

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

**April 27, 2011**

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

**I. CALL TO ORDER**

Mr. Barabani called the meeting to order at 5:42 p.m. Mr. Barabani led the pledge of allegiance. Thank you.

**II. APPROVAL OF AGENDA**

Mr. Barabani: II, Approval of Agenda.

Mr. Salazar: I move to approve the agenda with one adjustment. It looks like Item E and F are the same so, I'll suggest that we just take it out of there. Actually I have two adjustments, that's one.

Mr. Barabani: No, those are two separate items.

Mr. Salazar: Two different things right?

Mr. Barabani: Yes, yes. One's a hearing and one's making a decision.

Mr. Salazar: Oh gotcha, I see that, ok. On Item III number two, Approval of Minutes, *approve minutes of special meeting December 22, 2010*, that's already been done, we did that on 3/23.

Mr. Barabani: Which one now?

Mr. Salazar: Item III.

Mr. Barabani: Yeah, which one?

Mr. Salazar: Number two.

Mr. Barabani: Number two was already approved? Sorry. I told Nersi to put that on there and that was my mistake, it seemed familiar when I read those. Correction on Item II, those were approved already; on Action Item III. Thank you for catching that. Do I have a second?

Ms. Early: I second.

Mr. Barabani: Do I have a vote?

Ms. Early: Aye.

Mr. Barabani: Aye.

Mr. Salazar: Aye.

Mr. Barabani: Motion passed. Item number IV is Public Comments and the notes down there say *comments from the public on any agenda item may only be made at this time*. A small clarification on that is that the public hearing; you can speak during the public hearing on Action Item E instead of at this moment. *Public comment during the commission's discussion of an agenda item will not be permitted and public comment on the public hearing will be heard during the public hearing and not at this time*. So, if we have comments for Item E, save them for then. So, the Public Comments portion of this is open.

Ms. Early: Excuse me, did we approve the minutes from December 16<sup>th</sup>?

Mr. Barabani: We'll have to back up? I'm trying to get ahead here. Well, yes we did, we did approve the minutes when I said the corrections, but just to make sure.

Mr. Salazar: No, the 16<sup>th</sup>.

Ms. Early: We approved the minutes from December 22<sup>nd</sup>, but we still need to approve the minutes from December 16<sup>th</sup>.

### **III. APPROVAL OF MINUTES**

Mr. Barabani: We're going to move back to Item III Approval of the Minutes. When I called for Approval of Minutes, it was only one, I just thought that; you're right, we're going to approve the minutes of the regular meeting for December 16<sup>th</sup>, 2010, and thank you Ms. Early because I do have a couple of corrections for that one. Do you have some?

Ms. Early: I'll move to approve the minutes from December the 16<sup>th</sup> with, these are my noted corrections on page one, where it says *call to order*, second paragraph, first line, where it reads *I am pleased to see Dr. Delgado here at the audience*, change *at* to 'in'. Go down one line where it says *here tonight to register the oath*, change *register* to 'administer'. Same line, further down, change *go* to 'proceed'. The next line *new addition to tonight's meeting*, strike *the*, it should be 'meeting agenda'. The next line, insert 'have' between *staff* and *had*; Commission staff 'have had' should be the way it reads. Skip the next line, last line in that paragraph...

Mr. Salazar: What did you say just before, I didn't catch that?

Mr. Barabani: 'Had' to 'have had'.

Ms. Early: *Staff have 'had' trouble with the acoustics* so, insert 'have' in front of *had*. Last line in that paragraph, change *minister* to 'comment'. Strike *we*, change *asking* to 'asked'; change the *ing* to 'ed'; strike *you* and change *he* to 'the' so, it should read; the line should read *so those of you who come forward to comment will be asked to speak into the microphone*. Those are my corrections.

Mr. Barabani: Is that the total corrections?

Ms. Early: Total corrections.

Mr. Barabani: Mike? Alright, I have a couple of corrections. Alright, on page 12, second paragraph from the bottom, the one that starts where it says *Mr. Barabani* one, two, three, four, five, six, seven lines down the word *I have seen a lot of you coming* it should be 'coming' instead of *come*. And then on the second to the last line *people that are in positions that haven't gone and 'been' tested to the merit system* instead of *being tested*. And then on page 13, *Mr. Barabani, Charlie Lachance and Mr. Barabani* sentence starts *none whatsoever first we are going to have to get that approved* that should be 'across' *the board*, it should be the word 'across'. And then down at the last one under *Mr. Underwood* and my name, I don't know who that is, that would be me 'Mr. Barabani'.

Cindy Andrade, CSEA 3<sup>rd</sup> Vice President: It should be Barabani?

Mr. Barabani: Yes, it should be my name, Mr. Barabani. We will go to page 15, *Mr. Underwood, Mr. Barabani; it's been going* should be 'on' *for quite some time* not *off*. Page 32, the line that starts with *they came here expect to be treated fairly in this jobs*, it should be 'job' not *jobs*; *and you heard me say belong* it should be 'belongs' *to the tax payer*. Then, where the other line starts *are hired in this classified positions* it should be 'these' *classified positions*. Then the line that starts under the word *merit* to *quire*, it should read, the sentence should read *the government job just to acquire some kind*, it should be 'acquire', there's an 'a' missing. So, we can approve those minutes with all the corrections. Call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye.

Mr. Salazar: Aye.

Mr. Barabani: Thank you. Just on a note, I put these minutes at the front to follow the agenda, I'm thinking they're kind of awkward and that they should go back to the end, anybody care one way or the other? Alright, you like them forward like that? Ok. Just to stay in sequence, we're back at IV, Public Comments.

#### **IV.PUBLIC COMMENTS**

Mr. Barabani: Any public comments? None? Ok.

## V. ACTION ITEMS

Mr. Barabani: Number V, Action Items, the first one, *The commission will conduct an investigation and hearing pursuant to Education Code sections 45311 and 45312 and take testimony from commission staff concerning matters on the attached supporting rationale regarding various aspects of the selection procedure for Cafeteria Worker (Job Code 0427) and take action as it deems appropriate.* I had requested to the staff members to be here, they refused to come in to do that at this time, they didn't think it was part of their job and they didn't feel comfortable coming in so that keeps us from doing this so, on that agenda item, I'd like to make a motion now that we subpoena the two staff members so they can come in here and testify under oath. That is my motion, do I have a second?

Ms. Early: Sorry, did they tell you why they did not want to come here, is there an alternative place where we can meet and discuss or an alternative time or an alternative setting?

Mr. Barabani: I did propose that and there didn't seem to be any time that was convenient.

Ms. Early: Can you restate your motion?

Mr. Barabani: My motion is that we issue subpoenas so that the two staff members can come in here and testify to this Cafeteria Worker job code 0427 and take action as we deem appropriate to investigate how that process was done so they can come in and testify under oath.

Charlie LaChance, CSEA Labor Representative: In point of order, Gino, I know that you said we could talk during the public hearing portion, is this it or no? Where you said there was the hearing portion is this where we can speak or not?

Mr. Barabani: No, that would be Action Item E.

Charlie LaChance, CSEA Labor Representative: D?

Mr. Barabani: E.

Charlie LaChance, CSEA Labor Representative: Ok, thank you, sorry.

Ms. Early: I second.

Mr. Barabani: Once again, I will open it up, but we did discuss it a little bit. We have a second so, it's open for discussion, I'd like to hear some things on this other than what we said. Call for a vote then. I will vote aye.

Ms. Early: Aye.

Mr. Salazar: Nay.

Mr. Barabani: Motion passed for Item A. Thank you.

Mr. Barabani: Item B, *The commission will consider approving a new closing date for the examination for Cafeteria Worker (Job Code 0427). A proposed motion is: It is moved that the commission approved the attached recruitment bulleting for a promotional only examination for Cafeteria Worker (Job Code 0427) with a closing date extended to May 5, 2011.* Do I have a second?

Ms. Early: I second.

Mr. Barabani: Open for discussion. No discussion? Motion passes.

Mr. Salazar: What about the vote?

Mr. Barabani: Yes, that would help wouldn't it? Man, today's a bad day for me, thank you.

Mr. Salazar: Nay.

Mr. Barabani: Yay.

Ms. Early: Aye.

Mr. Barabani: *The commission will take action to schedule a public hearing on the 2011-2012 commission budget.* Do I have a second?

Ms. Early: We need...I'll second.

Mr. Barabani: Ok, I'll open it for discussion.

Ms. Early: When you say schedule a public hearing, you mean you have it put on as an agenda item?

Mr. Barabani: Yeah, as a public hearing like it would be on a day like...

Ms. Early: At our regular meeting?

Mr. Barabani: Yes, yes.

Ms. Early: Ok.

Mr. Barabani: And at this time, this is part of my public hearing; since we all know we don't have a personnel director, we don't have anyone to do this, I've got a lot of tasks on

my hands, I was wondering maybe, you appear to be a money guy, could you take this task on Mike? You won't do that?

Mr. Salazar: Sorry, I won't do that. I don't have the authority to do that.

Mr. Barabani: Well, it wouldn't be any authority...

Mr. Salazar: I can't do it, I am prohibited from doing that.

Mr. Barabani: Ok, well we'll see what we'll have to do. Ok, alright, can I have a vote on that?

Ms. Early: Aye.

Mr. Barabani: Aye.

Mr. Salazar: Aye.

Mr. Barabani: Under Action Item V (D) *the commission will consider scheduling two special meetings for May and June. A proposed motion is: It is moved that the commission schedule a special meetings for May 12, 2011 and June 9, 2011.*

Mr. Salazar: So you all know I'm not being disrespectful, I'm looking at my calendar.

Mr. Barabani: I know, I know and the reason I put it on the agenda because we are always doing this and this way it's out here, it's transparent that we're setting this up.

Mr. Salazar: I have a conflict on the 12<sup>th</sup>.

Mr. Barabani: Ok. We have a conflict on the 12<sup>th</sup>, would you like to propose a date?

Mr. Salazar: Actually, I have a conflict on the 9<sup>th</sup> as well because those are Thursdays and I have a regular meeting scheduled on Thursdays.

Mr. Barabani: Ok, no problem.

Mr. Salazar: If we could switch it one day over maybe I could do that.

Mr. Barabani: Ok, which one?

Mr. Salazar: Ok, let's see, Wednesday the 8<sup>th</sup> looks good, of June and then, let me take a look at May, I can do May 11<sup>th</sup> and June 8<sup>th</sup>.

Mr. Barabani: Ok, Rhonda how does that fit in your schedule, we can modify?

Ms. Early: You know, I checked for these dates because I didn't; because that's what was printed, I didn't check for the surrounding dates so, if it looks like I have a conflict, I can notify Nersi to reschedule, but I'm not going to vote against it.

Mr. Barabani: Ok, so, I can make the motion for May 11<sup>th</sup> and the 8<sup>th</sup> then? Ok, alright, before we do that is there another way we can handle this? I mean I never thought of that, by putting the dates on the schedule there and I guess in the future we just say May and June; just say we're proposing a date in May and June and then that would be better for everybody?

Mr. Salazar: You can do that.

Ms. Early: Or you can propose the dates, I'll just check for more than one date in that week, I can do that.

Mr. Barabani: Alright, ok.

Mr. Salazar: 5:30?

Mr. Barabani: Yes, 5:30, we'll have to add that to the (inaudible). So it's been moved that the commission schedule special meetings for May 11<sup>th</sup> 2011 and June 8<sup>th</sup> 2011 both at 5:30. Do I have a second?

Mr. Salazar: One question, why are we having these meetings, special meetings?

Mr. Barabani: We are going to be discussing future litigations and things we have to do like the budget and things like that.

Mr. Salazar: But you can't do the budget at a special meeting can you, it has to be a regular meeting?

Mr. Barabani: I believe we can.

Mr. Salazar: Ok.

Mr. Barabani: If I can't...

Mr. Salazar: I thought it had to be at a regular meeting.

Mr. Barabani: Ok, I'll let you know, you may be right. Alright, I have a motion, do I have a second?

Ms. Early: I second.

Mr. Barabani: Alright, take the vote. Yay.

Mr. Salazar: Aye.

Mr. Barabani: Aye.

Ms. Early: Aye.

Mr. Barabani: Action Item V (E) *The commission will conduct a public hearing on whether or not Mel Albiso was appointed or assigned as an Associate Superintendent (Associate Superintendent/Chief Administrative Officer) in accord with the Education Code Article 6 on the merit system and the Commission Rules pertaining to examination procedures and whether or not the Commission should order that no further pay warrant be issued. Note: The only issue is whether or not the classified manager was hired as a substitute manager in accord with the law and the rules of the commission. No other issue including work performance or any perceived need is at issue and may not be commented on during the public hearing. Members of the public are encouraged to read the supporting materials on this item to understand the issue before the commission. At this point is when we ask for public comments. No public comments? Ok, I will close that portion of the public hearing. Action Item F under section V, *The commission will make a decision and take action on whether or not Mel Albiso was appointed or assigned as an Associate Superintendent (Associate Superintendent/Chief Administrative Officer) in accord with the Education Code Article 6 on the merit system and the Commission Rules pertaining to examination procedures and whether or not the Commission should order that no further pay warrant be issued.* I have a motion, do I have a second? I'm sorry, just read the agenda.*

Ms. Early: I would like to...

Mr. Barabani: (inaudible) I have to make a motion, I'm sorry.

Ms. Early: Did you say you were making a motion?

Mr. Barabani: Yeah, give me a second; I'm going to try to do this without messing it up.

Mr. Salazar: I thought you already made the motion?

Mr. Barabani: Yes I did on the first thing, I ordered that no further pay....

Mr. Salazar: Item F?

Mr. Barabani: That's Item F, yes.

Mr. Salazar: Ok, alright.

Mr. Barabani: I wanted to see if I could combine them all, but I'm not going to. Ok, I have a motion for Item F.



Ms. Early: Can you restate your motion?

Mr. Barabani: Yes, this time I'd like the commission to make a decision to take action on whether or not Mel Albiso was appointed or assigned in accordance with the Ed Code article 6 of the Merit System in the commission rules pertaining the examination rules and whether or not the commission should order that no further pay warrant be issued.

Ms. Early: I will second the motion to open it up for discussion.

Mr. Barabani: Ok, I have a second; let's open it up to discussion.

Ms. Early: I would prefer that if we're coming back to meet on May 11<sup>th</sup> that this item be re-agendized for our May 11<sup>th</sup> meeting.

Mr. Barabani: Ok. I would like everybody to have enough time to look over all the documents and study them to be absolutely clear on this because this is a very important matter so, first we have a motion. I will take a vote on that motion. Do I have a vote on that?

Ms. Early: Nay.

Mr. Barabani: Nay.

Mr. Salazar: Nay.

Mr. Barabani: Alright, now your motion is you would like to re-agendize this item, May 11<sup>th</sup> when we return?

Ms. Early: Yes.

Mr. Barabani: Ok, so the motion will be, we will re-agendize Item E under Section...

Ms. Early: Item F.

Mr. Barabani: I am sorry, Item F under section V, Action Item V section F. Do I have a second?

Ms. Early: I made the motion.

Mr. Barabani: Oh, I'll second it then; well no, I wrote it down, I was just; I read it out, sorry. Alright, it's been seconded, call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye.

Mr. Salazar: I'll abstain.

Mr. Barabani: Ok, for Item F, May 2011, ok.

## **VI. COMMISSIONER REMARKS**

Mr. Barabani: We're now up to number VI under Commissioner Remarks. Ms. Early?

Ms. Early: I would hope that if there is any other data or correspondence as it relates to Item V (F) this will give an opportunity for us to receive and review as we have reviewed which was given to us in tonight's agenda and be prepared to proceed thoroughly informed so, I just wanted to extend the opportunity for others who might want to provide input to this item. Those are my remarks.

Mr. Barabani: Ok, alright. I did have some remarks on this, but I will wait until it's been re-agendized. Mike?

Mr. Salazar: Yes? No remarks.

Mr. Barabani: Part of my remarks today are going to be; a lot of you know, Personnel Commission's; it's a long road, it has been a tough road, and you know, I've tried to think what's up? What's going on? Why is it taking us so long? And I looked back as far as six or seven years and I've noticed that we've had positions, we've had people come in and tell us that we have emergencies, they can't fill these positions, it's always the commission's fault, and I go it can't be the commission's fault, we've gone through different commissioner's, we've gone through different directors but it's the same story all the time, that it's the commissions fault, but what I did notice that there is two, three, four hundred positions constantly open and one of the things is not only is the commissioners, the tax payers, not only do they represent positions and people are not getting employed here, their representing money. Where is that money going? I did a simple thing in my head, I said you take half of them, 200 people, and let's say the average salary is even ten thousand dollars well you start multiplying that number and you multiply it over six years, you've got some serious money here and I don't know where that money is at. I mean, I think that's the money that is being used to come and attack us and then get these lawyers, it's basically not costing them anything; the classified is paying to restore the classified positions. I mean six years and it's the same so actually, I believe it goes back as far as 95, but I don't have the newspaper articles, but I will, I'm doing some searching, I mean the evidence does suggest it goes back, but where's the money? This is becoming a big triangle and the other triangle is the educational part of this, I made some notes on it, I read an article in the newspaper that McDonald's had 50,000 openings and they were overwhelmed with the number of people that came in to get these jobs. We open up some nice jobs, and some of the data I received; as a matter of fact somebody sent me the data in the mail about how many recruitments we have, I don't who sent that, but we had like 100 applicants for food service worker and that seems pretty low to me and I started asking around the neighborhood and things like that and people don't seem to want to (inaudible) work here and that's not good; the trouble with that is, not only is it a problem of where the money

is at, is that the students in San Bernardino are ultimately the school board or rather the governing board who we tried to work, with tried to go speak with, they've been entrusted probably with who everyone would consider the most precious product, children. It's a cruel fact for the children of the district doesn't rank education of the children at the absolute top but at the absolute bottom. It's the school boards who choose the educators, they choose the Superintendent, they choose the principals that lead the schools in this district and considering the crisis that this district is having, the 11 failing schools, 20 ready to go down according to the paper articles I've read, you would think they would be consumed in trying to get something done and part of that would have been to get the best people they can in these positions and as fast as they could. The battle seems to be continuing between us and the governing board, their pitting politics over favoritism and corruption and I'll tell you what the sad part is, the children are losing and politics is winning because I've done some soul searching this month and I'm very upset when I looked into more of this. Without a process that chooses capable classified employees by an impartial merit system, you don't have a chance as far as I'm concerned for educational improvement in this district. You have this perception of corruption and misconduct that's disturbing affect on classified hiring process. That's evidence by the fact that the money has gone unchecked, once again I got to ask, where's all that money gone? Where has all that money gone? The abuse of the merit system by the board of education in this district has become so commonplace that some of the parents I've talked to, some of the teachers and a lot of the classified have come to regard it as unstoppable and the worst part is, every one of us has spoken up here about the waste of the dollars and it hasn't stopped. Every available dollar right now as a tax payer, people that know me; man I hate wasting money; that should be directed towards the needs of the classroom, but we can't do that and we're on this classified are unwilling to sit there and see the merit system destroyed because ultimately, we know that the merit systems going to provide, or at least I do, I truly believe that it will provide the best person to work next to the children here in this district, they're the goal, not the rest of this stuff. That's my comment.

#### **VII. CLOSED SESSION**

Mr. Barabani: We are going to move into Closed Session that's Item VII. The commission will adjourn into Closed Session at 6:22 p.m.

Charlie LaChance, CSEA Labor Representative: Are you going to be reporting out?

Mr. Barabani: We don't know. You know, everybody asks that and I keep saying until we discuss things.

#### **REPORT OUT OF CLOSED SESSION**

Mr. Barabani: The commission reconvened into open session at 7:29 p.m. and announced no actions.

#### **VIII. ADJOURNMENT**

Mr. Barabani: The commission adjourned the meeting at 7:30 p.m.