

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

MINUTES

June 13, 2012

5:30 P.M.

I. CALL TO ORDER

A. The meeting was called to order at 5:40 p.m. by Commissioner Barabani.

B. Roll-Call

1. Commissioner Gino Barabani, Chair
2. Commissioner Rhonda Early, Vice-Chair
3. Commissioner Michael Salazar, Member
4. Abram Flory, Personnel Commission Director
5. Steve Williams, Ph.D., Personnel Analyst
6. Nersidalia Garcia, Secretary III

C. Pledge of Allegiance

II. APPROVAL OF AGENDA

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

III. PUBLIC COMMENTS

- NOTE:**
- Comments from the public on any item that is not on the agenda but is under the subject matter jurisdiction of the commission may only be made at this time.
 - Comments from the public on any agenda item may only be made at this time.
 - Public comment during the commission's discussion of an agenda item will not be permitted.

Teresa Rehberg, Classified Employee, Ok, I want to talk about the working out of class of classified employees. My name is Teresa Lupercio and I realize that there are many employees working out of class and they are breaking our contract, the CSEA union contract, and it's been many years, a couple of years that this keeps happening and nobody seems to do anything about it. Just keep overlooking it and our contract was just renewed; this one's good until March 2013 and they're still doing it.

It's on page 107, working out of class, talks about, "how such increase in pay shall be for the entire period the unit member is assigned to work out of class". And then it goes on to say, "a unit member shall not be assigned to temporarily work of class in a vacant position for more than 120 days." I've seen employee's way over 120 days. I have been in the district for 25 years, I have worked out of class and I was told I could only work at the position for only 120 days and then I had to go back to my regular position. So, I don't know why it's not done any

more in the last five years, it has not been happening. So, I don't know if this is where I'm supposed to express my opinion about how the union contract is not being held to do, that's why I'm here. I know right now Secretary III is on the agenda and for me to become a Secretary III, I worked hard, I got to be on the list, I had to be interviewed by three or four people, I had to test again and then again to get there. Now I seen Secretary III be in the district one or two years and they are just working out of class for years. So it's because they are replaced. How long can someone do that? How can the district keep on doing that? I don't understand. They should be some kind of order and I don't see it. Right now I see a Clerk II in a superintendent office working as Administrative Assistant and as a Secretary III I have been told to train somebody that is not qualified. There in the Secretary III in the Administrative Assistant and they are not qualified so you try to teach them, you try to train them and they still do not know the job. So it makes it harder for me as a regular employee that has tested had the right to be in that position. So it makes me angry to see that the district is allowing this. And I held my tongue for many, many years but I am here to tell you something has to be done about it. I don't see anybody, no managers, no union; no one is doing anything about it. That's all.

Mr. Flory

I have a comment would it be out of order. But it's kind of a public comment, and forgive me for reading this I will try to speak loudly because when you try to speak the air condition is on my ears.

I need new tires for my car but I can't afford them. I think everyone here knows why I can't afford them. Everyone here knows it has been five years since I have been back to my job. I drive to work each day from sunny Big Bear Lake. Down to the pollution and smog to my destination. Ominous layer that covers the city of San Bernardino it's what I drive into. I journal my GPS and gives me the choice of two main routes to takes and the number of alternative routes. Route 1 takes me about bottom neck of 215 and its construction blockages and rerouting the traffic. It's a difficult route to take it takes a long time going that way. Route two takes me to the 10 freeway and construction blockages and rerouting of traffic is a difficult route to take it to takes a long time to navigate. I am always looking for alternatives and alternate routes to take. As I said I use my GPS to navigate pollution and the smog to my destination. Try to remember the numbers of individuals in the district management that cause many problems for all of us are gone. One is leaving soon. For all our sakes they took another route. From the looks on the agenda this is going to be a very interesting meeting. Contentious side strong, tools at hand a little vindictive legal up, perhaps hostile at times. I assume will be the same personnel commission meeting of the recent past prior to my return. My GPS states to stay clear the meeting my

car says they need four new tires. Please go ahead with the meeting as planned. I personally would rather be talking about my GPS finding alternatives routes through the pollution and smog, actually I rather be talking about my new tires why I can't get them, my car situation which led up to me needing four new tires. But I don't think anyone here is interested in my GPS and tire problems. We all have problems and issues. I would ask that everyone here in return for me not talking about my GPS problems and my need for tires and I can go on and on. In return I ask two things, one to try to adopt the more civil approach, tone and manner, be respectful.

Two that the second personnel commission meeting of each month is dedicated not to my GPS problems not to my need for tires but to the work that the fine staff of the personnel commission has been doing trying to fill jobs. That the second meeting of each month we put aside the differences and focus on personnel commission staff issues by filling classified jobs. I like us to remember the routes of where we have differences but in just a second commission meeting of each month we take a separate GPS route. We follow the path of filling jobs working together in a respectful manner and move through the pollution and fog together to uncommon in a common destination. Remember GPS always shows alternate routes, thank you.

Gladys Byrd,
Interim Director
for Human
Resources
Classified

Good afternoon my name is Gladys Byrd, I am sure you all know me and I am sorry I took his route and I came from Beaumont to San Bernardino in a rush, I have been getting tickets lately, glad I did not get one today. I want let the commission know that our team or I met with Mr. Flory we want to move forward to do the commission's mission to help them set up recruitments, help them test so that we can hire the multiple vacancies that we have. We can't do it without recruitments being open and without testing being done. Some test may be inadequate, but they can be used to fill the position. I understand you may have a fight for one cause but that does not help the student at Carmack or Anderson Elementary that needs an instructional person to help them. Theresa talked about the secretaries well its not only secretaries, it is clerks, its instructional aides. We don't need custodians but its other positions that we need to fill. If you have battle to fight, fight the battle but you need to be filling recruitments. I am so tired of hearing you this person is working out of class we have this. We can't have a person in that position if we don't fill the recruitments. The cafeteria worker we have one position from that is still open and there is still two hundred people on the list. Mr. Flory wanted to move forward to get permission to extend that recruitment. LH-PH is the same thing, but if we don't bring this things on the agenda, how are we going to get them done? We are back where we were four years ago. I just beg of you if you have to fight your

battle that is one thing but let's move forward and do testing and recruitment. And the classified HR personnel and I am sure we would need to bring certificated personnel, we are prepared to help. Mr. Flory will be the one monitoring, there will be no manipulating so I just beg of you let's just move forward. I thank Mr. Flory for willing to work with us, to get the job done. Thank you.

Theresa
Rehberg,
Classified
Employee

A while back there were a lot of positions secretary position at elementary schools, middle schools, high schools positions under bilingual secretaries and, they separated the bilingual secretaries from the regular secretary list. To me that was discrimination to keep them separate so elementary principals I guess were told to only hire bilingual secretaries so if you look at your elementary schools secretaries most of them are bilingual secretaries and the ones that are vacant can't fill the bilingual secretaries because they can't pass the test. Why are we segregating this test as a secretary and bilingual? I thought bilingual should be extra pay or a clerk that is bilingual, why does a secretary have to be bilingual? If there is one person in the office to translate. So that is my other thought about the secretary positions.

Patrick Maher

I attended the meeting of the Governing Board on May 15, 2012. It was not my intent to speak at that meeting however; during the meeting a board member asked Yolanda Ortega why the district has so many substitute classified employees and not filing with regular employees. Ortega response was because the Personnel Commission was not providing the district with the eligibility list. I was so outraged of this fabrication by Ortega that I put in a request to speak. After waiting for dozens of others to speak the public comments section ended without me being able to address the board. Its my purpose to correct the record lay responsibility where it exist and respond to other comments made by Harold Vollkommer at the commission meeting of May 30, 2012. It is important that Vollkommer knew that Ortega was not making a full representation to the board. She blamed on substitutes on the failure of the commission to provide an eligibility list. But he failed to correct the record. One of the primary tasks that I was given when I first came aboard was to create the eligibility list for two paraprofessional positions, tutor LH-PH and Educational Assistant III SI. I was told that if these positions were filled forthwith, that the district and the special education program stood to lose federal and state funds.

I started to work on October 24, 2011. I produced eligibility list for both classes on prior to January 6, 2012. This was a calendar about 11 calendar weeks. From date of hire of producing eligibility list this also included the thanksgiving weekend and the winter break so in fact the working time was less than 9 calendar weeks. I had to update the classification

specifications since they lack any reference of the no child left behind at requirements. This required about 10 days of calendar notice ten of notice to district and CSEA and accordance with Ed Code 45205.5. Then it required providing with the commission to act on the modification to the specification before the examination could be posted. The classification specifications for both positions had not being updated for more than a decade. And it was not in conformance with current legal requirements. The district failed the process from hiring from tutor list until mid-March. And these were primary promotional candidates. The district failed to hire the education assistant list until just before the district decided to terminate me and before replace was actually working. I discuss the lack of progress on hiring for these positions with Vollkommer and at least on two occasions. Vollkommer told me that there “problems in the Special Ed Department”. He asked me not to make an issue of the lack of hiring until he can take care of this unspecified problems. I can send it in the spirit of cooperation by the district continues to have vacancies filled by substitutes and, has not filled all vacancies from the eligibility list as of this date. Any substitutes working on this classes are not due to the failure of personnel commission or any of the staff rather its solely the failure of the district to manages vacancies and its inability to find the leadership necessary to fill this top priority vacancies. Vollkommer knew this at the government board meeting and its failure to make this correction on Ortega’s claim on the contrary it is evidence in my opinion of complicity and misleading the public and the board members by not pointing out some of the substitutes and the Special Ed positions were not due to any failure on the part of the commission or any of its staff.

During the same time that I was conducting the recruitment for the special education paraprofessionals I was conducting recruitment for cafeteria workers. This position had over 80 vacancies and the district was claiming it was an emergency situation and they had to contract out to fill the vacancies. The commission was blamed for entirely by the district for the state of affairs even though it was the district who was the sole cause of the problem. During the same period that staff was conducting the recruitment for the paraprofessional position, staff was conducting recruitment for cafeteria worker. Over 600 persons applied and over 500 took the written test. The eligibility list was 300 persons for was established on January 3rd, 2012. I appeared twice before the governing board updated on the status of recruitments during both meetings in response in direct inquiries for the members of the board, Vollkommer indicated that they could fill all vacancies within few weeks after the establishment of the eligibility list. That means that under Vollkommer timetable all vacancies of cafeteria worker should of being on processed and ready for

work by the end of February 2012. At first Vollkommer failed to take any action for the entire month of January and had initiated no contact with me. He then decided that there was a problem with the rules to fill the vacancies with the high seniority in the class. Yet he waited a few more weeks before scheduling a meeting which would be scheduled more than a week later. Upon learning the nature of the issue I informed Vollkommer and CSEA representatives should be present but he is unwilling to follow that advice. After the meeting it became clear that CSEA had to make an agreement to resolve what Vollkommer thought was a barrier to do any processing of applicants. This took another week. After about 30 minutes the matter was resolved. Yet it was still another few weeks before the actual standard processing persons from the list other than a dozen promotional candidates for applicants. As of this date and I heard now its being changed. But the last I heard there is 30 vacancies that still exist for cafeteria worker. I heard tonight there is only one left.

On the contracts of hiring outside workers continue to be on operational thus it took the commission 11 calendar weeks to produce the list and I might add the comments and follow all the laws, and principles and did everything right. It took less than 11 weeks to fill to produce the list. It has taken Vollkommer more than six months to fill some of the vacancies and process substitutes to fill the vacancies. But I heard tonight there are no substitutes to be processed for cafeteria worker. Again, during the board meeting Vollkommer knew there was a list and it was the district that was fading the process on all applicants and yet he remains silent while the Ortega blamed entirely the substitutes on the commission. I reviewed and certified the list for Campus Security Officer assuredly after being hired and up. Even though it had the efficiencies and the psychometric qualities. When interviewing the applicants the sergeants violated the California Labor Code and ask the applicant for a rest history that did not result in conviction. Two applicants during the interview of arrest history that did not result in a conviction. And Vollkommer have asked that this people be removed from the list based on non-convictional arrest. It is important to note the labor code specifically prohibits any inquiry into arrest history that does not result in a conviction. Well I informed Vollkommer and the Chief of Police of this problem and the need to meet with both, it took almost two more weeks to set up the meeting. At the meeting both of them were reluctant to agree that the arrest cannot be used. I sent them the labor code section that made it clear that this was not only illegal to use such information but to using it could cause a tutor a misdemeanor. In my opinion that by asking for information and clear information of the law and then seeking to use that information to remove a candidate from the list was sufficient to constitute a misdemeanor. I made

it clear that these candidates would not be removed from the list to revivable. The two candidates are in two different ranks and are currently in rank 1 and 2, meaning that the district is limited to one additional rank for each vacancy.

There are current several vacancies for Campus Security Officer that has not been filled. It is my opinion that Vollkommer knows this and along the staff and police department to circumvent the law. The rule of three by continuing to fill these vacancies by substitute employees until such time is the list expires and these two applicants will no longer be on the eligibility in consideration. Vollkommer knew and should have known at the board meeting on this vacancies and the existing of the list but again failed to correct the record.

In addition, Kitchen Serving Operator most of all were previously filled but since there has been an additional vacancies that have not been filled, so again there are substitutes filling in when we have a list.

Also, custodians have been certified and the district has not processed substitutes from the list where they want to find out the laid off situation. Now we heard tonight that we don't need a list for custodians. You have dozens of custodians quote substitutes hired illegally not from the list and, they have not done in the past two months to replace those substitutes by the list required by law. In my opinion Vollkommer is also being a obstructionist in the commission recruiting for the Environmental Compliance Officer. It took almost two weeks to set up a meeting to discuss the stipulated judgment and then because of my summary retroactive dismissal in violation of terms of hiring by the commission and because of placement and not yet being up hired, Vollkommer would not let me attend the meeting trying to get the matter resolved. To my knowledge Vollkommer never asked the commission to fill the vacancy let along asked to be a priority even after he had clearly had knowledge of the stipulated judgment that requires that the position be filled. Filling it with an unqualified individual does not in my opinion meet the requirements of the stipulated judgment. Thus even when the commissions provided an eligibility list the district are unable or unwilling to fill in those vacancies but it continues to place all blame for the vacancies on the feet of the commission. And Ortega and Vollkommer are both to blame for this false accusation.

I was also appalled to hear that Vollkommer came to the meeting on the budget and commission was sacrificing overtime for classified staff to hire interns. First, I made a presentation to the board back on December in which I clearly announced in attempt to get CSU students in IO psychology to provide assistance in variety ways including working as interns. I also discuss this with Vollkommer one on one. At no time did he ever express reservation so my opinion I am publicly

appalled in action that he was fully informed about and never raised an objection to is the further example of how the district blames the commission for its own misconduct. To set the record straight have Vollkommer look at the budget and the expenditures for classified over time you would of found it to be inconsequential and total expenditures because we don't use overtime, it was solely for that reason along that the projected budget for over time was reduced. It was reduced to what our actually expenditures it had nothing to do with hiring student interns.

Furthermore the hiring of student intern would give the commission an inexpensive temporary increase and expertise that can be used to support current staff to adopt the classification specification and create updated job related examination material and to validate the selection procedures being used. The district complains about a lack of recruitments and then objects to open recruitments. One asks the question the district wants vacancies filled, they are more likely to fix obstacles to fill the meet timely matters that require the into the object to the meeting made by the commission over the past three years to place staff resources in place to fill this vacancies.

Another example, in my opinion is not a trustworthy part between the district and the commission is the commission meeting of May 9, 2012. During that meeting and appalling display of hypocrisy was displayed by the police officer and the Chief of Police. These officers of the law have a sworn duty of to hold the laws of this state. The commissioners have a sworn duty to uphold the laws of the state and the statutory duty to demonstrate by their voting record that they support the principal of the merit. These officers along with the chief asked the commission to interact give a specific person a classified job up because he had "promised the job". No one in the merit system not even the personnel director, the commission themselves can promise someone a job. At least not until they have fully completed a competitive job related examination and they have been placed in a top three ranks.

Following this display of office the district asked the commission to violate the law. Vollkommer told the commission and in fact that is why he supported the merit system he thought that the commission should consider the request to the officers. How can anyone say they support the principal of merit? And then asked the commission to violate the principal of merit. In my opinion if Vollkommer had any sense of ethics he might well of agreed with the sentiment he would of clearly requested that someone being "given a job it would of being a concern of who was making promises that violated the law by the police officer. Vollkommer can easily respond to this last charge by telling the commission that he is

opening an investigation in the bridge conduct to determine who made such illegal promises.

When I first came to work after the district finally agreed to by the law and hire me, I met with attorney Trejo and Vollkommer. We discussed the fact that the district had many classified staff working in violation of statutory time limits for provisional as well as many others who is working as substitutes that are not on the list as required by section 45286. I stated that I would be disrupted to the district to force to district to vacate these positions before we have a list to hire from. Therefore, I would not require a wholesale dismissal but would work for the district until we could legally replace these workers. Unfortunately while I was doing the work to the problem Vollkommer was not. He is not replaced current limited term substitutes with persons from the list for custodian. In fact the least of the time and I believe as I stand here now, he has done nothing, to process anyone on the list to work for custodian to work as a substitutes but instead he is keeping those illegally hired substitutes employees working.

In addition the period that I worked here I made request to Vollkommer only five of the hundred illegal appointed workers. He refused to comply with a single one, now I know that he had to take orders from his superior in this case Ortega. But I have never being asked to do anything illegal by my superiors and even if I had been I had the intestinal cord to stand by my moral and ethical code and work with the code, and work with those few cases that demonstrate the wiliness to have a full partnership to return to the offer with the district correcting years of illegal hire and practice. I have more comments but we heard tonight. The issue that let's just have meeting, lets hire but who cares if the test are not any good, let's use them anyways, just to fill a list and everything else. That is not the principal of merit. The principal of merit says they must be job related before you can post an exam, your classification; specification must be approved by the commission for any changes. We have classification, specification that are nonsense for example, cafeteria worker as the requirement some home food preparation. How are you going to major that? What does that even mean and how does that qualify the person? We can go ahead and use that as a qualification then we are going to eliminate people. They don't have home food preparation? And that is still qualifications that they have? How are we going to capture that? There are many problems with ambiguous statements, requirements that are not legally valid, not job related that are required by the code. And all must be updated. The exam material that we have that I looked at was basically crud there wasn't worth anything, there were updated in examinations, they did one examination here when Astrachan was here filling in as a director appointed by the commission, I mean by the board or by the Superintendent not

by the commission. In which he asked from Codesp a list of questions to develop an examination. They gave 165 questions rather than screening through them and eliminate duplicates and making sure they are up to date, and make sure they are all job relevant he gave the entire test of 165 items, which is 3 ½ or 4 hour test. That is out of non-sense. And yet you have people coming tonight and saying, “don’t worry if the test is any good let’s just use them as long as we get a list”. This district has a history when it was run by HR to use the list or use the recruitment process of one or two reasons. One to make sure people that they wanted hired got the job over anybody else. The other reason is let’s just have a list, we don’t care if the list is any good, we don’t care how qualified the people are, let’s just produce the list. They are back here tonight saying let’s just get a list produced. That is not what the principal of merit is, that is not what any professional with any kind of integrity would agree to that kind of standard and, you as personnel commissioners have got to stand up and say no it is the principal of merit that will guide us, not a need for the district when even we give them the list of people that we need and the list that we need they don’t feel the vacancies because they don’t like it or they are too busy or they can’t get around to it or whatever other reason that goes on. It is time to stand up for the principal of merit and stop this stuff. Let’s just get a list we don’t care if means people are qualified. We had a lady come up here and said she has helped people that are not qualified. Here you are being asked to reduce the list to reduce the same kind of unqualified people, if you don’t take the time to go through this process. It is the district that called the entire mess, the district that is responsible for all the problems that exist. And the district along. And try to blame it on the commission and try to put in on the feet of the commission is basically hypocrisy and dishonesty. Thank you.

Alex Raya,
School Police
Union President

I represent the police officers for the school district. Reading through your paperwork where it says recent officers, managers and assistant superintendent etc. complains about that we did not come here asking to violate their own oath of officers who showed up here, came here with good faith to ask the commission to make a closeness decision on supporting this gentlemen here who is the person in keeping his job. The district did not pay for his training, as far as his academy he did it himself. He came out looking for a job, he was put into a position, he was placed into a bad position, but whatever it means, outside of his control what was said to him or what was not said to him. He has done everything to be a police officer. We came simply here to ask for a common sense decision for a better of testing, for a better way of evaluating this test to help with the process. I know there is many people who applied for this position. He is only one of several positions that are opened up. It is not stopping anyone else from getting a job.

Nobody is here trying to threaten anybody or intimidate anybody. It is simply profession; we are trying to stand up for a stand up person as a association president. I would not be here standing for somebody that I did not believe should deserve this position. I am a training officer; we know he did his thing. I have worked with him on outside special assignment which it requires more skills of what patrol officers have right now. We are working with the vast variety of senior officers right now doing special assignments. So he is a dedicated person and benefit to the school district. Benefit to everyone and the people that is sitting in this room.

The people that is sitting across the other building, students and staff as a police officer. I want to simply clarify that, no one is here to ask to violate anything its simply is there a better way to evaluate this position to evaluate what is going on with his situation. I understand the commission stands here to the testing to make sure hiring is done properly. I agree with that. I think we need to check and balance. I think this is a specific situation that is taking out of further out of context that it should be. The reason being common sense position, common sense this is a person that we are dealing with this, it is just not a number on your testing sheet, its more than that. That is my stands as it is as an association representative. The commission says they do stuff to regulate the merit, now this is my personal stands not on the association stands. If we are doing stuff for this positions and this commission is here to regulate merit how are people still involved that should not be involved anymore? If this is a really a merit system how are we doing that? We need to look at is this really what you guys stand for, really what the positions are? And once again this is my personal opinion as a citizen of the city coming to you guys. Why are we not looking at that? How can we say we are doing one thing but yet we are doing another? If it is a gray line or a black line then stay on one side or the other. If there ways to wave around it then that means to help other positions out to help somebody, help for a position that has already being trained that already has his dedicated himself to this district to his department . Has already shown his benefit of being an employee all together that is my personal opinion with association on the side, we did not come here to intimidate anyone. Last time I was not here for the last meeting, I was not here when there was the other people speaking, I was out of town. If that was taking out of context its it was not the way was brought to be. People that were here were here to support of Daniel that is why they were to here to support him. We firmly believe that he deserves the position, but there is more to that. And maybe there has to be another way to evaluate that system to hire to process for the police officers. Thank you.

Dr. Vollkommer,
Assistant

Good evening Commissioners Harold Vollkommer from the Human Resources office. I want to share several comments

Superintendent for Human Resources regarding your agenda this evening and I will apologize that I will probably be a little longer than I normally am.

I am going to start with action item IV (b). Before I address that issue I have a couple questions about the preparation on the agenda and its back up material. Mr. Flory other than the action item action IV (b) which is two recruitments that being open were you involved in the preparation of the agenda or back up material?

Mr. Flory Honorable Chair members of the commission, no I was not.

Dr. Vollkommer Dr. Williams same question, were you involved in the preparation of the agenda and the back up materials?

Steve Williams IV (D)?

Dr. Vollkommer For anything other than IV (D)?

Steve Williams Anything but for IV (D)?

Dr. Vollkommer Or the Environmental Officer Safety perhaps?

Steve Williams Nothing as it is stated.

Dr. Vollkommer Mr. Salazar?

Mr. Salazar No sir.

Dr. Vollkommer Ms. Early?

Ms. Early No.

Dr. Vollkommer Mr. Barabani?

Mr. Barabani Yes, I am the chair I forseen the preparation.

Dr. Vollkommer Did anyone else participate and help you with this preparation?

Mr. Barabani In regards?

Dr. Vollkommer Writing the backup materials, drafting the backup materials for your review.

Mr. Barabani I use whatever else is necessary to get this done.

Dr. Vollkommer Who was that?

Mr. Barabani I use whatever help I need.

Mr. Vollkommer So you are not willing to say who helped you put these materials together?

Mr. Barabani I put it together; I had to do what I had to do to get the job done.

Dr. Vollkommer Ok, thank you. So then I am assuming as the Personnel Commission Chair and the person who put the materials together, you are assuming full responsibility for the accuracy of the information that is presented and what is presented in what is a public document is that correct?

Mr. Barabani You have a comment or just a question?

Dr. Vollkommer It's just a question; I am just asking if you're accepting?

Mr. Barabani It's a comment then.

Dr. Vollkommer Ok that question being asked and not responded to I would encourage the commission as a whole to play some type of role insuring that the information contain in your agenda and back up materials is factually accurate. That is not based on rumor and if you look through your agenda tonight there is a reference to I heard a rumor and that is why I took a particular action not me personally but, within your back up materials. There are representations of what happened at meetings. There are conclusions that are drawn from whatever source I am not really sure. I think its fair for you as a commission for you Mr. Barabani as the chair for everybody that the information that is presented to the public be factually accurate and not based on rumor or third party information when there has been no attempt to clarify that information with anybody else that was is involved. I just think that is important for you as a commission.

In speaking to item IV (B) I believe that it is a version that you have received in your packet this evening has changes that were not presented to the district in terms of the duties of the position. And I would ask Mr. Williams to verify that, since he was the one that took the lead in this particular set of class specs.

Steve Williams I am going to have to disagree with you on that.

Dr. Vollkommer The three underline duties were those presented at any time in the past? The new duties because the backup materials suggest that they weren't.

Steve Williams I would have to go back to my prior notes.

Dr. Vollkommer Just to clarify if there have been changes to duties and the district has not agreed to those that is not within the scope of authority of the commission. Ok. I am saying that I don't believe that those were not represented to the district. As they are written tonight and, that the district should have had an opportunity to review them if there are changes in duties before they came to the commission. This is also addressed in the letter that was emailed and delivered to you yesterday. You also received a letter I hope you got that email and received the letter that I hand delivered to Nersi yesterday of that action item IV (C). You have a staff that has been hired through the merit system, you heard Mr. Flory compliment them today. They are perfectly capable of executing the commission's work and getting us to a place where the merit principles are upheld. The tone of item IV (C) seems to be I get the impression that they can't provide the work that the commission needs to be done. I would disagree with that whole hardly they do have the knowledge, skills, and abilities to make what you want to

happen, happen. I will caution you and this came out on the letter you received yesterday. In terms of the issues regarding access your proposing that a non-employee basically have unlimited access. If this were to be the case and the intent of the law the Brown Act would not have specific provisions for closed session. Why would you have to have any matters taking into account if a non-employee can be present when those discussions occur? There would be no need to have a closed session; everything would have to be done in open session. Perhaps this is not such a bad idea but, taking your proposal to the next level for every member of the public could come to any closed session and be a part of that. I don't think that is the intent of the law. So I would be very careful particularly in the last four bullets.

I do want to clarify one thing and action item IV (A) under the backup, page 5 of 24 says the reason ever by a police officer manager of the district including an Assistant Superintendent to ask the commission to violate their oath of office etc. If you go back to the minutes I did not ask the commission to violate its oath of office. In fact what I did is I reference discussion that Mr. Maher and I had, Dr. Williams and I have had about the validity of testing and where it worked and where it did not work. I did not asked the commission to uphold what the police officer said, although I did give cudos to some of their points that they made but there was no request on behalf of myself that you violate your oath of office. So I want to make sure that is on the record and very clear.

Going to item IV (D), I want to thank you for placing the recruitment on these two positions on the agenda. Please don't mistake my next comment as a lack of appreciation. To set the stage of my contacts I like to share that we had what I would consider a very productive meeting last week to address some of our most pressing issues. 1. Contracting out through manpower and arrow and, 2. Out of class positions which were referenced earlier today. One of the agreements that came out of that meeting is that targeted recruitment in getting jobs filled would solve these issues. And I agree with Mr. Maher whole hardly when he said that getting positions filled is the solution to many of our problems. I want to thank Mr. Flory for his participation and collaboration through that very positive outcome and I believe that it is the right direction. I want you to take a look for a moment of how much of your agenda is devoted to taking action to addressing these issues. We are opening two recruitments, ok. Since the commission became operational in October the district has issued three formal requests for opening 33 different recruitments of the over 100 classifications that we have opened. But we requested 33 recruitments to be opened, to date, I believe that 11 of those recruitments have been opened, less than a third. I am not saying as Mr. Maher said I am not saying that there is issues

that need to be addressed in getting those recruitments opened. But to go back to the issue that Mr. Maher raised and that is I believe Mrs. Ortega was asked a question about the district as a whole not two specific recruitments that he spent a lot of time describing today. Namely cafeteria worker that is the most prominent and the EA III's. That was a question that was made to the district as a whole. If we truly are interesting in helping that large scale problem of over 100 classification that have vacancies of nearly 400 positions then we are absolutely going to have to speed up the pace of recruitments. I am not going to disagree with Mr. Maher even though he kind of fricasseed me a little bit; I am not going to disagree with him that we were a little slow in the process ok. The cafeteria worker position however does not work 80 positions filled with 80 people it does not work that way and, I can come back to you at another time perhaps we will have more time and talk about the interfaces of filling five hour positions and then having to go back and filling three hour positions and having additional paperwork etc, etc. Were we as quick as we would of hope to being? No we weren't ok. That is one recruitment one, and that recruitment is the big one because it would help us solve manpower and arrow situation and I agree with that whole hardly but we made 33 requests and only 11 were acted upon. We have a lot of work to do, and we are going to have to speed up somehow and I am not suggesting again I am agreeing with Pat even though he threw me under the train a little bit that I am not suggesting and no one from the district by the way and, no one from human resources is suggesting that we just fly through the process at any cost. We want quality. Quality makes a difference for our kids. We are not suggesting in any way shape or form that we short change the process or sidestep the process. You heard me say before we want to build a system that we can be proud of the people that we have hired since October I believe they have been hired by the right way by the right reasons. We just need to speed that up a little bit.

My last comment and I am sure you will be sure to hear this is related to your closed session agenda and the lawsuit. As you approach your deliberations this evening I would ask you give to consider how many of the issues identify within the lawsuit and I am talking about 1106215 I think it is. Identify within the lawsuit has actually being resolved yet they are still costing the district and the commission and, I say that not because they are two different identities because we are really part of the same identity. It is still costing us time, money, and effort. As an example of this is the piece related to Neogov. We have recently been collecting discovery about Neogov. As I understand Neogov is up and operational and it has been in use. So we are collecting discovery to prove that at one point Neogov was not an option when Neogov is in place ok. I spent

some time a couple week ago going line by line through that entire lawsuit, checking off which pieces of the lawsuit have already come to some resolution or some conclusion in some way. There are a significant number of them that have come to some type of conclusion, it may not be the conclusion that everybody wants, but there has been to some degree of resolution to some of those. But yet we continue to go through this legal proceeding that is very costly, very expensive, and at a time that we can't afford a dime. So I am going to suggest that perhaps its time to revisit the idea of mediation. We spent a lot of time with this toward the beginning of the school year; it did not go where we wanted to go. I think at this point we have learned, we have made progress in some areas and it may be time to revisit that idea. You will react to that as you see fit. We made some headway in this issue earlier in the year but, again it did not come to complete fruition but I would ask you to consider that option. I want to thank you for an extended amount of time this evening. I look forward to working with you, continuing to work with you. I really and you heard me say this many times, I believe we can build a system that we all proud of that is consistent with the principles of merit. Had we done it the right way, everyway every step of the way for the last twenty years there has been glitches in the system. That is not to suggest that that's a desire of the district to continue that way. We want this thing to work well. We are looking forward to a day when rather than spending time all of our time saying you did not do this, and you did not do that, you did this and you did that. There is partly partial truth to all of that. But there is a better way to get this done and, it is going to take collaboration and, I am certainly not suggesting that Mr. Maher was not collaborative that is not my suggestion at all. But we have to start turning that corner. We have a new superintendent coming on board we have a relative new board of education. We have an opportunity at the beginning of this year to really, really put a dent on this thing and create something that we can be proud of or we can spend a majority of our time suggesting that the way it was done is the way it's intended to be done.

If you look at particularly item IV (B) there is a lot of "the district did this", because it was its intent. Well that is not necessarily true that is drawing a conclusion that is not necessarily accurate. I will give you an example, on the Environment Safety Officer the discussion on the possibility of making a police position is not to intentionally delay it and it is not to purposely limit the field. There is a legitimate I think a legitimate question or option to that proposal. But it is never being I don't think considered in fact if you look at your back is I heard a rumor and warned against. But there was a conclusion drawn there about that intent on that idea. That is not necessarily the intent but, if we continue to go back and forth I am reading your mind,

I am judging you what I think you mean before I really, really know, then this is the kind of discussion and arguments that we are going to continue to be embroiled and as opposed to be sitting down and saying this is what I think, this is what could be the option and moving forward from there. It does need to be a more civil discussion, it absolutely has to be and, that does not mean we won't disagree, there will be times when we will disagree. But we have to learn how disagree agreeably; we have to learn how to disagree with respect and not always assuming the worst about each other. I absolutely do not assume the worse about you all. I hope you know that. I don't come to these meetings with the intent of rocking your world or making you uncomfortable or you know getting in the way of your agenda ok. I come to these meetings because I think it's important. I come to this meeting because I think the dialog is critical and that we have to continue to work together. It does not always seem that way, the actions of the district. Perhaps are perceived as obstructionist but, being obstructionist has no long term value for the district. It does not. If we don't get the positions filled the kids do not get serviced and that is the bottom line. So I ask that you really focus on recruitment we will do what we can. I forgot to add one thing by the way Mr. Maher did not mention is that we have cooperated back with him. We had our entire staff trained in a system and a model that he thought was advantageous to the district. So we had our staff trained so they could be used for him when he needed them. We have worked cooperatively in terms of getting rooms and changing rooms and moving people, trying to help people move through the process so I don't think to characterize some of the issues in here as we just have this complete and outer lack of desire to move forward I don't think that is a fair characterization at all. We do want this to work; we absolutely need this to work. It is beyond the desire; it's a have to because the kids are going without service. I thank you for your time. I appreciate each and every one of you I know you have the right idea in mind and the right attitude in your heart we just need to keep working on it. Thank you very much.

Eric Vetere,
Interim
Environmental
Safety Officer

Good afternoon or evening. My name is Erick Vetere, first I am coming to you as a Vice President Police Officer Association. With regards to our officer that we talked to you guys a couple of times. The inaccuracy here that we came to you asking you to waiver morally ethically I'm sure using some comments you guys can see it was not our intent. These gentlemen along with several others that took the test were given a test that was not required to hire them. The requirements was that the test be taking if the person had not graduated police academy. That is standard through California post this was the first group that has ever being hired or even been recruited that had to take the written test. Because we only hired academy graduates. So knowing the requirement is that you take the test in the

academy eliminates the need to take the written test to be hired. For some reason that waved upon this single testing process in which an officer that has been working as an officer for almost two years now was disqualified based on the test that he should not have to take. That is all it comes down to. We are not asking for you to do anything more than look at that situation and the necessity to take that test for certain individuals and see if they had to take the test as required. That is all we are asking you to do. There was nothing contentions about it there was no conspiracy theory nothing more than that. I am the acting Environmental Safety Officer, Environmental Compliance Officers however many titles people want to give me. As a police officer association Vice President in April 2011 I was in a meeting with Mrs. Ortega who we negotiated with at that time. During a side conversation she discussed that her current environmental officer was quitting and she did not know how to find somebody that was I had an extensive background in both law enforcement, fire service. I worked and lived in the city my entire life. I said you know what I looked at it as an opportunity, learn something new, and took some something different. I said jokingly that I step up and do it until she can find somebody. Until the district can find somebody. There are three areas that in working in that position and have worked with that person since I have been here since 1999. Three areas that I believe that position covers which is emergency management with in itself listed in here as disaster preparedness. Back in the 90's its called disaster preparedness, this days and common practice it's called emergency management. That and itself is a full time with staff job. The second area that you have the stipulated judgment on clearly defines at as a Compliance Officer Environmental Compliance which to insure the compliance of the district this size with this many buildings that in itself it's a full time with staff job. And then at some point it got switched to Environmental Safety Officer which then got even switched even more to near the safety officer which, encompasses what I learned over the past year is everything in the world that no one else wants to deal with is a safety issue. So if a school does not want to pay to fix this thread in the carpet that is coming up, they call my office. This is a safety issue it's a tripping hazard, than in itself it's a full time job with staff. Since in essence you got one person and a secretary doing three full time jobs with staff. That is what I learned in a year that I done this acting out of class. Part of that there is a van occasionally parked out here that is the district mobile command post. It's an emergency vehicle that can only be operated by police, fire safety, and emergency personnel. It was about \$80,000 of work dumped into that thing back when money was good probably in the early 2000's. It was not used correctly. So until I came into the spot I was able to use it as a Law Enforcement Officer that was not a correctly tool for the district.

Because it couldn't respond to emergencies, it was not able to go into crime scenes, to fires, to disasters, and provide a function for this district. Numerous job description titles including ones that newly written in here, clearly show some necessity somebody to discuss some type of investigated knowledge whether it be a police officer or not. I am not here saying making a police spot by any means, I couldn't care less personally. There have been numerous conversations about the ease of getting into safety scenes, whether it's either the fire, car accident with children involved, whether transported to hospital or suit and tie person cannot get into the hospital because they won't let you in or Law Enforcement person could get in to do an investigation. So there was on page 10 of 24 where it says "Assistant Superintendent not trying to make position of police means unlimited the field of candidates", limiting the provisional Safety Officer will somehow be placed in the position permanently by trying to make the police. You know that was not the case that was not the case at all. I volunteered to step up and do it; I am still a Police Officer working out of class as a Safety Officer. So with that brought a lot of skills and knowledge that this person doesn't have. If you fly this as it is. On page 11 of 24, I will tell you as acting Environmental Safety Officer the area I lacked in was environmental, it absolutely was, no longer is that the case, but it was.

On the second line actually says the personnel commission director, I am assuming at that point the fact this was written by, I am going assume this was written by Mr. Maher, assume this was him said that he had looked or he realized that I did not involve myself with environmental aspects hazardous material. Absolutely incorrect, as a matter of fact using my police abilities and my newly acquired environmental stuff have filled criminal cases against both non-district and district personnel or environmental crimes affecting this district. Another tool that can be used if this position is evaluated correctly and looked at job description clearly defined. The nature of complexity of duties on environmental compliance regards to compliance with the merit of laws regulations of complexity. I have been a police officer for 13 years if you think this environmental compliance person deals with more laws or has any complexity of a job than a police officer somebody is clearly mistaken incorrectly. Because, I can take somebody's life I can take your freedom away. If I don't know how to regulate that, if somebody can do this better because they are an Environmental Compliance Safety Officer then great for them. On page 12 of 24, which is your front page of your proposed Environmental Compliance and Safety Officer you have performed accident and injury investigations. Here we go with some type of investigation function. How do you perform an accident investigation function if you are not qualified, or you

are not suited to get on scene of an emergency? Just because you walk up and say because you are an environmental officer for the school district as a police officer, or as a former fire fighter paramedic I could not care less who you are. This is a crime scene, this loss scene; this is a fire scene you can wait outside the yellow tape until we are ready to talk to you. Or you can't investigate anything if you are not allowed into a scene.

The third bullet from the bottom, which it appears to be underline, which it means it's a new rate I believe. Conducts occasionally unannounced inspections to enforce policies and law. If I am going to enforce laws then I should probably be in law enforcement or that position. Basically, what I am asking you guys to do. I understand the politics behind this. As the union Vice President for the police I spearheaded us breaking away from CSEA that was the best move we ever made and I do it again. There are over 400 vacancies in this district this is one of them. It needs to be filled. I get it, but let's do it right. I asked Mr. Flory to meet with me so we can go over these descriptions together and let's rewrite it. Let's get rid of the three jobs that one person and the secretary have to do. That is why I am in this position because the last person realized it was too much work and quit. It is too much work for one person to do. Because I have been in it, nobody here in this room has come to a ride along with me to see what entails. I probably have the most knowledge in this room about how to do it. So work with me I will work with you and maybe we can figure out how to write this stuff that serves this district not a self-serving to whoever is trying to go after Eric Vetere because I couldn't care less about that. I have been alive long enough to now worry about that stuff. But let's focus on that position if that is what we are going to focus on and let's rewrite it together and let's work together and do it.

Mr. Barabani

Eric.

Eric Vetere

Sir.

Mr. Barabani

Have you read the stipulated judgment?

Erick Vetere

Yes sir.

Mr. Barabani

It was issued December 4, 1998.

Eric Vetere

Yes.

Mr. Barabani

In 15 years, its 15 years old.

Eric Vetere

Correct.

Mr. Barabani

Any reason the district has not done anything about it?

Eric Vetere

As in, it has not done anything of what sir?

Mr. Barabani

Have they met the requirement of the stipulation?

Eric Vetere

Well most of, this is just my personal opinion, I am not speaking on behalf of the district. I read it just like you read it, most of

this stuff was a onetime shame on the district fix your problems type situation or they had to pay \$14,000 to the CHP department for computers a lot of this stuff was a onetime thing, provide videos for training, it wasn't there was not ongoing you need to do this every year as far as I read it in the stipulated judgment. IF there is something in particular...

- Mr. Barabani Stipulation of who supposed to work this job, which should be hired, doing this format thing like that.
- Eric Vetere It was a position that was forced upon the district and that is.
- Mr. Barabani So that is not in effect anymore.
- Eric Vetere Which part of it sir? There are 6 or 7 pages.
- Mr. Barabani It was written by a judge right? It was given its stipulated so it's in effect. Can we disregard?
- Eric Vetere I don't know. I am not your legal counsel sir I don't know if you can disregard or not. I am just speaking on behalf of the person that volunteered to step up and do it. There was a lot of stuff in here that it's a one-time thing. There is a lot of stuff in here that is outdated time wise. There is a lot of stuff that is done. Hazard communication that is a standard thing that is dealt with that in my office. Injury Illness Prevention Program that is something I review and get out to my employees all the time. A lot of this stuff is part of the job. Like I said there is a lot that accompanies whether you want to call it the Environmental Safety Officer or whether you want to call it the Environmental Compliance Officer or whether you want to call it the district safety whatever you want to call it, there is a lot that it encompasses and you're not doing anything to minimize that by this rewrite up the description. It's lets hurry up and get it going to please CSEA thing is what I believe. And I would say let's work together to write this so that the next person after Eric Vetere is done with it does not realize it's too much work and quits.
- Mr. Barabani So you are telling that CSEA has something to do with it?
- Eric Vetere In my belief, yes. That is just my personal belief.
- Mr. Barabani You have a representative they never contacted you.
- Eric Vetere Then it must be true if you say it sir.
- Mr. Barabani Well not necessarily they might be involved, but they never contacted me, I can't speak for the other board members so.
- Eric Vetere That is my belief that is my understanding from my rumors that I heard. It's a shame Mr. Barabani. Any other questions sir before I sit down.
- Theresa Rehberg Was that position ever tested, he is working out of class. Did he ever tested in that position and he is working out of class and so now he is now trying to reclassify the position? So I am kind of confused, was he ever tested in that position? And

reclassify that position as an employee because our contract? I am confused. Before him person was Warren Craig was he actually ever tested? I just know he was placed in there but I don't know if there was an actual test. He retired, he did not just quit.

Eric Vetere

The person before me was not Warren Craig.

Theresa
Rehberg

Well before that, I know Warren Craig was in that position but I don't think he actually tested I am not really sure. To me I know several employees tried to reclassify their position and took it to personnel and it was really hard to get reclassified and they had to get permanent employee in that position and be in the position for so many years before they can try to reclassify, so I am confused. That an out of class person can reclassify that position. I am really confused about that.

Mr. Barabani

Thank you. Any more public comments?

Patrick Maher

When we first did the work and brought it to the commission no one told us about the stipulated judgment. Dr. Williams looked at 165 different classification specifications for several jobs throughout the United States. Based upon that we took the duties that existed and we put them together and came up with the classification specification. Brought it to the commission and all the research all time indicated that it was not a management position. Then the district pounds on us and says there is a stipulated judgment it must be a management position. I did not get that until the day after the meeting was the first time I was able to see it. They told us about it but they never shared it with us in advance. Once I had a chance to go through the stipulated judgment to see the requirements were I recognized that the nature of the duties of the position and everything else was out of step. I tried to set a meeting with Dr. Vollkommer to meet with him and discuss that and need to make some changes of the duties. It took more than two weeks to set that meeting up once I asked for it. The meeting was scheduled the day after I was retroactively or the Monday after I was dismissed by the district. I asked if I can attend the meeting. Dr. Williams went to the meeting but, I was not allowed to come in and talk to them and give any impression, they were not interested. They talked about hiring asking for 33 positions; they never once asked as of my knowledge have they ever asked to fill this position. You have a stipulated judgment where the district was a criminal defendant and a violation of this judgment would constitute a criminal act. And they are still up here we did all this work we try to contact people and everything else now we are being told, "oh no this is all messed up we got to do everything differently". Every time we try to recruit this position to fix it there is an objection, there is delays, and problems, concerns and, everything else. The district can hire more people if more work is needed. The district can sit down and decide to create other positions. This

commission can't create positions you can't just create 3 new classifications out of nothing until the position has been established. So they come to the wrong people, they should be going to the governing board and by this time they should of came down before you and told you what they were going to do. They would have still complied with the environmental compliance officer. The district is the one that is not compliant with the stipulated judgment. The district representatives are the ones that are telling this commission, don't do something because you are trying to comply with the law. If the district does want to assign the duties to this position that is up to them. But for you to put in to place a classification specification that complies with law and remembered you are under the court order to comply with the law. Ig you don't comply with the law you're potentially facing attempt to court yourself because of the action of the district. You are in court of comply with the law and this stipulated judgment is the law. Then you have to comply with that. Since the district is unwilling to meet about this. The only time they want to make this an issue is when it comes before the commission, any other time they don't care about it. They don't want to meet about it, they don't want to discuss it, they don't want to get involved in it, and they just want to leave it. Out of those 33 positions they never once asked to fill this position but they are required by law to have it filled. To fill it does not mean to put a temporary person in there, just assigning him. Filling it means that is permanently filled through examination and through process. This should of being their highest single priority of every single position to fill because of the stipulated judgment. And now they say "Oh no don't act on this it has to be different, we have to meet, and we have to discuss it". All kinds of things that should of done at least between now and the last time before it came to the commission, not wait before it comes to the commission again to start saying well we don't want to meet we got problems we got to think about it. If you don't pass this thing you don't get this position filled soon you got a potential contempt court you got a potential criminal violation. I think again you have the duty to follow the law. If the district does not want to follow the law that is not an excuse for you not to follow the law. Thank you.

Mr. Barabani

Any other comments? We like to take a 10 minute break, oh sorry.

Alex Raya

I will make it short, I am Alex Raya. A quick comment on the environment safety compliance safety officer position, you have the flyer for it. Our position as association and it has been brought to me from associate members, we don't want to see it come to police officer under our department, I don't know if that is under your control or not. We stand we don't want that to be an officer position or another management position under our department. That is our stand on it, since the get-go we will do if you guys want to fly it like that. Just the position as it is, it

sounds like a nightmare. But, as association stands this is not what we recommend or we want under our department or management position. So I kept it short and sweet thank you.

Mr. Barabani Any more comments. Take a 10 minutes break. Break for 10 minutes at 7:10 p.m.
Back in session at 7:21 p.m.

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IV. ACTION ITEMS

A. The commission will have a second reading and consider adoption to a proposed revision to Rule 6.02. A proposed motion is:

It is moved that the commission adopt the proposed revision to Rule 6.02 as submitted (Second reading and adoption).

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

B. The commission will consider revising the classification specification for Environmental (Compliance and) Safety Officer. A proposed motion is:

It is moved that the commission approve revisions to the classification specification designated for Environmental (Compliance and) Safety Officer as submitted.

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

Mr. Flory I would like to comment honorable chair members of the commission, we don't have everybody here, I would like to take a little bit of time to take a look at that so I can be on speed. It seems like it's a very controversial issue and there are a lot of sides to it. I have not been involved in this. But I would appreciate some tome to look at this work with the district I want to make sure that we are in compliance with criminal action that this supposed to solve. Thank you.

Mr. Barabani One of the things since we are speaking about that. The lady Theresa she brought up a very valid point. The person wants to speak, and the work related its also holding a job right now and I don't if that. Seems to be a conflict of interest there.

Mr. Flory Honorable chair members of the commission yes it would be and I requested to speak to the individual of the district that is responsible for that area. Right now the individual reports to the Interim Superintendent and, we are going to have a new Superintendent, we would probably have an Assistant Superintendent involved I certainly would talk to anyone but, I would like to get the input from the person from the district that is responsible for this area and I like to get our and district legal counsel input because this is a criminal matter. I think it's very important but I would like to have some time to work

on the matter.

- Mr. Salazar For the record I think that is a great idea. Mr. Flory to investigate a little further, I know we are going to vote on this as it is so, for the record it does not seem that it makes sense for this motion to pass as it is.
- Ms. Early While we wait, Dr. Vollkommer, earlier that there was some underline that was not discussed during the meeting with Dr. Williams. Was there any objection to the verbiage that was underline that has been inserted on this document?
- Dr. Vollkommer Actually, Ms. Early I would have to take some time to review it in relation to the stipulated judgment. At face value I don't think so, but having the opportunity to review before Monday and other matters taking significant amount of time between now and now I am really not prepared to make a final determination. Thank you though for asking.
- Mr. Barabani Dr. Williams on this Environmental Compliance Safety Officer, you did a lot of research on it and things like that. You feel that this represents the stipulated judgment and the duties of this position as it stands?
- Steve Williams As it stands? The only thing I would of hope that we would have had this prior to all the work that I did.
- Mr. Barabani For the stipulated judgment?
- Steve Williams Yes, and I am still trying to figure why I was not given this information. That would of helped us, everybody. To move along and get this done faster. It is done and over with and, I think it is time to move on but to answer your question I believe it fully represents what the position is and the specification for hiring as it stands.
- Mr. Salazar So I would suggest that given that information Dr. Williams, Mr. Flory over here at a minimum I think that we should have our internal staff, this two gentleman here, talk about this and we need to which I don't think it's a bad idea, have the discussion with the powers of being in the district as well and then just come to a common consensus and then move forward.
- Mr. Barabani You recalled when you first started doing this?
- Steve Williams Let me get my report and I will give my report. Excuse me. Beginning of March and, I even made attempts to reach out to people for information about the position. March 6th and this write up was April 18th and a lot of time went into it but, then after April then we got the letter we got the stipulated judgment from Mr. Trejo and, basically you know put us in a holding pattern until we can decide and work with the district on what we need it to do and look at it terms of priorities.

Dr. Vollkommer I think Mr. Maher mentioned and Dr. Williams, I was not aware about this stipulated judgment until the Thursday before the Wednesday meeting of the personnel commission. In fact I reluctant to the stipulated judgment because I was in Brenda Leon's office and she said, "Did you know there was a stipulated judgment?" I did not know that. So I explained this to the commission at the last time we looked at this. I believe Mr. Maher was gone that Friday, I came over the next day and I got tied up on Monday and I believe on Tuesday if that's correct. Ok, fair enough. I did present this to Mr. Trejo, but I was not aware of it until that Thursday before the commission meeting. There was quite a contention if it should be management or non-management position, we did express our concern about being taking out of the management classification and discussion that we had, but the stipulated judgment did come upon the process.

Mr. Flory Honorable Chair members of the commission, Dr. Williams would you have a problems of delaying this or tabling it so we can take a look at this so we can talk about it more?

Steve Williams I don't think that is my call.

Mr. Flory Dr. Vollkommer would you have a problem tabling this to we talk about this more.

Dr. Vollkommer I don't.

Mr. Flory Thank you very much.

Mr. Barabani So we are into this for three months right? We table this give me a time.

Mr. Flory Next meeting.

Mr. Barabani So you want to review it, contact the district attorney and, have all that done in two weeks

Mr. Flory Yes sir. Honorable chair members of the commission, yes sir.

Mr. Barabani Well we have a motion on the table. Any more discussion? Call for the vote.

Mr. Salazar Nay.

Ms. Early Nay.

Mr. Barabani Yes, I would like to make a motion that we table it and reintroduce this at the next meeting which would be?

Nersi Garcia June 27th.

Mr. Barabani June 27th. Thank you.

Mr. Salazar I will second.

Mr. Barabani Call for the vote.

Ms. Early Aye.

Mr. Salazar Aye.

Mr. Barabani Aye. Agendize for next meeting on June 27, 2012.

Item C, before we proceed with this there is something missing on the supply modification on further resolved on the section three it should say it should be a statement there, the personnel commission under the direction of the personnel director per chair.

Mr. Salazar Where are you at?

Mr. Barabani At number three under the direction of the personnel director per chair.

Mr. Salazar That is after personnel commission under the direction of the personnel director or chair.

Mr. Salazar So we are going into item IV (C) for the record I would like to excuse myself I don't want to have anything to do with item IV (C) or any discussion with respect to item IV (C) and I will just excuse myself and let me know when you are done and I will be happy to return to the meeting.

C. The commission will consider appointing Patrick T. Maher as a volunteer expert and consultant without compensation to assist the commission staff, and commission counsel as needed. A proposed motion is:

BE IT RESOLVED BY the Personnel Commission as follows:

1. That Patrick T. Maher has specific knowledge of the full history of the actions, minutes, agendas, correspondence, and other matters involving the Personnel Commission since April 2009.
2. That Mr. Maher alone among commissioners and staff have specific knowledge of such matters as current eligible list status, the status of individuals who have and have not referred to the District for hiring, verbal agreements and understandings that have been arrived at with the District, policies that have been passed on verbally, and discussions that have occurred with District representatives on a myriad of matters that affect the authority and jurisdiction off the Personnel Commission and efforts to fully implement the principle of merit in the District, often at great opposition.
3. That no other single member of the staff has the same comprehensive knowledge of the matters involving the Personnel Commission as has Mr. Maher, especially those matters that transpired while he was hired and working as the Personnel Commission Director.
4. That the commissioners, staff, and the current Personnel Commission Director are not fully aware of all that has transpired since October 24, 2011.
5. That Mr. Maher has expertise and experiences in matters affecting the current litigation involving the Personnel Commission and District that

no commissioner or staff member has.

- 6. That Mr. Maher’s direct involvement with current litigation between the District and the Personnel Commission is of great strategic importance to the Personnel Commission and its counsel as discovery is on-going and as the case moves towards mediation and/or litigation and/or as Personnel Commission Rules are revised and adopted in accord with a Writ issue by the Superior Court.
- 7. That Mr. Maher has an expertise in a myriad of matters involving the merit system that is not equally shared by any commissioner or any member of the staff.

BE IT FURTHER RESOLVED BY the Personnel Commission as follows:

- 1. That Patrick T. Maher is hereby appointed as a volunteer expert and consultant without compensation.
- 2. That Mr. Maher shall be designated as the Personnel Commission’s official liaison and representative in all matters pertaining to the current litigation (Case No: CIVDS 1106215 & Case No: CIVDS 916709) involving the Personnel Commission, the District, and CSEA.
- 3. That Mr. Maher shall have full access to all commission staff, commission records, commission files, and the commission office as if he was an employee appointed by the Personnel Commission under the direct direction of the personnel director or the chair. .
- 4. That Mr. Maher may attend any meeting between District representatives and the Personnel Commission Director for matters pertaining to Personnel Commission activities for dealing with matters that pertain to principle of merit as may be authorized by the Personnel Commission Director or the Personnel Commission Chair.

Moved	Mr. Barabani	Seconded	Ms. Early: I will second your motion for the sake of discussion.
Vote: Barabani	<u>Abstain</u>	<u>Early</u>	<u>Nay</u>
			<u>Salazar</u> <u>Stepped out</u>

Ms. Early I am concerned that your motion has been put in the form of a very long resolution and, for me to vote in favor of your motion as stated means that I am in agreement with everything that is within this resolution.

Mr. Barabani Would you like to discuss which one you find an objection?

Ms. Early If the issue is whether or not Mr. Maher should be brought in as a volunteer expert without compensation, I like to narrow it down to that because when we start stating that I am going to just use this as an example, no offense, but I am using it as an example. If I am stating here that Mr. Maher served as a personnel commission director and he along is aware of things that went on to affect the personnel commission as a commissioner I am dependent upon Mr. Maher to keep me informed. So when I call the office and ask is there anything going on? I am really looking for updates and I think that the commissioners need to be informed. So if I read that there were things, when I read this it looks that were going on or that went on that the commissioners

might not of being aware of. So, It is just little grammatical things here that I don't know if I would necessarily agree with in the form of a motion.

Another example would be number seven, and I know I am not preparing qualifications. But, if I say that Mr. Maher has an expertise in a myriad of matters involving the merit system that is not equally shared by any commissioner or any member of the staff. We now have a new commission director and so for me to say now I would be comparing qualifications between Mr. Maher now Mr. Flory is part of our staff. If I agree with this statement then I maybe agreeing that there is a different level of expertise among directors. And I don't know that to necessarily be the case. So my concern is that the motion has been put in a long resolution where for me to support the proposed activity as it stated that I would be supporting the verbiage in the resolution that is my concern of the presentation.

Mr. Barabani Ok, I will start with number seven, because it was the most recent. The difference in levels because of any lack of knowledge what happened is we progressed that is you know with the commission knew that this eventually Mr. Flory would return.

Ms. Early Yes.

Mr. Barabani We stipulated and made provisions for that. The district did not see straight and allowing the 45 days transition period. This would have overlapped and allowed to bring in Mr. Flory and us commissioners to some extent to level that we wanted. I do understand your verbiage because when you bring up things at that I had not looked at it at that level yet. I thought this would be the motion. The easiest way to do it, because, Mr. Maher was willing to offer his knowledge. We did not want to do it behind closed doors, we want it to say, we are going to use his expertise. I still believe that he should have been here we have three members of this commission voted, saying we are going to give 45 days' transition from the time he was laid off, we made an honorable agreement to do that and, I was counting on that as chair for the transmission period and nobody objected to that. Absolutely the district, Mr. Vollkommer, nobody objected to that until the last minute. That kind of went bad because I am very disappointed with that. I know I called Thursday and I asked Mr. Vollkommer what is going on. He was surprised I knew. They acted before the governing board acted. So that kind of left us in bad term. Now when we you know so that is what it is.

Ms. Early I too was in favor of Abe transitioning period. So I understand what you are saying, my issue was and is with some of the verbiage in the resolution and I appreciate Mr. Maher's willingness to come in and serve as a volunteer expert especially hearing from prior comments of the 33 positions that the district was seeking to fill so far we have only been able to address 11

of the positions. So I feel that his effort is needed. I would like to hear from Mr. Flory.

Mr. Flory Ok, honorable chair members of the commission that are left in the room, this is very awkward to me. Pat Maher is a personal friend of mine, I have tremendous respect for him and I feel that one through six part of seven is very valid points. I think he should be paid, number one.

Second, I don't know if a person can serve two masters. I would recommend that you have if you are going to approve this Mr. Maher report to the Director, nothing personal sir and, it is just going to be really awkward because the focus of this agenda is not what we are doing at the personnel commission. I would welcome Mr. Maher back I think he should be paid, and there are number of things he could work on, but having somebody from the outside but, my respect attending meetings between the district representative, access to confidential information I am not an attorney I would refer to our attorney and the district's attorney. If there are some legal issues involved with the volunteer coming in to some of those areas. As it is written this is a beautiful accommodation and I thank Mr. Maher for his service we even have a plaque that they screwed up on. I got a problem now at this point with him here. I don't have a problem with him as a liaison on the case, but this whole thing just kind of messes up what the current staff, and I am trying to do with the commission. You want me to be clear I will?

Ms. Early I do.

Mr. Barabani I am kind of curious what stuff you want the commission to do. Now it works the other way around.

Mr. Flory Of course it does sir. Honorable Chair members of the commission, in my report I am going to give you what we would like direction from you on and, this places me in just a tremendously awkward position. I would be more than happy to take out of my own money and pay Mr. Maher for 45 days if that is the issue. If the issue is having him be the liaison to work with our attorney on this cases that are ongoing, not a major problem but it is still kind of interferes with what we are asking for direction on and what we are recommending to you on a day to day basis. This has been a very contagious meeting and I have said we are trying to move on and fill jobs. Pat is not on that page. I think he will agree and from listening to his statement Pat is very upset, and I was very upset and I got over it. Pat can't get over it but, it is not going to help us right now your staff if you approve this.

Mr. Barabani I understand about moving forward on the jobs and stuff.

Mr. Flory Right.

Mr. Barabani We have been suit by the district, and it is complicated case then part of this is that this is just a unique position it is unbelievable

the commission was pretty much destroyed, it was not by us, it was the district, they did everything they could to make us non function. We finally got function up in October; you were gone for 4.5 years?

- Mr. Flory A little over that.
- Mr. Barabani So that short period of time from October to now Pat was running up to speed in doing this items, it was his job as it will be yours. We worked with Kristine Kwong, we worked with attorneys, and we had to work with CSEA because they suit us to. The whole point of this was to get that expertise, the testing, even I heard that the NEOGOV is up and running. The training on that. Its just I never expected you to come in here and start running 200 hundred miles an hour. But that is exactly what it is going to take here. It will be easier if you had a car to drive even though you would need new tires for it.
- Mr. Flory Honorable chair members of the commission, I am willing to run 400 miles an hour.
- Mr. Barabani I know, then I cherished that you pay out of your own money but the District should of paid that and you know, there is not much difference between that and volunteering, they are not going to fund that. There is not a lot of knowledge there that needs to be. I feel more comfortable if we lay it out here, speak about it like we are doing right now instead of, sooner or later you will hit that bump on the road and I am too, and I am going to call you on the phone.
- Mr. Flory And he will be there for us, honorable chair members of the commission.
- Mr. Barabani I have Mr. Vollkommer here asking me who told you about this? In this case I can say hey we are using Pat straight out on this issues. In a transition period probably it would not be very long, but I also understand your points. Any more questions?
- Ms. Early So from what I am hearing is that there is not an issue with our current director with Mr. Maher being designated as the Personnel Commission Liaison and representative in current litigation? But there might be some legal issues pertaining to items three and item four under be it further resolved?
- Mr. Flory Honorable chair members of the commission, I can't speak to legal issues, I am not an attorney I would probably say that as a laid person there would be and we have our counsel available through me to access. I think there would be a lot of legal issues involved. I am not qualified to speak to I would have a problem with not Pat but anybody from the outside coming in and having access to confidential information, having access to closed sessions, having access to litigation. I would have that problem with any one.

Mr. Barabani But that would be under the Personnel Commission's Director which would be you or the personnel commission chair. And you said you like to have not the personnel commission chair the reason we are in there because we run in the situation where the director was not available due to some manipulation and the chair had to make decision. Then since the commission and the chair deals with you directly it was just an organizational chart, top down thing. That is the only reason that is put in here. One time we had to pass a lot of motions to get to chair to do certain things because we had road agents, best I can call on. That is why that is there.

Mr. Flory Honorable Chair members of the commission, why don't we ask other people to speak on this?

Mr. Barabani: We usually don't open it up to everybody.

Mr. Flory Did you have a comment Steve?

Mr. Barabani I don't mind hearing from outside either but, it is getting late, every time I open it up, one time a guy read a book to me.

Mr. Flory Honorable Chair members of the commission, I would prefer that you do not pass this.

Ms. Early Mr. Chair may I ask a question? May I ask a question, and Ms. Kwong if its inappropriate let me know.

Kristine Kwong,
Attorney at law To me, question to me?

Ms. Early Yes, can you comment on items 2, 3 and 4 under being resolved by: I thought that Mr. Flory stated that it might be inappropriate for Mr. Maher shall have full access to all commission staff, commission records, and commission files and commission office as if he was an employee appointed by the personnel commission, number three. Number four that Mr. Maher may attend any meeting between district representatives and the Personnel Commission Director for matters pertaining to Personnel Commission activities for dealing with matters that pertain to the principles of merit as may be authorized by the Personnel Commission Director or the Personnel Commission Chair.

Kristine Kwong,
Attorney at law It is not uncommon for school districts to have volunteers. In the past districts do utilize volunteers so that issue said, volunteers are acceptable for whatever work that you ask to perform. The issue is what the protocols are necessary to insure that when the volunteers perform the service that does not create any type of risk or liability to the district. That is when one should utilize good background checks, screenings and, investigations to make sure that the volunteer that you have asked to come for volunteer services are adequately screened and, investigated so that you know that this person is the experienced capability,

skills perform work that you ask them to perform. If you done that or you are sure that this person possess those skills, and any risk that you anticipate are adequately addressed through your background check then, that person can perform those services that you asked to perform.

A typical example, this is a very unique situation but, a typical example would be a parent wanting to be a softball coach and given the access to the locker room, the field, to minor children. You need to do your adequate background check, make sure this person is trained and skilled in performing those duties. Make sure they don't cause harm to the children that they are performing those duties for and that they are adequately familiar with the policies and procedures so the district don't create risk and liabilities. If you do that traditionally you can have volunteers to come on campus to work and have access to district facilities.

To address Mr. Flory's issue with respect on having access, I think hypothetically speaking your concerns have merit we don't want to bring in people that you have not got an adequate background check and adequate investigation prior to bring in them in because doing so would create potential risk such as negligent tension, negligent training, and if that person does cause harm to any of your employees it exposes the district to liability.

Mr. Flory Honorable Chair, members of the commission, may I follow up, it states in here that Mr. Maher is working with you very closely on the case performance that is one of the items. I would ask do you think if this did not pass that you have still that relationship and the ability to that information as long as it takes.

Kristine Kwong, Attorney at Law I am not going to address those issues because it is protected by client privilege confidentiality. So I will not speak on those issues.

Mr. Flory Honorable chair, members of the commission, that was an inappropriate question then I recommend we take this into closed session and discuss it and answer it coming out.

Mr. Barabani We can't we will violate the Brown Act.

Mr. Flory Well we need confidential information from our attorney, and we can't get it in public which I certainly understand.

Mr. Barabani I understand that but we can come back and reagendize it put it in another meeting, but we can't go now it is a public item in the public thing we put it on the agenda, we can't move.

Mr. Flory We can't ask for advice in close session and then come back out and act on it?

Mr. Barabani No it is not on the agenda. No we can't. I understand it is a frustration the Brown Act. I know we just want to talk confidential

so we don't violate it, but we are going to have to reagendize it. Mr. Vollkommer he will be the first, and I will be the first too. I am not just picking on him this time. If they did it the governing board it would be the same thing. You don't want to violate the Brown Act. You will be the first to stand up. I would have to agree with him for the first time.

Dr. Vollkommer First time.

Mr. Flory I appreciate how painful that is. I need to let you have access to legal advice on this because I think there are some legal issues and she was very correct in pointing out that you can't discuss in open session. I would then recommend we table it, we agendize it as a closed session item that we can discuss so that I am comfortable you have an adequate legal input in this. Understanding that there may be a potential conflict because, we are dealing with legal action, our attorney, and some other issues. And this is going to be a little complicated.

Mr. Barabani Brown Act really restricts us as to what we can bring in closed session.

Mr. Flory Not tonight.

Mr. Barabani No tomorrow or next day what we can bring into in closed session. Now we can speak about agendizing items I believe we are not going to be violating the Brown Act we can do that among commissioners but, we had issue once before. The thing that it's we talk about personnel matters.

Mr. Flory Is this a personnel matter?

Mr. Barabani He does not work here anymore.

Mr. Flory It affects the people that do work here honorable Chair, members of the commission, and I think we get legal counsel to tell us if we could go into closed session.

Mr. Barabani What happened when I first start sitting on this chair had a lot of problems with the Brown Act book, and I got the book and reviewed it and I read it about five times, I am telling you it is hard to bring stuff into back room because that is what the law wanted to prevent backroom reviews.

Mr. Flory Honorable chair members of the commission, we do have counsel here and I would like to ask her is there a way you could get legal counsel in closed session at another item, and then we can tape it.

Dr. Vollkommer Just point of order as a person who reconciles Ms. Kwong's legal bills, I bet she is interested on that. I have to at least ask a question. Are we sure that Ms. Kwong has been established this conflict counsel on this matter? I don't know that it is connected or not connected to anything that is legitimately designated as

conflict counsel on. I at least feel obligated to ask the questions so that you are proceeding in the right manner.

Mr. Flory Honorable chair members of the commission, I think Dr. Vollkommer raises a very good point, I would be unsure as to the conflict counsel issue, also. Thank you for bringing that up I did not even think of that.

Mr. Maher Basically personnel matters are not allowed to automatically to be on closed session. Hiring an employee, bring charge against an employee, or the closed session and discussing the case of the commission, the adjudication of administrative hearing just the fact that something affects personnel staff does not give you the right to go into closed session. Secondly, you have no right to go into right to go into closed session just to confer with counsel. The only one allowed to go into closed session to confer with counsel is very specific specify circumstances one of which is pending litigation, one is which is actual litigation and thinks on that line. You are just not allowed to go into that meeting and have counsel come in and just give you a legal briefing without a specific exception on that or agreement so you can't go with that route without the brown act in any event. This matter it says it deals with potential volunteer not a potential employee or actual employee that I know of no legal reason to go into closed session to discuss about it, it all has to be discussed in open session.

Mr. Flory Honorable chair members of the commission, I believe that you could discuss this under the performance of the director.

Mr. Barabani Yea but he is not the director you are.

Mr. Flory I know, and I would recommend that you do that.

Mr. Barabani We can't that is not.

Mr. Flory I am saying table it, agendaize it to the next meeting, go into closed session, and talk about it on the performance of the director.

Mr. Barabani He is not the Director you are. How does his volunteering affect his performance?

Mr. Flory Thank you honorable chair members of the commission that is my point it does affect my performance of the performance of the staff directly.

Mr. Barabani Actually more of the witness that we can talk to on the case I believe. I would think since we do have the case and we are talking about the case he knows certain aspects of and possibly I don't know. So as we stand right now we can't go in the back to closed session.

Mr. Flory Honorable chair members of the commission, I was stating that we table it at this time and if there is a legal way to no violate the brown act at the next meeting and have a closed session item related to a way that we can discuss this and get probably legal

counsel. And we need to deal with the conflict counsel issue where we write a letter to the district counsel and the district other legal counsel and get the conflict letter.

Mr. Barabani Since you said one through seven is all right we had some discussion we can come back discuss it in public. Obviously Mr. Maher is sitting right here and does not mind for to be discussing this, I mean that is what we have been doing for the last 15 to 20 minutes, so you know we do have a motion on the table. I was hoping to get another opinion.

Ms. Early Mr. Chair I think my understanding is if a person has held a position and undergone a background check then, there is no issue with that person been a volunteer and having access to information if a background check has already been done, which is pertinent to this case. So if I am correct, if that is correct then I would like to offer a substitute motion.

Mr. Barabani We have a motion on the table, let's put that on first. I will abstain from the motion.

Ms. Early You are abstaining from the motion that is before us and I want to vote Nay. It is for the reasons that I stated above with just some of the verbiage that is used in the resolution.

I move that Patrick Maher be appointed as a volunteer expert and consultant without compensation with duties assigned by the Personnel Commission Director and or the Personnel Commission Chair. That Mr. Maher shall be designated as the personnel commissioner's liaison and representative in all matters pertaining to the current litigation Case CIVDS 1106215 & Case No. CIVDS 916709 involving the personnel commission, the district and CSEA.

That Mr. Maher shall have access to commission records, commission files, and the commission office under the direction of the personnel commission director, and/or personnel commission chair.

That Mr. Maher may attend meetings between district representatives and the personnel commission director for matters pertaining to personnel commission activities for dealing with matters that pertain to the principle of merit within this is on as may be authorized by the personnel commission director or the personnel commission chair.

Mr. Barabani I will second that motion. We open it up for discussion. Any more discussion? Call for the vote.

Ms. Early Aye.

Mr. Barabani Aye.

~~D. The commission will receive the following recruitment bulletins:~~

~~1. Secretary III (Exam 12-003)~~

~~2. Nutrition Services Custodian/Utility Worker (Exam 12-006)~~

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V. COMMISSIONERS/DIRECTOR COMMENTS

Ms. Early I would like to see the approval of the minutes of all agendas. I would hope that we don't get three or four or five sets to approve at one seating. I also agree with some of the comments that our agendas should be factual as opposed to more subjunctual. I want to welcome Mr. Flory back and I am looking forward to filling all of those positions that have been identified as needed to be filled. And I am also looking forward to having Mr. Maher in the office to assist with filling positions and whatever else he is willing and our current director is willing to have done to help move us and speed up the process and move us in a positive direction. And I appreciate your willingness to come back as a volunteer as you know we tried to prepare for a seamless transition but we were unable to do that. So we appreciate your help.

Mr. Salazar No comments.

Mr. Barabani It's late; I will make my comments quick. Mr. Vollkommer I heard what you said but I do understand we are testing, every time I wander into this office staff is working hard. I know you guys want substance, you want quantity but we can't give up quality because part of the merit system is to get the best candidate. And the best candidate ultimately they have to work around these children. I do not think we can skip on that at all. You are talking about the lawsuits and stuff like that I enjoy hearing that, but also when I hear I realize we did not sue you, we did not sue the district. We got suit by the district, and then we got suit by CSEA and then we had to defend ourselves. Ok, so when I hear there is big lawsuits going around I never recall this commission saying lets sue the district it's been the other way around. It has been destructive. But you know you talk about good will and everything, I will bring it up again. We had an agreement, three members had agreed, I consider that agreement like a handshake. When I tell you I am going to do something I am going to do something. I brought it many candidates in here and we told them all. Abe had a potential return and then we are going to offer them 45 days and then they are going to get laid off and they will get full rights of layoff. We told Mr. Maher, we told the other two candidates. And it was published, and you guys took the stand and well it was published, we ignored it, you know, it was after for seven months. Nobody complained about it, and then for me to call you on Thursday, and Friday night you asked me, "How did I

find out about that?" And then you did it on a Friday you could of done at the board meeting, we went there, their minds was obviously pretty made up and it was not enough. I forgot Yolanda was up there. That does not seem like cooperation to me. I felt like we got slided and it was bad, it was self-serving, it was done spite fully. I believe I did not mention that to you when I spoke, I didn't think it was right. The commission has been under attack. Before Mr. Flory and after Mr. Flory as the CSEA Rep I got to point out that the commission solely exists to protect and serve classified employees as far as I'm concern that's what is here for. Teachers have tinier, managers has other managers. You know and I spoke to you on the phone. I never seen the district go after tinier, the protection that belongs to certificated, but I do see it constantly coming after the merit system and our only duty is to provide you with a list. You do the hiring, we provide with a list of qualified people and maybe sometimes one of the managers does not treat that employee correctly and they have a right to come to us and have a hearing and, to find out if they did right. And hopefully if they did wrong then we can follow down that path too. But that has not happened. I told you and we spoke on the phone, I think that is a bad attitude, I really do, when you attack one class of workers and never attack the others it's straight out of list, and there is no other way, I mean the managers are the upper like the 1% of the people that everybody else complains about me out of state, and they are going after the people, and this people are the classified people that send the kids to this schools, live in this community, not like most of the managers and probably most of them don't live in this community. So I thought I bring that up.

Mr. Flory

Honorable chair members of the commission I like to be the first to welcome Pat back, thank you and thank you for volunteering. Alexis has been working on the report which you have there. I would like for the sake of time to not deal with that and we will bring it back to you at the next meeting. I has to do with vacancies openings, there has been some concerns expressed as to who signed the list and stuff so I will bring that back under director's comments at the next meeting. I will try to be very quick on this, we are working on draft mission, goals, objectives and results this is for your input as commissioners and is for everyone else's input, and we will hope that would be the basis for you given direction back to your staff. I don't know if we had mission, goals and objectives before we tried it and it has not worked out. But I like us to have a clear path where we are going, and everyone's input into it, then with your approval that's the direction you will be given us on the broad basis. We are working on minutes; we are maybe making recommendations on maybe using an outside service to help us with that in

transcribing them. We are looking at action items minutes which is something we will talk about later and we are looking at catching up on the minutes. I was disappointed not seen them on this agenda, nothing personal sir. We are hooking up the scanner which is the old scanner and we are now working with information technology on hooking up the new scanner, we are working with information technology on internally, working on Neogov, and the district information technology people have been very helpful to us. We are working on the class specs as Pat and everyone else has pointed out they are outdated. They need a lot of work. We need new test. We need to reestablish at some point of time the reclassification, class review procedure which is on the Ed code in our rules, we are working on that. We are working on job announcements; we are ready for the agenda on a lot of items that we would like to get to you the reflex the work of the fine staff. We are working well with the district contacts, staff; we are working well with Dr. Vollkommer. We are working well with Gladys Byrd and their staff over there. I would like to thank and acknowledge your fine commission staff for their hard work and professionalism that includes Nerci, Irma, Alexis, and Steve. We could not have hired a better staff, we have the tools that we need and we are at your service. Thank you.

Mr. Barabani Thank you for getting this report. One other comment I forgot when they were asking me about the agenda, and they asked you why, and I know you did ask and two other commissioners asked on items we do not call them.

Mr. Flory Yes I did, I asked for comments on the agenda, enough said.

Mr. Barabani I don't know about the other two commissioners but, when I get this reports and I get this lists, I personally would like the list that were developed by personnel commission director, this one has got Bryan Astrachan's name on it, this is not from the personnel director. I don't really want to see this. And one other thing on during the public meeting statement here, we had people they were saying something, can you get me a report to get some kind of investigation to find out of they are saying this positions have not been filled and they were talking about the cafeteria worker, some of the other positions, I know that is part of that list, they are saying we still have people working on this positions, well when we have qualified people on the list and we have people working in those provisions. And they are not provisional coming off the list. Could you do some type of investigation? Let us know how bad that is.

Mr. Flory Honorable Chair members of the commission, that is on our list of things to do and we are working with the district with three areas, one is the outside use of manpower and other agencies, out of class and participation.

Mr. Barabani Honorable Chair members of the commission, that is on our

list of things to do and we are working with the district with three areas, one is the outside use of manpower and other agencies, out of class and participation.

Mr. Flory We actually prefer to give you job descriptions and recruitments and announcements by next meeting and announcements and maybe focus on that stuff that I indicated in my statement.

Mr. Barabani I like to find out, because they came in I heard a lot of complains and I would at least have something on that.

Mr. Flory Honorable Chair members of the commission, I am offering to go beyond that and actually give you the product.

Mr. Barabani Ok.

Dr. Vollkommer Can I ask you a question before you report out? Would you be reporting out after the closed session?

Mr. Barabani I don't know. Everybody always ask me that, and I don't know until we go into closed session.

Dr. Vollkommer Typically you know what you are talking about , anyways. Second thing is can we get the exact wording in the motion that Ms. Early put forth that is approved the motion in relation to Mr. Maher.

Mr. Barabani Yes it is part of minutes.

Dr. Vollkommer I know that minutes don't always come quickly.

Mr. Barabani We will work on that.

Dr. Vollkommer Thank you very much.

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VI. CLOSED SESSION

The commission adjourned into closed session at 8:35 p.m. for:
Conference with legal counsel, Kristine E. Kwong, Musick, Peeler & Garrett LLP

EXISTING LITIGATION (Section 54956.9a): San Bernardino City Unified School District; Dr. Arturo Delgado v Personnel Commission of the San Bernardino City Unified School District Case No: CIVDS 916709

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

VI. ADJOURNMENT

The commission adjourned the meeting at 8:45 p.m.