

Mr. Barabani Do we have a second?

Ms. Early I will second it for the sake of discussion.

Mr. Barabani Call for discussion.

Mr. Salazar We talked a little bit about this at our last meeting this Action Item IV. J and at that time I made mention to the chair that I felt that this particular issue or item should be discussed in private or in closed session as a closed session or private issue. Between the commissioners and our Personnel Commission Director. That's why I'm requesting that we pull that and take care of this in private or in closed session.

Mr. Barabani Well it was brought up during the public session, those accusations made; I'd like to address those.

Mr. Salazar No, I'd like to address them in a closed session.

Mr. Barabani But those accusations were made in public. Any other discussion?

Ms. Early I actually requested at our last meeting during open session that the item be placed on the agenda and the reason I asked for it to be agendized is because our commission director stated that he was having difficulty getting items placed on the agenda. Mr. Director would you prefer to discuss that during open or closed session. It's been agendized tonight as an open session item.

Abe Flory Honorable Chair and members of the commission, I would prefer closed.

Ms. Early I want to know what the issues are that's why I request for it to be placed on the agenda. If it is not a Closed Session item on the agenda for tonight we cannot discuss it today. I have no problem finding out what is impeding our director from placing items on the agenda. I can go either way I understand that if we say we need to discuss it in Closed Session then that's a discussion that is not taking place tonight and I want us to be able to move forward. Unless it is some kind of confidentiality issue, I have no problem discussing it in Open Session because I want to find out what the factors are in place that is keeping items from going on the agenda.

Mr. Barabani Since it was brought up in public I think I am in favor. Mike?

Mr. Salazar I have said all that I was going to say on that. Vote?

Mr. Barabani Call for the vote? Got the motion to pull the Agenda Item J.

Moved: Mr. Salazar

Seconded: Ms. Early

Vote: Mr. Barabani Nay

Ms. Early Nay

Mr. Salazar Aye

Ms. Early Mr. Barabani, I move to approve the agenda with revisions.

Mr. Barabani We have another, on the closed item section, *Pursuant to Government Code Section 54957 to discuss: PUBLIC EMPLOYEE DISCIPLINE*, this was requested to be move into open session by Mr. Flory. I would like to move and keep it in the exact order after we come out of close session and move it into open session.

Ms. Early I second.

Mr. Barabani Open for discussion.

Abe Flory Honorable Chair and members of the commission, I did request that.

Mr. Barabani Is that still your request?

Abe Flory Yes, absolutely.

Mr. Barabani Any other discussion? Call for the vote.

Moved: Mr. Barabani Seconded: Ms. Early

Vote: Mr. Barabani Aye Ms. Early Aye Mr. Salazar Nay

Ms. Early Commissioner Barabani, I move approve tonight's agenda with revisions.

Mr. Barabani I will second that. Call for discussion. Call for the vote.

Moved: Ms. Early Seconded: Mr. Barabani

Vote: Mr. Barabani Aye Ms. Early Aye Mr. Salazar Nay

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.
- **This is a time for the public to make comments only. It is not a time for any member of the public to question, and especially to demand answers to questions from the commission or its staff.**
- Public comment during the commission's discussion of an agenda item will not be permitted.

Mr. Barabani It's not part of the discussion, but please step as close as you can so that Nersi can get best recording; state your name when you come up.

Charlie LaChance, CSEA Labor Representative My name is Charlie LaChance with CSEA. I just wanted to make a comment; I believe that any discipline at all should be done in private in closed session. I know that there aren't any of our members who would want to be disciplined in a public forum. I would just like to make the comment that if you go to a board meeting all discipline is done in closed session and it's reported out and I would just like to make that comment to protect any of our members.

Steven Holt, CSEA 1st Vice President My name is Steven Holt, 1st Vice President, California School Employees Association, and Chapter 183 San Bernardino. I would just like to express our interest to the commission that we've been very interested in moving forward, the district, with the hiring process refraining yourselves from temporary workers. There's been some issues going back and forth and we would encourage a round table meeting of some type; hopefully the commission could appoint one of you that is not more than one to violate the Brown Act, the district and ourselves we have an interest trying to work some of these problems and we wanted again to extend an invitation to you as well as the district where we can sit together and discuss some of these issues. Lots of information has been flowing back and forth, rumors, conjecture, we would like to find out exactly what the root of the problem is to see if we can work together on it. Again, our interest is to in these tough times work through these problems the most expedient way we can to get our members hired to help our community, to help the classified, to help assist the district with the education of our children. We do need those positions filled, we would like to sit down if you guys would consider doing that, appointing one of yourselves to attend that meeting if the district would accept that as well, and we thank you.

Joe Paulino, Interim Chief of School Police Good evening, my name is Joe Paulino, current Chief of School Police department. I'm here to make a comment in regards to IV. I. Specifically in regards to the supplemental report that is provided in your supplementals. I have some information here if you would indulge me for a few minutes; this information comes from Ben Clark, Training Center, which recruits police officers, which puts police officers through the academy. This other sheet comes from the San Bernardino Valley College and Police Academy. This additional sheet that you're getting is a special sheet that comes from Rio Hondo Police Academy. This last literature comes from Santa Ana Unified which, recruits for Police Officers and they are P.O.S.T. Certified Police department and I will comment on their literature.

First, if you could pick up the Santa Ana literature that was sent forth to you. If you notice in their selection process, number one it talks about the oral interview and it goes from 1 to about 6 which place these guys through the police process. I believe this is an ideal process for our department so I'm requesting that you look at that at your leisure. Also, if you look at the Rio Hondo literature that I sent forth to you, if you look at the second paragraph it talks about the entry level exam that is given to every person that is recruited in the police academy, every person has to take that exam, and by the way they are recruiting 48 recruits and all 48 of them have to take that particular

exam. If you look at Valley College, Valley College sends all their recruits to the Sherriff's academy to take that particular exam to be accepted in their police academy; is two assessments that are given at Valley College one of which is a college entry assessment as well as a P.O.S.T. entry level exam that is given prospective law enforcement officers in this training at Valley College, it's in that literature that I sent forth to you. It's important to read that information we should all be informed that is placed on this supplemental information be right. If you read this it says that every department, every police department doesn't give that exam. It's important to be well informed; there are mistakes in this supplemental report. Thank you very much.

Mr. Barabani Any other comments?

Harold
Vollkommer,
Assistant
Superintendent
Human
Resources

Good evening commissioners and audience. John Peukert was here and had to leave he had to go to a planning facilities meeting and he represents the quorum on that meeting so, he asked if I can make a brief comment for him, I hope that's ok. He wanted to probably remind the commission, this is not something you don't already know, that his division employs the largest number of classified employees in our district between Nutrition Services and M&O; they have the line share of our classified employees. He wanted to thank the Personnel Commission and the positive partnership that he has seen develop; by opening positions, helping the community with jobs, and getting those jobs to local people, helping our city through the bankruptcy period which we hope it'll rectify itself. He especially wanted to urge the commission to look at the recruitments that have to do with positions that are temporarily being filled by Manpower and Arrow and he is making a request officially that as soon as those particular recruitments can be opened he would very much appreciate that while we appreciate those from Manpower and Arrow that have provided service to us we also know that those are classified jobs and we want those to go to classified service members. He wanted to say thank you for your cooperation ahead of time for that.

In terms of my comments, let me begin by saying that it was great to see Ms. Early and Mr. Salazar and Mr. Flory at our management conference last Thursday. Mr. Barabani, we certainly understand that you have to keep the bills paid and got to go to work so we certainly understand why you weren't there. But I am hoping that you were very encouraged by Dr. Marsden's comments and his intent and desire to be inclusive with the process and I know, Mr. Barabani, he's got lots of people that he is trying to meet with but I know that he does want to meet with you so I don't know if he's tried to set that up or not.

Mr. Barabani We did make a motion for that for closed session and stated for us meeting.

Harold
Vollkommer,
Assistant
Superintendent
Human
Resources

Ok great I didn't hear that thank you very much I'll look forward to that happening. As to the agenda for this evening's meeting, I first want to comment on the revised directions for Public Comments; I wasn't at two meetings ago I got here a little late because of interviews last time so I didn't get to make a public comment. It appears I treaded into tender territory with my questions a few meetings ago. I want the commission to know that my questions were not intended to put anybody on the spot but only to protect

the commission; we look at this as a collaborative effort and my efforts were to protect the commission from being accused of putting false misleading, incorrect or inflammatory information in the backup materials in the agenda. As you know this is a public meeting so anything that you put into that agenda is subject to scrutiny. If anybody believes that their rights have been violated because of what is in that agenda and they take legal action then obviously we have to support you in that legal action and, we all know that we are trying to minimize attorney bills as much as we can because it has gotten quite a bit out of control so I wanted to say that. Please be reminded that also this is a public meeting and that the commission should not be perceived as trying to dissuade public comment in any way. To the contrary, transparency is a very positive strategy, the public has a right to voice their opinions their concerns and their questions, now you are not obligated to answer the questions you can't be demanded to answer the questions, but I don't believe that you can deny the public the right to ask them. Since you are part of the district we believe we have an obligation to let you know this. If you would like and it would put you; I've already done some Brown Act research this evening. If you would like me to get a counsel opinion on that for you I would be happy to do that. But I do believe that there are some problems with that bolded and underlined part of your Public Comments part of the agenda.

I want to thank you in advance for Action Items IV. (A), IV. (B) and IV. (C), while I am hoping that you will approve these items and help us in terms of moving forward and hiring, you took away by revising the agenda took away most of what I have to say that's probably good for everybody. I did want to say thank you for listening as always as you do, I want to finish by saying that since November when we started hiring again each and every person that has been hired has been hired consistent with the principles of the merit system. I know there are some lingering issues, we all understand that and those issues will eventually work themselves out, but I want to assure the commission that those people that have been hired since we started hiring again have been hired consistent with the principles of the merit system at least to the best of my knowledge and we've played a cooperative effort in that. I will again urge the commission to accelerate the recruitment processes as much as we possibly can, not surrendering value or quality so we can continue this in this mode and improve conditions for the students of the district and the community at large, thank you very much for the difficult job that you do and we know it is not easy and we do appreciate it thank you very much.

Patrick Maher My name is Patrick Maher. Just a couple of brief comments, first of all I think everyone's anxious to get hiring done and I understand that. Fortunately, or unfortunately, depending on your perspective, this is a merit system it is governed by laws, for example the law is very clear, and the commission cannot post an examination for any position until after the commission has approved any changes or any parts of the minimum qualifications for the position. You have tonight on the agenda that was posted on Friday to go ahead and adopt revisions to classifications specifications, however, the examinations were open on Friday before you even had a chance to act. Those recruitments violate the law. (Inaudible) four more days or five more days and waited until you approved them and then open them if you approve

and assuming that you are going to approve them. There is a violation of the law when you post examinations before the examinations or the requirements are approved by the commission. That's some of the problems that come in to it, there is several problems with this here tonight, for example, it's interesting that Dr. Vollkommer wanted you to (inaudible) support to item C; before I left there was an issue that arose and I had a lengthy discussion, I sent an email to both the Chief and to Dr. Vollkommer explaining to them what the Labor Code says. The Labor Code section is very, very clear, you may not ask and you may not use any information resulting from an arrest, but not a conviction in an employment decision that's black letter law. What they want you to do is revise this thing so people that had an arrest but, not a conviction that they don't even want to bother with that they can circumvent them without violating the law, they are asking you in other words to do their dirty work on this action here. That is the only reason they want to recertify this list. Is to get around these people that they don't want to hire because they can't legally stop from hiring them so they want you to do the dirty work if you give them an option. I think it's shameful that anyone who comes before you and asks you to participate in that or, asks you to do that and turn around and say how they support that kind of action when they have been told, advised, and given copies of the codes that says it's against the law. In fact, not only is it against the law it's a crime to do it intentionally and the person is entitled to triple damages for any loses of income that they have. So talk about liability for the district or the commission here is where your liability lies, it lies by intentionally denying people their statutory civil right. I think that is shameful and that should not be allowed to proceed that's the only reason for that; and the same thing on item I, School Police Officer. You get a lot of stuff about whether exam was necessary or not necessary so let me give you the background. This is a merit system you must have a ranked order list in a merit system, virtually every police department in California gives some kind of a written examination not necessarily the P.O.S.T exam but they give some kind of a written examination as part of the process to get in, that's what they do, that's a standard. Every department I have come in contact with, every department I know about gives a written examination. The issue has become from the stand point of the department, and perhaps from the district I am not quite sure whether Dr. Vollkommer did this; but the issue has become one of 'we don't like the written test that was used because someone that we illegally appointed for over two years couldn't pass that test, and because that person that we illegally appointed for two years couldn't pass that test we now want you to throw that test out and not give any written test. You violate the bulletin that said there would be a two-part test with a 50% and completely re-do it for no other reason than to accommodate what amounts to a form of cronyism and the rewarded person who had a job illegally for over two years that's what you have been asked to do. Beforehand I met with Dr. Vollkommer, I met with the Chief, I even met with the President of the POA and said 'here is what I am going to do, we need a written test, here is a written test we are going to use, we need an interview, we're going to do the interview; these two scores combined will come out of the list' nobody objected to that test, they knew what test was being used beforehand. I talked to them about that. I asked them to send a Sergeant or a Police Officer out there as part of the P.O.S.T. standard that you have a uniformed present at the test. They knew what was going on. They never stood up and

said 'oh, no we can't use that; no it's wrong; no it's improper'. Only after the results came out and only after the person they want to hire failed that test did they start raising objections to it, until then it was fine. They are coming back before you to ask you to again get what they call special consideration to somebody that they don't think that the rules and laws apply to him. You have to remember on that list they went to a whole bunch of different academy's they didn't just go to the two or three that the Chief mentioned; they went to all kinds of academy's up and down that state, they all do something different when they do theses academy's through the various schools and everything else. They don't have a standard that you can look at, you don't have access to the test scores, you don't have access to anything when you have these people some whom took the class as long as four or five years ago had to recertify, you don't have that information. You have to have something that you can apply and use for everybody; and this is what we did is apply and use it in the same and uniform objective job related, validated test that measured job related knowledge, that's what the law requires and that's what they did. They just don't like the outcome.

Again, just like with the CSO exam they want you to come and say 'we don't like what happened so we just want to throw it out' that's process, I guess that Dr. Vollkommer is talking about, process is quite clear is called rules, laws and that's what the merit system is all about, rules and laws, and that's what you have to deal with. Why, and I don't know what the authority is for the Personnel Director to decide that he is going to open up new examinations and throw another examination out without coming to the commission when you have already certified the list. He is not paying attention to what you did he said the certified list said 'I don't care I can do what I want to and I can reschedule it and do everything else because it will make the people happy that want to get their unqualified crony into the job' that's what you really got that's the bottom line of what's really going on here with these two items. Thank you.

Mr. Barabani Anyone else? We'll move on to section IV. Action Items

IV. ACTION ITEMS

A. Approval of revised Classifications Specifications and recruitments for:

1. Buyer
2. Electrician
3. HVACR Mechanic
4. Senior Cafeteria Worker
5. Superintendent's Assistant
6. Transportation Director

Moved: Mr. Salazar

Seconded: Ms. Early

Vote: Mr. Barabani Nay

Ms. Early Nay

Mr. Salazar Aye

Mr. Salazar I move to approve the Action Item IV. A., 1 through 6.

Mr. Barabani The motion is to approve the class specs and recruitments?

Mr. Salazar Whatever it says right there that you just read.

Mr. Barabani Call for a second.

Ms. Early I'll second.

Mr. Barabani Open for discussion.

Abe Flory Honorable Chair members of the commission, I apologize and you've made it a policy that you didn't want last minute changes, however, with the Superintendent's Assistant we have a new Superintendent and it was difficult to communicate with him because of other obligations he has. This is the revised job description that we would like for you to consider approving. There are only minor changes from the Superintendent's office, but again this is my fault, we ran into some timing problems of getting to the Superintendent having him review the job description and we have incorporated the district's last minute changes into this classification specification; so this would replace the one in your agenda if you decide to approve this.

Mr. Barabani Why don't we have any backup information telling the commission when the class specs were sent out for review by the district and union?

Abe Flory I can explain that they were sent out with the appropriate time frames that you established when you requested the information to be placed in a matrix or a spreadsheet and all parties involved in those jobs had at least ten days to review them.

Mr. Barabani And you spoke to the person; can you give me the time and date? You spoke to someone in the district and someone at the union?

Abe Flory Yes, sir I could go pull the email that we sent to them in some cases we did not receive a response we just place them in the new format. In most cases they are very similar except for the format to the old job description.

Mr. Barabani The reason I am asking is because I got a request from the union; one of them was the Buyer, they didn't get any request to see that and look at it.

Abe Flory I could check to see if an email was sent to them, I certainly apologize.

Mr. Barabani Part of the agenda is when we come in here we are asked to vote on something if we had the time, the date, backup material, and some feedback, like 'ok we spoke with the district they approved these, we spoke with the union' that would have helped on this.

Abe Flory Honorable Chair and members of the commission, we do have backup for all of those we just didn't produce it for this agenda. We have detailed emails showing what happened and when.

Mr. Barabani That's the kind of stuff that you and I have discussed about; the commissioners don't like, well I don't, last minute changes and then we come in here and have to make decisions at the last minute we like to be able to review our packages when we get them on Friday and make sure that everything is up. On the Buyer did the governing board approve the changes to the duties? Number one I'll just start with that? Did they approve them?

Abe Flory We don't know if the governing board did, but Mohammad Islam approved the changes for his area on the Buyer and each other person involved approved the changes or we got no response which is past approval.

Mr. Barabani So as far as you know the governing board didn't approve the changes?

Abe Flory As far as I know I do not know if the governing board approved the changes. If you would like to add that criteria to future request I can certainly

Mr. Barabani No that's not mine if they make changes and we're supposed to know. We have on a state *Any combination equivalent to: sufficient training and education needed to acquire the knowledge, skills, abilities and other characteristics listed above*, what does that mean?

Abe Flory I'm sorry?

Mr. Barabani On the Buyer.

Abe Flory Once again, Sir, what are you referring to?

Mr. Barabani It says here you wrote down *Any combination equivalent to: sufficient training and education needed to acquire to knowledge, skills, abilities and other characteristics listed above*.

Abe Flory You're talking about the class specification.

Mr. Barabani Yes.

Abe Flory On the Buyer job announcement. Do we have a class spec on that one? It's in the packet?

Alexis Jenks It's the very first one.

Abe Flory I'm sorry, one quick second.

Mr. Barabani While I am at it.

Abe Flory Ok.

Mr. Barabani Holt, Mr. Holt either one of you, did you guys review the Buyer thing?

Ken Holt,
CSEA Chapter
President I never received any of these.

Mr. Barabani Were you contacted?

Ken Holt,
CSEA Chapter
President No.

Alexis Jenks,
HR-Specialist
PC Can I say something, please? I have to say something. The last couple of meetings I spoke to Steve Holt and I let him know that I have been forwarding all the emails to him regarding these revisions. He mentioned something to me that his emails were undeliverable, I don't know, I have email records of the date and who I send it to and the commissioners were cc'd on the same email that the union's names were on, I don't know if that clarifies, but the commission staff does have record that these class specs were sent to union reps.

Ken Holt,
CSEA Chapter
President For the record, I am the Chapter President, my telephone number has not changed, and I have not received a call from the commission office at all. If they have a bad email address they could have simply called and cleared up the email address; I have not received any emails from the commission's office at all. I am the Chapter President so all of this should go through me.

Abe Flory You wanted an explanation of the *any combination equivalent to sufficient training and education* which would be a school, trade school, and educational facility accredited needed *to acquire the knowledge, skills and abilities and other characteristics listed above* and those would be the employment standards *knowledge, skills and abilities and other characteristics*. Any combination of training and education that would enable you to perform these functions is what that means.

Mr. Barabani When I looked at these in the past the things is we would be able to objectively measure that, correct? I mean, how would we objectively measure that?

Abe Flory Well it would depend on the selection procedure.

Mr. Barabani Can you give me a couple examples on what that means for this position?

Abe Flory Sure. It would be *two years of professional experience purchasing a wide variety of supplies, equipment, furniture, maintenance and services*; that would be a review of the application, or a training experience evaluation, or must be a test that would demonstrate that they got the two years of professional experience and *an Associate's degree or the equivalent number of college hours* be a way that would do that and you could do through a number of different approaches. I don't see where Steve put on here the specifics but it's fairly easy to measure. One example would be Microsoft Word we have OPAC for that, Public Works Bid Process we could ask a couple of questions on that, use computer and automating processing systems we have test for that to determine that related to the Buyer.

Mr. Barabani Wouldn't you have under experience you would say you wanted those type of

skills; it's kind of arbitrary. More important is I'd like to see a little more documentation that the district had signed off on this, I'd like to see that the governing board approved the changes and when they did it, I'd like to see that CSEA had been contacted and they were ok with it and if it deals with the Police union then them also that was in particular, not this one but, that's part of the backup agenda material that they're requesting and I don't have any for this one.

Mr. Flory You've essentially once again changed the standards of what you want us to perform and will certainly apply in the future.

Mr. Barabani How is that? No, how is it, how has that changed? It's always in the past we've done that, in the past we've received these job announcements they had that information, I asked you to follow what was done in the past to make it easier up here so we can just get these jobs approved; we know the board changes duties, we look at it, you give us a time and date, that's what the previous commissioner gave us. That's what we've demanded so we could look at it on Friday and now you are saying that I am making changes. No I am not. I asked you to keep the old format so we can keep things up; it's something we developed. It's been a hard three years and we developed some standards and worked and right now we don't know if the board approved that, union hasn't had the opportunity to get their two cents worth in, and now it's my fault because I changed the standards.

Mr. Flory No, Sir, I wasn't saying that I was saying that you're now requiring school board approval which I was unaware of.

Mr. Barabani No, they had change of duties, I am not requiring that. Anyone have questions on the Buyer?

Ms. Early I just, I am questioning the process, in the past we've heard that both district and union have had input to any modifications and this is a result of the discussions that has taken place. My concern is that I'm not hearing that everyone had that input.

Mr. Flory Honorable Chair and members of the commission, we attempted to get that input from everyone. It was our understanding that the information was going to the union. I apologize for that, that would be my error and I will hand-deliver those in the future. It was my understanding that the district meant that the Assistant Superintendent or relevant manager will supply the duties and responsibilities and the number of positions to us. I wasn't aware that you would like board approval and if in the future you would like I will make sure they go to the board before I bring them to you, it just slows the process even more but if you'd like board approval I will get board approval and I will supply every piece of documentation that you would like.

Mr. Barabani Ok I'm going to go down to Electrician, did the union receive notice of this one?

Mr. Flory I'm sorry I need to apologize, apparently the union was emailed all of these and they apparently came back, we have documentation sending them to

them we did not hear back from them. What I should have done is hand carried them to them once we became aware of that.

- Mr. Barabani So you spoke to no one on that.
- Mr. Flory That's correct.
- Mr. Barabani Did you speak to anyone in the district about these?
- Mr. Flory Yes, Sir.
- Mr. Barabani And you were able to get ahold of them.
- Mr. Flory Yes.
- Mr. Barabani On Electrician one of the things I noticed where it says *a public works bid process*, why does Electrician need to know *public works bid process*?
- Mr. Flory Where are you referring to? I can help without the specifics by saying that if it's not underlined it was in the old job description. So you didn't receive any feedback regarding that issue, that's more of a general answer.
- Mr. Barabani I made these notes over the weekend it's in here and it's; because we were trying to revise this, so you have some kind of ability to measure that I just didn't know what that was.
- Mr. Flory If it's not underlined, again to repeat myself, it was in the old job description and there were no changes recommended in that area.
- Mr. Barabani What specific essential job functions does the knowledge of *public works bid process*?
- Mr. Flory Did you find it?
- Mr. Barabani Not yet, it's kind of small print.
- Mr. Flory If you would like we can print them larger.
- Mr. Barabani No.
- Mr. Flory Can you help us out finding that part Mr. Chair is looking for?
- Patrick Maher If I may, I can find it in the Buyer but I can't find it in Electrician.
- Mr. Flory Ok apparently is not in the Electrician. Thank you.
- Mr. Barabani Then under Experience and Education, *completion of a formal apprenticeship in the electrical trade*, I know that this is obviously is not crossed through but it's an old job description and I'd like to get them updated, what does informal apprenticeship? That's kind of vague.
- Mr. Flory Honorable Chair and members of the commission, it's from the old job

description and the district didn't see a need to change that. Yes I would agree, *an equivalent informal apprenticeship of approximately three years* is somewhat vague, but it is *paid electrical experience*. I don't know how to improve upon something that existed and the district decided not to change that.

- Mr. Barabani Well its part of it. Ok we'll move on to HVACR Mechanic. I found two discrepancies I had problems with, one was and I don't know this question on the physical level you have 100 pounds to lift we had to change that I remember on the back of the job description of the Custodian because it was 100 pounds and I think under OSHA that has changed over the years. Down on Physical Level 3; we changed that on a previous job description and I don't think they do 100 pounds.
- Mr. Flory What would you recommend?
- Mr. Barabani Whatever OSHA recommends. At the top of my head I'm thinking 50 but it might be 40 pounds.
- Mr. Flory Ok.
- Steven Holt,
CSEA 1st Vice
President If I may, it's 51 under Cal OSHA; 51 for dead lift as the maximum amount of pounds.
- Mr. Barabani Because I remember you guys brought it up, didn't you, on the custodial.
- Steven Holt,
CSEA 1st Vice
President Yea we applied it on towards custodial.
- Mr. Flory Honorable Chair and members of the commission, we recommend to change that if approved to Cal OSHA standard of 51 pounds.
- Mr. Barabani You guys weren't notified on this one either were you? Ok. They responded by "no". Under *experience and education/training* it says *completion of a formal apprenticeship in the heating-air conditioning-refrigeration trade or Energy Management Control Systems (EMCS)*, I know a little about this, a person who knows the *Energy Management Control System* is a system usually where they are trying to save money for the district when they are controlling, you know, the temperatures sometimes it goes as far as not allowing the instructors in the classrooms to change the temperature so you guys can save money. But that person necessarily couldn't fix the air-conditioning and see by putting *-OR-*in there you'd hire somebody that might have 50 years of experience, 20 years of experience or whatever. What you're looking for and underneath there *three years of paid experience performing installation, maintenance, and repair activities of heating, air conditioning, refrigeration, and energy management control systems* and the more appropriate thing would have been 'and' too, if that's what you're looking for.

Mr. Flory That was the district's recommendation and we would have to check with them. Their concurrence to the order. I know this is a critical area and a critical time of the year. I don't know the answer to that. I can recommend to be reviewed and go over it.

Mr. Barabani On the Senior Cafeteria Worker was CSEA or any of changes approved by the board?

Mr. Flory The board responded again and the changes are shown in the traditional letter.

Mr. Barabani Now we were just handed the Superintendent's Assistant we were just handed that. I am going to have to look through those. Originally one of the notes I made on this job here to superintendents assistant was originally the position class for ex supervision over assigned the office staff, but there was not anything in the experience and education pertaining this. Let me look at the new one and see that it has been changed.

Mr. Flory Honorable chair you will find it that in the order of the first bullet last line at least one year of supervisory experienced.

Mr. Barabani Where is that at? Sorry.

Mr. Flory After the or under experience and training of page 2 of 3 the bullet after or the last line at least one year that must include lead or supervisory experience.

Mr. Barabani Wow, this is quite a change from the one that is in the packet.

Mr. Flory I believe staff met twice with the superintendent on these changes.

Mr. Barabani The trouble is this is not the one that is in the packet.

Mr. Flory I am recommending that.

Mr. Barabani I know but we have. Public notice I am going to assume you guys did not see this either?
Transportation Director got the sheet here, what are the changes been made, nothing?

Mr. Flory We have Mr. Peukert here; he can input us in the changes were on this. I believe the next step after that is crossed out on the additions. This is the final one without showing the changes.

Mr. Barabani Ok, thank you.

Dr. Vollkommer I asked Gladys because she has been on this a long time, longer than I have. I don't think that has been the processed when Mr. Maher was here when that we take them directly to the board. We consult with the manager who obviously oversees the position for part of the process and I was talking to Steve we can process the changes to make sure based on your comments. We can change the process to make sure that we all get on this thing together so that everybody knows, but we have not taken them to the board in the past.

Mr. Maher In the past I specifically did not make changes to the job duties because of the legal requirements, It will change everything else except job duties. Again

I had this discussion, I remember the union called me under custodian they wanted us to change the job duties the best case negotiate with the district they have no authority over that. The district and the union negotiate that and come to agreement so I never made any changes of the job duties typically for that reason.

Dr. Vollkommer Duties are not negotiated with the union. Contract spells out who makes the duties or not.

Mr. Barabani So on the Transportation Director we don't know, what the problem here is we don't know what the changes are? But they are not in the packet. The whole idea is to have the packet and to make sure so they can comment. There is not enough information here for the public to make comments.

Mr. Flory Honorable Chair members of the commission, if you recall you and Pat Maher developed the packet. We had a packet that was different from this and you insisted that your packet go out.

Mr. Barabani Is this your work?

Mr. Flory Some of the material.

Mr. Barabani Well hold on, hold on! Is this your work?

Mr. Flory Is that my work?

Mr. Barabani Yea.

Mr. Flory Yes.

Mr. Barabani Did I put this in the packet?

Mr. Flory I don't know sir.

Mr. Barabani Did Pat put this in the packet?

Mr. Flory I don't know sir.

Mr. Barabani I never saw this until you send this to me.

Mr. Flory Then you put it in the packet.

Mr. Barabani What did I get? This came from you.

Mr. Flory It's not from me.

Mr. Barabani All right, we will discuss it when we get to the packet.

Mr. Flory Did you want Superintendent Assistant with changes also? And we need Transportation Director with the changes.

Ms. Early Mr. Barabani the inclusive time I would like to move that the approval of the revised the classification be reagendized. I am willing to come in for a special call meeting to do so. That is my motion. We do have a motion on the table, but this is becoming a long drawn out process.

Mr. Barabani Let's call for the vote on the first motion. Which was approval of this?

Mr. Early One questions, we are not recruitment schedule for this classifications specifications. When are the dates? When are we planning on recruiting for these positions because that would determine when we pass these meetings?

Mr. Barabani Mr. Flory?

Mr. Flory Honorable chair members of the commission, I would have to check but I believe if you approve this we are on schedule, if we have a special meeting we would be off schedule.

Mr. Barabani What was the schedule?

Mr. Flory I don't have it in front of me sir.

Mr. Barabani If we have a date we can schedule the special meeting and get this process moving.

Ms. Early We haven't open recruitments. Is that correct?

Mr. Barabani Mr. Flory?

Mr. Flory We have open recruitments.

Mr. Barabani You have open recruitments for this position?

Mr. Flory Yes.

Mr. Barabani You have those open?

Mr. Flory Yes.

Mr. Barabani For this positions?

Mr. Flory We are trying to get jobs open sir.

Mr. Barabani Before the class specs get approved?

Mr. Flory Yes sir.

Ms. Early When did the recruitments open?

Mr. Flory I believe it was, I would have to check I think it was Monday.

Ms. Early Why is this on the agenda after the fact Mr. Chair?

Mr. Barabani That is a good question, Mr. Flory?

Mr. Flory Honorable Chair members of the commission, as I mentioned this is not my agenda. I have not been able to produce an agenda because Mr. Maher and Chair has been confirming by job and duties and I haven't been able to get anything on the agenda so each thing keeps falling more and more back as the rule of the law. So I certainly apologize for any delays that I caused, we are trying to move forward and get some positions filled as Mr. Maher said we all agreed positions need to be filled.

Mr. Barabani Yea, I agree with that to but, you flew these positions before you got the commission's approval. Where did you get the authority for that?

Mr. Flory Well you are my day to day supervisor.

Mr. Barabani I did not authorize that.

Mr. Flory Oh ok, you must of not responded to my e-mail.

Mr. Barabani Did you get an email from me?

Mr. Flory I got so many emails from you that I couldn't keep track of all of them.

Mr. Barabani You didn't get that many. Is it standard procedure to recruit before the commission has an opportunity to vote?

Mr. Flory I am confused as to what the procedure is because I have been getting the mix signals, sir.

Ms. Early Thank you let's go back to the first one.

Mr. Barabani Do you remember what it was Mike?

Mr. Salazar Right here.

Mr. Barabani Approval of the revised classification and recruitments we haven't discussed call for a vote. Call for the vote.

Ms. Early Nay.

Mr. Barabani Nay.

Mr. Salazar Aye.

Ms. Early I move to have a special call meeting to approve the classification specifications. That's my motion.

Mr. Barabani Ok, I will second that. Any discussion?

Mr. Salazar It seems to me that is kind of nonsense. We already have the recruitment going, there is recruitment active. I mean this is the issue that we are having here. The car that is in front of the horse it doesn't pull back. The recruitment until we get the specs right, otherwise we are going to come back here and that recruitment still going to be opened. And it's for some specs that we don't quite have. I understand what you are saying.

Ms. Early Thank you for understanding. So, I don't like finding myself in this position. And I don't like us moving forward half passingly I mean there are rules in place for a reason. There was nothing in my packet that notified me that recruitments were already opened for positions where classifications specifications approvals revisions had gone approved. There was nothing here notifying me so is this all? Is this the procedure for now?

Mr. Salazar Apparently.

Ms. Early Ok, I don't like that.

Mr. Salazar I mean if we are going to go back and have this discussion and pull this up and at the end of the day we are coming back and saying, "now wait a minute this is already opened up for some specs that we don't have or have not yet been approved but we are going to back to this exercise again to do nothing and wasting people's valuable time.

Ms. Early Absolutely, and I feel that's exactly the position that we find ourselves in. I am seeing union officials shaking their heads no when the questions are coming up well did the union have any input? I am seeing going like this. Now you are asking me, you can ask me did I have input. And I would be sitting here going like this, but the information has gone out to the public. So my questions what happens if the classifications specifications change? As a result of input that has not being obtained. What happens with the recruitments? I am asking the question to the chair to our director?

Mr. Flory Honorable chair members of the commission, we need to pull the recruitments if that is your wish. We notify anybody that applied that there is a problem with the job announcement and the procedures let them all know. Tell them that 25 or 30 people that come into our office every day that I will have some openings in the near future which I have been telling people for the past two or three months and check the website and call the hot line.

Mr. Barabani Is there a reason you couldn't wait until today's meeting? Before you flew the recruitments?

Mr. Salazar At the end of the day, I know you have questions, but at the end of the day I like to make a comment and please I like to hear your answer as well. But at the end of the day the recruitments were flown and at the end of the day this class specs were changes that were done to them. At the end of the day this is new information for me as well that CSEA doesn't know. I mean when it is all set and done, there is not really a consensus on this but at least that is what I am hearing from CSEA back here, they never seen this.

Ken Holt,
CSEA 1st Vice
President

Mr. Salazar No I haven't seen it.

Mr. Salazar So the recruitment is flown in advance but at the end of the day today we sit down here this things were not going to be approved anyway. There is no reason for approval if we don't we don't have the consensus from partners that are here. I mean this was not going to go anywhere today.

Mr. Barabani Yes and no. Yes if we were going to go through this like we did in the past and it kind of went like clockwork. We had the lines crossed out, we had the changes, we looked at it, we approved the recruitment of it and then went on and it takes the majority vote at least two members of this panel to do that. So now somebody is taking on and saying well I went ahead and did it.

Mr. Salazar No, no I don't want to get into that issue. Once this commission is notified that CSEA did not have any input this is not going to go anywhere.

Mr. Barabani After all this Rhonda said shell come in to a special meeting I will come in, let's get this straight, get these things corrected.

Mr. Salazar Its irrelevant if we are again putting the cart in front of the horse and it is already flown and you are going back to fly it again.

Mr. Barabani We didn't do that.

Mr. Salazar But it is done.

Mr. Barabani But it is done in error.

Mr. Salazar Are you planning on pulling the recruitment back? I mean it seems to me what we are doing is we are searching for a process here.

Mr. Barabani We have a process.

Mr. Salazar The process that we have, what is step one of that process?

Mr. Barabani The step one is supposed to update all the class specs, right. Bring them to the commission, you have a recruitment bulletin, we supposed to look over them just like we did in the past. And I asked Mr. Flory look at the past agenda items for guidance on this, right. Its real simple look what is in the past, its real simple to follow when we come here just like you we want to get it done and done quickly and say this are the changes and we move on.

Mr. Salazar That is step one? Step one is class specs.

Mr. Barabani And then we approve them.

Mr. Salazar Step one is class specs, ok. What is step two? I'm not trying to point at anybody; I am just trying to get to the process. What is step two? Step two is the recruitment?

Mr. Barabani The legal process.

Mr. Flory Honorable Chair members of the commission I can't because I have a day to day supervisor who isn't around and I can't ask this questions of and I am assuming he is bringing this issues up daily to me but he is not available by email or phone, so I am confused to what the process is so I am just trying to get things done.

Mr. Barabani Have you not been?

Mr. Flory If that offends the commission I certainly apologize and we'll be more than happy to do it exactly the way the next e-mail that comes from Pat Maher and Gino Barabani says I will do it that way for that time. And the next email I get I will try to do it that way also.

Mr. Barabani I don't remember you getting any e-mail that had my name or Pat's name on it.

Mr. Flory I am confused as to who is writing the e-mails. Sometimes they are from Pat and sometimes they are from you. And some time they are from both of you so I don't know who they are coming from.

Mr. Barabani And you determine that with what a crystal ball?

Mr. Flory No, language, missed use of words, phrases.

Mr. Barabani Yes, I noticed your spelling on the word *nite*. I have no idea we have a simple process he needs to follow it.

Ms. Early Mr. Chair the process is universal it doesn't change from district to district. So as a commissioner I feel it is important for us to follow the process that we are governed by and this is not part of the process.

Mr. Flory If I may comment on that honorable chair members of the commission, if Ms. Early would remember when she was on the commission and I was employed here, I don't believe we had this confusion of the process and this strict of guidelines but, we seemed to have got things done with the exception of a few individuals of the district being the problem now we have become the problem.

Mr. Barabani We are not the problem we are trying to follow the merit system. And we are trying to follow the rules and procedures of the merit system. You are trying to serve two people, either you serve the commission or you serve the district. You can't serve both.

Ms. Early I am just going to add to that. We are here to serve the children right? And we are here to work together, and I became the commissioner not with a process. When I became a commissioner there was no process being followed because the director would not sign of on recruitments because then it was not being followed according to a merit system and, that is when I began as a commissioner in this district. If there are procedures and

government documents for us to follow as a commission I want us all to be on the same page of doing things reasonably in order. So, I hope this does not happen again and, whenever we need to get together to make sure that the classification specification are in order, let's do it. The sooner the better, it could be that there are no changes and therefore; there is nothing that needs to be done with the recruitments, however; it could be that there are changes and if it is then we are going to have to back tract and correct wrong doings and so I have a motion on the floor.

- Mr. Barabani To reagendize this matter as soon as possible.
- Ms. Early At a special call meeting so that is very soon.
- Mr. Barabani I second. Call for the vote.
- Ms. Early Aye.
- Mr. Barabani Aye.
- Mr. Salazar Aye.
- Mr. Barabani Item B – The commission will consider ratifying the eligibility list for the following position. A proposed motion is moved that the commission ratify the eligibility list for: Nutrition Services Custodian Utility Worker, Exam 12-004.
- Ms. Early I second.
- Mr. Barabani Open for discussion. In the packet Mr. Flory signed this 7/13/12. We are waiting for Mr. Flory to return.
- Mr. Flory I apologize, I had to get some back up material. Yes sir.
- Mr. Barabani We are on the B *commission will consider ratifying the eligibility list* we are on the discussion phase. Did you go get some materials related to this? Your signature is on here. What does your signature mean for the record?
- Mr. Flory This signature means that this list is certified as of 7/13/2012. For security it has the individuals waiting to redact and you have their seniority points and their ranks.
- Mr. Barabani The board certifies the list correct? We the commission...
- Mr. Flory I think I sign them and then I send it to them. That is the ratifying list of the eligibility list for that position.
- Mr. Barabani By signing this are you saying that you received authority certifying this in any way.
- Mr. Flory I am bringing to you for ratification; I am not ratifying if that is what you are asking.

Mr. Barabani Call for the vote.
Ms. Early Aye.

Mr. Salazar Aye.

Mr. Barabani Aye.

Mr. Barabani Item C – The commission will consider approving the recertification of the Campus Security Officer I, Exam 11-001 eligibility list (verbal presentation from the Personnel Commission Director).

Mr. Flory Honorable Chair members of the commission, this is one of the items where general charges asking for an investigation which will address in open; I would like to defer this item to that time. So we can deal with all those items together on the investigation and charges.

Ms. Early I am sorry, can you repeat that.

Mr. Flory Certainly honorable chair members of the commission, this Item C is also one of the items where the Chair has been asking me, “Abe be sure for the record is clear at the meeting tomorrow night”. I will be bringing charges and asking for an investigation into the following, and Item C is one of those items. So I am requesting when we meet to discuss this in open session, I make a presentation at that point of time because I am subject to discipline on it.

Mr. Barabani It is on the agenda here and the only reason is I had some questions anyways. You are bringing us an oral presentation. I have always asked, Why did you fail to not provide us with back up materials on this?

Mr. Flory Because again, honorable chair members of the commission this agenda does not have back up material.

Mr. Barabani You did not put down the Campus Security Officer I exam.

Mr. Flory I have to check the other agenda.

Mr. Barabani You did, and did you not sign this recertification thing here?

Mr. Flory Yes I did.

Mr. Barabani Where does your signature mean?

Mr. Flory That would be the same thing; we will be bringing this to you same as the last item we just discussed.

Mr. Barabani It says here recertification here.

Mr. Flory Right.

Mr. Barabani So does that mean you certify this list already?

Mr. Flory That is what that would imply but, I reserve discussing this item until we discuss your investigation into this and a number of items.

Mr. Barabani Did you sign it on the 3rd? What is the date today?

Mr. Flory Today is the 25th.

Mr. Barabani So are you telling us now that this list that you gave us for us to recertify and it is in full compliance with the rules of the merit system in the statues?

Mr. Flory I would be happy to answer that in the point of time as I said before we will discuss what you are investigating.

Mr. Barabani No, we can discuss it now. I am asking you a question. You signed this back on the 3rd. Its 20 days later and you want us to vote on something that you certified and now you are asking us to recertify. I am just asking it doesn't comply with the rules of the merit system.

Mr. Flory Reserving the right to change my answer when I hear about the investigation I would say yes.

Mr. Barabani Did you discuss this recertification with anybody in the district?

Mr. Flory I discussed it with Dr. Steve Williams but he is not present so I rather not talk about it in my discussions. I discussed this with the police department.

Mr. Barabani The chief?

Mr. Flory The Chief and others, yes.

Mr. Barabani Mr. Vollkommer?

Mr. Flory I believe so.

Mr. Barabani Did they support it?

Mr. Flory Yes they did. Again, I reserve the right to change my answer until the nature of the investigation.

Mr. Barabani I understand that, and this took me awhile, there is banding down here for this course. The actual scores the way commission had approved previously is change on somebody's scores is that correct?

Mr. Flory That would be correct it would be called grouping or banding.

Mr. Barabani Is that legal under the merit system?

Mr. Flory Yes it is.

Mr. Barabani It's not a violation of any of the law?

Mr. Flory I am not aware of any.

Mr. Barabani Are you telling us that the original test and certification was improper?

Mr. Flory Yes.

Mr. Barabani Why and how?

Mr. Flory I have to say honorable chairs members of the commission, I am very reluctant to answer questions when I may say something that may come back to haunt me when I find out what charges you are bringing asking for the investigation regarding this matter.

Mr. Barabani Not if you did not do anything wrong.

Mr. Flory I don't know what you are accusing me of sir.

Mr. Barabani I am trying to find out who have you authorization to change this and redo all this? Where did you get the manpower?

Mr. Flory Well you are the day to day supervisor.

Mr. Barabani I don't care, let's get this clear, I did not tell you to change this. Is there any part of this that you don't understand? So we don't have this argument. I did not ask for this certification, I didn't ask you to change anything, so who gave you mandate?

Mr. Flory The mandate would be appropriate through the psychometric principles of the Education Code Rules of the Personnel Commission and proper and appropriate selection procedures.

Mr. Barabani And under whose authority did you take that on?

Mr. Flory That would be mine.

Mr. Barabani And you believe you have that authority?

Mr. Flory Yes.

Mr. Barabani And you can decertify a list of the commission already approved.

Mr. Flory No, I can't decertify a list. I am asking for you to decertify and then you ratify this.

Mr. Barabani You changed the test scoring on this?

Mr. Flory Yes I did.

Mr. Barabani Is the ranking change to some individuals on this?

Mr. Flory Possibly minor ranking changed where it occurred.

Mr. Barabani Have people been hiring from this list the one that we certified?

Mr. Flory As far as I understand no. I think that might be approved sir, I am not sure.

Mr. Barabani I'm talking about Campus Security one.

Mr. Flory I am not sure.

Mr. Barabani I believe under the board I have to think back. I believe there is a couple of individuals who took action to hire from this list.

Mr. Flory I don't know. I know on Police Officer they have.

Mr. Barabani Does the commission have the authority to change the certify list without first finding that there was violations of the rules of the merit system law? Do we have that right?

Mr. Flory I don't know what rights you have and don't have, but respect to this I think it was handled properly and when we get to that point of the charges I will learn what those are, and some point of time I will provide an adequate defense to the whatever action I took and whatever action you accuse me off.

Mr. Barabani Were the people on the original list notified of any changes?

Mr. Flory I believe they were.

Mr. Barabani You sent those letters?

Mr. Flory I believe so.

Mr. Barabani Who authorized that?

Mr. Barabani I did.

Mr. Salazar Can I ask a question?

Mr. Barabani Yes.

Mr. Salazar Are we going to hear a verbal presentation? Or are we going to vote on this or not vote on this?

Mr. Barabani There was no motion proposed on this.

Mr. Salazar Well, I mean we did not get a chance to do that so, if we are not we probably should go on.

Mr. Barabani Did you authorize this change?

Mr. Salazar I am not going to answer the question.

Mr. Barabani I am curious.

Mr. Salazar I'm not under investigation.

Mr. Barabani I know, sorry somebody had to give this authorization.

Mr. Salazar My question is we going to act on this item one way or the other?

Mr. Barabani No motion was made I guess we move on. We are still open for discussion.

Ms. Early We approved an agenda today and we have an action item on the agenda, I don't know anything about an investigation. Ok.

Mr. Salazar Nor do I for the record.

Ms. Early And so this is the agenda that I am working on today and our action item right now that we are on says that we will hear a verbal presentation from the commission director, and the presentation is related to us considering the approval of recertification of the Campus Security Officer I exam 11-001, so I'm sitting here prepared to hear a verbal presentation as it relates to this item.

Mr. Flory Honorable chair members of the commission, after this item was prepared I received a notice I would be more than happy to give you a copy of it. Although, it did go to both commissioners and I will read it if you would like?

Ms. Early What is the date on that?

Mr. Flory The date is July 24th. Yesterday. So I am learning that I have charges brought against me, I am asked for an investigation and this is one of the items on the investigation. I am very uncomfortable answering questions related to a verbal presentation when I find out the day before there is going to be an investigation. I certainly like to make the presentation but, if I am being charged with something, there is going to be some unknown investigating, and then I probably shouldn't answer the question in public form or public meeting until we get to that item.

Mr. Salazar There is no item on the agenda for such action. I think, if I understand you correctly Ms. Early to follow the agenda there is no item on our agenda that is calling for an investigation. I see Item J, which we talked about earlier but that is not calling for an investigation of the report. If there is no report on the presentation then we should just move on with this item?

Ms. Early Let me ask you Mr. Chair, did we not have a verbal presentation for this evening?

Mr. Barabani We had one planned I assumed.

Mr. Flory Honorable Chair members of the commission, I can clarify, when you approved the agenda pursuant to Government Code section 54957 to discuss public employee discipline. I was asked if I would like that in the open

session. When you approved the agenda you approved that item being discussed in open session. This item which has a verbal report I was informed yesterday in that investigation.

- Ms. Early Mr. Commission, just as I have stated at previous meetings that I don't like being handed information for consideration in this form to vote on. I like to take and read it and come back and be prepared with questions, or even comments. I don't like verbal reports either. In the future for our agendas I would prefer to have written reports so that we can review and come prepare to ask questions, or approve and move on with the agenda. Otherwise it makes for a long meeting. That is my comment on this item.
- Mr. Barabani I think that I have absolute no problem with that. Mr. Flory that is the backup material I believe that we have being requesting on every item, I am asking for it again. We want to be able to read it on Friday; so we can come to the meeting prepared. From now on we like back up material, instead of verbal. Print your presentations out that you want to give at that time, verify it and, give it to us so we can look at it. Since there was no motion on that we will move on. Item D it was pulled.
- Mr. Barabani Item E. The commission will review and discuss the report form Kristine Kwong, Esq. concerning the unfounded allegations by Commissioner Salazar that Commissioner's Barabani and Early engaged in a meeting in violation of the Brown Act. It is open for discussion.
- Ms. Early I have no comments, I have no questions.
- Mr. Barabani I have no comments also. No questions on that. So we will move on.
- Mr. Barabani Item F. The Personnel Commission Director will submit and the commission will review an updated plan for filing all existing vacancies that do not have an eligibility list.
- Mr. Barabani Let's take a five minute break. **Break from 7:34 p.m. Return at 7:42 p.m.**
- Mr. Barabani Call back to order at 7:42 p.m. We are back on Item F. The Personnel Commission Director will submit and the commission will review and updated plan for filling all existing vacancies that do not have an eligibility list.
- Mr. Flory Honorable Chair members of the commission, on Item F there is a backup document that I did not write so maybe the person who wrote this can comment on it.
- Mr. Barabani Yea, that just has a little history there.
- Mr. Flory Right, but I don't know who wrote that.
- Mr. Barabani You have an updated list?
- Mr. Flory I would have put it on the agenda if it was requested. It's my understanding...
- Mr. Barabani You keep bringing up the agenda, you are right that was put in by me you

know you keep saying an agenda was different but Item A isn't that your part in the agenda?

Mr. Flory I am sorry are we on F or A?

Mr. Barabani I'm on A right now because you said that you know you are not given an opportunity. Weren't A, B, and C your items that you submitted?

Mr. Flory I have to look at the original agenda.

Mr. Barabani They were not changed. So those are your items that you submitted. Now we are on F. And one of the items that I placed on there is I just wanted an updated report about filling this existing vacancies. Because a while back we were going to fill them, you were going to have a list for us, and we did not get it. So you don't have it? Its ok we can move on. Shall we move on?

Mr. Flory That is your call sir.

Mr. Barabani Do you have anything?

Mr. Flory No I do not. I don't recall placing this item on the agenda.

Mr. Barabani We did, I requested that you have the personnel commission will submit and the commission will review an updated plan for filling all existing vacancies that do not have an eligibility list. Remember the process is long and we don't have that.

Mr. Flory Sir, Honorable Chair members of the commission, as you witness tonight you seen some of the problems with any plan for filling all existing vacancies. I can't get them on the agenda. When I do they are apparently problems. They are changes and procedures and just running into some roadblocks.

Mr. Barabani Item G. The Personnel Commission Director will provide the commission with a review a report on the delay in promulgating the eligibility list for Secretary III. That has been around for a couple of months. Can you give an idea where we are at on that?

Mr. Flory Yes sir, Honorable Chair members of the commission, this was Dr. Williams responsibility area and he was going to report on that unfortunately he is out. Part of the problem is that he has been working with OPAC and learning how that would work. You honorable chair did not consult with us, you did change your mind a couple of times on the qualifications as to whether out of class would count, not count, count, not count, and we had a number of discussions over a period of time on that. And as I understand we are just about done with that item.

Mr. Barabani We had one discussion about an individual, that person thought they were qualified for the position and there was a discrepancy and we just discussed it that person should take the test. On all fairness. I did receive some information. Is it true that most of the interviewers did not assign a score on completion on the interview on this test?

Mr. Flory There was a problem that Dr. Williams, Irma, Alexis and I discussed, and we came to a consensus that there was a way to resolve that problem that was appropriate and fair.

Mr. Barabani Is it true that the staff assigned scores to some of the interviews when the staff did not participate in the interviews?

Alexis Jenks,
HR Specialist
PC

Mr. Barabani Excuse me, you know what?

Mr. Barabani No, I am asking Mr. Flory, I am not asking you. You are out of order.

Alexis Jenks,
HR Specialist
PC

Mr. Barabani I am not going to sit here and be reprimanded in a public view it's not going to happen, it's not going to happen.

Mr. Barabani You are out of order!

Mr. Flory What was the question again?

Mr. Barabani Is it true that the staff assigned scores to some interviews when the staff did not participate in the interviews?

Mr. Flory That is partially true; it would be mine and Steve's decision that there was enough validity to the scores that were available to us to complete the project.

Mr. Barabani So you asked the staff to do that?

Mr. Flory Yes. When the problem arose we all sat down, we came to a consensus and solved the problem.

Mr. Barabani So we have a fair process, is it true that you used to internal interviewers even though there was a request made by me that we used external interviewers so we take any of the bias out for this oral exam?

Mr. Flory Honorable chair members of the commission, I don't think internal would mean that we could not have our own personnel commission staff involved. If you like to make that a new directive I will certainly do that.

Mr. Barabani What does internal mean to you?

Mr. Flory That means within the district where that can possibly be a problem. Your commission staff, like you and independent can make a decision.

Mr. Barabani I would never sit on, I don't consider myself independent I would never sit on the interview panel and sit on this chair. So do you believe that the scores that you come up with now meet with the merit system in the legal definition?

Mr. Flory Yes I do. And that was with Dr. Williams input and again he was going to

make the report. Part of the delays was that Dr. Williams wasn't around a lot and the day to day supervisor also is not available from time to time as you all know.

Ms. Early So what is the status of the eligibility list and the applicants of candidates for this position?

Mr. Flory I believe it is ready to be certified and we will bring to you for ratification. I believe that there is one individual that had problems with one part of the test and we are looking into it.

Mr. Barabani Any more questions?

Mr. Barabani Item H. The Personnel Director will provide the commission will review a comprehensive report on the extent of the District's compliance with and the Personnel Commission Director's efforts at ensuring compliance with Personnel Commission Rule 6.3.2.3 terminating all non-permanent employees effective June 30, 2012.

Mr. Flory Honorable Chair members of the commission, I believe this is possibly your report or Pat Maher's report.

Mr. Barabani No, I requested this in the past. We had individual's from manpower in the position where people say that, and the eligibility list I'm asking I have asked this before, this is not something new I just want an update. Do we have an update?

Mr. Flory The update is my understanding is they were terminated as of June 30th but a number of them were hired back because there is no eligibility list which we discussed before. There are no open recruitments no classifications, therefore is very difficult for the staff and the individuals to function without us were doing our job.

Mr. Barabani I will probably ask that question again, can you somehow give us some type of written list stating what positions are open, who is filling in or if they are not filled and how they are being filled?

Mr. Flory Sure no problem.

Ms. Early Did that not come up at the last meeting? Was this the meeting that we supposed to get the list?

Mr. Barabani Yes.

Ms. Early So is this an agenda item again for the next personnel commission meeting?

Mr. Barabani Yes, I would like that to be agendized again to the next meeting? I will make that in a formal motion. I have a second? I will read it. I like the personnel commission chair, The director will provide the commission to review a comprehensive report to the extended of the District's compliance with and the Personnel Commission Director's efforts at ensuring compliance with

Personnel Commission Rule 6.3.2.3 terminating all non-permanent employees effective June 30, 2012.

Mr. Flory Honorable chair members of the commission just to clarify you would like that in writing?

Mr. Barabani Yes, just provide the backup material.

Mr. Flory We need to redact the names, would that be ok?

Ms. Early I second.

Mr. Barabani Call for discussion. Call for the vote. Aye

Ms. Early Aye.

Mr. Salazar Aye.

Mr. Barabani That's another thing that I placed on there that I requested.

Item I. The Personnel Commission Director will provide and the commission will review comprehensive report on the authority to alter the examination procedure for the commission certified list of School Police Officer, the psychometric reasons for doing so, and the basis for determining that the original examination plan had "errors." The commission may take action consistent with the results of this report.

Mr. Flory Honorable Chair members of the commission, I would have to pass on that one until we deal with this item 1 on bringing charges for investigation so I will be able to talk about that this time. I did not write the agenda item for this one and, I doubt if you did sir but its all in your intelligence, but I believe somebody else may have written this report. Perhaps Mr. Maher may have written this report.

Mr. Barabani I had this discussion as a matter of fact all three of us had this discussion with you and I wanted for clarification that is why it is here. At the last meeting and I put on here. Out curiosity is it true that you notified candidates on the School Police Officer exam that the written test was administered in error.

Mr. Flory Honorable Chair members of the commission, I respectfully decline to answer that until we deal with the charges on this item and the investigation and again I would ask who wrote the report on this one.

Mr. Barabani What's your authority to take this action when the list had already been certified by the commission without first having come to the commission and act on it?

Mr. Flory Honorable chair members of the commission same answer.

Mr. Barabani How many police departments in California did not use the written exam of some type? Do you know how many?

Mr. Flory Not of the top of my head.

Mr. Barabani Could you tell us your experience you have on law enforcement or dealing with law enforcement in California?

Mr. Flory Yes, I could.

Mr. Barabani Ok.

Mr. Flory As Deputy City Manager for the City of El Centro for 5 years I would periodically trade off on handling police and fire department work, the other individual would handle the rest of the city. So I would have direct involvement with the police department overseen the operations and the fire department for probably two in a half out of those five years.

Mr. Barabani I hear a lot of this, I looked it up. Was the use of the written examination invalid as a matter of psychometrics?

Mr. Flory I would decline to answer that until we discussed that on open session charges and investigation.

Mr. Barabani On the written exam you gave. What did the written exam measure that was not job related?

Mr. Flory Same answer.

Mr. Barabani Which is?

Mr. Flory I decline to answer until we get to the item which it would be in opens session on charges that is asking for investigation. On Item one your decision to eliminate your written test for school police officers to notify the offices of your decision and decide to promote a new list based solely on the oral exam score.

Mr. Barabani Was the written exam used to validate?

Mr. Flory Dr. Williams can answer that better than I could.

Mr. Barabani Was the written exam used and approved by the California Post?

Mr. Flory I believe that the person of whoever wrote these notes the selection process it would be the pallet B which I would think it is equivalent to the most test. Based on this report that we don't know who wrote it.

Mr. Barabani As a matter of fact you will have some people come in, the reason I am asking this today, who is going to be your interviewer for this oral exam that you choose here?

Mr. Flory Those same interviewers as previously used.

Mr. Barabani The same?

Mr. Flory It's my understanding, yes. It used to be outside police officers from other jurisdictions and possibly sergeants I am not sure exactly who the people were but they are all from the outside.

Ms. Early Mr. Barabani I am sorry you lost me. Did interviews take place already for this position?

Mr. Barabani That is what I am trying to find out. I understand that without our authority and possibly the exam has been illegally approved that we approved that has been disregarded and a new one has been made. I am finding out this stuff, I am not being notified of these things. I heard Mr. Maher, excuse me that is an error, Mr. Flory tells me that I am hard to get a hold of. Then he told me that he receives too many emails from me. But during all this transactions I am hard to get a hold of and, receiving too many emails, he made both statements. I am sending to many emails but I am hard to get a hold of and, now I hear nothing about this. But, I did hear about these exams, and basically our exam that we gave to the police department is now in and you know we had a discussion about this in our last meeting. Now the process is being eliminated, the list is being eliminated. I don't know what to call it. Did you certify it? What happened to our original list?

Mr. Flory Perhaps is in your report. You might be able to tell me?

Mr. Barabani Why are you bringing people, are you not? Is in not true you are bringing people to interview and provide another list?

Mr. Flory I have to decline to answer until we talk about your charges and investigation. You are drilling your Director rather than then being respectful.

Mr. Barabani It's a simple questions, is somebody else coming in are you giving this exam again without authority? A simple yes or no.

Mr. Flory I will wait to defer this to the charges.

Mr. Barabani Do we still have the original list of the police exam that we approved with the eligibility list of the candidates?

Mr. Flory Yes.

Mr. Barabani Has it been used for hiring purposes?

Mr. Flory I believe two people have been hired from that.

Mr. Barabani Is it being used right now and is it going to be used tomorrow and the next day after that?

Mr. Flory I don't have the answer to that.

Mr. Barabani Is that the list that is going to be sent out?

Mr. Flory I don't have the answer to that.

Mr. Barabani Is that the approved list that this commission approved?

Mr. Flory I don't have the answer to that.

Mr. Barabani Did we not vote to approve that list?

Mr. Flory Honorable chair members of the commission, I would like to know who wrote this report, because it's very extensive. It appears to go on to three to four pages, it questions the activities, it seems to be tied up with the discipline of conduct so it would be helpful to know who wrote that and I am not insulting you again, I don't believe you wrote this.

Mr. Barabani I tell you what I had advantage here, Mr. Maher is here. I didn't say anything, and I am asking if he has any comments since he conducted the examination.

Mr. Maher First of all, a little bit about the background. I have 23 years of experience as active law enforcement officer and the key part of the lieutenant.

Ms. Early Can you come forward?

Mr. Maher Court appointed expert by Judge Henderson at the Judicial Court in San Francisco to advise him on legal matters on issues pertaining to law enforcement and operations. I taught Basic Post for the issue of institute, the class of ethics and leadership for twelve years under POST. I have been a consultant to number of police departments throughout the United States in developing examinations, classifications, studies. I was also a consultant on organization on management studies under the federal government. Pretty extensive background compare to what Mr. Flory has in terms of the background. I have been involved with testing and selection since 1977. I had my own consulting business and I conducted examination for Police Chief, Assistant Chief, Police Captain, Police Lieutenant, Police Sargent, and Police Officer. On the classification specs, I know a little bit about the position and the jobs and post. I worked in a post agency I worked background investigations. I was involved with personnel dealing with the selection procedure for police officers.

So based upon that expertise I made a judgment to sit down and use the Pallet B as an objective job related validated examination. Again, I mentioned it I ran it by the Chief, I ran it by Dr. Vollkommer, and I talked to the President of the Police Association. Here is what we are doing we are giving we have to have a list we have no idea how many people we are going to get. We can have 500 people, we can have 10 we have no idea. We got to be able to screen down large number of people. So and I said we can give the Pallet B. No one objected, nobody said no, no one said we don't have to do it. No one said this is a waste of time. No one said it's invalid, no one had any objections. We even had the police officer or police department (inaudible) I believe it was the sergeant and I believe was the police officer I think it was

the President of Police Officer Association to sit there as a monitor of the test when it was administered. They were actually physically present when we administered it. Nobody objected to it. No one said anything bad about it. No one said, "no do not use this test." Only after the results and this is a job related validated examination and what did show was showing statewide standards is half the people who graduated from Police Academy, Basic Post Academy don't have the writing, reading and skills necessary to be a police officer. They have not got the basic skills. So that this test does add variety to the process and we don't know what they go through because the academies are all over the place. They meet the standards but the qualifications and what they give them and the process and the academic standards vary between LA County, LA PD and so on. And academy that is run by a community college that basically takes anyone into the process. By law they must take them into the process because it is a community college, and they can't screen them out with very limited exceptions. So this is the reason why we came up with a validated job related examination that everybody agreed to and nobody objected to. We use that and we use the state recommended cut score of 50. And that is what they recommended that is the cut score we use. Did not make it up, did not look at names. I took the State recommended cut scores and that is what we cut at and those people were called for the interview. After the list was promo graded and after we came aware of the fact that one person that the district, the police department, the police officers, the union and so on and so forth says, "this person deserves special consideration because we thought that he was going to be number one". Got screened out now they started attacking the examination and came up with all kinds of reasons. The only reason for this certification is to appease and make sure a special person who has been in that position illegally for over two years gets that job because he can't otherwise qualify for it. This is why the test was picked on, this is the procedure. This was the history, this is the background and there is no reason to throw that test out. It did have significant value to reading and writing skills that were not measured in the account.

- Mr. Barabani When you left here there was a test right? With valid number of people...
- Mr. Maher There was a validity list that was approved by this commission.
- Mr. Barabani That is right so now the list has disappeared?
- Mr. Maher No, I don't know where the list is it should be available.
- Mr. Barabani But the day you left there was a valid list and people were hired from it.
- Mr. Maher I understand I gave the list over and they started hiring after I left, yes.
- Mr. Barabani I looked at the board minutes for the record; they did not hired from that list. All I am asking is what happened to that list?
- Mr. Flory Honorable chair members of the commission, may I ask Mr. Maher about the list?

Mr. Barabani No, well hold on, I am asking the questions here and the only reason I am asking is, I appreciate Mr. Maher your background on that but, I just want the part where the list is at. I question you where is that list? You said you don't know.

Mr. Flory Honorable chair, I assume the list is still valid but I have two questions for Mr. Maher.

Mr. Barabani Ok, then now, what is this list now? If that list is still valid what is this one that you are trying to get us to prove? That you are going to bring this person, why all this deal, are you not bringing? I asked you it is my understanding you are bringing people to do oral interviews to do another recruitment for another list.

Mr. Flory Honorable Chair members of the commission, I can clarify by asking Mr. Maher the question.

Mr. Barabani I am asking you a question; I like to get an answer.

Mr. Flory I refuse to answer that until I hear the charges and for the investigation which it would be in open session.

Mr. Barabani Fine.

Mr. Flory May I now ask Mr. Maher the two questions?

Mr. Barabani No, we are going to move on.

Joe Paulino,
Interim Chief of
Police for San
Bernardino City
School Police
Mr. Barabani I would like to make a comment.

Mr. Barabani All right go ahead.

Joe Paulino,
Chief Police for
San Bernardino
City School
Police Joe Paulino School Police and Chief, earlier Mr. Maher said he cut that score at 50. I believe he said 50. If you look at the scores of those academies it is either 40 or 42. It is important that you read that literature that I just gave you. Because there is an issue here with the number that he just gave you. Trust me I have done my research you might want to read that literature that I just gave you.

Mr. Barabani Mr. Paulino I will read this because in the past the district use to bombard us with literature to the last minute. We made a practice.

Joe Paulino There is a reason I brought that literature to you.

Mr. Barabani I appreciate it I will read it. I just make it an effort because there was a time, one time I got something this thick, they expect me to read it at the last minute. Ok. Any more questions on that. Item J The commission will discuss prior complaints by the Personnel Commission Director that the Commission Chair has prevented him from placing items on the agenda.

Mr. Flory Honorable Chair members of the commission, again Item J I don't know who wrote that as a discussion of complaints concerning the agenda preparation, I have to assume its either you or Pat Maher wrote it.

Mr. Barabani Let me answer that before you go too far. Last meeting you brought up the fact that you couldn't get the stuff on the agenda. If I recall correctly Ms. Early asked that this be placed on the agenda for discussion. Am I correct here? She asked that it be placed on the agenda. When I received your agenda that was not on your agenda, you are correct, you failed to put that on that so, I went ahead to put on there to honor her request, you should of put it on there because she asked for it. We made a motion I believe and approved it to be placed on the next agenda. You did not place it on so you want to know who put it on, I put it on. Because it was requested to be placed on by one of the commission.

Mr. Flory Honorable chair, I was not requesting that, I was requesting the backup for Item J, who wrote this? I would assume that I was supposed to write this. I know you are putting this on your agenda. I would have certainly placed it on my agenda.

Mr. Barabani But you didn't and, then you accused me of putting things on the agenda, you did not put it on even though it was requested at the last meeting. It makes me very upset that you then accuse me of putting something on the agenda that you should have known that it should have placed on there.

Mr. Flory Honorable chair members of the commission, I am not accusing you of that. I am accusing you and Pat Maher of writing this backup of four or five six pages which I should have written them.

Mr. Barabani Ok, all right, ok.

Ms. Early But the reason this is on the agenda is to identify what are the issues with getting items placed on the agenda and, right now I don't hear the back and forth discussion addressing the issue. What are the issues? Or are there issues from our commission director getting items placed on the agenda?

Mr. Barabani I don't know. You said the date on this one and use this one for example right now. I already asked is Item A on the agenda? Is it exactly as you submitted it?

Mr. Flory I would have to look my agenda. You already stated that it is exact so I would take your word for the matter.

Mr. Barabani Is Item B exactly as you placed on the agenda?

Mr. Flory If you are going to go through every item I don't know what you changed or what you altered. I know that this is not my agenda or the agenda before that.

Mr. Barabani Is Item A, B and C on the agenda and the attachment exactly on the list that you placed on? Do you have the agenda the one that you sent me?

Mr. Flory You are drilling me I don't....

Mr. Barabani Do you have it? Go get it. Then you are going to have an answer.

Mr. Flory Honorable chair members of the commission, I now have the agenda that was requested to be sent to you in word format. I think specifically was your command I will take a look at it and A appears to be the same. B appears to be the same and C is the same.

Mr. Barabani Are the minutes you want to approve on this list is exactly as you placed them?

Mr. Flory That would take me quite a while to figure out.

Mr. Barabani What else is on the agenda that you wanted on the agenda that was not on the agenda?

Mr. Flory About 30 other jobs, 30 other job descriptions.

Mr. Barabani Did you send them?

Mr. Flory Pardon?

Mr. Barabani Did you send them to me?

Mr. Flory No, because I was told it's your agenda and not to make any changes to it. To distribute agenda exactly as you and Pat sent the agenda to be delivered.

Mr. Barabani I asked you on Wednesday because it has to be posted on Friday to send me the agenda, your complete agenda as you would like to see it posted. Whether I add something to it like Item J that was requested or not your items weren't changes. I posted it exactly as you send it.

Nersidalia
Garcia,
Secretary III
Mr. Barabani D was changed.
Which are the rules correct?

Nersidalia
Garcia,
Secretary III
Mr. Barabani Yes, you changed that.
That is correct. Would you read that out loud please?

Nersidalia
Garcia,
Secretary III
Mr. Barabani No, I don't need to read it I am just telling you.
No, I know there is a reason why that was changed.

Nersidalia Garcia, Secretary III
Mr. Flory Ok.
 Would you like me to read that sir?

Mr. Barabani Yes, please.

Mr. Flory Give me the Item.

Nersidalia Garcia, Secretary III
Mr. Flory D?
 It is recommended Personnel Commission Director that there be no change to Personnel Commission Rules 13 and included in here as you requested a response by Dr. Vollkommer and, what I was told not to say and a couple of other items as back up materials. You changed that.

Mr. Barabani But, did I not request in an email to you which I have, to place this rules on the agenda, not your rules. What you did you placed your rules not giving the commission an opportunity to vote on the rules that were submitted on the ones that were changed.

Mr. Flory Honorable chair members of the commission, I would like to ask what is the point of this?

Mr. Barabani Well the point is you kind of took away our authority by not giving us an opportunity to vote. What you did is here the old rule I don't recommend that change it, but there was changes because we have talked about it, we asked to have rules reagentized with backup material. That is what was placed on the rules on here with what we pulled here. Those were asked to be placed on here, not what you recommended. What this was supposed to be and by not placing this on you did not allow us the commission an opportunity to vote on it.

Mr. Flory Honorable chair members of the commission, you just made my point and to answer Rhonda's concern.

Mr. Barabani The point is you were asked to place by this body those rules changes with back up materials, and you didn't. What you did is you chose to put some more rules that were not recommended. That is not what we asked for. You could have said, I don't recommend". During your comments you could have said that but, it wasn't requested so, now because you put something on there that wasn't correct that is a change that I changed to put on what the commission wanted.

Mr. Flory Honorable chair member of the commission, the answer is I am concerned that the agendas have all been prepared by you or Pat Maher. You are micromanaging the agenda process. You are as you say the day to day supervisor which basically you are not available.

Mr. Barabani You just told me that I send too many emails then you said I am not available

which is it? You made a public statement; you send me so many emails I can't process? Which one is it?

Mr. Flory It's both sir. Absolutely.

Mr. Barabani And then, let me get this straight here, Wednesday you sent me your agenda, nobody changed anything except the part that it was my request. Item D was my request it wasn't yours, so now you are saying you did not put my change. I didn't ask you for changes I just asked for Item D to be on it. But you went ahead and changed it. Do you see the difference? But Item A, I didn't change Item A, I didn't change Item B and, I didn't change Item C not one thing was changed but, you changed the minutes that you put in so you were given the opportunity to put those on. I take offense that you say you weren't given an opportunity, you were given one, and I never changed your items. Now these are the items I placed on it. The agenda is not yours completely. It's for everybody to put things on.

Nersidalia Garcia,
Secretary III
Mr. Barabani I want to rectify that on July 13th the meeting for July 13th you changed everything.

Nerci let me go through this.

Nersidalia Garcia,
Secretary III
Mr. Barabani No, you changed everything. I send the agenda to you and you changed every single item.

You are out of order; I want to go through that step by step. I have my notes. This started way back when you were first hired because of the troubles of the district, ok. They promised that you that they were going to hire you on a certain date and it was like 18 days later they hired you. We had an emergency we had to get our butt kicked. I said, are you able to get this packet ready? And you said, "no", I don't know anything about it. I had the forms of the budget that Pat Maher prepared pretty much we had 99% completed so I sent you an agenda. I understand the district didn't do right to you by calling you by Friday and stalling until you got hired. I used part of his old material and we put together an agenda, and we got that budget done. And the agenda following that I had materials still left out. Pat had to practice to stay two to three agendas ahead of time, and I know that because I discussed that with him. I said, hey this are items on the agenda no one prevented to you but neither did you volunteer. So now when you want the agenda I said go ahead put your material on there and I added to the agenda. I never stopped you to put in anything on it. Now the one you are talking about if I don't receive the agenda by Wednesday, I know it has to go out. I want it Wednesday; I don't have time at the last minute to generate things. I assume I didn't get anything from you. Its real simple send to me on Wednesday, and let's get that out. Once I see that on Wednesday I will look it over I will add anything I want to it. You will add your items on Wednesday; we will look it over, get it going, make sure there are no changes to it and get it posted Friday. What is the problem?

Mr. Flory Honorable Chair members of the commission, I think you explained it.

Mr. Barabani You found a problem where is it at? What is the problem? Can you give me an agenda on Wednesday with your items on it? Wednesday the day before Friday.

Mr. Flory Two or three times in the past and it's been rejected.

Mr. Barabani Wednesday by noon.

Mr. Flory It has been rejected.

Mr. Barabani Did I not receive it at the last one I received by Wednesday noon and also there was an error with no problem because Nerci said slight mistake caught it, I made it. Send me another one right away and I didn't say a thing. I forgot to attach the minutes. All I am requesting Wednesday by noon.

Mr. Flory Honorable Chair members of the commission, does that answer your question?

Ms. Early Let me hear from you. Is there a problem with you getting items on the agenda?

Mr. Flory Yes there is. And there is a problem with me producing the agenda because you just heard the day to day supervisor and the chair of the personnel commission takes charge of the agenda, puts items on there that I am not even aware of, puts reports on there I have no idea who wrote them. He won't even tell me who wrote them. So yes, there is a serious problem with me filing jobs which is one of the prime directives I received from the commission getting them on the agenda on a timely fashion and moving ahead. And you saw a couple of examples tonight from the commission chair.

Ms. Early Mr. Chair, I am related to tempted to follow up on the concern that was brought to us at the last meeting. I asked for Ms. Garcia to send me our directors agenda for this meeting just so that I can see and compare his agenda to the one that I received on Friday and after I received it I followed up with the e-mail, I am just asking are all the items that you wanted on the agenda agendized for this meeting? So I did make an attempt to follow up and ensure that those items were placed and what I see is additions to what he wanted but, I don't see necessarily any deletions. There was a comment on the rules that didn't support the rules. I see that item was changed. But I don't see a lot of variations. I see that the agenda is longer. So I am concerned because if you want positions, and postings, and recruitments we don't want to stand in the way of progress but, I did not see this on this agenda. I was part of an e- mail discussion to cancel our meeting two weeks ago. So I am aware that there was no agenda prepared by our director or commission staff because I saw an email stating don't cancel we have all this positions to fill and I already calendar it. I am prepared to meet; don't we have any business to take care of? So I am aware, I know that was a holiday. That Wednesday was a holiday and we all knew that the 4th of July

was going to fall on a Wednesday and that it was a holiday. I am aware that there was no agenda and there was an attempt to cancel the following meeting because the previous Wednesday was a holiday. So I am very much concerned about the process. The Wednesday deadline date was actually established during the time that I was the personnel commission chair. And that deadline date was actually established at the request of commission staff because their complaint was that they had a commissioner contacted late on Friday afternoon wanted to add things to the agenda after the agenda had been prepared, copied, and posted. So the Wednesday dateline date by noon there is a history behind it. It was actually to accommodate commission staff so that they can produce, post, and get things ready and not given items at the last minute. So I am aware of why that Wednesday noon cutoff date was established. So I very much want everything that you want on the agenda to happen however, I want things that we recommend to be agendized on that agenda also. Because when I talked to Ms. Garcia and asked just to follow up. Had you agendized my request to discuss why our commission director is having trouble putting things on the agenda? I was told no that was not on the agenda. And I know I moved at our meeting properly and it was seconded. And that would carry that it would be on the agenda item. It was not on the agenda so who ever followed up on my request I thank you. I know that the three of us agree that we would pull the chapter revisions to the personnel commission rules and have it reagized. Whether or not we agree with the recommended agenda revisions or not. Whether or not we agree with the revisions to the commission rules it didn't matter it had to be agendized for us to vote up or down. So for me to say I did not agree with the recommendations, I am not going to place it on the agenda it would not allowed the three of us to take part in the voting process. So, I actually moved to put from tonight's agenda because I wanted to do some further research. But, I am glad that it was put on and the three of us decided that it needed to be. That is my comments on this item and all of those positions that we are working to fill. I am ready to see them on the agenda. I do not like this agenda where we are using very broad and general language like the commission will review a comprehensive report. I didn't get the report in my packet, ok. This other thing well we are going to get verbal report. I never got it so I don't have those kinds of things on the agenda where we don't have it to review and then we get here and we are waiting for and I feel like we waste it a lot time waiting for information that according to this agenda we should have received it. So everything on this agenda that says, "we will review" I want to review it in writing prior to this setting so that we can expedite the personnel commission meeting. That concludes my comments on this item.

Mr. Barabani There are no more comments. We will move to Item K. Item K was pulled. Moving to Item L. It is moved that the commission approved the minutes of March 28, 2012 as submitted.

Ms. Early There one question on this item. On our last commission meeting we had two sets of minutes from March that were on the previous agenda that we pulled to have to pre agendized for this meeting. Why did only received one of those sets of minutes.

Mr. Barabani That is the only set of minutes that I received on Wednesday.

Ms. Early So again I am asking the question through you. What happened to the other set of minutes that we voted to have reagenda for this meeting? I see one.

Mr. Barabani It was not placed on there and by the time I looked over the document and processed it the minutes are something I don't think I ever gave it a second thought. The minutes are sent they are usually in the back of the agenda and we move forward on that. One set of minutes were sent I know there supposed to be two sets but by the time I realized I got to the minutes section and I was compiling all this together I realized I had sent one set of minutes so I just moved forward. The two sets should of being sent. I didn't have them.

Ms. Early Thank you. I moved to approve the minutes for March 28, 2012.

Mr. Barabani I seconded. Open for discussion and any changes. I personally have not found anything that needs to be changed. Thank you Nersi. Call for the vote.

Mr. Salazar Aye.

Ms. Early Aye.

Mr. Barabani Aye.

Mr. Barabani Item IV. Commissioner's comments.

Mr. Salazar No comments.

Ms. Early Just to reiterate, I would not be in favor of verbal presentations in place of written documentation during our meeting. I think it prolongs the meeting. I agree with Ms. LeChance that employee discipline should be done in closed session. However, Mr. Flory request the item that is placed on the agenda will carry over into closed session as what I heard announced earlier today.

Mr. Barabani It was in closed session and then so we don't move it out of order we moved it after we come out of closed session will go back on open session.

Ms. Early Also we are four months out of minutes so it makes it hard to track action items. I remember the motion that made, but I might not remember the motion that Mr. Salazar makes. And we are four months out of minutes it makes it hard to follow what to insure that things are being done I'm concerned about the way we move forward and filling positions in the district and I want to very much cut down on the confusion. So I want to make sure that we are all on the same page. I want to make sure that if Mr. Flory states that he wants something on the agenda. Let's put it on the agenda at least if it is agendaed we can discuss it. If I say I want something on the agenda, I want to sit on the agenda. If Mr. Salazar says he wants something on the agenda then put it on the agenda. I don't want to start picking and choosing what we are blamed for. I don't want one person to pick and choose what we are going to discuss in this forum. I heard you ask earlier today what

certifying an eligibility list really meant and if you don't spell it out it can mean anything. I can certify that I saw the document and that is it. I can say I read the minutes but that does not mean I agree with or approve the minutes. Ok, so certification can mean a lot of things and we need to know exactly what it means when we receive a list with signature on it. I would like to recommend that we continue the verbiage that has been utilized in the past where in addition to having a signature on the actual eligibility list that you include the verbiage I certify that this eligibility list are based on examination requirements, completed and complied with in order with article 6 commencing the section 45240 of the California Education Code of the rules and regulations of the personnel commission. That is verbiage that we had utilized in the past and I would like to see that on each eligibility list that we are presented to ratify. I'm including that in my comments I had not made it a motion so I am hoping that someone is tracking what I am saying and making that an action item for a future eligibility list that come before us. And that raises my next question. Is there a tracking log for a personnel commission staff?

Mr. Flory I'm sorry I don't understand the question commission chair.

Ms. Early When we make recommendations is there someone and I am specifically asking because we are having a quite a long turn over with minutes when someone makes a recommendation is there a tracking log for commission staff to follow up to make sure everything is being done? If I say I would like to see x on the next agenda but we don't have the minutes from the last meeting, who is tracking that item to make sure that is on the next agenda?

Mr. Flory You are saying tracking in writing on action items?

Ms. Early Yes, correct. That concludes my remarks, comments.

Mr. Barabani I just like to make some comments on Item D; they were about the rules chapter 13 and the old chapter 6. I know we pulled them. It is true that most employers don't give any limited due process to classified employees. But you know the history in San Bernardino Unified School District is not like most employers and I made some notes on that, I wanted to comment on that. A lot of people are getting upset and they are analyzing what is done in chapter 13 and they are looking at it. Even the personnel director has something negative about it and I don't look at it that way. It proposes changes, you know, it is very limited protection for classified provision hearing for employees. Now these are limited rights and it is the benefit of the district the personnel director should be a strong supporter of this rights and he himself got his job back because of the merit system. When the district acted improperly and fired him. So someone who has gained protection for that. Thank you. Should not seek to deny other some type of protection. The law does allow the commission to give due process protection for probationary employees; you can go and see SBAC there is a discussion as you can see. I believe you asked a question on that. I noticed that most of the responding the responding said they hear that or see that it is a good resource I filled it. There are a lot of things that did not exist when it comes to classified, rules, and rights. And some of them are hard to file, or to get them rights. So the

proposed rules only give limited due process rights. I like everyone to read the backup material, look at it real careful and make your own decision on the facts. Don't look at it as probationary over reacting that is not what we supposed to look at. Then as we do go through the process feel free to comment on it once again, that is what all is about. I want to hear comments from everyone. Look at them with an open eye; I like to see if you see this part as necessity or something like that. I think that is pretty much all I have to add.

Mr. Barabani We will go on to closed session. We will go into closed session at 8: 51 p.m. 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 PERFORMANCE EVALUATION
Title: Personnel Commission Director

Pursuant to Government Code Section 54957 to discuss:
PUBLIC EMPLOYEE DISCIPLINE. We will report for open session.

Mr. Barabani The commission reconvened into open session at 10:41 p.m. and announced the following action taken in closed session.

We are returning into open session at 10:41 p.m. We report out that action taken under the public performance employee evaluation. That is all. Now we are in open session pertaining Government Code section 54957 to discuss Public Employee Discipline in open session as per Mr. Flory's request.

Mr. Flory you are hereby notified, we are charging you with the following extents. My opinion amount to misconducted duty for possible violations of the commission rules. Possible violation Labor Codes section 432.7 and Ed Code section 45272A in which you knowingly willingly.

Mr. Flory Wait just a minute. Are you going to give me a copy of this in writing?

Mr. Barabani Yes.

Mr. Flory Ok. Thank you. Go ahead.

Mr. Barabani And or through negligence you took a certified a commission ratified list for Campus Security Officer I, CSO I. Banned it or grouped the scores which not only resulted in a grouping or banding of the scores in violation of Ed Code section 4527A but, it was done in order to circumvent the legal provision of Ed Code Section for 432.7 that prohibits requesting information and or using the rest data that did not resolve in a conviction as basis for disqualifying of circumventing eligibility list using legally prohibited criteria.

2. Possible violation of personnel commission rule 6.133 by in the Ed Code section 45273 and 45300 willfully and negligence unilaterally without notice to or approval by the personnel commission notified applicants for School Police Officers that written test had been administered in error that all applicants who have not passed the written test would be given an opportunity to be placed on the list based on oral examination scores, unrespectable and written examination. By doing you unilaterally and without notice to personally engage in a procedure that would result in alter the eligibility list when that list had already been ratified by the commission and individuals on that list including those who had been offered job opportunities. And released personal information otherwise protected by privacy rights under the law of the state federal constitution.

3. Possible violations of protected private rights under the law and state and federal constitution by releasing protected medical information to the staff and others not part of the staff about classified employee who you directly supervise. This information only tends you to place you on notice that the commission will be investigating your conduct as it relates to these activities. But it is not intended to restrict the course of scope and investigation into your ledge acts or misconduct nor do they represent all possible charges of violation and law. Rules that may be eventually charged upon conclusion of the investigation. Additional charges may be investigated if engaged in further acts that potentially amount to miss conduct during the course of the investigation.

I move that the commission hire a contractor or expert to conduct an independent investigation of these charges and to report to the commission their findings. That is my motion do I have a second?

Ms. Early I second.

Mr. Barabani Open for discussion. Call for the vote.

Ms. Early Aye.

Mr. Barabani Aye.

Mr. Flory Just a point of order, you don't want to hear any input from me right?

Ms. Early I would like to hear from you.

Mr. Flory It is entirely up to you sir, did you want input from me?

Mr. Barabani I called for the vote but that is all right.

Ms. Early Did you have something you want to discuss now?

Mr. Flory I just had some points. Clarification I guess. Who will be the contracted investigator? And will I have a say in whether or not they are appropriate or partial or in partial.

Mr. Barabani This is just a motion on hiring a contractor, that decision has not been made. This is just a motion until they allow us to hire the contractor.

Mr. Flory Thank you. What would be the time frame that this investigation will be going by?

Mr. Barabani By time frame you mean?

Mr. Flory Weeks, when?

Mr. Barabani As soon as we agendize, as soon as we hire an investigator we will be able to tell you that.

Mr. Flory And then will I have any say in then going back to that whether or not that person is impartial or whatever.

Mr. Barabani We will probably cross that road at that time.

Mr. Flory Ok. Great Thank you. One more point. You left number four off for now is that correct?

Mr. Barabani Yes, there is only three.

Mr. Flory Thank you very much.

Mr. Barabani Any further discussion?

Ms. Early I have none.

Mr. Barabani Call for the vote again.

Ms. Early Aye.

Mr. Barabani Aye.

Mr. Salazar I abstain.

Mr. Barabani It is now 10:47 p.m. Commission meeting is over. The commission adjourned the meeting at 10:47. p.m.