

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

**August 24, 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, Michael Salazar, Member, Ms. Rhonda Early, and Vice Chairperson- absent.

**I. CALL TO ORDER**

Mr. Barabani called the meeting to order at 5:36 p.m. Mr. Barabani led the pledge of allegiance. Thank you.

**II. APPROVAL OF AGENDA**

Mr. Barabani: Item II, Approval of Agenda.

Mr. Salazar: I move to approve the agenda.

Mr. Barabani: Call for the vote. Aye.

Mr. Salazar: Aye.

**III. PUBLIC COMMENTS**

Mr. Barabani: We are on section III now Public Comments. If you have anything to state, please come up to the podium here, gives us your name.

Gladys Byrd, Assistant Director for Human Resource Classified: Good afternoon, Mr. Barabani and Mr. Salazar, My name is Gladys Byrd which I'm sure you are aware of. First I would like to thank Mr. Barabani for offering me to go over the results with the exam with me today but I prefer a little not at the last minute notice. I still want to speak regarding the exam. I took the test on June 17, 2010 and today it is as we all know August 24, 2011. On the recent agenda it was quoted different items on the process that people would have to go through when you are taking the test, when you are recruiting what should be on that test, and what is ironic about that is some of those items were the same thing that I stated when I took the test. At the time it was spoken about and to correct that Ms. Early said that would open recruitment but your recruitment opened again I was not allowed to take the test even though it was over the 90 day period, which is not in the personnel commission rules. As has said the back up materials says you should file all the information so if you quote from Personnel Commission rules whether new rules, Montebello or whatever basically same rules still apply to testing and recruiting. Also, at a recent Personnel commission meeting the pc extended the eligible list well can't be extended but if the list is merged the first applicant on the first list, you can not extend those because those list have 2 different lists. But again I am not sure why it is extended. The first one should be expired. So I do thank Mr. Barabani, or hopefully

by a couple days even a one day notice, if possible I would like to review my exam and I am requesting to review my exam with Mr. Salazar. Thank you.

Mr. Salazar: For the record I would be happy to sit in the exam review.

Gladys: Thank you

Richard Napp, Parent: Hello my name is Richard Knapp; I am here again to just get a little more clarification on the hold up of the filling up the position of the Personnel Commission Director. The last time I was here my comments and my reason I was here was kind of detour and I want to first I guess just bring everybody up to speed as to why I am here and who I represent. I actually have been a volunteered for at Harmon school since March. I volunteer my Tuesdays and Thursdays when they are in track, and there is some things that I am not allowed to do for the staff and for the children because I am not covered by insurances as a volunteer. So for the purpose of being greater help I decided that I was going to look for part time position so then I can then be covered. The staff over at Harmon they gave me an extensive list of different vacancies of positions in the classified sector and I called on that list and I was told that none of that position were available, it was explained to me because there is no Personnel Commission Director to sign the paperwork the documentation making those positions available so after doing a little bit more research and looking through past meetings and so on so forth. I found that it seems there is a lot of politics playing in to what is affecting our children. I like to elaborate on that before I get into the politics. I think the position that are not being filled in the classified section is affecting our children because they are not getting the type of service that they need, and this affects not only them today but them as citizens for tomorrow. It's our job as the adults and time to provide sturdy and stable grounds for education for our children and I don't think that is really in their best interest if we are not utilizing the resources that we have available. Also not to mention just the children and they are the primary reason that we are all here, also families that need incomes there is about 370 jobs available that can supplement some of the economic crisis that we are all feeling. To me I just don't understand why this is really being held up. I believe that from what it seems the Personnel Commission is where this is kind of getting held up at and my understanding is that there is an individual who has applied for the position yet was not hired and the personal commission is continually tried to wedge this person into the system although he is not eligible any more, and I would really hope that it would just make sense and the peoples minds to just let this pass but the individual and the position that is he is trying to fit into just pass and move on and find someone who is eligible to be the Personnel Commission Director so that we can continued forward with our mission in educating our children. Now I am not here that I am behalf of the district, as it seemed that I was labeled last time. I am not here as part of Personnel Commission. I am definitely not here to get a job because one I don't need it and second this would not be the appropriate way of going at it. So, I guess, I would like some people to just take responsibility and do the right thing.

Mr. Barabani: Is there any more comments?

Sylvia Ross, Classified Employee: Hi, my name is Sylvia Ross and I am speaking to you on behalf as a grand parent, I spoke at the last meeting sorry I am a bit nervous I am not a very good speaker but I do want to literate and follow up on what Mr. Knapp said earlier, about what he was saying these gentlemen here that I would really like to encourage the Personnel Commission to take some action on behalf of the entire employees, to fill the current vacancies that are currently existing in the school district. And to get beyond whatever issues, those issues are not the main purpose of commission and the purpose of the commission is to recruit and hire new employees. We definitely have a need and the students have needs and the employees are missing out on pay but most importantly the students are missing out on services that are greatly needed. I think is very, very important that they take some type of action and act on it in a professional and efficient manner. This has been going on for way to long; it has been years now since an employee has been hired from the eligibility list have been approved. I heard from other parents, that there is concerns about students services, require medication, there is student we do not have cafeteria workers, school police we have dozens of vacancies. I will strongly encourage the personnel commission to on with its duties. All right. Thank you.

Mr. Barabani: Any more public comments?

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

Mr. Barabani: All right then we will move to item IV.

*The commission will address the legal opinion that litigation in the matter of San Bernardino City Unified school District; Dr. Arturo Delgado v Personnel Commission of the San Bernardino City Unified School District case No: CIVDS 916709 has terminated. Before I read the motion is there any call for discussion? This is been done because the counsel we had representing us sued the commission on the rules changes. So we could not update the rules, make them valid, make them lawful. We are presume to take us to court, the judge ruled that we must come back, work out the rules, and we got an opinion in the attorney in the district hired this new lawful case, attorney representing us we can update the rules and we got an opinion that the attorney in not the case, looks like we have represent ourselves. I am going to make a motion it is proposed motion is: It is moved that the commission approve the signing of a substitution of attorney removing Kristine Kwong as counsel for the personnel commission with the commissioners servicing as their own counsel before the Court. Do I have a second? I hear no second. All right, we will move to our next agenda item.*

#### **V.COMMISSIONER COMMENTS**

Mr. Barabani: Section V. commissioner comments. Mr. Salazar?

Mr. Salazar: Thank you for making the time to come out, sitting on our personnel commission meeting this is a regular meeting of the personnel commission not a special meeting, we meet every month on this day for the public to come in and listen and give us your feedback and you know once again, You know I hope that the message that we heard this evening, does not fall on deaf ears. I agree we waited way to long for this process to conclude and for us to get a PC director you know we have for whatever reason this commission is trying to make some sort of validation and I think we need to

move on. go on we need to move on, I think its far past due, we have near or more than 400 jobs out there and those jobs equate to services for our children and I think what we are suppose to be about is mending a great work force, the best work force that we can to serve the children of San Bernardino City Unified School District. And frankly you can look at the record and you can determine for yourself for the inefficiencies that deficiencies lie in this process and it's time again past time for us to move on. I have all the confidence of the world in terms of the intelligence of this commission. I believe that we have a group of commissioners up here that can do the right thing. Everybody knows that we have this book which you see Ed Code book that it's a pretty substantial book, there is a lot of rules in it, we have this book here which share a local Personnel Commission rules, a lot of rules, a lot of jargons in there and we get caught in the new shelf, the rules or we can do the right thing, and you know the public has come here before and made requests that we move on and do the right thing. Again, I have every confidence in the world and the intelligence of this Personnel Commission. This is not rocket science, its very simple, it's very straight forward and externally influences on this commission should not be welcomed. We are smart enough to figure this out. The question is why haven't we? You know and this is the kids of questions that I hear from the public out there on a regular frequent basis, I think you can go back to record and take a look at agenda from here to whenever you want to and see the content of those agendas, you know my concern the contest of those agenda does not address the issue at hand. . The issue at hand, getting people employed capable quality people to serve the children of San Bernardino City Unified School District. What is so hard about that? Let's get to work, shed the external influences who ever or whatever they may be and let's go ahead and create the legacy that this commission should be looking for and that is legacy of wealth and prosperity so we do the right thing in the house so we have a strong school district. We have strong school district with great employees and great students coming out of pipeline that is our legacy. That will conclude my comments. Thank you.

Mr. Barabani: As to some comments addressing and you are stating that the individual was not hired, that is not true. The commission can lawfully to hire its staff. The person was hired, the district refused to appoint him. And there is a difference of all, the statement we have to find someone who was eligible for the position. You were told wrong. I don't know if it had to be at prior meeting or something. But, this has been going on a long time, this has been going on over 3 different commissioners, 3 different bodies of commission same different things. Only thing that has been consistent is the school district; we didn't sue them they sued us. They don't want the rules change, you talk about the big blue book, they are not just rules they are the law, the law says the merit system has to do certain things what you are proposing is that we violate the law when we don't follow those rules, I am not going to do this.

Mr. Salazar: Are you talking to me?

Mr. Barabani: In general.

Mr. Salazar: Are you talking to me?

Mr. Barabani: You call this rules this are the laws.

Mr. Salazar: I just want to understand you, are you talking me or are you talking to the public?

Mr. Barabani: I made a comment there, the hiring and recruiting the other person or commissioner they can fire, I was not even here when they hired him, he tried to follow the law, and he got dismissed. He has had a hearing; they are over, hearing that will end up costing taxpayers a lot of money. Then another person was placed in here, after him which the commission didn't hire the district hired both of the other two and they were both complete failures with lawsuits not only here one in another district. Then we tried to do the thing and bring in another person, and then we tried to recruit went through the eligibility and the list was getting out and instead of maintaining confidentiality like the law states. They were all over the district. Why would that happen? Why would somebody purposely just cause trouble, go in take the list so we can approve that once we don't know the process that gone through it would be wrong for us to approve or maybe the commission. And fallen on deaf ears, yea, How many times have you gone to the board and asked them to go on? How many times? Finally last few weeks someone has listened. Previous chair went, I went hopefully we get something there, but like I said best I can do we are looking at has been 9 years different commissioners, different personnel commission director and different people sitting up here, the only thing that has been standing here through the whole thing is the district, they have not willing to follow the merit system. We have 400 jobs I heard that and I understand that people need jobs but the district is also talking us about blaming us, I conclude it does not make a whole lot of sense. Look at the record; its time to move on; yea lets look at that record, once again, we were sued for trying to do the job, the other commission was fired because he was trying to do the job, and the other commission just disappear, the district talked to him, made some agreement with him and till this day we don't know what happened to him. Till this day we the director the personnel commission director. They hired him and then they decided they didn't want him anymore, and they decided well he was going things that were not correctly and they took it upon themselves to hire him. Once again its concluded that the personnel commission hires their staff its that simple, that's what it says that hired that person, stated who ever they feel like in here to put who ever they want in this position, so that it comes down to do we follow the law, the law is the law and the children are suffering because the governing board decides not to allow the merit system not operate the way the law intended to. And do The right thing, yea I want to do the right thing, lets follow the law, I hear you guys strong, I took it upon myself to look at the minutes to the governing board to board of education not even there is only like one person made a speech over there that has the same concerns to the governing board and to stop their own laws, they come here but they never go over there. Why is that? Why? You are sitting out there, you guys have concerns to go there to which you don't, I looked at two years of minutes and went through them I found one person and made a valid speech and it was a nice one, supporting the commission and it stated that follow the law. I hope it that we get the district to follow the law, we follow the law too. That is the end of my comments.

## **VI. ADJOURNMENT**

The meeting was adjourned at 6:04 p.m.