

**REGULAR PERSONNEL COMMISSION MEETING**  
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION OFFICE

**MINUTES**

December 14, 2011

5:30 P.M.

**I. CALL TO ORDER**

- A. The meeting was called to order at **5:48 p.m.** by Commissioner Barabani.
- B. Roll-Call
  - 1. Commissioner Gino Barabani, Chair
  - 2. Commissioner Rhonda Early, Vice-Chair
  - 3. Commissioner Michael Salazar, Member
  - 4. Patrick Maher, Personnel Commission Director
  - 5. Alexis Jenks, Human Resources Specialist
- C. Pledge of Allegiance

**II. APPROVAL OF AGENDA**

Moved	<u>Mr. Barabani</u>	Seconded	<u>Ms. Early</u>
Vote: Barabani	<u>Aye</u>	Early	<u>Aye</u>
		Salazar	<u>Aye</u>

**III. PUBLIC COMMENTS**

- NOTE:**
- Comments from the public on any item that is not on the agenda but is under the subject matter jurisdiction of the commission may only be made at this time.
  - Comments from the public on any agenda item may only be made at this time.
  - Public comment during the commission's discussion of an agenda item will not be permitted.

**Bill Betley,  
Attorney for  
Atkinson, Ruud  
and Romo**

Good evening commissioners, my name is Bill Betley. I am an attorney for Ruud and Romo. I am one of the attorneys involved in the current dispute with personnel commission and the district. I came here tonight for two reasons first, to introduce myself so that you can attach a face to a name because, I am sure you will be seeing each other in the future.

Secondly, and more importantly to express our interest, the district's interest in possibly mediating this dispute. I had over the course of the last week or so discussions with Kristine Kwong on the possibility of mediation and, we reached kind of an agreement in principal to possibly mediate this dispute with retired Judge Steven Sunlow in the Orange County JAMS on January 16<sup>th</sup>.

I've had many experiences with Judge Sunlow just by way of background. Judge Sunlow is a retired judge in Orange County he was the presiding judge in the Orange County complex department for a number of years. He took special pride in seeking out just about every case that was in the complex courthouse to try and resolve that. He has excellent reputation as a case solver.

I think that it would be important for both sides to have judge involved in this case that really does not have a dog in this hunt. And I think using Judge Sunlow would be very effective for both sides because I think that he is someone that is a consensus builder. He brings parties together and this would not be an adjudicative hearing.

So essentially if it were centiliter that would be fine and, I spoken to Sonya Woodward and, she is also willing to participate. The goal I think on all of our parts is if we can get this matter resolved globally I think it benefits everyone.

Judge Sunlow is in demand. The only date that he has available until March is that January 16<sup>th</sup> day and that day was tentatively reserved as an accommodation. So I am hoping that the commission views this request favorably and now we can go forward with the mediation on January 16<sup>th</sup>.

If we don't reach settlement on that day its basically no harm involved, I mean the case will continue on but there will be no judication of any issue through that process so there is a concern that judge Sunlow will be pre exposed against this commission don't fear that. Because this will be a judge that is impartial in everyway and, that he will not be rendering any decisions on the moving forward basis on how this case would be adjudicated. Everything that would be said in the meditation process will be under Evidence Code.

The hope is that we spent my part if that both sides can put their respective parts on the table and try to reach an agreement. So, again I ask that you reconsider this favorably and that we can move forward in the mediation. Like I said I have this day on hold with pencil but, I am hoping that I can call JAMS in Orange County a Judicial Arbitration Mediation Service, hopefully as early as tomorrow until then that would be pending not penciling. So that is all I have to say if you have any questions, if not thank you for your time.

**Harold  
Vollkommer,  
Assistant  
Superintendent,  
Human  
Resources**

Good evening commissioners, Harold Vollkommer, Human Resources Assistant Superintendent. Just wanted to comment on two of the action items that you would be taking this evening.

The first one is action IV (B) the commission will be scheduling regular meetings for 2012. Given the work load that is ahead in terms filling those 400 positions we would ask that you to entertain the possibility of perhaps having two

meetings per month just so we can keep the ball rolling and keep that snow ball effect moving. We had a lot of good work done in terms of working together and we are going to see January and February as a large scale time for us to really start seeing those fruits of those labors. That is just a request and for your consideration.

The second item that I would like to address is item IV (C) the commission will consider taken action to approve revisions for class specs for school police officer. I first want to thank Mr. Maher publicly. What I have seen is he is one to go to the parties and talk to them about what does this specification need to be and what the positions actually entails. I know he had been in contact with Chief Paulino about this specification changes. The chief and myself have had number of discussions about this particular item I'm not here to voice any objections. We are comfortable with the direction of the class specifications as presented.

Just a word of caution I just feel the need to be on there, and that is the waiver for POST certification, I did hear one story about a person who was and, I apologize I don't know the professional term for dog catcher, but a dog catcher was given a POST waiver to apply for peace officer position and that we would not see as advantageous or beneficial to our police work force. Only again a word of caution that we have heard a couple wild hopefully anomalies as you are considering this but we are in support of the class specs thank you very much.

**Mr. Barabani** Is there anyone else who would like to speak? Thank you.

**IV. ACTION ITEMS**

A. The commission will make appointments to the Commission for 2011.

1. It is moved that **Gino Barabani**, be appointed as Chairperson for the 2012 term.

Moved	<u>Ms. Early,</u>	Seconded	<u>Mr. Barabani</u>
Vote: Barabani	Aye	Early	Aye
			<u>Salazar</u> <u>Aye</u>

Ms. Early: I am nominating you, Mr. Barabani, would you accept the nomination? I think you have been doing a wonderful job this year.

2. It is moved that **Rhonda Early**, be appointed as Vice-Chairperson for the 2012 term.

Ms. Early: Commissioner Barabani, I want to self nominate myself to continue as Vice Chair person, I move that Rhonda Early be appointed for Vice-Chairperson for 2012 term.

Moved	<u>Ms. Early</u>	Seconded	<u>Mr. Barabani</u>
Vote: Barabani	Aye	Early	Aye
			<u>Salazar</u> <u>Aye</u>

B. The commission will schedule regular meeting dates for calendar year 2012.

Moved	<u>Ms. Early</u>	Seconded	<u>Mr. Barabani</u>
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Vote: Barabani Aye Early Aye Salazar Aye

Mr. Barabani We have been given a list, I like to everyone look at the list for any discussion.

Ms. Early Commissioner Barabani, I am in agreement with the dates that we have been set in our packet. I move, unless there is a conflict, I move that we accept them in our calendar year for 2012.

Mr. Barabani Let's open it up for discussion. Mike, I would like to hear from you.

Mr. Salazar Principally, it looks fine to me, second and fourth Wednesday, with that said, it's very early for probably any of us until of what we are going to be doing on October 10<sup>th</sup> of next year. In principal the second and fourth Wednesday of the month do not have an inherit conflict on my calendar but with that said, there may be times when we have to move one or two of those dates, I would expect I would not be the lone commissioner who might have such a request in the future. Again, principally, second and forth Wednesday of the month does not provide much conflict for me.

Mr. Barabani I think I can agree with that a year a head of time is a long time to propose something.

Mr. Salazar I have a lot of meetings, the calendar is more flexible, and I like the fact that this is structured because; I can put it in the calendar. I do not know how the calendar is going to look like in the future. It looks o.k.

Mr. Barabani I will vote yes on that on those stipulations, call for the vote on that.

C. The commission will consider taking action to approve revisions to the class specification for School Police Officer. A proposed motion is:  
 It is moved that the commission approve the revisions to the classification specification for the position of School Police Officer.

Moved Mr. Barabani Seconded Ms. Early

Vote: Barabani Aye Early Ms. Early Salazar Aye

Mr. Barabani Open for discussion. I have a question, I heard from Mr. Vollkommer about a caution.

Mr. Maher The issue has to do with POST granting a waiver. You have to understand California but, most police agencies require a POST certificate and I refer to it in order to be a police officer within the state. And what they did a number of years ago is they granted a waiver of requirements that you have to have training equivalent to our POST here in California and that our state agency and police agency. Every state has POST agencies, so they set for standards for training and qualifications and possible requirements on additional legal requirements that are there, and they created and came up with the waiver.

The person that they feel has equivalent training and, they

pass a test they can get the waiver.

This was designed I think -- offered primarily for executive level officers that come out of state, which sometimes happens, the LAPD Chief from New York did not have a POST certificate, and they could not see sending him back to the POST academy.

Primarily there is no question that there may be some problem with this stuff. I can't speak what circumstances there may be one and know that certification exposed something can happen and that is it.

I really don't anticipate this being a major problem for people applying here. I'm not aware of what the numbers are right now, I can't really speak to that. There is always a possibility we may be able to look at that, we come across the situation, we can always go back and ask if this is what we wanted to do. I don't anticipate a real problem. The requirements are POST requirements. It's not an alternate for POST.

Mr. Barabani So you really don't know anything about this waiver?

Mr. Maher I am not sure of the currency.

Mr. Barabani I'll call on Chief Paulino; you are an expert on that.

Chief Paulino It is your prerogative whether you want to grant the waiver or not. Posts do allow you to grant the waiver the organization.

Mr. Barabani We are not at that part right now.

Mr. Paulino However; it is out on the bulletin so we have to take it.

Mr. Barabani But it is part of the law.

Mr. Maher What we have is in the class specs, I can check, I can look at that issue, and I can talk about that further on the bulleting.

Mr. Barabani What I am trying to do is not hold this for any more time because I know you are in need of officers.

Mr. Paulino We are O.K.

Mr. Vollkommer That is what I said; I think Pat said it perfectly, if we get into a situation and that is perfect.

Mr. Maher And they still have to go through the test and interview. It does not waive them from taking polygraph and test.

D. The commission will consider conducting an analysis of the selection process for Assistant Warehouse Manager and the nature of duties actually performed for the incumbent in that classification. Proposed motions are:

1. It is moved that the personnel director analyze the recruitment and selection process used in 2008 to appoint an Assistant Warehouse Manager.

Moved	<u>Mr. Barabani</u>	Seconded	<u>Ms. Early</u>
Vote: Barabani	<u>Aye</u>	Early	<u>Aye</u>
		<u>Salazar</u>	<u>Abstain</u>

Mr. Maher I would like to clarify something. This is the manager who is in

the nutritional services. I wanted to make it clear which position we are talking about.

Mr. Barabani This is the one that CSEA Kent Holt brought to the meeting. Where is he now?

Mr. Maher They are having their own meeting.

Ms. Early I have no discussion; he has brought that up on several meetings.

Mr. Barabani Yes, I remember it was brought up when Jeff was here.

- 2. It is moved that the personnel director analyze the duties performed by the incumbent Assistant Warehouse Manager to determine if they are within the duties described in the classification specification for that position.

Moved Mr. Barabani Seconded Ms. Early
Vote: Barabani Aye Early Aye Salazar Aye

E. The commission will consider approving the following meeting minutes
It is moved that the commission approve the minutes for the meeting of September 14, 2011.

Moved Mr. Barabani Seconded Ms. Early
Vote: Barabani Aye Early Aye Salazar Aye

Mr. Barabani The only discussion I have, I was looking over the minutes and it's more of a question of style then it is like some of the statements I made are compounded and piled together. There needs to be a little more semicolons and punctuations.

Mr. Maher The formatting I am designing will be a lot easier to read. Hopefully we will be able to get that in process that is what I am working on right now.

I'm in the process of revamping and formatting the entire minutes, so hopefully that works.

The next one is starting in October we have all this stuff and the discussion whatever discussion takes place the votes will be recorded on here. We may transcribe comments but we won't be spending time to get out all the votes.

V. COMMISSIONERS/DIRECTOR COMMENTS

No comments

VI. CLOSED SESSION

The commission adjourned into closed session at 6:20 p.m. for:

Conference with legal counsel, Kristine E. Kwong, Musick, Peeler & Garrett LLP

EXISTING LITIGATION (Section 54956.9a): California School Employees Association And Its San Bernardino City Chapter No. 183, v. San

Bernardino City Unified School District; Governing Board Of The San Bernardino City Unified School District; Superintendent Arturo Delgado; Personnel Commission Of The San Bernardino City Unified School; And Does 1 To 10, Inclusive, Case No: CIVDS 1106215

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 916708

Pursuant to Government Code Section 54957 to discuss:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: Personnel Commission Director

The commission reconvened into open session at 6:25 p.m. and announced that no action was taken.

## **VII. ADJOURNMENT**

The commission adjourned the meeting at 6:25 p.m.