

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

MINUTES

January 25, 2012

5:30 P.M.

I. CALL TO ORDER

- A. The meeting was called to order at **5:48 p.m.** by Commissioner Early.
- 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. Nersidalia Garcia, Secretary III
- C. Pledge of Allegiance
- D. Administration of Oath of Office to Gino Barabani, classified appointee to the Commission for a 3 year term commencing December 1, 2011.

Ms. Early: I move that we approve tonight's agenda with the following change to have item I (D) under public comments.

Mr. Salazar: After public comments?

Mr. Maher: What you just do is make a motion to table it and when he comes in remove it from table.

Ms. Early: I move to table item I (d) until the arrival of commissioner Barabani.

Mr. Salazar: I will second.

Ms. Early: Its being moved and 2nd we table item I (D) until the arrival of commissioner Barabani, all in favor.

Mr. Salazar: Aye.

Ms. Early: Aye.

II. APPROVAL OF AGENDA

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

**Steve Holt
CSEA 3rd Vice
President for
Classified, San
Bernardino
Unified School
District**

First of all I like to say good evening commissioners. Concerns I am very happy that the commission has been going forward and, that we have been actively pursuing with the recruitments and eligible list of food service worker and other positions.

However, CSEA has a concern that the district has not of yet hired anybody and, for the record we are very disappointed that we still have illegally contracted out groups. Manpower naming one of them.

My understanding is the commission has done everything that it's supposed to do. And I would hope that the district in the very near future would start to hire positions such as food service workers.

I commend the commission for doing its part and for getting the list is out there. A lot of people are happy. Once the job starts flowing I think people would be even happier.

So I really hope the district starts doing its part; it does not do us any good if you are creating a list and the district is not hiring anybody. I don't know if we have representative from the district anywhere. We really hope they are hearing this and they do their part but, on behalf of the union we do want to commend all the commissioners for your hard work and deep down for members and it is appreciated, thank you.

Ms. Early We just finished public comments and we were waiting for you to do the Oath of Office.

Mr. Barabani Thank you very much.

Mr. Maher Gave the Oath of Office to Gino Barabani and congratulated him.

Ms. Early Congratulations, Mr. Barabani, I will now give this back to you.

Mr. Barabani Now move to Action Item IV (A).

IV. ACTION ITEMS

- A. The commission will consider ratifying the eligibility list for Personnel Analyst. A proposed motion is:

It is moved that the commission ratify the eligibility list for Personnel

Analyst, Exam 11-008.

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 consider approving the expenditure of public funds for lunch and refreshments for interview panels for classified selection procedures. A proposed motion is:

It is moved that the commission finds that an expenditure of up to \$25.00 per person to pay for lunch and refreshments for individuals serving as interviewers for oral examinations for the classified service promotes a substantial public service within the authorized mission of the merit system and the Personnel Commission.

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

Mr. Barabani No second. O.k.

C. It is moved that the commission change the weight limits for lifting objects from 100 pounds to 55 pounds for the classification specification of Custodian I.

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

Mr. Barabani I assume that is the area of OSHA requirements.

Mr. Maher Yes.

D. The commission will receive the following examination bulletins:

- Cafeteria Worker Exam 11-005
- Instructional Tutor LH-PH Exam 11-006
- Educational Assistant III – Severe Impairments Exam 11-007
- Personnel Analyst Exam 11-008
- School Police Officer Exam 12-001
- Custodian I Exam 12-002

Mr. Barabani I understand we do not have to do anything.

Mr. Maher Unless somebody has a question, but other than that you do not have to do anything.

E. It is moved that the commission approve the minutes of the meeting of September 14, 2011.

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

Mr. Barabani Part of the discussion is it me, did this read badly? I looked at this twice, I thought it was just the wording, I've gone through here and I got a lot of changes here as you can see I marked them in and, it is better to put some periods in. Ms. Early I looked on page 27 of 48 where you spoke, I am reading this -- it doesn't read right.

I will go ahead, some of the stuff doesn't read right. Start on page 22 of 48, 6th line down Mr. Barabani this came about because we are losing our attorney we are still that should be

in litigation not on.

Then if possible in page 23 of 48, 4th paragraph down right there where it says, *well the reason there in this order this one motion is by condition the district in their letter* you can see that in the back. Is it possible the word “packet” was inserted for the agenda? I don’t know how we do that.

And if we go to page 24 of 48, where it says, Mr. Barabani you don’t agree with the objection of invoices it should be *what about us having legal representation*, it should be the word *about in there*.

Page 25 of 48, down the 5th paragraph where it says, Mr. Barabani, *and then given* that should be *and then get the vacant position it should be get*.

Mr. Salazar

Wait a minute where are you?

Mr. Barabani

On Page 25 of 48 right here. Right after that we want fill those positions that should be a period to help read better. Go down the next sentence at the end of the questions mark here, but I also have a problem because *the district says that we can’t fill the position. That should be a period. Their attorney said we can’t fill those positions, also period.*

And on the next one says, Mr. Barabani on the second line we can’t fill the positions *period* not a comma. I am sorry on the word us back there unless we both have an attorney they given us, it should be *an*.

Next page 26 of 48; *we are talking about the rules period.* And Ms. Kwong came; they are not going to pay for anymore period. We got to make sure we don’t and that should be *violate it*. The word where it says we can be in contempt it not to court *should be off*. Down the middle of page Mr. Barabani; where it says no we weren’t paying attention.

Mr. Salazar

The word given here, where is it at?

Mr. Barabani

Go to the very last word in there where it says giving me it’s given. Go to the very last word it should be given. Go down 4th from the bottom: “Mr. Barabani, *I don’t know where it is in the back.*” Where it says, ok we will have, changes that we will modify, changes and vote, which should be a comma. That will work. Does anybody else have any corrections?

Ms. Early

I have a couple on Page 27 of 48 sixth paragraph down on that strike “*it will be the last long sentence in the paragraph so that sentence will read so I support approval with that modification,*” so strike the second “*with.*”

And then 2 paragraphs down the sentence reads currently that sentence before the first word strike “that” and insert “the”. So it will read the sentence before that says. And those are my corrections.

Mr. Salazar

I’m ok, I recognize there are some errors that come in here

and translation it's kind of hard to listen to that. I am content with corrections.

Mr. Barabani Call for the vote with those changes.

F. It is moved that the commission approve the minutes of the meeting of October 13, 2011.

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

Ms. Early Page 9, 3rd line from the top, down the last word in that sentence, strike "for" and insert "to the," so it will say with alternative language being supplied to the commission by October 19th.

Mr. Salazar Can I make a comment? After looking at the minutes and now starting to look at this minutes and the format of October. 13th I would like to thank Pat publicly, for the changes and format. This looks like its going to be a lot easier for us to read and, I think that it is important that we discover something like that and, we see that we got something that is much easier for us to work with as commissioners that we acknowledge so thank you Pat.

V. COMMISSIONERS/DIRECTOR COMMENTS

Mr. Barabani Pat, I just came in and heard what Steve Holt was speaking about? Are we doing anything so we can speed up the hiring process?

Mr. Maher We are giving names to start the process. I gave names for the cafeteria worker and paraprofessional the first week of January the 3rd and the 6th. I think the 3rd for cafeteria worker and the 6th for paraprofessional.

I sent a follow up email about a week ago asking about the process, heard nothing back, no questions, no inquiries or comments. So what is going on or where it is at I have no idea.

I am doing one thing a little bit different; before they got the entire list, and now I gave the promotional list for both cafeteria worker and the tutor position to make sure they get the promotional people picked out and exhaust that list before they go on for the exams. I would have thought they would have interviewed certainly by the end of this month. I have not received anything back from those two positions; I have not approved any requisitions.

The other problem that we are having and I sent an email to them asking to get together with who ever from Human Resources for Special Education because of the two lists of the paraprofessionals, and the educational assistance III and the tutor positions. There are 3 names that overlap that are on both lists.

We are also changing -- in the past we would do a bilingual testing and a non bilingual testing. We are doing one testing

because the position is the same, and I told her that I would trust her judgment identifying in place bilingual positions with interviews.

We had to work out the procedures to make sure that because as it comes out one list of persons from here and it goes to another list, even though they are on both list, they are in different rank orders because some people are not on both list. Just to make sure we follow the rule, take out the bilingual people and make it appropriate until position is filled we got to sit down and coordinate but no one got back to me yet.

So I can't do anything until they get back to me, we can sit down and have this meeting and figure out how to expedite that process.

I tried twice, I will try again next week and see what we can do.

Mr. Barabani I am making an assumption that you know this because they would ask for more names?

Mr. Maher My email to them says, "Here are the promotional people. When you exhaust the list you have to come back to me and I will give you more names from the list."

And again I followed up and again I am not getting any requisitions so for current employees to make decisions to promote them that will take a meeting and a couple of days and a couple of pieces of paperwork and that should be on my desk for approval and none of that stuff is coming in. I am assuming for what ever reason they have not got to that point yet. I was told that they would break their back to get the positions, to get those lists out for them, and push thing through and hire and none of out first things through.

Mr. Barabani Well, can you look into this a little further to find out what is going on? If there is anything else we can do? Sounds like we are doing everything we can.

Mr. Maher I can try it again to get this thing moving along.

Mr. Salazar There is a couple things going on, it is the beginning of the year, probably a lot of stuff going on with all of that. It would be good. Do you have someone that you working with Pat?

Mr. Maher I work with Dr. Vollkommer.

Mr. Salazar I know you have a pretty good working relationship. My suggestion is to get back with Dr. Vollkommer. We are meeting in a couple of weeks; hopefully by then we have something a little bit positive.

Mr. Maher We are pushing through the custodian I, we have as of this morning we have 312 applications so far, but unfortunately we do have 2 standards. They must either have a one year custodian

experience in an institutional setting of some kind of institution setting, like a school district, not necessarily a jail, but some kind of institutional setting or must have completed 72 hours training in a custodial class to make sure they are skilled.

A lot of people come in thinking, "custodian I can do that", but custodian working at school district and working with chemicals and, other kinds of things or other equipment they don't get that. Example, I work at Joe's Pizza shop and make pizzas I deliver them, I take cash and, I also clean the toilets it's so it is not necessary custodial experience -- it does not quite count what we are looking for. We have a lot of applications that would need to require the minimum requirements.

Police officers we definitely have 61 qualified, the position closes Feb 5th. We are going to use POST written test, staff has to take a special online proctoring course; we have to sign all kinds of agreements and once we know the number of people we have to ask POST to send us the test and the answer sheet goes through a process.

It is going to take a little bit longer because we are relying on procedures that are post state security; this test is state wide for many police requirements so compromise for this security would be devastating for post. In fact they warn us that if we compromise security we have to pay at least \$50,000.00 to develop a new test plus it is a liability.

We have to make sure we do everything exactly right; in the process I think by the end of March we will have a list ready for process that one. Custodian list will be mid March.

Mr. Barabani

We will move to section VI. Closed session.

VI. CLOSED SESSION

The commission adjourned into closed session at **6:15 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 APPOINTMENT

Title: Personnel Analyst

The commission reconvened into open session at **7:33 p.m.** announced the following action taken in closed session:

Upon motion of Commissioner Barabani, seconded by Commissioner Early, and with a unanimous affirmative vote, the commission appointed Steve Williams, Ph.D. as Personnel Analyst.

Upon motion by Commissioner Early, seconded by Commissioner Barabani, and with Commissioner Salazar voting "Nay" and Commissioner Early and Barabani voting "Aye" the commission approved hiring Dr. Williams at Step 5 for a personnel analyst.

VII. ADJOURNMENT

The commission adjourned the meeting at **7:34 p.m.**