

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

**MINUTES**

February 8, 2012

5:30 P.M.

**I. CALL TO ORDER**

- A. The meeting was called to order at 5:35 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. Nersidalia Garcia, Secretary III
  - 6. Steve Williams – Personnel Analyst
- C. Pledge of Allegiance

**II. APPROVAL OF AGENDA**

Moved	<u>Mr. Barabani</u>	Seconded	<u>Mr. Salazar</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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Charlie  
LeChance,  
CSEA  
Representative

I am Charlie LeChance and I just wanted to report out on an issue that I brought up before the school board last night. They finally gave me an answer.

It’s in regards to who was the interim director here, Bryan Astrachan, and he was moved over to work for Human Resources for the district. I asked four or five times on how he was hired? How did he go through the process? And why he is making a wage that is above and beyond his classification of secretary II and the top pay scale, and this are approximates from \$260.00 a day he is making about \$400 or \$450 a day. It is costing the district about \$30,000 extra a year to have him in that position and I wanted some justification.

Last night the board referred to Interim Superintendent Ms. Ortega. Her answer to me was that he is a sub therefore the district can pay him whatever they want to pay him.

I challenged that and I also challenged the board saying if that is the case in this financial crisis that we are in, then why do we have to take 5% cut pay when we are trying to now juggle a budget that may be \$40 million in deficit. Why would we pay someone approximately \$30,000 more a year to be in a position that he is not hired properly? That is their answer and I was not going to get another answer.

I am not exactly sure where we go from here. I'm not sure maybe you guys can discuss that in closed session and if you need assistance of CSEA we can direct someone what the next steps we need to take.

Cindy Andrade,  
CSEA 3<sup>rd</sup> Vice  
President

My name is Cynthia Andrade, a classified employee and serving as kitchen operator. The reason why I am here is because last night I asked some questions at the board. I asked them, "why are they not going off from the commissioner's eligibility list to hire cafeteria workers"?

This question was referred to Dr. Vollkommer. He said that there were some issues that still needed to be addressed with the commission. I asked him what the issues are. I said when these issues are taken care when will you start hiring? He said the next day.

This is my opinion but I am afraid that this is what is going to happen again, what happened last time. There is always something to stop the commission from doing its job from hiring.

I am afraid that the people that tested and the applicants that are ready to go that are waiting to be called, and letters received so they can come in, they are not going to have a chance. I think I am afraid this will happen all over again. I want it to be stopped.

I did ask at the end that there are people, and applicants that have been coming up to me. Because I know a few that have passed the test and they want to know when, what is the next step; they want to get hired, and they are excited that they passed the test.

I am feeling that they are going to be left behind again, and not be able to get interviewed and get hired as a classified employee. Whoever applied is not going to be able to come and get hired as a classified employee.

Charlie  
Lechance,  
CSEA  
Representative

If I can add on that what they said the issue to be specific, they have to meet with you Patrick. Harold had to meet with you to discuss transfers and promotions before they can hire anybody and that did not make any sense to us.

Cindy Andrade,  
CSEA 3<sup>rd</sup> Vice  
President

They said they are going to have a meeting with you on Thursday. There is a planned meeting that you guys are going

to meet for this should be taken care of.

Charlie  
LeChance,  
CSEA  
Representative

He believes that you would come into an agreement. It was not a big issue but after that they would start hiring, and I understand that we need those people who are three to four hours who want the 5 to 6 hour position and apply for those, and that should not stop the hiring, I don't think. So that is information I think you should have.

Cindy Andrade,  
CSEA 3<sup>rd</sup> Vice  
President

It's just my opinion but I am just worried that it's going to happen like it did in the past all over again. A lot of us are working and everything that you have done to get our vacancies filled with people working. A lot of our employees are working overtime and extra time and working two positions and working harder, and I just feel that it will be best interest for them to be hired.

Steven Holt, 1<sup>st</sup>  
Vice President  
for CSEA.

Good evening commissioners. I would like to state for the record that I am very disappointed with the district. Again, I like to commend the commission for all the hard work that is done, getting the eligibility list out.

I know you guys work very hard and we have been through a lot of series of challenges, and you guys have been working very diligently and it's very disappointing to the classified people and the community at large that we have all of these people that need jobs and the economy is getting worse, not better it's going the other way. And we can't hire anybody. And the problem does not lay here it lies with the district. And I for one I am tired of hearing the blame been shifted to the commission; as far as I know you guys have done everything humanly possible and you have the eligibility list.

We were promised that Manpower and all this contracted out groups would be out by early February we are now mid-February I still see them here. We were promised that once the commission did their jobs, according to the district, and create those eligibility lists that we would be hiring and those jobs would be going out like wild fire. I do not see anything moving and again I know where the problem is; it is not the commission, it's the district. And I wish the district, particularly the board would take more of a direct hand of what is going on instead of going to their staff because I don't know if communication is breaking down between the commission and the board through the staff. That's where I speculate it is coming from.

But I am very happy in what you guys have been doing. The work you provide helps the classified employees and you are to be commended for that.

Once again for record I am disappointed that the district is to me putting up road blocks interfering with the progress. It is getting to the point now with all the litigation and everything else going on I really think it's time.

I would, for the record, hope that the district would start to consider terminating some of their staff members, because I think they are going down a very dangerous road again, and I

hate to see us go back backwards after we progressed and made all this progress and I know the community at large is mostly classified employees would like to see everything moving. For the record this is my statement. Thank you.

Cindy Andrade,  
CSEA 3<sup>rd</sup> Vice  
President

I think that the district is the reason why we are not going forward. I don't think it's the commission. I think the commission has done its job. And I am proud of you and thank you for everything you have done.

But I do think the same as Steve; I think that they will come with sometime of road block to stop it. I don't think that is right. I am just upset about that.

**IV. ACTION ITEMS**

- A. 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	Mr. Barabani	Seconded	Ms. Early
Vote: Barabani	Aye	Early	Salazar
	Aye	Aye	Aye
Mr. Barabani	I noticed on action item IV (B) we are only discussing this. Let's move on action item IV (A).		
Mr. Salazar	So its \$25.00 per person for lunch and refreshments? How many interviewers do we typically have?		
Mr. Maher	It depends how many interviews we factor in for the year. Normally you have a panel of at least 2 interviewers, sometimes the panels can consist of three. We will be doing a lot more interviews. This district has not conducted interviews for most of the examinations and it's been a defective part of their selection process, especially for management, supervisory and higher level positions at the classified level. The interviews give you a perspective of course you can't get a paper and pencil in terms of their reaction.		
Mr. Salazar	I understand that Mr. Maher, I am trying to get to the expense point. I would be curious as to how or what you would anticipate for budget purposes that would be analyzed.		
Mr. Maher	I would say that the annual cost would be less than \$2,000.		
Mr. Barabani	People that you are bringing in here. I assume that they are professionals in their field.		
Mr. Maher	Normally what we do we ask other districts to give us a supervisor or at least a person that is in the same level to serve on the interview panel. And they come up with two things.		

What happens is that due to the interview schedule we have to keep them here it is easier for us to bring the food to them and feed them because we have a short window of time or if there is time to give them a break they can take that break.

Every single merit system in the state follows this practice. This is the first time that it ever had to come to the commission for this but this is what the district is requiring so this is what we are doing. Normally it's just a normal expenditure.

Mr. Salazar

Normally it is a budget item?

Mr. Maher

This is a budget item. As part of the budget item, but the district is requiring that the commission would actually formally approve it, because they are maintaining that without the formal approval it is a gift of public funds. I think that is nonsense but that is the position so we are complying with their wishes.

Mr. Barabani

I don't mind knowing each time we are expanding these funds, but you are right it is easier this way.

Mr. Maher

For each time there will be a budget item of what we are spending.

Mr. Barabani

Any other comments?

Ms. Early

I have a comment actually, a question. My question is and I don't know what our budget looks like, but I know we do have nutrition services here. It might be cost effective if we utilize nutrition services here in the district to provide lunch to the volunteers it might be an opportunity to reduce a cost when the district is cutting everywhere.

Mr. Maher

We still have to pay nutrition services.

Ms. Early

But it would not be \$24.00.

Mr. Maher

This is the maximum. When we did the analyst interview I took them to lunch it was \$17.00 for two of them—or 8 bucks apiece. We don't know what we are doing in terms of numbers and stuff. This is on the safe side. Sometimes we get Assistant Superintendents of various levels come in and sometimes we even have the Superintendent come in or someone on that level.

In terms of timing and everything else, we are trying to be on the safe side. We are trying to get coffee and donuts in the morning. Most of the time it is spending closer to about \$10 to \$15 a day. But to be on the safe side in terms of their window we are operating on and this can be long term as prices increases for the next 20 or 30 years. We don't have to come back for future update of what the amount would be.

Ms. Early

I think that it would be better upon us to visit this every year if it looks like prices are increasing we can increase that budget line item every year as opposed to front loading it. Looking into prices 20 years down the line.

So I would be more in support of having commission staff order in lunch and support nutrition services, and provide lunch and that way it would be a cost control item.

Mr. Maher

To the extent that we can we would do that. Part of the problem to is we have to order in advance and the numbers change. If we order what we don't need, and can't return the order because it has to be in advance notice to nutritional services so we are trying to balance everything.

The sources of food versus how we do it. This has never been done. We don't go out there ordering steak and lobster; we keep it at a reasonable price. Like I said I spent \$17.00 for two people at the last interview. It might be a bit more; but not a lot more. We try to keep it to a minimum, some refreshments through the day. They are here all day; they are kind of like prisoners in the room, so we try to make it as comfortable as possible.

We have a total line item in the budget. Normally this kind of motion would never come before the commission; it is been required here because of the neither fact that is neither permitted nor prohibited. And there is a belief that to so constitutes a gift of public funds, which I don't agree with, but that's the position the district's taken so that's why it's before us.

And the amount that is set up is to make sure that we cover sufficiently individually as opposed to what our total budget. The budget item will be different and we won't exceed the budget once it is set up.

Ms. Early

Help me understand the process.

We require an advance notice for ordering from nutrition services; how much notice do we need to give them when we order?

Nersi Garcia

At least 3 days.

Ms. Early

How far in advance do we know who our panel list and how many we are going to have participating for interviews?

Mr. Maher

It depends on the interviews. We usually set the interviews up at least a week or two weeks. The problem is we have different numbers that show up and we have different needs.

Sometimes panelist can't make it at the last minute so we have to do a substitution and sometimes we have extra panelists we can send home. So we are trying to balance everything so we are not up against a limit on certain things; like I said this is just for an individual. But, our actual budgeting cost I think per person it would generally be a lot less. We do not need to pay them for mileage.

Mr. Barabani

So the big issue we have here is that if we order 3 days in advance and we order for 5 people and 3 show up then we

pay too much for lunch.

- Mr. Maher The other thing is If we order for 5 people because we have more candidates and at the last minute someone will cancel. We don't always know all the panelists are going to be there, we usually know but not always.
- Mr. Barabani To me that would be if we order from nutrition center then you have to go out and that is ok. The other issue if we order a certain amount from nutritional services and not enough candidates show up then it becomes a waste. We can't return it.
- Mr. Maher The cost factor is not that large. The idea is whether we order in or out we have to coordinate to the district. We have to have the commission approve this and the motion is written to comply with the requirements for making a decision that is in compliance with the gift of public funds statute.
- The second issue is how much we budget before we end up paying. And the third issue is when we can order in versus ordering out.
- Having sat on the panels and they start the meeting in, it can be done, how bad; sometimes it's better to go someplace and sitting down and getting a break it makes big difference. So we have to have that option to.
- Let's say people are giving their time to us and giving their transportation to us. So we are trying to make it at the same time balancing with the needs and cost and with demands that we are placing in the interview panels.
- If you sat in somebody's panel and you are running behind schedule constantly it just helps to get away. Sometimes you can and sometimes you can't because of the schedule and that is just the situation. As a common practice, through out every single merit system does that. It's not that we are asking something that is out of the ordinary.
- Mr. Barabani I don't have a problem with the issue on that, it is just that when we order something is it coming out from nutrition center and do they bring it here? I see them getting the business but I do not know what they are charging.
- Ms. Early I have a menu from them. I don't see anything over \$9.00 per person. I am just thinking, I know the district does not have unlimited funding source. So I agree that we need to part supply volunteer for some time of nourishment if they are here for five, six or eight hours or how long they are.
- But my question is on the \$25.00 per person for lunch and just being mindful of funding within the district, I would like to see us reduce the \$25.00 and, I am just recommending nutrition services as an alternative to the \$25.00 per person. Maybe we need to adjust the \$25.00 and lower it that is my concern, and just being mindful of educational cuts across the board

that is my concern.

Mr. Barabani Do they normally come down here?

Nersi Garcia They take it to the cafeteria and prepare it, and I go and pick it up from the cafeteria.

Ms. Early Has that been a problem in the past?

Mr. Barabani Well I got a motion we discuss this, we can vote on it. Would you like to modify?

Ms. Early No.

Mr. Maher I think the idea we use the nutritional services and we keep the price as low as possible.

Mr. Salazar I hear what you are saying but, I also see the motion that is on the table.

Mr. Maher Like every other budgeting factor but you always budget. You will not necessarily spend it but you think you will need that amount of budget.

Mr. Salazar I understand, I completely appreciate you bringing that to our attention and your input. For the record I think that \$25.00 per person is a little bit steep as well. I am ready to vote.

Mr. Barabani Call for the vote.

Mr. Salazar Nay.

Ms. Early Nay.

Mr. Barabani I abstain on that.

Ms. Early I will offer to substitute it; basically I am going to just reduce the cost. I understand that they might be a need to walk around to get out of the building, if we have an hour for lunch we can go walk for the remainder of my lunch break hour, but of course I am been mindful setting aside for lunch and refreshments.

I am in agreement for providing them with something. It's a question of whether or not we want to utilize nutrition services, and that is my recommendation that we utilize nutrition services, which is already within the district but, I understand.

I would just like to provide a substitute motion that the commission approve expenditures up \$15.00 per person and pay for lunch and refreshments for individual serving as interviewers for oral examinations for the classified service to promote substantial public service within the authorized commission of the merit system and the personnel commission.

I think \$15.00 per person is adequate to cover lunch, coffee and bagels or whatever else we are going to provide in lieu of refreshments.



Mr. Salazar I will second.

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Mr. Barabani Mr. Salazar, I believe you seconded on the second motion, any discussion? Call for the vote.

Ms. Early Aye.

Mr. Salazar Aye.

Mr. Barabani Aye. Thank you.

B. The commission will discuss and evaluate the current status of recruitments for various vacancies and address issues and methods to expedite hiring of classified employees.

Ms. Early Dr. Vollkommer was not here when comments were given, so maybe you can give us a status report for what is going on with the hiring the filling of the positions.

Dr. Vollkommer Thank you Ms. Early. I apologize for being late, I was doing a seminar for aspiring administrators I was caught up to a topic that was of great interest to them but I couldn't stop.

Thank you for giving me the opportunity, first of all if I don't see you happy valentine's day. Don't forget your loved ones.

I want to start by thanking the commission and Mr. Maher for your diligent efforts. It's being moving forward in terms of eligibility list and getting people through the system. I think a number of steps have being taken to build the infrastructure.

Last night Pat you probably noticed that the five student interns that will be helping with the interviews were approved by the board. They were number of questions not in open session but before they ever got to open session about that and I was able to explain what they would be doing and that it was a benefit to the district to get this massive interviews done in a hurry so we can hire people.

I was actually going to address IV (B). It was brought to my attention that there was a concern about our end of the hiring. Not your end necessarily in terms of where we take it from there, and if that had been a concerned identified to the personnel commissioners.

I wanted to let you know that the direction to staff is we have been closed to analyzing the new personnel commission rules as well as the collective bargain agreement to see how they intertwine and how they jive.

We have found one spot where there seems to be some conflict and so based on that I have given direction so staff to where ever there is eligibility list and no transfer involved, move it forward. I believe we have done that in a number of occasions.

I have a meeting scheduled with Pat tomorrow at 10:00 a.m. where I am hoping we can talk through the transfer issue and come to an agreement in terms of where we can go with it, and what the collective bargain language means. What the PC rules means so we are all on the same page in terms of moving forward.

Because what I don't want to do is this is the way I interpret it move it forward do a whole bunch of work not have it ratified etc. Then I would have to undo it. I rather would like to be in the same page.

Part of that has been a delay on my calendar and I will take full responsibility for that. We have been in deep meetings discussion for budget for the last several weeks and then wanted to make sure we are thorough in the job of analyzing of the personnel commission rules and actually have a firm foundation in terms of what we at least we think we are talking about.

Hopefully at the meeting tomorrow we'll come to the same conclusion and that will move us and kind of perpel us forward in terms of particularly the cafeteria workers. That should take a big chunk out of some of those vacancies.

Again, I want to thank you and Pat for his efforts. We got some things done. Steve is on board now, I know that is going to be a big help. Thank you Steve and welcome. We are looking forward to continuing to move forward so I can certainly answer any questions that you may have.

Mr. Barabani

What are the issues of your concern?

Dr. Vollkommer

I did not bring it. I did not think we get into it that deeply. My hope is that Pat and I can agree, basically comes down to transferring based on seniority. The collective bargain agreement is clear that the number of other factors aside from seniority that go into the transfer process, the collectible bargain also talks about if you do it based on seniority there is really no choice.

So, if Mr. Salazar is the most senior person, let's say the three of you put in for a transfer and Mr. Salazar has more seniority then I believe the commission will agree that he will get the transfer at least that is how we are interpreting at this point. That is what we want to clarify.

We are saying the collective bargain agreement says that there will be a choice. Well there is no choice; the choice is already made. We want to make sure we can have the ability to discuss that to say this is what the collective bargaining agreement says. The collective agreement does to pursuit the personnel commission rules so that we can move forward and we are aware of and understand. I apologize I don't have the exact rule in front of me.

Mr. Barabani So we have an issue in transferring into a position. Like us three all three transferring into a position. Where does the eligibility list come in?

Dr. Vollkommer There is a separate language that says, if there are not, let's say only one person has put in for a transfer, and then it speaks to what we would do with the eligibility list in terms of how we might supplement that one person. That is put in for a transfer to it actually defines if not three so that is what we are going to be talking about tomorrow.

Mr. Barabani This is not an issue of people on the eligibility list where you have you have people trying to transfer.

Dr. Vollkommer Correct but that has an effect on the eligibility list.

Mr. Barabani Yes, because are you then saying that you are taking the issue about one of the people on the list would get that position over the person trying to transfer?

Dr. Vollkommer That is not what we are suggesting, but that is how it becomes intertwined when there are transfer cards involved. If there are no transfer cards involved then we go straight to the eligibility list that is pretty easy.

Mr. Maher I believe what he is talking about is an increase of hours, if there is a transfer. If you are a four hour employee and the opening is four hours, the rule does not affect that at all.

When it becomes an issue is when you have a 5 hour position opening up, how does the person get more hours? Another words the before employee is a 5 hour. How would the district decide who out of 5, 10, 15, or 20 people who want more hours decide to get those initial hours?

The single objective factor that was used for seniority was commonly used because that does not mean anything else. The difference increase of hours versus the straight transfer it only affects when there is a vacant position. The other thing it does is that it prevents a newly hiring employee who wants to work for 5 hours while long term employee has been working for 2 or 3 or four hours.

Dr. Vollkommer If they want that, If they desire that position.

Mr. Maher Has the right of first refusal has to elect to take it? This has to with if they refuse it then it goes back, but not forced to take it and, that is the way it is on the rule process that way. It has been in effect since June.

Gladys Byrd brought a number of her specialists here; we talked about it primarily in November about how it will work. I sent an email out because there was some questions at least some believe from the part of the rumors that are going around says that nutrition services plan to hire new people into the 5 hour positions.

I emailed clarifying that back in November we said that the list

was going to come out. We talked about the list coming out maybe in January or February 3<sup>rd</sup>, and we are just now deciding that.

We don't know why this whole issue was not an increased months and months ago. Because there was plenty of discussions and notices, and I don't know why it has stopped all kinds of hiring including promotional that is what I don't understand.

Mr. Barabani From the commission standpoint I am just concerned about the list of getting people hired.

Mr. Vollkommer Absolutely, I agree 100%.

Mr. Barabani So we have a position and we have somebody that is already an employee trying to transfer into that position, and then possibly somebody from the eligibility list.

So if there is nobody asking or wanting to transfer into that position we should be hiring, isn't there a lot of those positions?

Mr. Vollkommer Yes, and like I said earlier those that do not have transfers involved we have given staff go ahead to hire.

Mr. Barabani Has that been happening?

Mr. Vollkommer That is my understanding that is happening. Mr. Maher used the example the increase in hours. The contract does not specify necessarily talks about an increase in hours. There is nothing that limits a person from to a 4 hour person of Belvedere from transferring into a 5 hour position in that at all.

The contract does not put any limitation on that, but it does give you the process for conducting a transfer from the same classifications, etc. So that is where we need to come in grips with. I just want to make sure we are doing it right, so that we can all be in the same page that is what my hope is for our meeting tomorrow.

Mr. Barabani What I see here is that from what you explained. If you have a person that is trying to transfer into that position and you are trying to bring a 5 hour person from the list, and that person is going for an interview for that 5 hours, and the person that is transferring out of two hours is trying to get in there. That person never has the opportunity to transfer in there because no where did we ever tell the person that they would have to take the test again.

You are saying by having the situation where you have the person transfer into a position, and the other person is on the eligibility list that the person transferring in that position.

If you wanted more hours you don't allow that then that person should be given an opportunity to be placed on the list to take the exam. But that would mean to take the exam again.

Dr. Vollkommer We are not suggesting that we are not allowing that, Mr. Barabani. The issue is not necessarily hiring trying to take the test again is that it would be done strictly on seniority at least, that is my understanding of that personnel commission rule.

We come into agreement that is not based on seniority it is based on the factors that are listed in Collective Bargain Agreement then we are good to go but I just want to double check. I just want to make sure we are all in the same page. That is all. I am not suggesting anything is wrong.

Mr. Barabani I was concerned when I saw this item B here we started out 415 days and now 419 and our staff here have been working very hard. And they produced the list. I appreciate the staff that goes to our staff.

Dr. Vollkommer Yes they have. That is why I started with a thank you.

Mr. Barabani I hope we are not rolling backwards here.

Dr. Vollkommer This 402 has been come some kind of magical number out there. The 402 does not stop anything else from happening, we have nutrition, and we have people that have resigned.

Sometimes you fill a vacancy and create a vacancy so that you went from 415 to 419 does not mean that nobody has been hired. It just means in fact we just lost 4 people. There are number of factors that go into that. Like I said I am not suggesting we got the machine completely oiled. Hopefully tomorrow there is a big step toward that.

Mr. Maher It actually went from 419 to 415.

Mr. Vollkommer There you go. Thank you for that Pat. Thank you.

Mr. Barabani Oh, I am sorry, that 400 have a magic quality because I kept hearing it.

Dr. Vollkommer I got it, I understand.

Mr. Barabani Took a lot of time, I am sorry.

Dr. Vollkommer Again, I just want to clarify I am not suggesting that this is a contagious issue. I just want to make sure we are all on the same page. That is my only objection for tomorrow.

Mr. Barabani The people had some real concerns; because they were saying that they did not understand. The people are coming up to them and they are applicants for this job, if they took the test and they are on the list and nothing is happening.

Dr. Vollkommer I will say that if you go to Mr. Maher for first trial of refusal system, that is an extremely time consuming system.

If you talk about going to everybody in the classification and saying; so here is a vacancy we advertise the vacancies go out every month, they are all sent out, CSEA gets a copy, everybody get a copy. So you can obviously see there is a danger in assuming anything.

But if I am watching that, and I know it is coming out, and then if I am interested then I could put a transfer card. So you would hope that if someone wants more hours, or just wants to go to a different school or whatever it is then they could put in for that transfer, ok. If no one puts in for it and there is 100 people in that classification, what is been suggested is that we call the most senior and we know how that goes.

We call that person, and he or she is not available, you wait for a return phone call, you call them back. They say no I don't want it. If I would want it I would put a transfer. You go to the next person, same thing happens, if you talk about a part of the system that has a potential.

I am not saying it will because we will experience it. But it does have the potential to bough the system down. To go to people that have not expressed any interest, by seniority are you interested? Are you interested and so on until you find someone who is, then if you never find someone who is then you can go to the eligibility list? See that certainly is slowing the system down potentially.

Mr. Barabani

Is that what we are abrogating?

Mr. Maher

The way the rules read the seniority is read as first refusal. Whether or not you give notices, and how the seniority list works.

The rules took effect I think was last June. There was ample opportunity to try to work out the procedure if the process was simple. I would have no problem if the list is out every month and it shows both the vacancy and number of hours. That will limit us for those people that have applied for as long as there is notice to everybody. And everybody understands that if they got the most seniority they have a chance to have that kind of a notice. They have no problem working with the fact they have an application in and that one that applies for gets the job with most seniority and they have no problem with that concept.

But if employees have not been notified of this process of this rule change and it has been on for six months and no one has told you anything, then we are going to do something different because you were never informed how the situation was. How to go about filling that and what the limitations were, never being notified by that for six to several months.

Then I have a problem with people saying but it should go off the list. Especially since this issue has actually been discussed with district administrators since I came aboard. No one has raised an issue of been a problem then you have this vacancies all along. You have a final vacancy that could reflect for a long time that could have been filled months ago.

So in the meantime, what I understand some vacancies have never been given the opportunity to fill the vacancies and are

been filled with contract workers to fill that vacancy for five hours and give them more money.

So I am not very sympathetic after months of having the list out, after months of talking about this and everything else. We can't hire anyone because this is a problem that it has not been solved so I am not sympathetic at this point. It has not been solved in six months; it has not been solved in the past three months, two or one month.

It has been brought up as a concern for stopping any hiring for cafeteria workers and any hiring for paraprofessionals. When they tell me that they are going to lose funding, and there is trouble in everything else then it's critical when nothing has been moved forward until last week when I got a phone call that we are meeting tomorrow. That is my only concern.

Dr. Vollkommer We are not asking for any sympathy we are just asking to get this system correct. I am not suggesting that you have not done your part Pat so I hope that has not been communicated that you have not being doing something that is not the intent that I had tonight or any time.

Mr. Maher I think if we talk about how the contract and the rules work, I think CSEA needs to be at the meeting also.

They deal with the contract issue, and CSEA supported this rule when it was put in effect, and they wanted it in effect. I am not sure if you and I can come into an agreement how the rule versus the contract and if there is some kind of conflict, I do not think you and I have that authority to cut CSEA from that process.

Mr. Barabani How many positions are we talking about?

Mr. Maher A bunch of cafeteria workers and 40 paraprofessionals.

Mr. Barabani Out of those 40 how many are affected by this transfer. I mean isn't there some. Let's see there is 3 transfer cards for 20 positions and understand aren't the other ones straight out go.

Mr. Vollkommer That is been my direction if there is no transfer involved to go with process.

Mr. Barabani Is that an issue?

Mr. Maher I don't know what the issue is because this first time I heard of this issue.

Mr. Vollkommer Thank you for letting us get a jump start on our meeting tomorrow. I appreciate it.

Mr. Barabani No, I am sorry; I am hearing from people, I am sorry. I took more time.

Mr. Salazar I am just listening to what is going on. I think it's a good idea that Pat and Dr. Vollkommer are meeting. I don't know what the legalities are whether not CSEA have to be involved or do

not have to be involved.

What I would like is for this discussion and this meeting to take place, and for us to be able to circle back. I am optimistic that a solution will come out of that meeting, and that can be presented to us so we can make a decision and vote on it. If we need to meet and vote on it.

Everything seems to take time and our next meeting is in two weeks. We schedule it that way. If that is the case the worst case scenario is they have a meeting something is brought back to us. We have the discussion or agendaize the item whatever we need to do to be able to move forward with that.

Ms. Early

And I have to express my disappointed because this issue came up at our last personnel commission meeting. I was under the assumption that we would come today to find out why positions weren't been filled. So for me to find out that a meeting was set up after today's date commission meeting it's a disappointment to me, because it was expected to have a follow up to the lack of progress. So I don't want to wait two more weeks to find out why these positions are still vacant.

I was a commissioner when it was publicly stated that San Bernardino School District was in a state of emergency because of the dysfunction of the personnel commission. Now I am looking at the dates and from what I am seen is that paper work has been sitting around and there are positions that are gone unfilled for too long and according to this due dates. I am hearing tonight that staff has been given directions to hire where there is no transfer involved when was that direction given?

I am looking at the dates. I am hearing people come before us saying we need jobs, we applied, we tested, when am I going to get hired?

We grown accustomed to lights, gas, and food, and this people have done everything they have to do to get hired, but they are been denied that position.

So I don't want to have to wait for two weeks to see if a conclusion has been reached. I would be willing to come to a special call meeting if we are not able to progress after the two of you have met tomorrow. I will make myself available if we need to meet prior to our two week scheduled meeting. If it was a fact a state of emergency to fill 300 positions then we need to treat it like that. If it was not we should of not made that statement public. And that is the statement was publicized.

I think we should give the outmost consideration and I don't want to wait two weeks to come here and find out that we have not moved forward. I recommend that we have a special meeting if the two of you have not come to some conclusion on an agreement.



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

Mr. Barabani We will move on to Item V. Commissioners and Directors comments.

Mr. Salazar I have the privilege of serving various committees because I really enjoy doing it and I enjoy doing this as well. The one thing that I know that sometimes it is tough. We are making big decisions up here, and we are going to make decision that hopefully we are going to stick around for a while because they are good discussions.

We always prefer to take a little extra time to dot the "i's" across the "t's" and make sure that we are doing it right. At the same time I do appreciate it. I just want to say that for the record I do appreciate the hard work Pat is doing and I appreciate the collaboration of the district and the willingness to sit down and talk.

I think the near fact that we are having that Mr. Maher is having a meeting with Dr. Vollkommer tomorrow says a lot about where we come to. I mean I know that we are real impatient and the public is about, let's get this folks hired and let's do it. I believe that at least we are heading in the right directions. I know it's a little bit slower then perhaps we would even like it as commissioners. Certainly the public would like and everybody who can look at this list that we talked about, but we have some information that was given to us this evening, things such as there is a nutrition factor that is involved. We do not know what that looks like exactly, but there is always nutrition. We gather some additional information and we talked about it.

Dr. Vollkommer has given staff an order to move forward of those listed that do not have the transfer factor involved, and again I know that maybe we don't think that is moving fast enough but, I have confidence that at least if that order is given that order will be followed.

What I heard was that most of those lists did not include the transfer factor so I am optimistic that we are moving in the right directions a bit slower that we would like. It took some time we had between 11-1 and I just want to point this out for the benefit of everybody here. Between November 1<sup>st</sup> and February 1<sup>st</sup>, is when we have these vacancies figures here. We have a lot going on here in this commission in this district, and just a lot going on in general.

We have multiple major holidays that were during that time frame. It took a lot of down time so there is a lot going on. I feel that even though it is maybe not moving as fast as we would like it to move. I appreciate the fact that it appears to me from my advantage point that we are moving in the right direction. I do have a lot of confidence that meeting tomorrow we will have additional hope for us and direction for us to continue to move forward. That concludes my comments.

Ms. Early I, like commissioner Salazar, I am hopeful that good things will come about the meeting tomorrow. That concludes my remarks.

Mr. Barabani Once again I understand this and I do appreciate Mr. Vollkommer coming in. We are getting more done here for a while that I think we have seen for a long time. So the fact that you are here and we can talk back and forth makes it really helpful.

But you know sometimes we get a little twitchy and nervous because I personally know that Ms. Early said there was people screaming emergency and coming to the district site. They wanted the positions filled as fast as they could.

I know the eligibility lists were made out in October and expect to be hired. And I am hearing the people come here again saying the same thing. We don't want things to stop. We want to keep things moving forward, we don't want to go back to the way it was. Our staff is working hard and they are doing their job. So we will find out after the meeting. I appreciate it. Thank you.

Mr. Maher I know that Dr. Vollkommer has been very supportive we had a lot of things accomplished. That has not been the issue in terms of any. This issue has been on the table for a long time so I am just disappointed.

And part of this is because this becomes stale dated and what happens is the longer you go between generating list and hiring somebody the more qualified people fall out. Generally the people that fall of the top of the list of testing.

Theories say those that are most qualified people will get jobs somewhere else. That is part of my concern we can't start hiring immediately to get the best qualified people and have to retest again because we hired people that are towards the bottom group that is why I am concerned about the timing generated.

The other thing I just wanted to comment on what is coming up on school police officer; we just finished the recruitment. We have 120 applications and 110 qualified people for two positions. We have another 15 to 20 that need to provide verifications for their post certificate or post training they have been given an opportunity to attach it. We have a least 135 to test by Post. We will give the test on Saturday; the staff is ready to cover on Saturday which it gives us an advantage. Post has some very strict controll factors. It does slow us down and it takes more time.

We also have also closed custodian. It closed on Monday afternoon at 4:00 p.m. We are still doing the final screening but we have over 100 qualified people. We had 500 people applied and screened out. That is a substantial number of them because they had zero experience as a custodian and they do not have the certificate. We still have over 100 qualified, probably tested over 150 of them. Based on my past experience for this particular test we probably will end up about with 75% of them qualifying on the list.

We are also looking into producing a lot more positions. We are waiting for OPAC software. The program for OPAC is here but we are waiting for the server it has been delayed with Information

Systems Department but has been ordered. As soon as we get it programmed and installed we can start testing. A lot of our clerical positions and critical management positions will be filled so we expect to be knocking out a lot of positions, and the list as we continue with that right now.

So we are getting Neogov set up. The ladies are learning it, it is a fairly easy program. Working up to speed with the process, changing some procedures this goes along and Neogov and it makes it easier to do that. 75 to 80 percent have been screened. We are planning the testing dates before the exam closes because we have an idea how many we are qualifying, so we are able to do more efficient planning. I think those things are moving forward efficiently we will be having a lot more on the list. We hope to get people hired before it is out dated.

Mr. Barabani How does staff like NeoGov?  
Mr. Maher They love it.  
Mr. Barabani That concludes the part of section V; we are going to go to closed session.

The Commission recessed at 6:41 pm.

The Commission reconvened at 6:56 pm.

#### **VI. CLOSED SESSION**

The commission adjourned into closed session at 6:56 pm 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

The commission reconvened into open session at 7:28 pm and announced that no action was taken in closed session.

#### **VII. ADJOURNMENT**

The commission adjourned the meeting at 7:28 pm.