

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

**MINUTES**

August 1, 2012

9:00 A.M.

**I. CALL TO ORDER**

- A. The meeting was called to order at 5:39 p.m. by Commissioner Barabani.
- B. Roll-Call
  - 1. Commissioner Gino Barabani, Chair
  - 2. Commissioner Rhonda Early, Vice-Chair
  - 3. Commissioner Michael Salazar, Member- Absent
  - 4. Abram Flory, Personnel Commission Director
  - 5. Nersidalia Garcia, Secretary III
- C. Pledge of Allegiance

**II. APPROVAL OF AGENDA**

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|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ms. Early    | Commissioner Barabani I move to pull action Item IV.A from tonight's agenda.                                                                                                                                                                                                                                                                                                   |
| Mr. Barabani | I second that. Open for discussion.                                                                                                                                                                                                                                                                                                                                            |
| Ms. Early    | Commissioner Barabani, I move to approve tonight's agenda with that change.                                                                                                                                                                                                                                                                                                    |
| Mr. Barabani | Ok. Motion, I will second that. I don't mind making changes but the only thing I got to say is we are trying to move forward, some of these items are just trying to process this jobs. We had some missed steps and some mistakes and part of this is one of the solutions that it was offered up, I like to see that other than that, that is my comment. Any more comments. |
| Ms. Early    | No.                                                                                                                                                                                                                                                                                                                                                                            |
| Mr. Barabani | Call for the vote.                                                                                                                                                                                                                                                                                                                                                             |
| Ms. Early    | Aye.                                                                                                                                                                                                                                                                                                                                                                           |
| Mr. Barabani | Aye. We will go to section III.                                                                                                                                                                                                                                                                                                                                                |

**III. PUBLIC COMMENTS**

- NOTE:**
- Comments from the public on any agenda item may only be made at this time.
  - This is not a time for the public to demand answers to questions from the commission or its staff.
  - Public comment during the commission's discussion of an agenda item will not be permitted.

**Charlie LeChance,  
CSEA  
Representative  
Mr. Barabani**

I am right here so, may I speak?

Yes, I can hear you.

**Charlie LeChance,  
CSEA  
Representative**

Charlie LeChance with CSEA. I actually would like to speak about item IV.B with the hiring Katherine Edwards as an investigator. I really have some concerns about that. One of my concerns is that this investigator is going to cost you anywhere from what according of what you have here \$5,000 to \$12,000 that really something that this commission can't afford right now, let alone the district. Number two, I guess I am questioning why we need an investigator on an issue where and I am been careful because the issue that I think we can ask our own questions and not go to an outside agency. It appears that we are hiring an investigator to investigate some of our own CSEA staff who I am going to represent when they are going on this investigation. And it just does not make good sense. So I would hope that you could talk about this amongst yourself and perhaps think about another way to handle this situation without putting the staff and membership in a harming way. It's almost like a contraction. I will be representing my very staff members investigated by this individual. And you may not be investigating our staff but that is the way it reads in here that concerning commission staff appointed and supervised by the commission so that would be our staff. It could be our secretary III who is here today or the other two staff members. I am optimally opposed to that, I would hope that that again you would talk about that even if you talk about that even if you talk in your open discussion during your motion so it makes sense to of us in the audience why you would spend that kind of money and why would you would that to our own staff. It seems that you can find another way to do that. I know Ms. Edwards; we used her at other districts on different types of investigation. It is not the individual, it's any kind of investigator to investigate our staff I have no issue, so I would like you to consider not passing that motion and trying to find another way to do it that can make more sense. Thank you.

**Dr. Harold  
Vollkommer,  
Assistant  
Superintendent for  
Human Resources**

Good evening commissioners, Harold Vollkommer from Human Resources Department. First of all I want to thank you in advance for getting the Superintendent's Assistant Class Specs hopefully through the process tonight with your approval this of course is a very important process for Dr. Marsden, he is trying to wrap up his staff, get solidify in his shop. I know he appreciates your work on this matter. While I am mentioning Dr. Marsden I want to, I just want to bring up an issue it is related to the agenda a little birdie told me today that if I spoke against any item on the agenda this

evening that it would be perceived that Dr. Marsden does not have a desire to have a functional excellent working relationship with the personnel commission. That was explained to me, and I just want to assure the personnel commission that nothing could be farther from the truth than that. Dr. Marsden does want this to work. Those who have got to know him a little bit, he is about inclusion, he is about problem solving and involving people about decisions that affect them. And that has been his consistent message since I have known them and it has been only a month. I just want to make sure that if I or any member of our staff come with a point of disagreement that it is simply that just a point of disagreement, and that we may interpret something different or we may look at something different and it is not in any shape or form an attitude behind that or a desire to not have a good working relationship so I want to clear that up because when I got that information this afternoon it bothered me and it bothered me a lot in terms of our ability to work together so, enough said on that.

I do want to comment very quickly on the revision on you agenda on not demanding questions, thank you for that I do appreciate that and I wanted you to know that what I said last week was very sincere in terms of not wanting the commissioners to be in a bad place with inaccurate information in the back up portion of the agenda. In fact we actually have a claim against the district right now based on information that was placed in the back up of the agenda. Now I don't know where that is going to go but I know we all rather avoid that if we can so just a note of caution but thank you for that adjustment.

I was going to speak to action item IV. A but I will not since it has been pulled. So let me did I get that right?

**Ms. Early**

It was pulled but if you have any comments that you would like to share with us that is fine.

**Dr. Vollkommer**

I will wait until it is actually on the agenda, if it comes back then I will comment on it then.

Let me make a quick comment though on IV. B. We know that your request, I actually agree with Charlie which we do fairly often, is obviously in line with the Ed Code, but I do want to point out a couple things, maybe minor pieces but I want to make sure that it gets done right if it gets done. In her letter Ms. Edwards characterized her employment as professional legal services and I want to make sure that does not get misconstrued with conflict counsel and so we recognize what you are tempting to do but that term can be problematic. So again it might be just a matter of Norman Cletcher for what that is worth but I know that the conflict counsel has been an issue of debate between the district

and the personnel commission in the past so I just want to make sure it is done correctly. The other thing that I want to point out that is in the letter that is in the back up material. I don't know Mrs. Edwards and I don't believe I have met her and, I don't believe I have an idea whether she is good or bad or terrific or wonderful on what she does. She request on that letter that should be indemnified and she is not asking the commission to indemnify her she is asking the district to indemnify her essentially because we would have to go through the REAF process to get her on board, ok, because she is going to be a contracted consultant. Her request for indemnification would have to come from the district because if for some reason her work lead to some action on someone else's part against her it would be the district having to foot the bills and I know we are all very aware of that it would be funded by the district. In the contract language it eventually comes through Mohammed's office and the REAF process and everything if you decide to go forward with this, just want to bring that to your attention, it could be a sticky point. Ok. I appreciate your time I want to finish by saying what I said last time and that is since November when we started hiring again I believe and I think you believe that each and every person that has been brought on board consistently with the principles of merit we want to continue to do that. I have been talking to John Peukert quite a bit and with representatives from our CSEA unit about contracting out with Manpower and Arrow and I think we are one mind that we just need that to go away. To get it to go away we are going to need to open those classification recruitments, get those positions filled and then if the people from manpower apply and they get it great if they don't they can go back to Manpower or Arrow and do what they need to do. I do want to kind of put that in your mind hopefully come in to you with that and ask for your partnership and commitment to getting that done as we always do, thank you for your work and your dedication on this process.

**Mr. Barabani**

On the restrictions on the Brown Act I don't have any public comments but I am speaking for myself I don't know anything about a lot of people that speak against me and if you know this part about of bringing something here, whatever you heard I want you to know it did not come from me.

**Dr. Vollkommer**

I want to make it public record clear that it was not attributed to any commissioner or member of the commission staff current or prior ok, it was not attributed to any one of those, it came to one to another to me. I ask for clarification clearly and I said is that and what came to me is I am warning that this would be perceived very negatively. My point is not everyone is allowed to have their opinion, I don't want to make a big deal of it. My point really is number one,

Dr. Marsden is not of that mindset, he really, really wants the problem solving, and number two when we speak against an issue it is not a personal attack, its not a vendetta is just we have a difference of opinion, that is solely what it is. A number of times I thank you for listening I always do. I apologize I have to run off to the class that I teach on Wednesday's, who may be here next Wednesday by the way, I give you forewarning its Advanced Human Resources Management class and I have been talking about Personnel Commission where some districts have it and where others do not have it. And they know I come from this meeting straight to class. And they said, "can we go to one of those meetings? And I said yes, it is a public meeting so, there is only eight students. We may send them next Wednesday.

**Mr. Barabani** We would put on agenda and give everyone A's.

**Dr. Vollkommer** Great that would be great, they would appreciate that. Have a good evening. Thank you.

**Mr. Barabani** Any other public comments. Ok, we will move on to Action Items. Action Item A has been pulled, we will move on to Action Item B.

**IV. ACTION ITEMS**

~~A. It is moved that pursuant to Education Code section 45286 that the commission appoint Patrick Maher as a limited term substitute Personnel Analyst at range M40, Step 5, \$336.96 per diem effective August 2, 2012 for the duration of the absence of the personnel analyst.~~

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

Action Item IV.B.	<u>It is moved that pursuant to Education Code sections 45311 and 45312 that the commission retain the services of Katherine J. Edwards. Esq. to serve as an investigator into allegations of misconduct concerning commission staff appointed and supervised by the commission and whose salaries are paid for out of commission budget, and to submit a report to the commission of findings for an amount to exceed \$12,000.00 and to be paid out of the commission budget.</u>
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Mr. Barabani Moved.

Ms. Early I Second.

Mr. Barabani Open for discussion. I have to say that I think it is necessary conducting an investigation, none of us here can do it. We have some issues; this person came recommended by Kristine Kwong. We know she is an attorney and someone who is qualified. What we are looking for is a neutral party to look into this. This are

serious charges and we want to make sure that we find someone that is neutral and look besides evenly in I think I can't say much more than that it's I just can't see we must have somebody within its neutral that can do this. Call for the vote.

Ms. Early	Aye.
Mr. Barabani	Aye.
Mr. Salazar	Absent.
<b>Action Item</b>	Last Item C, It is moved that the commission approve the
<b>IV.C</b>	classification specification for Superintendent's Assistant submitted.
Mr. Barabani	Moved.
Ms. Early	I second.
	Any discussion. Call for the vote
Ms. Early	Aye.
Mr. Barabani	Aye. The commission adjourned the meeting at 5:57.
Charlie	Record time.
LeChance,	
CSEA	
Representative	

**V. ADJOURNMENT**

The commission adjourned the meeting at 5:57 p.m.