

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

MINUTES

June 27, 2012

5:30 p.m.

I. CALL TO ORDER

- A. The meeting was called to order at 5:36 p.m.
- 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 THE AGENDA

Mr. Barabani Item II, Approval of the Agenda, I have small corrections. First off, under Closed Session, *Conference with legal counsel, Kristine E. Kwong* can't be here today so we'll have to take that off.

Also on Action Item IV on the first reading, the district had some objections regarding this letter that was sent to them, I'd like to just pull that.

Mr. Salazar Which item, I'm sorry?

Mr. Barabani Action Item IV (A). Got a letter from Mr. Vollkommer. That's all I got on that. I would like to make a motion that we approve the agenda with Action Item A pulled and the *Conference with legal counsel*.

Ms. Early I second.

Mr. Barabani Call for the vote.

Moved: Mr. Barabani Seconded: Ms. Early

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

III. PUBLIC COMMENTS

NOTE:

- Comments from the public on any item that is no on the agenda but is under the subject matter jurisdiction of the commission may only be made at this time.
- Comments from the public on any agenda item may only be made at this time.
- **This is a time for the public to make comments only. It is not a time for any member of the public to question, and especially to demand answers to questions from the commission or its staff.**
- Public comment during the commission's discussion of an agenda item will not be permitted.

Mr. Barabani As usual, everyone please come up here as close as you can to Nersi, she has tape recorders that'll make her job a lot easier.

Gladys Byrd, HR Officer II, HR Classified I'm Gladys Byrd and I am here on behalf of Dr. Vollkommer, this is it. Part of this kind of makes me choke. Good evening commissioners, as you know attendance at the PC meeting has been a priority for me, Dr. Vollkommer. Unfortunately this evening I have an unavoidable conflict, fortunately for you, I have asked Gladys Byrd to share my prepared comments. She is much nicer than me so it's probably a net game for everyone involved. I did not write this.

First, thank you for considering the extension of the three eligibility lists in Action Items IV (C), 1, 2, and 3. This will allow to continue to hire, I want to make sure that the commission understands that, particularly, in the case of Cafeteria Workers we would want to consider in the future leaving this classification open on an on-going basis given that there is a very high turnover rate in these positions.

Second, the information related to requested recruitments contained in the backup items of IV (F) is a step in the right direction. Although, an Action Item approving the recruitments would have been more encouraging. We recently had a very productive meeting with representatives from the district, the commission, and CSEA where we looked at some large and lingering issues, mainly contracting out, extended out of class assignments in substitute positions. Many of the recruitments identified in these items relate directly to solving these issues. I'm hoping that more definite actions can be taken at the next commission meeting.

I challenge you at the last meeting to examine the last commission agenda and how much of it was related to recruitments and hiring and moving forwards in a positive direction. I remain hopeful that the byproduct of Action IV (F) will move us into that direction. Unfortunately, I cannot be as positive

about the proposed Rule change and I understand that Mr. Barabani changed that, but I will read what Dr. Vollkommer wrote.

We sent you information to this the first reading, the district cannot support this in any way. I will not take the time to recount the point within this letter; I will trust that you all have read the information. I do, however, want to address the accusations in Mr. Barabani's response. Please be sure that the letter is not meant to be insulting in any way, and if anyone took offense I apologize. The district does however have an obligation to inform if it believes that an inappropriate course of action is being taken, just as the PC might feel the need to do the same. Points of disagreement are simply that. You have my commitment to be more vigilant about the tone of correspondence and I hope I can count on you to do the same. I will look forward to seeing the next version of this Rule modification. While we are on the subject of Rules, I will bring to your attention in July or August several others recently adopted Rules that may look good on face value but simply do not work, and I believe are leading to an unintended consequence and a negative effect on the classified service, now you have something to look forward to.

Next, in relation to item IV (B), I want to remind the commission that the district has not approved the duties as listed in the revision. I remember hearing the discussion about bringing this back at this evening's meeting. I received correspondence from the commission office about placing the items on the agenda for the first meeting in July. Given that the district, is based on discussion that occurred at the last commission meeting, revising the duties of the position this time frame worked and I agreed to it.

Finally, allow me to conclude on a positive note and again say, thank you for your willingness to listen. If this goes well I may have Gladys do all my speaking for me, smile. I know your job as commissioners is not an easy one particularly with all the issues before us. Let's all try to stay equally focused on future improvements while any past issues are awaiting resolutions. I will reiterate that by working together we can build a system of which we can all be proud. Thanks again and have a good evening whatever may be left of it.

Mr. Barabani Ms. Byrd?

Gladys Byrd,
HR Officer II,
HR Classified

Yes.

Mr. Barabani Thanks for that. We wanted to process a couple of interns.

Gladys Byrd,
HR Officer II,

Yes.

HR Classified

Mr. Barabani I'd like to get that done so we can get them working by like July 3rd or something, but I didn't see it on the board agenda.

Gladys Byrd, HR Officer II, HR Classified That would not be on a board agenda. I will be sending Mr. Flory the process for that and as soon as we get the names our staff will be working on that.

Mr. Barabani Ok. Can you give me an idea?

Gladys Byrd, HR Officer II, HR Classified I need the names and they have to go through the background process.

Mr. Barabani Alright.

Gladys Byrd, HR Officer II, HR Classified Unfortunately, is part of the background process that we have no control over but typically it's pretty fast.

Mr. Barabani You know what, this is kind of win-win for the district and us you know and it's a project with Cal State out there it's very helpful to the students and they are kind of on the edge because of things of last time.

Gladys Byrd, HR Officer II, HR Classified Our staff will start working on them as soon as we receive those names.

Mr. Barabani Thank you.

Gladys Byrd, HR Officer II, HR Classified You're welcome.

Mr. Barabani Any more public comment?

Patrick Maher Good evening my name is Patrick Maher. Couple of things, first of all about the few comments from Dr. Vollkommer; I was kind of shocked by one of his comments that the district can disagree with the commission, the same with the commission can disagree with the district. The difference I think is the commission listens and often acts upon the information whereas the district just ignores the commission and does whatever it wants to. I think there is a significant difference between what happens when you disagree versus what

happens with the district when there is disagreement on behalf of the commission.

One more time, this Environmental Compliance & Safety Officer, we first started working on this back in March this is nothing new that came along. We spent a lot of time, Dr. Williams looked at 160 some odd classification specifications nationwide, I met a couple of times with Dr. Vollkommer about it; we put it together we gave him the information, we have taken action based upon sound psychometric principles and classification decisions, at the last minute they came in and they dropped the judgment on us saying, 'my god, you can't do anything the judgment says this and this and this'. We delayed on that, when we had a chance to look at the judgment I found out that the district was not in compliance, in my opinion, with the judgment. The judgment says you shall have an Environmental Compliance Officer and you can add some safety stuff and other stuff if you want to, the primary duty is environmental compliance. The job spec and the way it had evolved and the way it has been used was primarily on safety and emergency management systems which are important, but the judgment says you shall have an Environmental Compliance Officer. They put a person in that job they kept it as a provisional, he's coming up to a year as provisional and they want to extend this thing some more time, and some more time, and some more time. Again, when the district wants something they are here demanding it right away, but when we need something from them in return they will get to it whenever they want to. They really don't want to fill this position right now.

Mr. Salazar I just have a question, are you talking as a member of the public?

Patrick Maher I'm a member of the public.

Mr. Salazar Ok because you said 'we' as

Patrick Maher Probably use of language the commission.

Mr. Salazar I just want to make sure that I am clear.

Patrick Maher In terms of what the commission does.

So they are just holding this thing up, and holding this thing up, and holding this thing up. Last time you had the provisional incumbent come in here and tell you how important it was and how they had to have three jobs and had to be a police officer job and all the reasons why. I got 23 years of law enforcement experience and another 20 years on top of that of various kinds of related experience plus personnel experience, and that was a bunch of crud that he was giving you, a bunch of crud. Of the 160 positions that Dr. Williams looked at not a single one of them was a police classification not

one.

The second thing is if the district wants three positions the district had; the board has to act, create the positions, establish the duties and then ask the commission to classify it. They haven't done that yet. You have no guarantee that the district in this financial time is going to fund three separate positions. They are just asking for more and more and more and more time to stop this thing from being filled because they don't want it filled. They never asked for it, even when they asked for these additional names and Dr. Vollkommer added his contributions to it, they never asked you to do the Environmental Compliance and Safety Officer they don't want that examination filled. They're doing everything they can to stop it. There is judgment that is tying the commission to finally act upon this and to move forward on it and get this position filled, it's time to stop wasting time on somebody that is in there so he can do what he police department does; you put a person in that position temporarily for a year or two and then they come up and say 'well they should be given special consideration because they have been in the job for a year we've trained them, we spent all this time and money on them and everything else, so they should get special consideration and get the job', that's what you're going to get when you continue this person for the time on when he is acting improperly in violation of the law as a provisional.

The other problem deals with the issue of dealing with all these exams they want done. There is an examination that they've had or a list they've had for Campus Security Officer I they've had since the end of November or the beginning of November end of October that was certified. They are not filling from that list they got five vacancies now; they were four vacancies they filled for two I believe now since then there's been three more so now you have a total of five vacancies. They haven't done any filling off of that list for the past four or five or six months they have no intent for filling from that list. They are going to wait until it expires. So when the demanding that you give them list if they are not filling from the list, what is the urge to get list out that they are not going to fill from.

Cafeteria Worker, they got that list January the 3rd they just now are finishing filling this from this; six months to fill 70 positions from a list that was already active and given to them back in January.

The paraprofessionals, the two paraprofessionals positions you're extending the same thing happened. They got that list on January the 6th. I was told that was a critical, absolutely critical position to get tested for as quickly as possible. They waited three months before they even started filling from it and one of the list, just before I left somewhere around the first of May, they didn't even try to fill from it for four months. They didn't do any filling for the first three months and then they took a few promotionals and that was the

extent of it. They are not filling from the list and if they are not filling from the list then what is the urge to see for you to break your back to give them lists that they are going to let sit there become stale dated go by and then they say, 'give us more time we need to extend these lists, we need this, we need this'. They are not holding their end of the bargain bottom line, they are not filling the positions quickly, it takes them forever. When I came in they said to me, 'we'll work overtime, we'll work weekends, we'll do whatever we can to get these positions filled', well if this is the best they can do to get everything they can to get these positions filled. They can't handle more than one or two lists at a time; based upon the history right now, based upon the history so far.

So when they come forward demanding this kind of stuff and everything else they are not holding up their end of the bargain. It's a phony thing to put pressure on you if they don't like the list, or they are not going to hire from it, or they can't get around to it, or there is a problem, or there is too much time, or it's too much of this, it's too much of that, they can't hire at least they haven't been hiring. So that's where the problem really lies is back with them not with the commission.

The letter from Dr. Vollkommer, he misrepresented the law what the court said. I was there in court that morning; in fact I was in court both times. The judge never said, 'I agree that the district has complete and absolute authority to hire/fire anyone else that they want to even members of the commission staff', he never said that. He turned the TRO down and he turned the preliminary injunction down on a very tactical legal issue that had nothing to do with the merits of the case. The district has to be able; or the commission in order to get that TRO, the preliminary injunction issue has to be able to establish that failing to get it will cause irreparable harm, that was the legal standard the judge says, 'we can handle this matter at trial, there is no irreparable harm here'. So when Dr. Vollkommer again gave you false information, mislead you when he told you the judge said that the district can do whatever they want to, that was wrong, the judge never said that. And so, once again you got the district giving you misinformation telling you a bunch of stuff, saying whatever they want to say just to make their point and then fall back on it later on and say, 'well if you're offended we're sorry, we didn't mean to do that'. They got to at least be honest with you, they got to be accurate with you, they got to be upfront with you on everything that they do, otherwise this misinformation should not be allowed to continue. Thank you.

Mr. Barabani

Anyone else? Alright, we'll move on to Action Items IV, Action Item (A) has been pulled, we will now move to Action Item (B).

~~A. The commission will have a first reading to a proposed revision to Rules 13.1.11, 13.1.2, and 13.1.4. A proposed motion is:~~

~~It is moved that the commission adopt the proposed revision to Rules 13.1.11, 13.1.2, and 13.1.4 as submitted (First reading).~~

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.

Mr. Barabani Made the motion, do I have a second?

Ms. Early I second.

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

Moved: Mr. Barabani Seconded: Ms. Early

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

Mr. Barabani Item C.

C. The commission will consider extending the expiration date of certain eligibility lists. Proposed motions are:

1. It is moved that the commission extend the expiration of the eligibility list for Cafeteria Worker (Exam #11-005) from July 2, 2012 to October 1, 2012.

Mr. Barabani Motion made do I have a second?

Ms. Early I second.

Mr. Barabani Any discussion? Call for the vote.

Moved: Mr. Barabani Seconded: Ms. Early

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

Mr. Barabani Item 2.

2. It is moved that the commission extend the expiration of the eligibility list for Educational Assistant III-SI (Exam #11-007) from July 5, 2012 to October 30, 2012.

Mr. Barabani Motion made by me, do I have a second?

Mr. Salazar I will second.

Mr. Barabani Second by Mike. Call for the vote.

Moved: Mr. Barabani Seconded: Mr. Salazar

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

Mr. Barabani Number 3.

3. It is moved that the commission extend the expiration of the eligibility list for Instructional Tutor LH/PH (Exam #11-006) from July 5, 2012 to October 1, 2012.

Mr. Salazar I'll second.

Mr. Barabani Call for the vote or discussion? Call for the vote.

Moved: Mr. Barabani Seconded: Mr. Salazar

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

Mr. Barabani Item (D).

D. The commission will hold a public hearing pursuant to Education Code section 45310 concerning whether or not Bryan Astrachan has been appointed in accord with the

examination procedures of Article 6, commencing with section 45240 of the Education Code and the Rules of the Commission.

Mr. Barabani Anyone who wants to comment at this time on that may come up and do so.

Ken Holt,
CSEA Chapter
President Ken Holt, CSEA Chapter President. I'm agreeing that he needs to be held; this guy is getting gift of public funds; gets paid higher in the classification that he is at than any other person in that classification which is completely unfair. He's not on any eligibility list, he's getting this position as a favor from the district and I think it does need to be investigated and I hope you guys move forward with that.

Mr. Barabani Any other comments? Close the public hearing at this time. Item (E).

E. The commission will consider taking action pursuant to Education Code section 45310 to determine if Bryn Astrachan has been appointed in accord with the examination procedures of Article 6, commencing with section 45240 of the Education Code and the Rules of the commission and if not, may order that no further pay warrant be issued.

Mr. Barabani Motion made, do I have a second?

Mr. Salazar Second.

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

Moved: Mr. Barabani Seconded: Ms. Early

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

Mr. Barabani I need to at the end of the documents here, on Action Item IV (D) and (E) there is a motion we have one of three choices since we passed (E), it is moved that the commission find that the appointment and assignment of Bryan Astrachan as a substitute Human Resources Officer II was no in conformance with personnel commission Rules 3.06, and 4.08, and Education Code sections 45256, 45272, 45273, 45276, 45278, and 45286 as they pertain to examination procedures in the classified service. That's the motion, do I have a second?

Mr. Salazar Where is that?

Mr. Barabani It's on page 19 of 47 part of our document.

Mr. Salazar I understand it's a supplement to Action Item (E) which we already took action on.

Mr. Barabani Correct.

Mr. Salazar So where are we?

Mr. Barabani We are now on page 19 of 47.

Mr. Salazar I understand that but I don't see that on my

Mr. Barabani It's still part of this agenda.

Mr. Salazar But we already voted on it.

Mr. Barabani No, we had to vote on this first, now we have to vote on this and then after we vote on this

Mr. Salazar But there is nothing in here that says anything about voting on.

Mr. Barabani It's here, it's part of the agenda package.

Mr. Salazar Shouldn't there be; I understand it's in the package I can see that, I don't show that as an item on my agenda like (E) (F) (G) (H) (I), you see what I'm saying?

Mr. Barabani I understand that, it's part.

Mr. Salazar But we already voted on it.

Mr. Barabani We voted on (E) *the commission will consider taking action.*

Mr. Salazar Ok so we've considered action.

Mr. Barabani That's right.

Mr. Salazar So now we don't have an item that says what the action is. Am I making sense, I mean I'm a little bit confused here, I understand what you're saying but I don't follow my agenda that says ok now we've done this next we do that. The next thing we have on our agenda is (F) after (E). (E) is done I get that. Now we're going to go back and backfill (E)? Is that what you're saying?

Mr. Barabani No, you're correct.

Mr. Salazar I just want to understand the logic.

Mr. Barabani I went too fast. We went to (D) I closed the public hearing I should have went to this.

Mr. Salazar What are we doing?

Mr. Barabani Ok, we had the public hearing and the discussion.

Mr. Salazar I understand.

Mr. Barabani Ok, then we closed the public hearing we need to go to this motion and then once we; if we pass these two motions.

Mr. Salazar And that was passed.

Mr. Barabani And then we pull his pay.

Mr. Salazar Ok, so that's already done.

Mr. Barabani Well

Mr. Salazar The motion says, *may order that no further pay warrant be issued*, it's essentially what we're going to do, we voted, right?

Mr. Barabani That is true.

Mr. Salazar It's done, It sounds like it.

Mr. Barabani We should rescind that; I mean we should backtrack on (E).

Mr. Salazar Can we go through and maybe come back to that?

Mr. Barabani That's what I'm thinking.

Mr. Salazar Because we can finish these other things and then maybe come back to that because it's not an agenda item.

Mr. Barabani Well

Mr. Salazar Well it's not.

Mr. Barabani Yea because it's all part of the package, it would have been too big to put all this into the agenda.

Mr. Salazar Well it is; it's part of the agenda.

Mr. Barabani It's part of the package and it's part of the Action Items here it's a supplemental.

Mr. Salazar If I may make a suggestion at least we go through items (F) (G) (H) I think we can get through those and then we can come back and have a discussion on that.

Mr. Barabani That'll be fair. *The Commission will receive a report*, this item (F).

F. The commission will receive a report from the personnel director concerning the present status of hiring from existing eligibility lists, the reasons and causes of any delays, and a detailed plan outlining recruitments for the next 3 months to include the specific classifications to be recruited for, a list of work necessary to complete the process to produce a job-related selection process that meets professional standards, an estimate of staff hours to complete each recruitment, projected opening dates of each recruitment, projected dates of each selection process to be used, and projected dates of promulgation of each eligibility list.

Mr. Barabani That's my motion; but we're going to decide something. I have a motion on the floor.

Mr. Salazar I'll second.

Mr. Barabani Call for the discussion. Mr. Flory, keep it as formal as we can

Mr. Salazar Do we vote?

Mr. Barabani Not yet, we're going to discuss this. Can you give us an idea?

Mr. Flory Honorable Chair and members of the commission, yes I can. We have a handout available, did they each get one?

Mr. Barabani Ok.

Nersidalia
Garcia,
Secretary III Yes.

Mr. Flory It's in a form of a spreadsheet and I would like to personally thank the

commission staff for working very hard on this. I'll go over it just in general and I'd be happy to answer any questions.

We listed the classifications on the left side of the page; the dates the class spec would be to the commission are either the second meeting in July or the first meeting in July, with the exception we didn't know what was happening on the Environmental Compliance & Safety Officer so that's just question marks. The next one is the date of completion of the exam plan which will be the day after these are approved; the date, if they are, the date of recruitment open would be the same date; and then the date for the eligibility list certification is listed there, that would be the first page of you handout. And that of course would be allowing the 15-days that we are required to have the position open for recruitment, included in that.

The next page again are the same classifications and it explains, or attempts to show whether it would be a paper & pencil test; a training experience & evaluation and/or a supplement, we found in the past that if you use a training experience & evaluation it's good to have a supplement because then you can ask specific questions and it makes it easier to score the results of it; we have an oral exam; the OPAC test procedure which we've used in the past and we did not, on this one, specify which ones; and then the OPAC tests (specify type as well as date) there we are using it as a catch all column because that would be in the case of three of the openings the HVAC Mechanic, the Maintenance Worker, and the Painter those should be performance tests in addition to the training experience & evaluation with the supplement.

And then on the third page, again you have the same classifications the type of recruitment either dual certification, open & promotional, or promotional only, and you have the recruitment period and in some cases when you have a large number of jobs vacant and very few applicants interested in applying then you go to what's called open continuous. So the word 'continuous' on these would be our thinking that most likely we would not get a sufficient number of candidates, if we did then what we would do is make a determination as to keeping it continuously open, do a cut-off, do the testing on those individuals and hopefully we would get an adequate eligibility list out of that, if not, these would remain open. At any point and time and open continuous list can be changed to a closed list or we could close it. And then we have the 15-days on the others. And then who would be specifically responsible is listed as the point person, although we're all going to be involved in all of them because this would be kind of a learning experience using software, using the scanners, using some of the others materials that we have available to us. We would be more than happy to answer any questions on any item on the sheet. I apologize again, this is a lot of information, but we just received this we worked really hard to put it together in terms of all the things that were required to be a first class recruitment and testing process.

Mr. Salazar

I have a question, is there; it seems that I have a bit of difficulty with respect to your report, it's a great report, and what the questions is asking here in Action Item (F), which is saying, I seconded a motion that is talking about present status of hiring from existing eligibility lists the reasons and causes

for any delays, I guess is there anymore to your report, Mr. Flory?

Mr. Flory Not at this time, but we are working with the district on the first part of these items

Mr. Salazar Ok.

Mr. Flory we felt it was more important in a limited amount of time to focus on

Mr. Salazar This information.

Mr. Flory this because these are coming up and we could be working while we're working on these as to what's going on now using the current list.

Mr. Salazar Ok, I mean I am not, certainly not, criticizing the report, I appreciate it and it's very comprehensive; I'm looking at the question here. What you're saying is that in terms of prioritizing this would, in your position, this is a higher priority item and let's tackle this first.

Mr. Flory Right, that would be correct.

Mr. Salazar Thank you.

Mr. Barabani What we got here is 21 positions? Yes.

Mr. Flory Ok.

Mr. Barabani Are any of these components ready to go for these tests?

Mr. Flory Honorable Chair and members of the commission, we would need your approval to go ahead and actually get everything going. Some of the components are available such as the OPAC test, there are some paper & pencil test that will have to be reviewed to see if they have been overused or compromised, the T&E and the supplement process I don't believe it's been used here a lot. He would know.

Steve Williams, Personnel Analyst I guess I would have to defer that to; I've only been here six months so I don't know.

Mr. Flory We would need to check the current research. I have some information available, but I understand Dr. Steve Williams has information available to us to put these together and it would this will also be a learning experience for the staff as to how we are doing these kinds of approaches, how well they work with the list they produce, and the reaction from applicants, and people for promotional consideration.

Steve Williams, Personnel Analyst We're going to be looking at, as much as possible, technology to help us out and streamline so we can without compromising quality.

Mr. Barabani For instance the HVACR Mechanic, what would it take to get a test ready for something like that time period?

Steve Williams, Personnel Analyst That's time consuming because if I understand it correctly, we have a two-portion; well first the T&E will have to be thrown together then the performance exam. Performance exams is going to take some time because I have to speak with subject matter experts on what are the critical things that can be tested and reasonably can separate those that really know their stuff from the mediocre ones and from the ones that are not ready for the job. That takes a good couple of weeks.

Mr. Flory Honorable Chair and members of the commission, Dr. Williams is absolutely right when we do a performance test that we haven't done one before there are some critical issues of is there something that is safe or are we placing somebody in harm's way, as well as does the test distinguish between people who would perform well on the job compared to people who would not perform well on the job. There are quite a few components of that. A good example, and it's not on the list, would be bus driver. You can't have just anybody just drive a bus to show that they can do it. Once you check the licensing and you check a number of other things your training and experience evaluation or supplement then you're involved with some specific people that either work for the district or outside they can set up a course and specific things that would distinguish between somebody that would make a really good bus driver and somebody who may not make a good bus driver. Which you have tremendous safety issues and liability issues in any type of performance test.

Mr. Barabani Ok. The next one down would be like Library Assistant; I'm going to assume that both of you have some questions, how long will something like that take?

Steve Williams, Personnel Analyst Probably less, well it depends on the technical aspects of the job that's what it'll depend on that probably is most likely is going to be on technology and some of the new computerized processes that are used in the Library. So that'll mean just going in and doing a thorough job analysis and then throwing it back together. Again, it's going to largely depend on how looking at the critical few tests or I should say knowledge, skills, and abilities that separate the high performers from the medium performers from the poor performers. That's the key issue, without doing that there is no sense of doing the test.

Mr. Barabani On September 11 you have 10 jobs, there's 11, yeah there is 21 jobs and 11 of them on the 25th. What would we expect to see here on the 11th on those 10 jobs?

Mr. Flory I'm sorry?

Mr. Barabani I'm just looking at your dates here; dates class specs to commence.

Mr. Flory Are you talking about HV...?

Mr. Barabani No, I'm just looking at that column, right?

Mr. Flory Right.

Mr. Barabani In that column on 7/11 you have 10 of those date class specs to commence.

Mr. Flory Right, you review it and you would see a completed new class spec based in part on the existing class spec plus input from, obviously, the district and key subject matter experts. It would be essentially a job analysis of the positions or a sampling of the positions depending on the number and then a classification specification that, and I will give kudos where they are appropriately due; when I was here before I developed a new form and Pat Maher developed a better form so we're using Pat Maher's form for the class specifications and a lot of people call them job descriptions but they are basically class specifications with the number of jobs in them. They will look very similar to what you've approved in the past as far as the look and feel and the content.

Mr. Barabani This is just placed on the agenda so that we have the ability to talk about this in a public meeting and we're just today when the vote comes down to is just accepting his report. Well, sounds like a very ambitious plan I'm glad to hear. I'm going to ask Rhonda, if you have any questions?

Ms. Early I move that we receive the report from our Personnel Commission Director.

Mr. Barabani I'll second it. We already did that.

Mr. Salazar We already did that.

Mr. Barabani Yea we already did that. Call for the vote.

Moved: Mr. Barabani

Seconded: Mr. Salazar

Vote: Mr. Barabani Aye

Ms. Early Aye

Mr. Salazar Aye

Mr. Flory Honorable Chair and members of the commission, just a point of order would you like us to move forward on this?

Mr. Barabani Of course.

Mr. Flory Thank you.

Ms. Early Mr. Chair, I would like to see us move forward in a more focused effort. We've heard that we have some positions that are currently or have been recruited for that require test interviews, what is the update status of those positions that, I think I heard Mr. Maher refer to during the public comments?

Mr. Flory Right. The update is that those are in process and I apologize because I

needed to get up to speed on the scanner and the new scanner and the systems we have and the scoring so that would be my fault for any delays in that, but we will get those out as quick as possible, in addition to these. In some cases, I think in most cases, our staff has already sent out information requesting information back about the class specification for the job descriptions. We're kind of anticipating moving ahead with what we have currently and instead of taking, it took me a little while to get up to speed, so that I know how we score them and the interview make-up the panel and the questions and that stuff. We're moving those along and these will be right behind those. Those are obviously currently a priority and we'll be prioritizing these among the 7/11 and 7/25 what we are planning is to give you all of those class specs updated in advance so you can look at them ahead of time and we don't just hit you with them at the last minute. We'll also, of course, involve the union and the district because if we're not clearly defining what a job is the union is going to have problems with that, the district is going to have problems with it and my staff and you're going to have problems with it.

Mr. Barabani And one of the notes I made here is that not only the test we're giving we're going to have to keep aware of some of the list that we already approved. I know there is a lot on the table there, you stretched this into August and September because we've approved the eligibility lists some of them end of October those are going to come around too. Mike?

Mr. Flory Honorable Chair and members of the commission, just on the next two items I have not had an opportunity to review the minutes but any problems with the minutes or any corrections would be my fault.

Mr. Barabani Well let's move on to item right now (G) and I didn't read the minutes.

Ms. Early Mr. Chair, I move that minutes from March 14th and March 28th be reagentized after our Commission Director has a chance to review and present them in a final format as opposed to a draft format.

Mr. Barabani Ok.

Mr. Salazar I'll second that.

Mr. Barabani I'll second that. Call for the vote

Moved: Mr. Barabani Seconded: Mr. Salazar

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

Mr. Barabani What I am going to do is I made some corrections on mine I'll give them to Nersi. And then on the just to add it because I caught it, on the last minutes here on page 47 it seems to abruptly end "For the record these minutes are on page 28 to 41. Any corrections? Call for the vote."

Mr. Flory Honorable Chair and members of the commission, I don't mean to imply but those minutes that you just stopped for some reason just faded out that is clearly a mistake that will be corrected.

Mr. Barabani Alright.

Mr. Salazar Mr. Barabani did we just cover items (G) and (H) then?

Mr. Barabani Yes, she made a motion on the minutes. My understanding is we voted on both is that correct? Ok. Let's go back and revisit.

Mr. Salazar Ok, can I make a comment on that I know we want to go back and revisit item (E), right? Or (E) 1/2. If we look at (E), item (E) and you look at page 19, which is what you're referring to, (E) takes care of option 3 on page 19, so it sounds to me that that's done, there's nothing more for us to do on that, if I am not mistaken.

Mr. Barabani That's correct.

Mr. Salazar We're not totally considering; conceptually we've considered option 1 and 2 but voted on option 3

Mr. Barabani That's correct.

Mr. Salazar so it's a done deal, so there's nothing more for us to do here.

Ms. Early Mr. Chair, I am not sure I agree with that

Mr. Barabani Ok.

Ms. Early and I also, I didn't vote that we skip around on the agenda I think that when we approve the agenda we approved it as a motion. I don't know if I'm in favor, in fact I am not in favor of us starting and item and then moving to other items and then coming back to finish an item all in one sitting. I think that that should have been put in the form of a motion for all of us to vote on as opposed to a discussion between the two of you. I would have voted 'no' actually and I would have voted for us to finish that item before we move on in the agenda. But we didn't and so just to make sure, just to make sure we're all on the same page I would like to move that the commission find that the appointment or assignment of Bryan Astrachan as a substitute Human Resources Officer II was not in compliance with the Personnel Commission Rules nor the Ed Code as they pertain to the examination procedures in classified service and order that no further pay warrant be issued to Bryan Astrachan.

Mr. Barabani I'll second that so we can open that up for more discussion. So are moving that as an amendment to (E)?

Ms. Early I'm resuming that as an additional motion. Just in case since we went back and forth back and forth I'm moving for the record it's not in conflict with the motion that was already previously stated earlier.

Mr. Barabani That's correct. And we can't make a motion, another motion for an agenda item that is already in there.

Mr. Salazar Let me make sure, item (E), Action Item IV (E), has been voted on? It's been moved it's been seconded, it's been voted on. Now, what are we doing? We're adding a supplemental motion, another motion into this agenda?

Ms. Early The motion that was made earlier

Mr. Salazar Is item IV (E).

Ms. Early Was that if, this is item IV (E), I believe the motion stated that the commission will make a decision and if we found that Mr. Astrachan was not put in the position fairly it says if the commission; what I heard him say was if; let me backup, the commission will determine if Bryan Astrachan has been appointed in accord with the examination procedures in Article 6 commencing with section 45240 of the Education Code and the Rules of the commission, and if not, order that no further pay warrant be made. We didn't address if or if not, he just stated and if not, order. My motion was that we accept that he was not, and that no further pay warrant be made.

Mr. Salazar You're making an additional motion?

Ms. Early Correct, I did.

Mr. Barabani We can do that because it's still under the same.

Mr. Salazar I understand.

Mr. Flory Honorable Chair, I just have a point of order, are you saying on item (D) "the commission will hold a public hearing..." that this is the public hearing?

Mr. Barabani We did have the public hearing. We're not on (D), whoever wanted to say anything, Mr. Bryan Astrachan if he wanted to say something he was given notice and everything.

Mr. Salazar So (E), the votes are in, so now as separate motion we go to page 19.

Mr. Barabani We're not even going there.

Mr. Salazar I'm going there.

Mr. Barabani She made another motion.

Mr. Salazar Well I'm going there, because my options are at least 1, 2, and 3 and the motion that Ms. Early is making is that we adopt option 3, correct?

Ms. Early Correct.

Mr. Salazar Ok, I'm done with my discussion I just needed to understand what we were

doing.

Ms. Early I just didn't think that the previous motion covered a decision.

Mr. Barabani Correct.

Mr. Flory Another point of order, Honorable Chair and members of the commission, you are including page 20 as part of it.

Mr. Barabani That's already there.

Mr. Salazar That's an addition to that.

Mr. Barabani Call for the vote.

Moved: Ms. Early

Seconded: Mr. Barabani

Vote: Mr. Barabani Aye

Ms. Early Aye

Mr. Salazar Abstain

Ms. Early Part of my motion was not an effective date that no pay warrant be issued.

Mr. Barabani I know. Since we did all those things we're going to supplement.

Mr. Salazar There is an effective date.

Ms. Early What I'm saying;

Mr. Salazar It's on here.

Ms. Early I did not include an effective date as part of my motion; so if someone wants to amend my motion to include a date that would be cleaner.

Mr. Salazar I'm just looking on page 20 and it has an effective date written on that part 3.

Ms. Early Does someone want to amend my motion to include an effective date?

Mr. Salazar Well I'm abstaining anyways so I guess it doesn't even matter.

Mr. Barabani I will. I would like to abstain the motion to make the effective date June 28th. *It is moved that the commission pursuant to the authority granted in pursuant to Education Code section 45310 order that no further pay warrant be issued to Bryan Astrachan as a "substitute manager" or as a Human Resource Officer II effective June 28, 2012. Do I have a second?*

Ms. Early I'll second your amendment.

Mr. Barabani Once again this is open for discussion again.

Mr. Salazar It's already worded that way, it's redundant.

Mr. Barabani Call for the vote.

Moved: Mr. Barabani Seconded: Ms. Early

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

V. COMMISSIONERS/DIRECTOR COMMENTS

Mr. Barabani Commissioners or the Director comments. Mike?

Mr. Salazar No comment.

Mr. Barabani Rhonda?

Ms. Early No comment.

Mr. Barabani The director?

Mr. Flory Honorable Chair and members of the commission, I have three. First comment is since we'll be having our meetings here we're going to work on, and no offense Sir, mic-ing up or creating a sound system so that we can hear each other and then that will help with the recordings and also get maybe a better flag with a little more respect for our government and we'll see if we can get those by the next meeting. Second point is and it has been recommended by the staff and it's a brilliant recommendation, we'd like to try to move towards going green, in other words we'll still produce the agenda, we'll send it out; if anyone would like to have their agenda in some other form, maybe in email or maybe they have an iPad, if they'd like it in some other form we'll be happy to that. We will still produce paper but as you can see it takes a good forest to create our agendas. We're looking at going green, the suggestion that I buy a Prius has been vetoed, although, I will look, possibly helping going green with a Prius. Third thing is

Mr. Barabani Did I hear correctly that the staff is going to buy us all iPads?

Mr. Flory No, but if you would all like iPads we can work on

Mr. Barabani No, that's alright.

Mr. Flory I am dead serious, if you would like iPads we can work on buying filing cabinets for commissioners and iPads but they would be the property of the district.

Mr. Barabani I realize that.

- Mr. Flory The third I have is we're working as we said a while back on the commission mission project; which is mission, customers, goals, objectives, results, and a way of measuring and evaluating all that. What I sent out, I apologize for because it included everything. I think it's simpler if we hand this out, of course there is no vote or anything because it's not agendized, but this is just focusing in on results and outcomes. I'd like with your permission to pass these out and we don't really need to talk about it unless you'd like to.
- Mr. Barabani Instead could you give this, this is your comments, could you give Nersi a copy.
- Mr. Flory Of course and then; could you pass these out? Can I have one? The idea is if we have a clear mission, goals, objectives, who our customers are, and we have a way of measuring or evaluating that we'll all be on the same page at some point and time in the future. I'm doing this along with the help of the staff we're getting good input but treat this as a very rough draft and it's only focusing on results and a lot of times the organizations will focus on outcomes or results rather than some specific mission, goals, and objectives it's kind of the next step. Take a look at these results and these will be results that would be outcomes to be expected from performance of the commission. Again, very rough draft, everyone's input into these and then each meeting I will try to bring a different part and at some point and time if you want we can agendize just one part of it or we can agendize maybe two parts or whatever is convenient. So we are working as we said on mission, goals, and objectives for the commission. Thank you.
- Ms. Early I would if I may, Mr. Chair, I would like to have if it's going to be a printed format like this I would like to have it included as part of our packet so that we would have an opportunity to review it prior to the meeting, I'd like it. Also, just to question that could also be agendized at a later date as part of our backup material there is a reference several times to a relationship with interns that is already tenuous given the last experience; at some point I'd like to know what exactly took place with the interns that has infringed upon a positive relationship with the interns. If we can have that included as part of material on a later agenda so that we're all aware and on the same page, I would appreciate it.
- Mr. Barabani Ok.
- Ms. Early I just think that if we agree that having interns here would actually facilitate and speed up our hiring practices and it is important for us to foster a good positive working relationship and how they are treated when they come to provide services. I'm not exactly sure what happened with them but it doesn't sound from the way it's been referred to that it was a healthy wholesome process. If you could share with us what actually took place with that I would like to know.
- Mr. Barabani Ok.
- Ms. Early Not now but on another have it agendized.

Mr. Barabani Alright, commission will go; Steve do you have anything for us? Dr. Williams?

Steve Williams,
Personnel
Analyst No.

Mr. Barabani Ok, let's move into closed session

Mr. Flory It's 6:43 p.m.

Mr. Barabani Let's move, give everyone a little break; we'll go into closed session at 6:50 p.m.

VI. CLOSED SESSION

The commission adjourned into closed session at 6:43 p.m. for:

~~Conference with legal counsel, Kristine E. Kwong, Musick, Peeler & Garrett LLP~~

~~EXISTING LITIGATION (Section 54956.9a): California School Employees Association And Its San Bernardino City Chapter No. 183, v. San Bernardino City Unified School District; Governing Board of the San Bernardino City Unified School District; Superintendent Arturo Delgado; Personnel Commission of the San Bernardino City Unified School; And Does 1 To 10, Inclusive, Case No: CIVDS 1106215~~

Pursuant to Government Code Section 54957 to discuss:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Personnel Commission Director

VII. ADJOURNMENT

The commission adjourned the meeting at _____.