidates for the Personnel Commission Director has already being certified.

Cindy Andrade, Classified Employee: By whom? We want to know by whom?

Kristine Kwong, Attorney at law: I don't know who certified the list.

Mr. Barabani: You were not here.

Kristine Kwong, Attorney at law: I was not here at that time.

Cindy Andrade, Classified Employee: Are we allowed to ask into find out who it is before this takes place?

Mr. Barabani: That has nothing to do with Item C. I am going to ask to stay on item C.

Cindy Andrade, Classified Employee: Actually it does.

John Simpson, Classified Employee: As far as I am concern it is over and done. There is no where to go.

Mr. Barabani: We have not voted yet, let's stay on Item C.

Alexis Jenks, HR, Specialist PC: I have a question about Item C, you guys mention that Bryan Astrachan.

Mr. Barabani: Are you asking by the way, are you asking as an employee?

Alexis Jenks, HR Specialist PC: No, I am off the clock, I am here as a member of the public, so my questions is you guys mention that his fifteen days are up, in the Ed Code under provisional..

Mr. Barabani: That item is not part of Item C.

Alexis Jenks, HR Specialist PC: Yea, it is, but in the Ed Code under section.

Mr. Barabani: No, no we are talking about Item C where the testing continues and you are talking about eligibility list. I am going to call for a vote on this.

Alexis Jenks, HR Specialist PC: This is Item C. I am not going to speak. This is regarding Item C. So I am not going to speak?

Mr. Barabani: You got to stay on Item C.

Alexis Jenks, HR Specialist PC: This is regarding Item C. I have a question about Item C. I have a question regarding the freezing and recruitments. If there is no one appointed and you said that the reason why we are terminating his appointment because of the 15 days according to the Ed Code in provisional assignments

Mr. Barabani: How is that part of C?

Alexis Jenks, HR Specialist PC: Because I am getting to it, but you keep cutting me off. In the Ed Code 45288 it says that the personnel commission may authorize the extension of the provisional person, number three, that the position cannot be satisfactorily filled by use of other employment lists or procedures. So, B and C are together, if you get rid of this person we are going to freeze all the recruitments, obviously, because the district will not hire Patrick Maher. So how come?

Mr. Barabani: How come you know that? How come you know that they are not going to hire Patrick Maher? Have they told you that?

Alexis Jenks, HR Specialist PC: Because he is not hired, he is not hired, he is not hired. He has not been hired. He does not have an employee badge, that is what I see, he has not been hired. He has not been, so if he has not been hired before, what makes you think he will get hired now? So how are we supposed to test and recruit if we do not have anyone sitting in the office? You think if they are not going to hire him on a permanent position, he will be able to volunteer here? That is logical, I do not have to be able to for see the future, it is logical, and if he is not currently employed right now he is not going to be hired, simple as that! It is black and white, I do not understand, we put all this work, its so frustrating, you guys do not work here, we have tested, we have recruited for all this positions and you want to freeze it, that is ridiculous and it is just so frustrating, it appears to me that you think it is a joke, Gino. It is not a joke, it's not a joke. We sit in this office for forty hours a week, we deal with all of this applicants that call and you guys come here for a couple of hours a month and you think it is a joke Gino. You don't have to deal

with the applicants when they call we have to. This is very frustrating, this is very frustrating, we have been back here for almost two years and, nothing has happened, nothing has happened. You have all these people that are representing the classified employees and you think it is a joke and that is not right, that is not right! I come to work, my co-workers come to work, we come here and do what we suppose to do and it is frustrating, it is frustrating, and I am tired just tired, I am tired, tired.

Charlie LaChance, CSEA Labor Representative: That is part of the hopelessness that is generating all through the district.

Mr. Barabani: And I understand that. Yes I do, I have those same feeling. But I keep hearing the district does not want you to do that, the district wont do this but the passion I hear this room, I don't hear that passion at the board meetings.

Cindy Andrade, Classified Employee: Oh yea you do. We are there. I stood up there and I even cried and one my members came up to me and I did not know I was on T.V.

Helen Leach, Classified Employee: Oh yea you do.

Mr. Barabani: Well once again we are off target.

Cindy Andrade, Classified Employee: Well you brought it up.

Mr. Barabani: I like to go on to get to the point.

Cindy Andrade, Classified Employee: And I am saying that they saw the way we reacted in the board meetings, they see us, and they see how passionate we are for our members. And you see it here.

Mr. Barabani: Item C, we haven't called for a vote yet.

Alex Raya, School Police Officer: It's kind of a question for the commissioners, have you guys made sure that non of the employees here can handle the testing and that are qualified to do that?

Mr. Barabani: I can't discuss that.

John Simpson, Classified Employee: Off course not.

Mr. Barabani: No, I would not discuss your personal issues.

John Simpson, Classified Employee: Have you made sure people that are here can handle that?

Ms. Early: I can only share with you some of the concerns by the Provisional Director that has been sitting and working here for the last few weeks and he shared with me some

concerns that he had about current testing, practices, and test that had been utilized previously, before his arrival being inappropriate for the positions that were advertised. Based on his comments I can see why and I can share a concern with wanting someone here just to observe that the process is accurate. So let me re integrate, I am not in favor of refreezing recruitment, I am not in favor of freezing testing, but based on what he shared with me it is my responsibility to make sure that the process is above board, accurate in line with the merit system. That is only based on comments that I had with Mr. Astrachan, I call that. So, hearing the concerns and realized we are concerned that the process is orderly, I would, I can only say that we need to move forward appropriately, I am definitely not in favor of freezing progress, o.k. I am interesting in us making progress in an orderly fashion, the only thing that I can say and we do not know what will happen, we don't know if we are going to have district intervention, however; if we say based on passed practices we can predict that might happen. I can tell you that I am committed to coming back here to another meeting and saying this happened, this is what happened and so this is what we are going to go from here to make it work, so I am definitely not interested in bringing everything to a halt. Those are my concerns and I am committed that if things were brought to a halt tomorrow I would be on the phone with Ms. Garcia saying, can you call Commissioner Barabani? We need to have another special call meeting so that we can take our next step to make sure that you are provided with the quality service.

John Simpson, Classified Employee: Do you have a next step in mind? Because that would be a Plan B that we discussed earlier that you can give us an answer to.

Mr. Barabani: I got one but it takes time.

Patrick Maher: Can I make a suggestion? That you alter your motion and drop the portion about me supervising and managing the test, and I serve as a professional expert to the commission and with through the commission can pull the material and review it all. I can give you my advice, my expertise, this may cause problems because if an examination is given it turns out to be a problem and I do have a problem about this position called Education Assistant III, this is paraprofessional position of No Child Left Behind. If you hire somebody illegally you can stand to lose every single penny of Title I funding you get for this district which, would cause a severe adverse financial back up on this district. That is so important, when a bad examination is given and does not meet No Child Left Behind requirements the old examination is no good or you perceive to hire from it, you loose all your Title I funding. Those are the two consequences that is why this is so important. My suggestion would be to drop the portion that you rather then what you said, I wont be present you can run the examination with one of the commissioners who can come in and bring me in with them to sit down and look at the entire process, I can advise the commission, as to what to write a report for the commission. I am not an employee, I am still working for the commission as a volunteer as a professional expert that meets the requirements. The testing will go forward as it is, the district has no legal authority to stop the commission from consulting with people and looking at examination procedures and receiving the report, they have no legal authority

to do that. So that will allow you testing to continue and take a look at it and see if there is any problems, they may not be, I do not know.

Charlie LaChance, CSEA Labor Representative: People getting up and walking on the commissioners, you can see the level of anxiety and frustration, and again I admire the three of you for being where you are at. You get nothing for it, you are public servants and what you get is the joy of knowing that you are helping classified employees. The peace that's troublesome as a union amendment is if there is any intervention that is cease and desists brings everyone to square one. This is not about Patrick Maher, this is not about Bryan Astrachan, I do not care what their names are, it's about the positions and about the difficulty that our employees of this district in this community are having. Everyone knows I have been very outspoken, the district has been the enemy of this commission, we have perceive them as the enemy and they have been the enemy, and we fought them every step of the way, and we continue to do so but now the perception and it is not true, but the perception is the Commission is the enemy. Because our membership does not quite understand why the process has to stop. If we continue with that process of the testing and move forward the way it was, under the simple motion of C, saying just bring C and see what happens. Obviously the commission, is Kristine Kwong still here? I do not know if she is? Kristine is here. I do not know who the district has as their legal representative, but we have our legal representative, and Gino and Rhonda and Michael you are absolutely right, there is a restraining order, the hearing is next week, you can't violate that restraining order. The restraining order says we have to abide by the old rules; the old rule say once this is certified list of applicants you have to let someone in within 15 days, the law is the law. None of us can violate that restraining order, I am not going to and that is why I did not speak out against B, because it is the law, it is an order. But there is nothing that says we can't move forward of what we already have and that is the simple request from the people that I represent, 2400 of them if I stand correct it. It should be 2200 or 2100 classified workers and you are hurting them. I hear Alexis frustration, I hear Cindy's frustration, I hear the young lady Helen's frustration, and Denise's frustration and the custodian that was here, they did not walk out on you, they walked out on their hope that some of this frustration would end because they were hoping that by coming to you and stating their case so you can understand the hardship they are going through. If you would do whatever it took to remedy this within the legal ramifications that you can, I don't know we talked a little bit; Gino, you and I have talked for a little bit. It is a tough situation because I don't want the district to continue to break the rules and the law and I do not want us to. We are on the spot right now, that you have an opportunity to move forward that is not breaking the law and quite frankly I am disappointed that you did not just voted down simply. But you guys have to leave with whatever the consequences are, I don't, I understand that you will make your decision on your best interest, but that is why people got up and walked out.

Patrick Maher: I would just recommend you drop the third part of your motion mentioned. You can still have the test reviewed, there is till time to review the test, but I want to make it clear if this examination does not meet the NCLB you stand and jeopardize every single penny of the Title I fund that is given to the district. Because they will come in there, they will audit.

Charlie LaChance, CSEA Labor Representative: Is in it the district's problem?

Mr. Barabani: No, it will startled the CSEA, It's our problem, I want to do a good recruitment and they do not want to: But, Charlie, one of the things is frustrating for me is a lot of the members walked out, stuff like that, they made it my fault in the last two meetings, and because they are under the presumption we are going to vote a certain way. I truly do want to hear everybody's opinion, last time it dragged for so long , but that is fine, we can keep it simple, we do not have to do this, I mean, I heard the frustration, maybe that is because this open form, I do want to hear it. I took this notes on the flyer, and I am trying to solve the problem today, I do not want to wait, there is other avenues to solve this but, the trouble is the first recruitment I believe is next week, Tuesday of next week, because the holiday is Monday, and offer this up as a way to continue as safeguard, and you are saying the district, so well, I have no problem dropping the last part, the part where if the district interferes. We will just continue and use his expertise to review it.

Charlie LaChance, CSEA Labor Representative: Then you will have to withdraw your last amendment. You would have to withdraw the last amendment. It did not have a second. You need to have a second.

Mr. Barabani: It did have a second.

Charlie LaChance, CSEA Labor Representative: You both have to withdraw the last amendment. You can withdraw that.

Mr. Barabani: That is right because once I withdraw it then it goes on. At least the testing will go on. I like to say this, if the process is interfered in or it is not done correctly you realize we will be in the same boat of where we are now. I mean even though, it's got to be done correctly. We are going 30 to 60 days down the road, but I guess we just take that chance, I don't know, it is very frustrating. Ok, another problem with all this going on, I have actually lost track.

Ms. Early: The other alternative you have is you can submit it as stated to a vote and your vote can be defeated, and then we can go ahead and reinstate another motion.

Charlie LaChance, CSEA Labor Representative: That is the easier way.

Ms. Early: Absolutely.

Mr. Barabani: You are more experienced.

Ms. Early: So, you would now call for the vote.

Charlie LaChance, CSEA Labor Representative: Call for the vote as amended.

Mr. Barabani: I am calling for the vote as amendment. Do I have a second?

Ms. Early: Nay, so my vote is nay.

Mr. Salazar: I abstain.

Charlie LaChance, CSEA Labor Representative: What?

Mr. Salazar: I don't know where we are at.

Charlie LaChance, CSEA Labor Representative: We are voting down there amendment.

Denise Babswell, Classified Employee: You are going to give it a wash; it's what is going to do.

Cindy Andrade, Classified Employee: Started all over and refreeze it.

Mr. Barabani: I make it easy make, nay, motion fails.

Ms. Early: Commission Chair, I move that the commission not freeze active recruitments and, that Mr. Maher serve as uncompensated professional expert to oversee and assist with the testing process.

Mr. Barabani: Not freeze active recruitment and oversee and assist?

Ms. Early: Oversee and assist with the testing process.

Charlie LaChance, CSEA Labor Representative: As a volunteer?

Ms. Early: Uncompensated, yes.

Mr. Barabani: I have to redo it as a volunteer.

Ms. Early: My motion was uncompensated as a professional expert. So that is a volunteer.

Mr. Barabani: We as commission.

Ms. Early: I so move.

Mr. Barabani: I will second. I will second it, call for a vote.

Ms. Early: Aye.

Mr. Barabani: Aye.



Mr. Salazar: Nay.

Mr. Barabani: Motion passes.

Mr. Barabani: Before we move on to the other action, can I ask the people who are mainly in the audience, is the back and forth thing bad or is it good, do you like or you don't?

Cindy Andrade, Classified Employee: It is good, it's exciting. We are passionate.

Mr. Barabani: I understand, I like to hear everybody's opinion and I don't want try to gable, I know I am kind of out of place here, but I do, I hope every body out there, I really want to hear you guys opinion. We put these things on the agenda, they are not iron flat, they are there because we got to get an agenda, and we have to move forward. Then when you bring your statements as you can they can get highly modified, the people, ask them to stay around.

Charlie LaChance, CSEA Representative: There were too emotional, probably in their best interest they left.

Mr. Barabani: *Next item D. It is moved that the commission employ Kristine Kwong, Musick, Peeler & Garrett LLP as counsel to the commission pursuant to Education Code Section 45313 due to the legal counsel to the governing board Declaring a conflict in response to a written request concerning legal opinions regarding "whether or not the position of Assistant Superintendent performing the duties of Employee Relations/Human Resources Classified is legally a classified position under California Education Code sections 44065, 45104, 45103, and 45265 and therefore subject to all provisions of the merit system for selection, recruitment, and appointment, with such opinion to be based on a factual analysis of the percentage of time a person in that position spends on duties requiring a credential under the Education Code."* Do I have a motion?

Ms. Early: I so move.

Mr. Barabani: Do I have a second? I will second it. Call for a vote. I vote yes.

Ms. Early: Yes.

Mr. Salazar: I will abstain.

Mr. Barabani: Motion carries.

Mr. Barabani: *Item E. It is moved that the commission*  
*I. Request an unequivocal certification that if the firm of Gresham Savage Nolan & Tilden represents the commission as legal counsel in all matters concerning the Abe Flory administrative hearing that Item A. There is no existing conflict of interest between the governing board and the commission. B. There will be no conflict of interest between*

*the commission and the governing board declared by Gresham Savage Nolan & Tilden at any time in the future, including any appearances in court, concerning this administrative appeal. C. Gresham Savage Nolan & Tilden will formally agree in writing to provide legal services as requested and directed by the commission and not delay or fail to deliver services due to its determination that the costs associated with performing the requested services are too high, that there are more effective ways to perform the duties, or that the governing board wants to reduce the total cost of legal fees. D. Gresham Savage Nolan & Tilden will formally agree in writing to fully represent the commission's privileged communication rights concerning all communication to and from the commission and in attending any of the conferences or meetings with the commission in closed sessions. E. That Gresham Savage Nolan & Tilden will be present at every hearing or meeting involving the appeal or otherwise as directed by the commission, and keep the commission timely advised as to any matters it should be aware of*

*2. Notify the governing board that Gresham Savage Nolan & Tilden will provide legal services to the commission at a billing rate more than 50% higher than the rate that has been and will be charged by Chidester and Associates to continue to provide legal services to the commission. Do I have a motion?*

Ms. Early: So, we are requesting the certification from the firm?

Mr. Barabani: That is correct.

Ms. Early: I move, I so move.

Mr. Barabani: Do I have a second? I second it. Any discussion? Call for a vote.

Ms. Early: Aye.

Mr. Barabani: Aye.

Mr. Salazar: Abstain.

Mr. Barabani: Motion passes.

Mr. Barabani: Item F, It is moved that the commission make part of the official agenda the following documents attached to this agenda and marked as being part of the agenda of the meeting December 16, 2010. That is why we took the time to make the changes.

Mr. Barabani: Do I have a motion?

Ms. Early: I so move.

Mr. Barabani: I will second it.

Mr. Barabani: Call for a vote.

Ms. Early: Aye.

Mr. Barabani: Aye.

Mr. Salazar: Do we have, I mean we made some revisions to that. So, is the motion that we are going to prove this item as revised is that what we are saying? Because it does not say that, if that is the case then I am going along with you. I just want to make sure that is correct.

Mr. Barabani: Previously we revised it and made that motion and we revised it, accepted the motion, and now we are saying that we come part of that as revised.

Mr. Salazar: Accept those agendas as revised. O.K. that is fine.

Mr. Barabani: Right, As a matter of fact it is on record now that you said that so that is good.

Mr. Salazar: That is good, a little clerical.

Mr. Barabani: Ok, so I have?

Mr. Salazar: Aye.

Mr. Barabani: Aye. Motion passes.

#### **V. CLOSED SESSION**

Mr. Barabani: We are going to go to closed session now. I like to ask a question is Yolanda Ortega here? Has anyone seen her? Ok, thank you. I do not believe we will have anything when we come out.

Charlie LaChance, CSEA Labor Representative: Since you are closing I just want you to know Michael, Gino, and Rhonda how much we do appreciate your service. I know things get heated, I know things get emotional but we do appreciate you guys even when things get out of hand.

Mr. Barabani: Fair enough.

Mr. Barabani: Action Item V. Closed Session, when we are going to have Conference with legal counsel, Kristine E. Kwong, Musick, Peeler & Garret 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 title: Personnel Commission Director.

#### **VI. ADJOURNMENT**

Meeting was adjournment at 7:53 p.m.