

**PERSONNEL COMMISSION MEETING**  
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION COMMUNITY ROOM

**MINUTES**

March 28, 2012

5:30 P.M.

**I. CALL TO ORDER**

- A. The meeting was called to order at 5:30 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. Steve Williams, Ph.D., Personnel Analyst
  - 6. Nersidalia Garcia, Secretary III
- C. Pledge of Allegiance

**II. APPROVAL OF AGENDA**

Moved	<u>Ms. Early</u>	Seconded	<u>Mr. Barabani</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.

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Carl Richards, Retired Employee      Commissioners and Commission Director, I just came to the meeting because I have been seeing some information in the newspaper. I wanted to request a copy of the panel's finding on the reinstatement of a Mr. Flory. I was just told that you stapled it to copies of the last meeting is that correct? And if I can get a copy of that.

Mr. Barabani      Contact Nersi and she will give you a copy; I don't believe we have one here. Leave your name and address with Nersi and we'll get you a copy.

Carl Richards      Is that the total findings of the panel or is there more findings?

Mr. Barabani      No, we will be discussing stuff probably tonight and in the future too, but we haven't made any types of decisions.

Mr. Richards      O.K. Thank you. I'm sorry, my name is Carl Richards and I'm

from San Bernardino.

Mr. Maher Mr. Richards, the entire agenda packet with that report is also available on-line under *Agenda*, under Personnel Commission.

Mr. Richards Oh it is?

Mr. Maher Yes, from the last meeting.

Mr. Richards The Personnel Commission on-line?

Mr. Maher The Personnel Commission portion of the website under the agendas and the last meeting agenda has that entire report in.

Mr. Richards I was informed that you couldn't access it, but if you say so.

Mr. Barabani Well, if you have trouble and you can't access it, please feel free to call.

Mr. Richards Thank you.

Mr. Barabani Any more comments? We will move on to Action Item IV. A.

**IV. ACTION ITEMS**

A. The commission will consider revising the classification specification for Human Resources Director – Classified. A proposed motion is:

It is moved that the commission approve the revisions to the classification specification for Human Resources Director – Classified as submitted.

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

B. The commission will receive a report on possible Education Code section 45310 issues/hearings and will take action in accord with the report for the following positions:

1. Assistant Warehouse Manager (Nutrition Services)
2. Custodian I
3. Nutrition Computer Analyst

Mr. Maher: The first one, the Assist Warehouse Manager, was started back early part of this year, late part of last year, when the union asked us to look into that and I am just about done with my research on that one; I should be bringing that one forward with the complete report hopefully in the next couple of weeks. In fact, with all three people involved, I did send them registered letters notifying them of the investigation, notifying them that they could come in and discuss with me my findings before I do a final publication on them to discuss them and present any other evidence they may have to show that there are no issues involved or so on. So, I'm waiting for those people to respond back.

Two of the letters were served and we received receipts back so we know they were received. The third one is outstanding but that doesn't mean a whole heck of a lot with the mail and the time it takes to come back in it's not that critical, but I will follow up with that. So, those people have been notified of the action and that they can come in and talk to me if they want to and I will discuss with them what I found

out and give them an opportunity to respond back before we finalize it.

I received excellent cooperation from the district on all three of these issues. They made the files available to me, they provided me information and so I should be able to wrap these up fairly soon in terms of all three positions, but the other two, which I am just getting started on, but I think they are not going to be that complex I don't believe, and so I should be able to write a report for those fairly soon too. I am trying to get them all done by the meeting of April 25<sup>th</sup>, but to write all of them up and depending on response time and some other things, it may take me a little longer, so they'll definitely be done before the end of May; the second meeting of May we will definitely have a final report one way or the other and I will request for whatever action supported by that report.

Mr. Barabani: Any questions from the panel?

Ms. Early: No questions from me, I'll just wait to hear the report.

Mr. Barabani: Thank you for that and looking into that. I thank the district for their cooperation; we'll see what happens after we see the report. We will move on to item C.

C. It is moved that the commission approve the minutes of the meeting of November 17, 2011.

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

D. It is moved that the commission approve the minutes of the meeting of January 11, 2012.

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

Ms. Early: There's a number of grammatical errors in this set of minutes. Specifically, one that stands out is on page eight where I'm making a motion and I am also seconding the motion. I also said I motioned under me it says I move to re-agendize the October 13<sup>th</sup> minutes and then it says Mr. Barabani called for a second and then it says I said I seconded.

Mr. Barabani: Page eight?

Ms. Early: Page eight of the January 11, 2012 minutes; 40 of 41.

Mr. Salazar: Where do you see that? I got it; it says you moved and Mr. Barabani seconded on mine, or is it someplace else?

Ms. Early: Under me it says I moved to re-agendize the October 13<sup>th</sup> minutes and then it says Mr. Barabani called for a second and then it says that I second. Correct, so can we reagendize this agenda for the next meeting.

Mr. Salazar: I'm reading what you're saying, but I'm looking at this so, this must pertain to the previous item I didn't see which says Mr. Barabani moved and you seconded.

Mr. Barabani: Yes, but this doesn't correlate with that.

Mr. Salazar: Yes, I see what you're saying; I understand that, we just have

to be consistent with that. Because item two on page six; which one is correct I guess is what you're asking.

Ms. Early Correct, so can we re-agendize?  
Mr. Barabani Yes. So I have that correct, we will re-agendize the minutes for January 11<sup>th</sup> because we have to go back over them. The January 11<sup>th</sup>, 2012; we would like to re-agendize that and have the corrections on page 40 of 41.  
Mr. Salazar I'm just a little bit confused because we've; this is item D right? And we moved and we seconded to approve the minutes.  
Mr. Barabani Rhonda, right.  
Ms. Early And we opened it for discussion.  
Mr. Salazar So then did we finish? Ok, so now what we're doing is were amending the motion?  
Mr. Barabani We are amending the motion. We are going to re-agendize; we're going to have these corrected and re-submitted. So now we'll call for a vote.

E. It is moved that the commission approve the minutes of the meeting of November 30, 2011.

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

Mr. Barabani Open for corrections and discussion.  
Ms. Early There is several areas where Mr. Salazar's vote was not recorded.  
Mr. Salazar That's what I was going to ask as well. I was going to ask the same question.  
Ms. Early Were you not here? It does show that you were absent.  
Mr. Salazar Does it show that I am on roll call?  
Ms. Early Absent, yes.  
Mr. Barabani That you're absent, yes.  
Mr. Maher Item number three, absent.  
Mr. Salazar What page is that on?  
Mr. Barabani For the record these minutes start on page 28 of 41. Any corrections? Call for the vote.  
Ms. Early Aye.  
Mr. Barabani Aye.  
Mr. Salazar I'll abstain.

## **V. COMMISSIONERS/DIRECTOR COMMENTS**

No comments

## **VI. CLOSED SESSION**

The commission adjourned into closed session at 5:50 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

Pursuant to Government Code Section 54957 to discuss:  
PUBLIC EMPLOYEE DISCIPLINE

The commission reconvened into open session at 7:00 p.m. and announced the following action taken in closed session: There was no report out.

## **VII. ADJOURNMENT**

The commission adjourned the meeting at 7:00 p.m.