

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

**MINUTES**

December 12, 2012

**I. CALL TO ORDER**

- A. The meeting was called to order at 5:49 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. Abe Flory, Personnel Commission Director
  5. 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>
Ms. Early	<u>Mr. Barabani, I move to approve tonight's agenda</u>		
Mr. Barabani	<u>I second that. Call for discussion. Call for a vote.</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.

Eric Vetere, Interim Environmental Safety Officer	Good evening. Eric Vetere, Vice President for the School Police Officers Association. Just wanted to come up and wish you guys a happy holiday. Thank you for all the hard work that you have done and hopefully we can be part of the future work and help bridge any gaps that we may have and just wanted to say thank you.
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Harold Vollkommer, Assistant Superintendent for Human Resources for	Good afternoon commissioners, Harold Vollkommer from Human Resources, I too wish you a happy holiday season and hope that you are getting ready for a little rest and relaxation during this holiday season. I just have a couple, uh, maybe not so brief comments this evening. Just in general about the agenda and the back-up materials. I have cautioned the
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Classified and  
Certificated

commission on what is now probably numerous occasions about the content and accuracy of back-up materials. I have repeatedly asked that the commission not expose the District to potential liability as has already happened with the nature and content of comments and information related to specific individuals. The Brown Act is very clear about how these types of matters are to be handled and again I would caution you and ask you to rethink your process for back-up materials.

Specifically, related to item IV. (D). And I'll let you get there. I share your concern about eligibility lists. We do have an issue and as I have said before, I'm extending an invitation to use the Human Resources office in whatever way needed to help. When Mr. Maher was here we worked cooperatively on the training of staff, on the use of facilities and on a number of other areas. This has continued with Mr. Flory as we have designed new, more efficient systems to review job duties. By working together, I continue to believe that we can improve systems and solve issues. Unfortunately, this is not a new topic or issue. I have spoken to the commission on several occasions, if not many occasions, about the rather glacial pace of recruitment activity since last October. This has placed the District in a very unfavorable position when it comes to finding ways to get the work done for the good of the students. In the back-up materials, on page 22 and this is under action item IV (D). There is an accusation made that the District, and I'll read it," the District has frustrated it's efforts", it's meaning the Personnel Commission's efforts, "by interfering with the Commissions appointment authority by failing to allow it's appointed staff to serve as a personnel analyst." You did not request, nor have I ever seen a request that your appointed staff serve in this role. We would have not of, would not have objected to that move if the position, if the Personnel Commission had made it. As to the issue of the personnel analyst in general, can you tell me what you mean on page 30, excuse me, on 23, I apologize, on page 23 where it says, "independent resource" and I'm looking at the last full paragraph, actually the second paragraph which would include the last sentence. "The commission needs to have an independent resource that it can, can count on". What do you mean by independent resource?

Mr. Barabani That's several things. One of them is we tried to hire an investigator and that hasn't gone through yet.

Dr. Vollkommer I'm not sure what that has to do with the personnel analyst, can you help me?

Mr. Barabani There's no back-up material why certain individuals, you inaudible, we're trying to find out reasons and causes why, different reasons why things have happened and it hasn't happened yet.

Dr. Vollkommer Thank you Mr. Barabani. I'm still not sure that's an answer to my question. Where it says the commission needs to have an

“independent resource”, what do you mean? I’m just asking, what you mean by “independent resource”? You have a resource which is the personnel analyst. Is this in addition to that or aside from that? I just don’t understand what that means.

Mr. Barabani Part of that would be, we can agendaize that in closed session if you’d like?

Dr. Vollkommer If you feel that would be necessary, if you feel that would be the best approach, I’m certainly happy to revisit it during closed session.

Mr. Barabani I don’t feel it applies to this right now.

Dr. Vollkommer Very good, thank you. I have a questions and since, I’m going to give you guys a, I’m going to give you a little hard time, I apologize, since I’m allowed, apparently I’m allowed to ask questions now, I have a question. Is the personnel analyst an important position?

Ms. Early Mr. Barabani, we removed the part from the agenda it said that this is not a question and answer session but it’s still here agendaizing public comments.

Dr. Vollkommer Fair enough.

Ms. Early This was not on the agenda.

Dr. Vollkommer I’ll make my comment but I will say that, as a public entity, you do need to be willing to listen to questions and answer them. Perhaps not on the spot. I’m not suggesting that they need to be answered it on the spot. Here’s my concern. I’ve read repeatedly and heard repeatedly that the District has obstructed efforts of the Personnel Commission to bring on board a personnel analyst. You have had, if my, if my calculation is correct, 5 or 6 meetings now, including special meetings, since the departure of Dr. Williams, and the position has not been agendaize for recruitment. At all. Not once. If it’s that important to what’s happening here then, I don’t understand why it hasn’t at least been agendaize to move it forward. You made one effort to hire a provisional. That, I think you would agree, is a temporary solution to a more permanent fix and yet there has been no action taken toward a permanent fix in this issue. And yet you tell us that were obstructing. I don’t get it. Honestly. If it’s that important start the recruitment. Now I’m going to do a vocabulary lesson. We’re going to focus on the word hyperbole. The word hyperbole means extreme exaggeration. It happens when we use terms like every, and never which are rarely true. It’s typically used for dramatic effect. For example, a spouse may say “you never tell me you love me”. When indeed the issue is he or she just doesn’t hear it often enough.

In your text you use the terms “obstructs every effort”, “have done everything in their power”. Well, if that’s true then how is it that we’ve hired over 150 people since October and each

and every one of those has been hired consistent with the principles of merit. I've asked you that question virtually every time I've been here in the last several months. OK? So if we have made every effort to obstruct then done everything in our power, I'm assuming that all those 150 people, in fact I know, all those 150 people plus, came from eligibility lists. I know we have an issue here. OK? And I'm not suggesting we don't, my point is that you've painted the issue with an unnecessarily broad brush and it characterizes the District unfairly. We have a number of wins over the last number of months that we can feel proud about together. To make these statements in the context that they're made is simply untrue. Again, I agree that we have had and continue to have our differences but as I have stated before, they are just that, differences of opinion. As a body entrusted with upholding the basic tenant of fairness, I would ask that you avoid hyperbole and be more fair.

I'm going to move on to Item IV E. Referring to the back-up on page 29. You may not be willing or able to answer this but I'm going to ask it anyway. You state that, at the end of the first paragraph "it appeared as though the matter had been resolved", referring to the payment of legal bills. Are you in the position now where you can tell me what that phrase means?

Mr. Barabani What page is it?

Dr. Vollkommer Page 29, the last sentence, actually it's the last part, it's a part of the last sentence of the first paragraph, "it appeared as though the matter had been resolved".

Mr. Barabani What is the question?

Dr. Vollkommer What does that mean?

Mr. Barabani Well, I'll tell you what, were going to get to that item on the agenda then we can more freely discuss it at that time.

Dr. Vollkommer Great, then I'll just finish up my questions so you can have them in advance of that discussion. The backup goes on to say that "the District has imposed, imposed specific hurdles or obstacles by imposing its own review practice". I would ask, do you know who reconciles legal bills for the District? Do you know specifically what the review process is? And you can, can you give me an example of the specific hurdles or obstacles? OK and I'll save my last comment for that discussion. Thank you very much. I do wish you the happiest of holiday seasons. I echo what Eric said. I know your job is very difficult and particularly difficult at this time. We are here to help and wish you happy holidays. Thank you.

Mr. Barabani In regards that we are engaging in public comments, we try and avoid that. But, Mr. Vollkommer had some questions. The first part I don't think we should discuss in open session. The second part is on the agenda to open for discussion so we will discuss it then. But you know, I think maybe in the spirit of cooperation (inaudible). Any more comments from the

public? We will move on to Action Items IV.

**IV. ACTION ITEMS**

A. The commission will make nomination and vote for Chairperson for 2013.

It is moved that \_\_\_\_\_ be approved by the commissioners as Chairperson for the 2013 term.

Moved Ms. Early Seconded No second on first time  
Vote: Barabani Early Salazar

Mr. Barabani I move that Gino Barabani be approved by the commissioners as Chairperson for the 2013 term.

Mr. Barabani No second.

Ms. Early Mr. Barabani, I move that Rhonda Early be approved by the commissioners as Chairperson for the 2013 term.

Mr. Barabani I second that. Call for a discussion? Call for a vote.

Ms. Early Aye.

Mr. Salazar Aye.

Mr. Barabani Aye.

2. It is moved that \_\_\_\_\_ be approved by the commissioners as Vice-Chairperson for the 2013 term.

Moved Early Seconded Barabani  
Vote: Barabani Aye Early Aye Salazar Nay

Ms. Early Mr. Barabani I moved that Mr. Barabani be approved for Vice-Chairperson for 2013 term.

Mr. Barabani I will second.

Mr. Flory Honorable Chair just a point of order. Usually, once the Chairperson is approved there is a passing of the gable. The new chair then takes the gable.

Ms. Early Any discussion. All in favor signify with a voting sign of aye.

Mr. Barabani Aye.

Ms. Early Aye.

Mr. Salazar Nay.

Ms. Early Motion carries.

B. It is moved that the commission schedule regular monthly meetings dates for the 2013 calendar year for the first and third Wednesday's of each month except as noted in the attached agenda backup.

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

Ms. Early Open for discussion.

Mr. Barabani Mr. Flory, the calendar that is on the agenda back up it only shows once a month that is only the first Wednesday of every

month.

Mr. Flory

Yes sir.

Mr. Barabani

In the previous months we have discussed this and made a motion that we were going to do it two times a month. We had a lot of problems and we changed it. Is there a reason for changing from two to one?

Mr. Flory

Yes, Madame chair members of the commission, I hope I did that correctly. There was a couple of, or a number of reasons behind this. One, it was felt by the commission staff that one meeting a month would be adequate to get the work done. Second, there is a major problem with a conflict of our meetings with CSEA's meetings. CSEA at this very time is having a meeting and only, I believe, one rep from the regional office is available to come to this meeting. I have heard from a number of CSEA individuals that they would love to come to our meetings but our meetings are scheduled exactly when their meetings are. We cannot move the meetings to a Thursday because of a conflict of one commissioner and if we move them to a Tuesday, we would have a conflict with the District. So staff is recommending one meeting a month, the first Wednesday of the month. Then if it's felt things don't get done, then, for that month, you can consider a special meeting. That's what the thinking of the staff was.

Mr. Barabani

We had to move it. We moved it to the first because that would not interfere with CSEA and the third Wednesday, I was under the impression that we would not be interfering with CSEA at that time either

CSEA Union  
Representative

The union meeting is the second Wednesday of each month. So the first and third week you'll be clear to have your meetings.

Mr. Barabani

That's what I understood. I just didn't want to many changes.

Mr. Flory

And the last point I'll make is, looking at the agenda that was prepared by the chair, I have 9 conflicts. This coming year. With the, mainly with the second meeting. But, it's not your problem, it would be mine, I'll have to deal with it. And if you have any other questions I will be more than happy to answer them.

Mr. Barabani

Did you voice the information from time to time?

Mr. Flory

No, I, I just reviewed the agenda approved by the chair and looked through those for the coming year and I have 9 conflicts.

Mr. Barabani

The only reason I bring it up, is, like I said we have ongoing litigation, performance related problems, cooperation, we have to pay for legal fees, lack of eligibility lists, I think we are going to need two meetings a month.

Mr. Flory And, uh, at the risk of possibly being offensive, uh, I haven't seen, since I've returned, any issues, uh, that I'm aware of, on an agenda that relate to the litigation. So part of my thinking was one meeting a month would handle that. If there is something that's needed for the litigation obviously that'll be put on the agenda because I'm not preparing them. Just a comment.

Mr. Barabani Litigation is, we need to start working on the rules. And you've received emails on that.

Mr. Flory Two meetings don't increase the probability of the rules getting done, lists getting done or anything else. From staff's perspective.

Mr. Salazar Madam Chair, with respect to meetings, I would consider and concur with staff, and I know that we have said. That is a lot of meetings to have scheduled. I know in our last discussion on November 14<sup>th</sup> we talked about that, have available that third Wednesday. I would, as the third commissioner, would like to see us meet regularly as a body, once a month. And, the first Wednesday would work out best for my calendar and then, when necessary, for special purposes or emergency purposes, have available that third Wednesday for meeting purposes. But, I think we can get our business done with one meeting, with one meeting a month under your leadership. I just wanted to make that comment. Thank you

Ms. Early We have a motion on the floor. All in favor signify with a voting sign of aye.

Mr. Barabani Aye.

Mr. Salazar Nay.

Ms. Early Nay.

Ms. Early Do we have a substitute motion?

Mr. Salazar Madame chair I'd like to make a substitute motion at this time. And that motion would be to schedule regular monthly meetings on the first Wednesday of each month. Again, not so much that we necessarily need to reserve the third Wednesday of the month on our calendar but have that, be mindful of the potential that we could have a meeting on the third Wednesday. So, to simplify my motion, I would like to make a motion that we have one meeting, on the, one regular meeting on the first Wednesday of the month.

Ms. Early I second. Any discussion on the motion?

Mr. Flory Madame chair, members of the commission, I believe, just as a point of order, the January meeting would need to be when, Nersi, you had mentioned?

Nersi Garcia,  
Secretary III for  
Personnel The 16<sup>th</sup>.

Commission

Mr. Flory                    The 16<sup>th</sup>, right. So that would be the one exception. Go ahead

Mr. Barabani                By any chance is that the day of Martin Luther King Jr. Birthday? What day is the 15<sup>th</sup> or 16<sup>th</sup>.

Mr. Salazar                 That would be the third Wednesday.

Mr. Flory                    Right, that would be the only exception that staff would recommend.

Ms. Early                    Any discussion on the motion? All in favor signify with the voting sign of aye.

Mr. Salazar                 Aye.

Mr. Barabani                Aye.

Ms. Early                    Aye.

C. The commission will consider approving revised classification specifications for the following classifications. Proposed motions are:

1. It is moved that the commission approve the revision to the classifications specification for Lead Electrician

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

Ms. Early                    I will move that the commission approve the revision to the classification specification for Lead Electrician.

Mr. Barabani                I will second.

Ms. Early                    Any discussion on that motion.

Mr. Barabani                Yes, what's the current status on this recruitment for the electrician Mr. Flory?

Mr. Flory                    Madame chair, members of the commission that's currently in process, along with a number of other recruitments. As your aware we're coming up on the holidays and it gets a little awkward to schedule people for testing and/or interviews but we all are moving forward on the regular positions. The District has asked us now to add the lead positions. So, we went ahead and did the same process that you've recommended to us previously revising the job description, reviewing it with the District and reviewing it with the union, CSEA.

Mr. Barabani                Well, were working now on the lead. And we have vacancies for the electrician and no proposed list for electrician.

Mr. Flory                    The electrician will be finished, did I interrupt? I'm sorry.

Mr. Barabani                No.

Mr. Flory                    The electrician will be finished before the lead. As with the next description that's on your agenda.

Mr. Barabani                Wouldn't it be better to get the list out for electrician before we



start working on the lead? I mean we haven't even started on electrician, right?

Mr. Flory No, we have started on electrician and were to the point of scheduling individuals for the testing process. So were way ahead on that. In relation to the lead, we need a little bit of lag time based on the new procedures that we're under.

Ms. Early Has anybody been scheduled to test for that position?

Mr. Flory Do you want?

Alexis Jenks, HR Specialist for PC Do you want me; do you want me to speak?

Mr. Flory Yes.

Alexis Jenks, HR Specialist for PC We have applicants scheduled to test after the first of the year for electrician.

Ms. Early You have sent them notices?

Alexis Jenks, HR Specialist for PC Yes.

Ms. Early Thank you. I move that the commission approve the revisions for the classification of Lead Electrician. We need to vote on the motion before us. Aye.

Mr. Salazar Aye.

Mr. Barabani Aye.

2. It is moved that the commission approve the revisions to the classification specification for Lead HVACR Mechanic.

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

Ms. Early Any discussion on that?

Mr. Barabani Yes, I have the same question what is the status of the current recruitment for that position?

Mr. Flory Madame chair, members of the commission, same answer. Yes, we have them scheduled and yes, they will be developed on a list before we get to the lead. Were just trying to get a little bit ahead of the game and their scheduled for early January. And I'm getting the nods from my exceptional staff and I want to thank the staff.

Ms. Early All in favor of the motion signify with the voting sign of aye.

Mr. Salazar Aye.

Ms. Early Aye.

Mr. Barabani Aye.

D. The Commission will discuss the failure of the personnel director to produce any eligibility lists for any of the recruitments that he requested the commission to approve recruiting for and take action as it deems

appropriate.

Ms. Early Open for discussion.

Mr. Flory Point of order. Did we have a second on that one? Oh Ok, good. Honorable Madame chair and members of the commission. We are transitioning from what I am used to and what other districts are used to. It's called a 4 step process basically to a 25 step process. In other words, the standards that I am working under versus the interim and my predecessor are completely different. The standards that the staff is working under from when I was here before are completely different. A good example would be the Secretary III. It's been held up by concerns. I'm not questioning the legitimacy of those concerns by the commissioners. We've attempted to put the Secretary III on again and again and again, it keeps getting removed. And, by this time with all the alternatives that you have, we needed to have moved forward and gotten some Secretary III's filled in the District. And I understand there are some concerns but, we have three legitimate options based on the concerns from a former employee that, that quite honestly messed up and we proposed that the commissioners approve without the oral board, approve with the oral board and approve with the oral board as modified. We don't have any other alternatives. But that's a really good example of why things are getting clogged up and why things aren't getting done. There is an elephant in the room. We would very much like to fill the vacant position but it appears that we only have one choice of filling it with somebody that is not acceptable to the District and not acceptable to me personally. And it would help if we were permitted to go ahead and fill the Personnel Analyst position as just a normal recruitment. I know it's going to take time but that would help.

The final point I'll make is, and, I don't like to make negative comments about people when they're not here to defend themselves but two individuals for quite a long time really did not do anything productive to get us up and running on Neogov, to get us up and running on the scanners, the new scanners. If you look to your left you'll see that we finally got the tables put together that were ordered before I even came back. So, we have to do a lot of catch up and make up to try to get the rifts out. We currently, I believe have 9, and staff will correct me, recruitments in process and scheduled for testing. Thank you for adding two more to that. And, uh, right after the first of the year we'll be ready to go with a number, more. And there's one other, kind of a situation, not a problem. The District has been going through a lot of changes. They have a new Superintendent. They have a number of new individuals. They have new directions. And they are constantly evolving. So were getting very accurate information from them at the time but then when proposition 30 and Measure N passed things changed. And the District has been in very extensive

planning sessions for the past three or four days. And it's my belief within the next couple of weeks and by the first of the year we'll have a more clearer, um, listing and idea of what jobs are priority for the District. So, were working with a system that has a lot of steps that are additional and were also working with a kind of changing priorities as to what critical positions are. And I'd be more than happy to answer any questions and staff's available to answer any questions.

Mr. Barabani Yeah, I have a question. So, why haven't we completed any of these recruitments or any of the eligibility lists?

Mr. Flory Just because of the length of the process and what I mentioned. And, if you'll recall what I said, the Secretary III would be done with if we could get a decision from the commissioners.

Mr. Barabani Does the commission or does the District determine recruitment and establishment of eligibility lists? For classified positions.

Mr. Flory The District determines what the positions will be, the descriptions and the priority and the numbers. We determine basically everything else. The MOU with the union states that the District also determines the minimum qualifications but that hasn't been a point of contention with the CSEA

Mr. Barabani So, you're saying the commission does the recruitment and establishes the eligibility list, correct?

Mr. Flory Yes.

Mr. Barabani It's in our ballpark, right?

Mr. Flory Yes.

Mr. Barabani To get this done.

Mr. Flory Yes, yes, you got it.

Mr. Barabani Then why have we failed to receive any eligibility lists? Not even one. I mean I know, I hear this thing about, there's roadblocks and 26 steps but at least one? I mean I didn't have it last month, but I did make a list. What's the status on the Cafeteria Worker?

Mr. Flory I don't know what to discuss on that one.

Alexis Jenks The status is, as we have it, is that the class spec was changed and we need to know how to proceed to recruit for that position because it was so drastically changed by the commission without the input from the District.

Mr. Flory Right. Ok, so we've got some problems on that one.

Mr. Barabani So do we have a date of the bulletin?

Mr. Flory No.

Mr. Barabani What about this Public Safety Dispatcher? I mean I heard.

Mr. Flory That one's moving, right?

Alexis Jenks We have an exam scheduled for that this Saturday.

Mr. Barabani What's the date of the bulletin?

Alexis Jenks We have an exam scheduled for Public Safety Dispatcher this Saturday. I'm not for certain what the date of the bulletin was but there is a written examination this weekend.

Mr. Barabani What about the Instructional Tutor Learning Handicapped, Physically Handicapped?

Alexis Jenks That's another position that was changed, without commission staff's knowledge and we need to know how to proceed because the job description was changed drastically without the input from the District.

Mr. Barabani What about?

Ms. Early Excuse me. This is the second position that you're saying the position was changed, changed without input from the District. Dr. Vollkommer, can you help clear up that confusion for me?

Dr. Vollkommer I would love to help out but I can't at this moment.

Gladys Byrd,  
Interim Director  
for Classified HR Somewhat. With Alexis. We had this meeting, we sat, and we went over the job specs. We made changes. Those were approved by the District, CSEA and the commission staff, so, positions but the classification and the job flyer that was submitted on the agenda to open was not the one that we approved.

Alexis Jenks It was submitted on behalf of the, at the time, the commission chair. So, we were unaware of any changes that happened because the meeting that we had, that CSEA staff and the District had, was something totally different than what was submitted on behalf of the commission chair.

Mr. Barabani So you didn't look at anything that we approved?

Gladys Byrd It wasn't the one that was approved. It was different.

Mr. Barabani I remember we took a vote and we approved. Maybe not the one you submitted but...

Alexis Jenks But it was approved without the input from our District and it had been past practice. Over the last couple of meetings that we had input from CSEA and the District. Those particular recruitments, for some unknown reason, I guess it was felt that they didn't need to have that input, so there wasn't. So, I don't know our hands are kind of tied because, you know, although we approved one.

Mr. Barabani We had an open meeting here, with the representatives from the District. We sat here and we went back and forth on this so we could get them done that day. And we also had CSEA representation here. And they didn't object at that time. They

specifically said they were good with it. We thought they were going to move forward with those.

- Gladys Byrd The CSEA representative was not here anyway. But one of the job specifications, in the flyer, the minimum qualifications was removed.
- Mr. Barabani I'm talking about going back to cafeteria worker. And the first meeting I seen him in was last week. I'm talking about, I remember Ken and Steve Holt were sitting there.
- Gladys Byrd Yeah, right and they, with Charles and then Carl. The ones that they approved, was not the ones.
- Mr. Barabani Not approved, they didn't have any objections.
- Gladys Byrd The ones that Charles and Carl approved were not on the agenda.
- Dr. Vollkommer Can I ask a question and maybe it will help clarify the process so we can avoid this from happening again. And perhaps fix this, here's what I'm, here's what I'm, here's what I'm sensing is that, when the District and the Commission staff and CSEA met to look at these job descriptions, they approved them. Sent them forward to the commission staff. But, uh, I understand what happened this time, in this case, is that, what was put in the agenda was not what was approved. So I don't know that anybody, relying on the process that we used, I don't know that anybody would have looked at the agenda and not just assumed that what we approved has gone into the agenda in the past, I wouldn't expect there to be any changes. I don't know if that's where the hang up is.
- Mr. Barabani On the cafeteria worker, I think you guys looked it over and then one of the things that we still had an issue with was, I believe the high school diploma thing. We removed it, we submitted it. Then we wanted the testing to be done. Because of the adverse impact of the high school diploma thing. OK, so we moved and then other than that nothing was done.
- Alexis Jenks In addition to the High School diploma, the, there was, all of the minimum qualifications were taken off of the Cafeteria Worker position. That was not approved by the District or by CSEA. Or the commission, yeah, from the first meeting, so, I don't know.
- Mr. Barabani Well what about the Food Worker Trainee? Where we at on that?
- Alexis Jenks We have testing scheduled for that after the first of the year.
- Mr. Barabani The first of the year. School Police Clerk?
- Alexis Jenks We don't have anything scheduled for School Police Clerk.
- Mr. Barabani Nothing. How long have we requested that?
- Alexis Jenks I don't know how long that was requested but, to my knowledge, I don't think that was one of the positions that

were, approved as a priority to open. It was Public Safety Dispatcher.

Dr. Vollkommer I can comment on that. When we went through this process of mission critical when we were looking at proposition 30. School Police Clerk was not on the original mission critical list. Safety Dispatcher was. Not that they can't do the School Police Clerk but it was not on the original mission critical list.

Ms. Early Who would send us a critical list so we can see it?

Dr. Vollkommer I believe it was sent out to all management. It would be fiscal services. The list was developed in response to the possibility of prop 30 not passing. So we said that if Prop 30 did not pass, out of all these vacancies, which ones can we absolutely not live without? We went through a process of looking at each of them. So, we went through a process to make sure that, if we were going to rely on savings from unfilled positions to tie us over to one of the strategies. We went through a process that allowed us to identify mission critical positions. Since prop 30 passed, we have revisited that list adding some positions to it. So, these are the ones that we know we want filled. And I'll give you that.

Ms. Early Do you have a copy?

Mr. Flory I would have forwarded it to you.

Ms. Early Did you get one?

Mr. Flory I would have forwarded it to you immediately.

Ms. Early So, did the commissioners get a copy?

Mr. Flory That's what I'm saying; I would have forwarded it to you.

Ms. Early You would have? I don't remember seeing that list. Can we get a copy tonight?

Mr. Salazar I would like a copy as soon as you can.

Ms. Early If you have it, that would be good if we had a copy tonight. Nersi, do we have a copy?

Nersi Garcia I can look for the copy.

Mr. Flory While she's looking that up, I'll just make a comment. We're trying to hit a moving target. And it's not anyone's fault. Its Measure N passed and proposition 30 passed. And the district then is rethinking their critical positions and what they would like opened. So were then adjusting to this moving target constantly.

Ms. Early So if this happened since the election, this is something that was generated within the last month. Correct?

Abe Flory Well we'll know that in a minute.

Mr. Salazar That was my question, was this list generated prior to or following?

Dr. Vollkommer Let me clarify. Mission critical is not exactly priority. And I know that probably sounds totally crazy. And I'm listening to myself saying whoa! Ok. Mission critical means, we, of all the vacancies we have, we have to fill, if we can fill anything, we're going to fill these positions. Beyond that, we may prioritize within that list. Ok? Or we may have prioritized positions outside that list if they're not generally funded. I know this is, might sound complicated. For example, prop 30 only helps us with our general funds. OK? So whether we fill Cafeteria Worker or whether we fill a Special Ed position, it's not an issue at all because it's not a generally funded position. Does that make sense? OK. So, those are OK to go. Were good to go on those because they're not a general fund issue. Our budget problem is only in general fund. So we said, of those positions that are generally funded, which ones do we know we have to have? School Police Officer and School Police Dispatcher. We looked at each site and said. That's um; we are going to have to have secretary positions. If we don't then things aren't going to get done that have to get done. As opposed to, at least for the time being, a position like, Curriculum Materials Clerk. It's a great service to have and it's you know, convenient for the teachers. Wonderful people doing that work. But, if we have to do without, we can do without that at least temporarily. So we looked at which ones are mission critical, only generally funded positions.

Then after proposition 30 passed, we brought the community budget advisement coalition back together and we said, do we still want to move forward with everything now or do we want to be conservative in relation to the budget problems we still know we have for 13/14. So we adjusted that list of mission critical positions slightly after that. And I believe that was sent out. I hope that made sense. It's a very complex process. I hope I did it justice.

Mr. Salazar Let me ask a question then. Is there, is there some way to help us that you can, I guess, aggregate the list that. You have this grouping, you have this set and you have this set. To somehow aggregate them and let us know. Because in my mind, I go number one, number one priority thing we want try to do, number two, number three. Even if in the aggregation, somehow you put a footnote on there that says this is mission critical or priority one, however you want to term these things. From one to ten so to speak. Is that something?

Dr. Vollkommer We have, if I'm hearing what you're saying Mr. Salazar. We've done that in the past a number of times. I believe we sent those to you as well as to Mr. Maher when he was the director and Mr. Flory now, saying these are the priorities. We've done that since day one. We sat as a cabinet and went through every vacancy in the district and said, these are the priorities,

in order. Ok and then we came in when you finish those, go to these, when you finish those, go to these. Some of those have happened and frankly, some of them have not. So we've done, I think a fair degree of that work. I think I sat in open session in one of your meetings one day and actually prioritized for Mr. Barabani.

If you would like us, and it would help you. If you would like us to take every classification that is open currently and prioritize from top to bottom, we can do that. Because, because there are issues, that, that, that come into play, Special Ed for example. Special Ed, they say, well, we don't have, you know, Instructional Aides. . CSEA has been very adamant about us getting rid of manpower and Arrow. We are very aware of that issue. We're looking at Lead HVAC and Lead Electrician and those are manpower issues. We're trying to get rid of our contracted services

So, it's a, what Mr. Flory described is one piece of what's going on and there are multiple facets to this issue.

Mr. Barabani You what know the problem with that is that you're saying that you're trying to get rid of manpower and you have an issue of money but you have someone sitting in a position that has to be filled off an eligibility list and filled within 90 days. Who's supposed to be a bargaining unit member?

Dr. Vollkommer Absolutely.

Mr. Barabani But that hasn't been happening and for seven months we haven't produced an eligibility list and you were supposed to work together with Mr. Flory to do that. And what I'm hearing here, in the meantime, you're no longer budgeting enough money to keep manpower here and other people in positions longer then the law allows.

Dr. Vollkommer This is not a money issue. Manpower is not a money issue. Never has been, never will be.

Mr. Barabani Then why are those positions filled with people?

Dr. Vollkommer Because the work has to be done and there's no eligibility list.

Mr. Barabani And why wasn't one produced in seven months?

Dr. Vollkommer You tell me. You just asked Mr. Flory who's in charge of eligibility lists and he answered, you are. So, you tell me why you haven't produced an eligibility list.

Mr. Barabani I'm going to tell you in closed session.

Dr. Vollkommer There we go back to closed session Gino.

Mr. Barabani You know, I keep hearing from him that you're OK and then, ya know, back and forth. So, we made an appointment today. For the 14<sup>th</sup>. Today, on this meeting. We made motions that I wanted to see some type of eligibility list for some of these positions and yet nothing.



Dr. Vollkommer I'm not disagreeing with that. I'm just saying, what I was explaining was that there are multiple facets to this issue. If it would help the commission for us to go top to bottom, fill this one first, if they haven't already been recruited for, fill this one first, fill this one second, and fill this one third. We're happy to do that. We've done it in the past and honestly, it was ignored.

Mr. Barabani Well, I'd like to see at least one list. In seven months we haven't seen any lists. And I'd like to see some members get, what happened is I have members come up here and tell me, I've heard you say, Let's get going, let's move it. And I've done everything I could, I've moved it, the commission has done everything they could, we voted. And yet, we voted to have one brought two lists to be brought here today and they're not here.

Dr. Vollkommer I'm not disagreeing with you.

Mr. Barabani Huh?

Dr. Vollkommer I'm not disagreeing with you.

Mr. Barabani We have not. We don't have any eligibility lists here. And we not only asked for it over and over again. It's still not here today. And we've taken steps to correct that, right, and you we're talking about that earlier. And that's been interfered with. People have taken their own assumptions and their own rules and gone outside of the law to circumvent, preventing us to make corrections.

Dr. Vollkommer If you want to talk assumptions, I'd be happy to do that with you Mr. Barabani, for as long and as much as you'd like. OK? My point is, is that, since last October, and I don't mean, I mean last October, OK, the pace of recruitment has been glacial. And I use that term very purposefully, glacial. This is not a new issue; this is not a last two months issue. This an issue since way back when. That it hasn't been a priority. There have been other priorities then filling jobs. OK? And that's very clear and it's very well documented. OK? I'm not suggesting, I'm suggesting, excuse me, I'm not suggesting that we shouldn't be producing eligibility lists, I'm not suggesting that at all. I will welcome any one you got right now. The question that was asked was, was what about mission critical and where do we go from here and how does the District prioritize? And what I'm offering is a top to bottom list, aside from and on top of all the lists we've given you already. OK? From top to bottom. Is this one first, is this one second? Meet manpower needs. Meet out of class needs. You've heard me say, you're probably got sick of me saying it. We're happy to do that.

Ms. Early We're on item D on the agenda and we're still on the lack of eligibility lists that are being produced. So, this is not a mission critical list. I don't know what this is but this is not it. So, we didn't get it and so, my question is, I heard you say is you are

saying you think Miss King sent it out to all managers.

Dr. Vollkommer I believe she did.

Ms. Early So, my question is, did Mr. Flory get the list? Because as a commissioner I didn't get the list. So, and if the list came to the Personnel Commission office and were meeting here tonight, three commissioners are requesting a copy of the list tonight.

Gladys Byrd Excuse me; I know Mr. Flory said it was an email. I do not remember myself getting a copy from email. I waded through my email. I did get a hard copy myself from Janet King but I don't think it's come through in an email yet.

Dr. Vollkommer I don't know how she disseminated it. I don't know if she was responsible for disseminating it. I did not pay attention to how she did it because I already had a copy so I wasn't looking for it.

Mr. Salazar So, I have a question?

Ms. Early Just a moment.

Mr. Salazar OK

Ms. Early Um, so who has the mission critical list that was sent to the personnel commission office and where is that one list?

Dr. Vollkommer I don't know. I'd have to ask Miss King if she sent one to the Personnel Commission.

Mr. Flory Apparently we didn't get one. The latest one. The last time we got the list was two meetings ago. When Dr. Vollkommer spoke and said these are critical and added some positions in and I believe after that, he gave us a list. And that would be the last list that you would have received.

Mr. Barabani We picked two jobs last time.

Dr. Vollkommer Correct.

Mr. Barabani And I asked, and with enough time to get it done, to have, at this meeting, two eligibility lists. And, they're not here. Why is that? I mean it's a simple, simple procedure, two positions. Let's get going, let's start filling these positions and their not done.

Ms. Early Which were the positions Mr. Barabani?

Dr. Barabani I'd have to. I forgot. Right now I can't remember. I'd have to look at the agenda.

Ms. Early Mr. Flory do you remember what the positions were?

Mr. Barabani Our staff should be able to tell us as it was in the agenda.

Alexis Jenks It was, um, it was the ones that just asked about a few minutes ago. Cafeteria Worker and Instructional Tutor LH/PH.

Mr. Barabani Well, that's a coincidence. Uh, so what happened?

Mr. Flory I believe I answered that but let me try to explain it again. Uh, and pardon me for repeating myself, I go back to the example of the Secretary III. That started well before I returned. It was completed. It was not approved by the commission. We've asked the commission numerous times to put it on the agenda. It hasn't made it on there. We've gone from four steps to twenty five steps to get a list to you.

Ms. Early I've heard you say that earlier. Can you tell me, identify what the twenty five steps are, starting at number one?

Mr. Flory I have a power point presentation I'd be happy to make at the next meeting for you.

Ms. Early Just get it over with now. Let's hear them now. Maybe we can reduce the number of steps.

Mr. Flory Ok, step one is getting the priorities from the District. Step two, is developing the job description. Step three is, and was, per the commissions direction, a ten day period where the District and then another ten day period where the union review the job description.

Mr. Barabani Actually, the commission's, remembers, and was a ten day period.

Mr. Flory OK.

Mr. Barabani You can't have both documents at the same time?

Mr. Flory I stand corrected, I stand corrected. We expedited that process so that we could get it done in one day. But, it does add additional time and steps.

Mr. Barabani Ten days or less, as long as they've approved them, we can move forward.

Mr. Flory Thank you. The next step is approval by the commission. There we run into a problem when you, the commissioners, change, what staff developed, District approved and the union agreed with. It creates major problems. The next step is....

Mr. Barabani What are the major problems?

Mr. Salazar Let him just go through the steps.

Mr. Early Right, right just finish.

Mr. Salazar Yeah, exactly.

Mr. Flory The next step is approval of the class specification. The next step is approval of the job announcement. The next step is an additional review that's been put in there some way, it's not official but where we've had to pull recruitments because of errors, wording, and information, whatever. Then, the next step is the development of the written test. The development of the other selection procedures, and I'll just state those generally. The application is a test. The written test is a test. Structured oral boards are a test. Performance tests are a test,

etcetera, and etcetera. We have a number of tests. While that's going on, we then do recruitment. Once the recruitment is finished, we review the qualifications of the applicants. Then, sometimes there are changes in priorities, direction, uh, we're doing this, were doing that, whatever. So that adds another step into it. Then the next step is scheduling individuals for testing. There's been concern's raised about what's on the test, what type of test were using etcetera. We then score the test. That's where a major problem comes in.

As I stated before, I hate to speak about someone who, or people who are not in the room but the equipment was not set up properly prior to my arrival so we've been having to spend an extensive amount of time trying to get the scanners hooked up, the scanners working with SAP, the scanners working with NEOGOV and the correct answer sheets. We've been working closely with Information Technology on that. We then will need to bring the results of the test to you because I've been told through Mr. Maher that I don't have the authority, although I disagree with him, to certify a list. We'll talk about that later. After the certification, then there's ratification, by the board, by the commission. Sorry, I misspoke. After that there is a notification of the applicants of how they did. And, that would then produce a list and that should be most of the steps but, as I said, I do have a power point presentation on the, it's new to me. And it's different from what Mr. Maher did. It's different from what Mr. Jossierand did. And it's different from what we did as a commission five years ago.

- Ms. Early I counted sixteen steps here. Can you tell me what the four step process was? You said we went from a four steps to a twenty five step process. What was the four step process?
- Mr. Flory The four steps were the District would tell us what the positions were, we would announce them, we would test the people and we would produce a list. I would certify it.
- Ms. Early So you left out the recruitment and the scheduling of testing and all of that out of the four step process, right?
- Mr. Flory You can put it in if you want but it's a much simpler process. If you'd like.
- Ms. Early Mr. Salazar, did you have a question?
- Mr. Salazar My question was, getting back to the mission critical list, versus a comprehensive list that Dr. Vollkommer was talking about. And my question is really, which one of those lists, if any, would we as commissioners like to see? Because I think, for me, I haven't seen either of those but, I think that, when I think of a comprehensive list that comes from the District I think that to me it seems like that zeros in and kind of narrows into what we're trying to do. Of course, if there's a published mission critical list, I wouldn't want to be, I wouldn't want the District to have to do any additional work. That would be redundant, if something's already there and it's good for

everybody.

Mr. Vollkommer If I may. I just, I said this but I want to make sure that I said it correctly so you got it. The mission critical list is only about generally funded positions. So, it could be that nothing on that nothing on that mission critical list is our number one priority because the number one priority could be something that's funded categorically. Does that make sense, I hope?

Mr. Salazar So, the comprehensive list that you offer would be more comprehensive?

Dr. Vollkommer If you're just looking at, look, what the heck does the District want to do first? Then that would be the comprehensive list, not necessarily the mission critical list. Ok because the mission critical list only looks at one aspect for funding for classified or classified service

Mr. Salazar That's what I was asking.

Dr. Vollkommer Does that help?

Ms. Early We have a number of recruitments that have been approved. And so my question is still why we do not have eligibility lists for the recruitments that have been approved? Not one. My, my thought is that these positions were prioritized for recruitment and the recruitments were approved so where are we missing, why are we missing the eligibility lists for those?

Mr. Flory Madame chair, members of the commission, I think you've heard me repeat myself twice. Uh, if you'd like, I can give you the same reasons again. I have no other things that I can say. And I do want to make it clear that there's not a conflict between the District and the commission, I'm sorry, there's not a conflict between the District and the commission staff. We're moving ahead on everything they've given us. We've given everything to you. Some things, Police Officer, CSO, Secretary III, changes, interruptions, etcetera, have just thrown us into a loop.

Mr. Barabani You know what, that's a very good point on that Police Officer. Seven months, no list here. None whatsoever. One of the things you did is you had a valid police officer list and also for security personnel, you took it upon yourself to spend three months trying to redo that list. Right, and I'm sitting here today asking, where's these eligibility lists, we had everything, they were fine lists, we approved them, they were hiring from them, and then you took it upon yourself, three months was spent on that. Why was that? Who gave you the approval to do that?

Mr. Flory Madame chair, members of the commission, I believe there have been hires made for Police Officer and CSO.

Mr. Barabani That's not the question I asked. Now answer my question. Why did you take it upon yourself to try to disqualify that list that had people been people being hired on and also for the security? You were never given direction to do that. Here we

stand today with no eligibility lists. Seven months. But you took it upon yourself to do the police list and the security personnel list. You wanted, uh, re-recruited you wanted to change it, you wanted to come up with some kind of ranking I never heard of. Why was that? Who gave you the, was that authority come from the District? Did the District request that you do that or did you take that on by yourself?

Mr. Flory                   Honorable chair, members of the commission, I'm confused by your question but I'll attempt to answer it anyway.

Mr. Barabani             Let me clarify. The police list. When you came in, were there or were there not an eligibility list?

Mr. Flory                   Yes there was.

Mr. Barabani             You took it upon yourself to re-rank the members of that list.

Mr. Flory                   Absolutely.

Mr. Barabani             Who gave you that authority?

Mr. Flory                   Professional ethics, my degrees, my experience. And the fact that there was created an artificial barrier which would have caused adverse impact and negative consequences.

Mr. Barabani             Did you ever notify it to the commission?

Mr. Flory                   Yes, I did.

Mr. Barabani             Before you did that?

Mr. Flory                   No. I presented it to the commission as the commission requested once I realized there was a problem. On Police Officer, CSO and the same thing on Secretary III.

Barabani                   You made a statement that the District requested that you change that at that time.

Mr. Flory                   No I didn't. I don't believe I did. The District doesn't run the Personnel Commission. The commissioners do. I am a professional and I have professional standards that I have to adhere to. You want to investigate that, that's fine. You want to bring in a lawyer to discuss psychometrics in a disagreement between two personnel professionals that's fine. I'm giving you the best advice I can. And, there was a mistake on those two. I corrected the mistake and brought it to you. You didn't want to deal with it. My decision, if I'm wrong, I'm wrong. Nobody else made that decision that those were incorrect.

Mr. Barabani             We took a vote. You were asked to drop that but you continued the process. What's frustrating here is we still don't have a list, seven months later. But you spent almost three months on that. And they were viable and valid lists.

Mr. Flory                   While that was going on, Honorable chair, members of the commission, we were processing other requests. That wasn't the only thing we were doing. Plus there were some

distractions from a former employee and another former employee.

Ms. Early Can we just through the list of the recruitments that have been approved? I think it was page 26 and if you can give us the status on that, where we are in the process of filling those positions?

Mr. Flory Honorable chair, members of the commission, I'm going to need a little assistance from my staff on that. And to make it easy, we've already reported that nine are in process, scheduled for testing or will be tested in January.

Ms. Early And if you have the test dates lets go ahead and jot those down. So we know exactly where we are in the process.

Mr. Flory OK, go ahead.

Alexis Jenks Cafeteria

Ms. Early Can we just, let's just start with Assistant Nutrition Services Director

Alexis Jenks We don't have dates for all of them. This one is scheduled for next Wednesday. Oral exams scheduled for next Wednesday. Buyer,

Ms. Early What is the date for next Wednesday? 12/19 testing, is that what you said?

Alexis Jenks Correct.

Ms. Early Assistant Warehouse manager?

Alexis Jenks I'm on page 22, I see the Buyer as the second one.

Mr. Barabani Twenty seven.

Alexis Jenks This one wasn't open for recruitment.

Ms. Early Assistant Warehouse Manager?

Alexis Jenks This one was not open for recruitment. You guys haven't approved recruitment for this. It has not been opened for recruitment.

Ms. Early Buyer?

Alexis Jenks That one is in process. We do not have testing scheduled yet. We need to speak to the commission regarding this particular recruitment.

Ms. Early What do we need to speak about regarding this recruitment?

Alexis Jenks Is there a form for that or do you want to just go fill out the form later?

Ms. Early We approved recruitment for this one right?

Alexis Jenks Yes.

Ms. Early Ok so what else do we need to approve?

Alexis Jenks We have screened all the applications. It's just that the judgment of subject matter experts in the District and also the Personnel Commission Director that we need to possibly revisit this recruitment because we did not approve viable candidates.

Mr. Flory Let me handle that one. We, in my opinion did not receive enough highly qualified candidates and will be bringing this back to you recommending that we extend the recruitment.

Ms. Early Thank you. Clerk I?

Alexis Jenks You guys haven't, the Commission has not approved this one. This has not been agendized.

Early Clerk II?

Alexis Jenks The same, it has not been agendized.

Early Computer Operator?

Alexis Jenks It has not been agendized.

Ms. Early Electrician?

Alexis Jenks Testing after the first of the year and no I don't have a date to give you right now. I can give it to you at a later time.

Mr. Flory Also, the applicants have been screened on that, right?

Alexis Jenks Yes.

Ms. Early Electronics?

Alexis Jenks This has not been agendized.

Ms. Early Employee Relations Director?

Alexis Jenks It has not been agendized.

Abe Flory Also were waiting on the District to decide which direction they want to go on that position.

Ms. Early Environmental Compliance and Safety Officer?

Mr. Flory Same as last statement.

Mr. Barabani We approved it.

Mr. Flory Sir, I don't think you want to go there.

Mr. Barabani Yes I do, we approved it.

Mr. Flory Honorable Chair, members of the commission...

Mr. Barabani This is along with the judge's order that it must be filled.

Mr. Flory Honorable Chair, members of the commission, what you approved is not what the District, by the Ed Code, indicated that they wanted.

Ms. Early Have we received anything from the District stating what they wanted?



Mr. Flory At this time, the District is reviewing how they want to handle that job, those responsibilities, and those duties. Whether they want to split it, whether they want to, you know, combine it. Whether they want it to be a sworn officer or not. So, they are in the process of determining, by the Ed Code, what the duties and responsibilities will be.

Mr. Barabani What about the judge's statement about how it was supposed to go on there?

Mr. Flory That, sir, is an issue for the District to deal with. That's not our responsibility as commission staff.

Mr. Barabani I understand that, this is a position. We flew it, well, we opened it. We wanted it tested for. And we haven't, you haven't done anything towards that, correct?

Mr. Flory No, we did all that.

Mr. Barabani So you have an eligibility list?

Mr. Flory I don't know if we have an eligibility list but the District would take it and throw it in the wastebasket if we did.

Mr. Barabani But the District has someone sitting in that position right now, correct?

Mr. Flory That's correct. But it may be one position. It may be three or four. It may be no position.

Mr. Barabani Those people should be coming off that, we have that eligibility list, as you stated, and those people should be coming off of that list, correct?

Mr. Flory OK, let's go back to the basics. The District determines what the duties and responsibilities are. They did not determine the duties and responsibilities that you approved, that, no offense, wasted all that time, testing, recruiting, etcetera. The District didn't tell us, the commission and the staff, that's what they wanted. So all that time by us, it was wasted.

Mr. Barabani So did you sign off on the person that's filling that position right now?

Mr. Flory I don't know.

Mr. Barabani You don't know?

Ms. Early I've got a question. Did you say that position was tested?

Mr. Flory You directed it. And this goes back to Mr. Maher and Mr. Williams.

Alexis Jenks The former personnel analyst did not test for that position.

Ms. Early Never tested for it?

Abe Flory Right. They spent considerable time developing tests. I remember when I first came on board we spent a lot of time working on that. But, it isn't what the District, by law, has said

that they wanted for that position and they still haven't determined what they wanted.

Ms. Early I remember that discussion.

Dr. Vollkommer Many times. Many times, you remember that discussion.

Ms. Early (inaudible)

Dr. Vollkommer If it's any help, it really, and you and I talked about that. (inaudible)

Ms. Early Thank you. Facilities Analyst?

Alexis Jenks That position was not agendize.

Ms. Early HVACR mechanic, was this?

Alexis Jenks No, that was Lead, that was just discussed tonight but HVACR mechanic, we have testing scheduled for that after the first of the year. I do not have dates available for you at the moment.

Ms. Early We have testing for HVACR mechanic?

Alexis Jenks Correct

Ms. Early Library Assistant?

Alexis Jenks That was not agendized.

Ms. Early Maintenance worker?

Alexis Jenks That was not agendized.

Ms. Early Nutrition Services (inaudible)?

Alexis Jenks That was not agendized.

Ms. Early Painter?

Alexis Jenks That was not agendized.

Ms. Early (inaudible)

Alexis Jenks That was not agendized.

Ms. Early (inaudible)

Alexis Jenks That was not agendized.

Early Secretary II?

Alexis Jenks That was not agendized.

Ms. Early Senior Cafeteria Worker?

Alexis Jenks We have testing scheduled for that for next week on Wednesday.

Ms. Early Superintendent's Assistant?

Alexis Jenks These applications have been screened. We do not have a test date on calendar. We'll try to expedite that as soon as we can, but we don't have that calendared yet.

Ms. Early                      Transportation Director?

Alexis Jenks                    That's the same as the Superintendent's Assistant. We have it agendized to, or, excuse me; we have it scheduled to test. We will need to test for that but, we are going to complete the testing for the other positions. (inaudible) That we do have confirmed it for. We have more tests scheduled also from page twenty two. This is not really accurate. But page twenty two of the agenda, If you want to go over those we can. We discussed the Nutrition Services, we discussed Buyer. Community Relations Worker II, Parent Involvement. Those applications have been screened but, we do not have a test date set yet for that. Electrician, we discussed that. HVACR Mechanic, we discussed that. Instructional Tutor Aurally Handicapped, we have screened those applications, we do not having testing set up yet for that. Senior Cafeteria Worker, we discussed that. Special Education Assistant III, Transition, do we having testing? Two, two, it should be two. It's a typo. Special Education Assistant II, Transition, we having testing set up for that. Special Education Liaison, we have testing scheduled for that next week. Transportation Director, we discussed that. Cafeteria Worker, that is a special circumstance, we don't have anything scheduled for that. Public Safety Dispatcher, we have a test scheduled for Saturday. Instructional Tutor Learning Handicapped, Physically Handicapped, there's a special circumstance with those, same as the Cafeteria Worker. One that's not on here is Education Assistant III, Severe Impairments. We have testing scheduled for that after the first of the year. The assessment exam for that will be first. For Food Worker Trainee, we have testing scheduled for that from the last recruitment after the first of the year, a written exam. School Police Clerk, we do not have anything scheduled for that. And the last one is the recruitment.

Ms. Early                      In July, I requested that a tracking log be created for positions. That would be readily available so that we could track where we were at in the process of each position, was that ever done?

Abe Flory                      We started it but it kind of got lost in the shuffle. We're a little bit understaffed and, so we've been just focusing in on just trying to follow the steps that I outlined to you.

Dr. Vollkommer              This is a place where our staff is recognizing that the PC staff shorthanded. And our staff, would be, obviously more interested in what you're interested in Mr. Barabani. We would be happy be happy to help with that if we can and if you think it's acceptable we would be happy to help with that in any way if we can. I see it and I made myself a note, we would be happy to help with that.

Abe Flory                      Yes, we appreciate the help.

Ms. Early                      Maybe by, by next month we can look forward to coming here

and just thumbing through a tracking log so we can see where were at filling positions.

- Abe Flory Plus you'll be thumbing through some lists to approve and certify.
- Ms. Early Ok. Ok. Any other discussion on this agenda item? Mr. Salazar? Next agenda item.
- Mr. Salazar I'd like to say something. It's sort of a follow-up. Are we going to take Mr. Vollkommer up or Dr. Vollkommer up on the critical of the list?
- Ms. Early Yes.
- Mr. Salazar OK, I just wanted to make sure.
- Ms. Early Just for the record, the commissioners know nothing about any critical list. We haven't received any copies of any mission critical list. This is the first time we're hearing about this. We have not received anything in writing, identified as a critical list. So, if there is such a list, we are requesting copies of that.
- Dr. Vollkommer Absolutely. If it would help you, what we can do. And it' all take us a little time but we can have it probably right after the first of the year. We have what a 100 classifications open or so, so it would be easy for me to prioritize but I got to get some input on this one. We can also identify that, which ones are on the mission critical list. So you can see that mission critical are generally funded. And again, it may not be the top priority because of funding but we can identify them as mission critical as well. And actually that can be the first step to the tracking system. And we can fill in the blanks and pieces of the puzzle.

- E. The commission will discuss the overdue payment for invoices for Musick, Peeler & Garrett LLP, and take action as to deem appropriate to ensure that payments for all overdue invoices are paid promptly and to identify the causes for delays.

- Ms. Early Mr. Flory, Mr. Barabani, maybe you can give us updates on where we are with that?
- Abe Flory Thank you Madame chair, members of the commission. All payments have been processed according to the Districts procedure and they are awaiting, as I'm informed, with the exception of the one I received today, approval by the school board. And that will happen, well, they'll take it, they'll review it on the eighteenth of December. At their next meeting.
- Mr. Barabani I sent you an email asking for information.
- Mr. Flory Correct.
- Mr. Barabani I didn't receive any information on that.
- Mr. Flory Well, I got a little confused because the agenda had the item on it and then I get an email on the same thing that has been placed on the agenda. I gave the same response to the email,

to the individual that wrote it, as to the date.

Mr. Barabani Yeah, I saw that. It had somebody named Patty on there.

Mr. Flory Yeah.

Mr. Barabani I responded. That's me that responded to you. I want to make sure you understand that.

Mr. Flory Sir, we have a...

Mr. Barabani Hold on, let me finish. That was me that responded and me that requested it. You seem to go off on some tanjin about some other person.

Mr. Flory Madame chair, oh sorry

Mr. Barabani I'm talking. I didn't get any response to these emails. This was not the first, why is that?

Mr. Flory Honorable chair, members of the commission, there seems to be a little bit of a disagreement as to who the author of the agenda is and who is the author of emails?

Mr. Barabani But I told you in an email when you responded, it's me.

Mr. Flory Honorable chair, members of the commission.

Mr. Barabani You didn't ask me but I also sent you on my private account so you got it twice.

Mr. Flory Honorable chair, members of the commission, Mr. Barabani, I don't believe you.

Mr. Barabani OK, that's fine but that's still no excuse for not answering my email when I request information. That's just an excuse.

Mr. Flory Sir, as I stated before, the answer is exactly the same as the agenda item, which I wrote back to the author of the email and I just presented tonight.

Mr. Barabani Well, it was a rant and it was in 292 point font which is not even possible. I mean you wrote it where you can only see one letter on the screen. I mean 292 point font. Microsoft word only goes to 72.

Ms. Early So part of the process is why payments have been delayed?

Mr. Flory The redacted individual on the invoices would be Mr. Pat Maher. Mr. Maher has apparently been communicating on a regular basis with the attorney. I'm not in that loop. However, when I receive a bill, it is processed, through the District's process on a timely basis, and, as I've said a couple times before, awaiting Board approval.

Mr. Barabani Why did you wait until September to put the REAF?

Mr. Flory I don't believe I've waited or staff has waited on anything. If there have been any delays, I would certainly apologize for those. It's not our intent to delay any payments whatsoever. It's our intent to process them and follow the District's

procedure so that REAFS and other requests, investigations, etcetera are processed on a timely basis. There's no conspiracy here.

- Mr. Barabani Do you know if our process of were going through to get our attorney is the same that others go through?
- Mr. Flory I don't know the answer to that.
- Mr. Barabani What have you done so far to follow through to make sure that it's going to happen?
- Mr. Flory I've had staff check on that and I've talked personally with Dr. Vollkommer and I've talked personally with staff in the District and they've informed me that they are going through the normal process and will be reviewed on the eighteenth at the Board meeting.
- Mr. Barabani I was getting emails all the time from attorneys asking me when and I asked you to tell me what you were doing to go through that. I didn't receive anything.
- Mr. Flory I'm doing exactly what I'm supposed to be doing.
- Mr. Barabani I didn't receive anything back. After I asked you please tell me what process you're going through, who you spoke with. I didn't get anything back. Is there a reason?
- Mr. Flory No.
- Mr. Barabani You decided not to answer my emails?
- Mr. Flory No.
- Mr. Barabani I didn't get a response.
- Mr. Flory I apologize.
- Mr. Barabani Did you tell the other members of the staff not to respond to me either?
- Mr. Flory No. But I take full responsibility for everything that goes on in this office. I take the responsibility, the staff gets the credit.
- Mr. Barabani I'm just wondering why we got an invoice that is six months old that haven't been paid.
- Nersi Garcia Can I say something?
- Mr. Flory Sure.
- Nersi Garcia I actually spoke to Miss Kristine Kwong on the phone.
- Mr. Barabani Today or yesterday?
- Nersi Garcia No, the other day. And I asked her what had happened. If she was OK with it? And I told her that, you know it had to be processed through the board, it had to be board approved before she gets any payments but it will be processed. And so, one of the questions was how much would she be needing for the end of the fiscal school year. For June 30, 2013? And

so she was asking for, you know an amount that they probably won't approve it. But, she asked for that amount. So I said with this week it should pay off all the invoices that have to be paid but it has to be Board approved. And she said Ok, and then I'll sign it. If anything they'll probably schedule something between, I'm guessing, probably the beginning of January. With the holidays coming.

- Ms. Early Dr. Vollkommer did you have any comments on this item?
- Dr. Vollkommer Just that it is my understanding, I checked with Debbie Love and we talked about it at Superintendent's staff. It is agendized on the eighteenth. It was agendized on the fourth. And I was not at that meeting. I miss a Board meeting about once every three years and that's the one I missed. And it was pulled. That may be my fault. They may have had questions and I wasn't there to answer. But, they, their concerned about attorney costs, not just for the personal commission. Their concerned about attorney costs in general, overall. And so it was pulled. And I spoke with the Superintendent. And it is, it is scheduled to be back on the agenda on the eighteenth. I haven't seen the agenda yet but it's scheduled to be back on.
- Mr. Barabani It appears that there have been constant delays and obstruction of payment. You didn't like those words but.
- Dr. Vollkommer I don't like the word obstruction. I'm OK with delay. I'm not OK with obstruction.
- Mr. Barabani Well, are we going through any procedure? In our case there are two attorneys, yours and ours. Are they going through the same procedures and the same delays in getting payment?
- Dr. Vollkommer Sometimes. They climb our tree sometimes too on late payment.
- Dr. Barabani I'm concerned because our attorneys tried to drop us once before. We went to court. And the judge wasn't very happy.
- Dr. Vollkommer Like I say I take no exception with the word delay. I do take exception with the assumption behind the word obstruction.
- Mr. Barabani We have invoices that are six months old. Alright? Is that standard operating procedure?
- Dr. Vollkommer It can be. You will recall, you just said that the REAF wasn't turned in until September. So some of those invoices are, are, how do I say it, relatively new. Or, if they were, and we're in December. So, if you're saying they are six months old and no REAF has been done for this school year, that's July, essentially. So if there's no REAF for this school year, any costs that are occurred, or that are incurred, excuse me, during that time are not going to be paid because there's no REAF behind it. Six months isn't unreasonable given the timing of how the process works.

Mr. Barabani We brought it up, even before September many times. I mean is there any corrective action been taken to make sure this doesn't happen again?

Dr. Vollkommer I can tell you what I would suggest and this is what we do, in my division. And that is we have an ongoing list of reefs and contracts that we have, whether that's for consulting contracts or maintenance agreements, whatever it is. And in our tickle file, on May 1<sup>st</sup>, when that comes up, or June 1<sup>st</sup> or whatever, so we know to renew those things before the, before the end of the school year so there's no delay. That's what I would suggest in terms of a system of a process so that there's no delay. I mean if I relied on my memory, we'd probably be in a world of hurt. So, we have a system that my, me and the staff to get it done. That's what I would suggest you do is, you know how it transpires and that type of thing, is that, you know, however the office is organized, on May 1<sup>st</sup> you say, all REAFS are here, this is what we need to do, and that can be built into your budget, cross reference or however you do it, it's just a matter of not relying on memory. That's how we do it in my division.

Mr. Barabani I have a little problem here again. I'm certain this isn't some kind of, you said obstruction, so, what we're talking about now is, this isn't some kind of problem with the District, to win the lawsuit by making sure we don't have counsel or representation, is it? Delaying the payment and stuff?

Mr. Vollkommer If you're asking me that question and you know, obviously, I wouldn't, even if it were true, I wouldn't say it was true. But it is not true. But we have no problem with the lawsuit, were totally comfortable with the lawsuit and where we stand with it. Are we concerned about the money? Absolutely. Yeah. But the money's the money. The costs are incurred, so that's not going to go away. So, there's no, uh, I can tell you with 100% certainty, there's no conscious effort to say well, if we just don't pay Kristine, she'll stop showing up. Actually, that's not in our best interest. Because then you would have to find another attorney. The other attorney would have to bring himself or herself up to speed on the case, which would take, you know, you figure you've got all of the intellectual history that Kristine has, that that person would, you know all the discovery and every motion that's been made and duh, duh, duh. Simply put, from a financial standpoint, that would be shooting yourself in the foot.

Mr. Barabani Ok, well, with that, you know, what you're saying is reasonable. Mr. Flory, what's our current status? Today, on these invoices.

Mr. Flory If I understand your question, we received one invoice today. With the exception of that one, they all are in process, with the District, or will be approved on the eighteenth if the Board so desires.



Dr. Vollkommer I have all the invoices, in a file. In my office. They've all been forwarded. In, what I assume to be a common manner, when the Board approves it, then we know we have money behind the reef. I don't believe there will be any contract issues because the contract is already there.

Mr. Barabani Madame chair, I'd like to ask again that we have a status report with all the steps that have been taken to get these bills paid. That way we don't get behind and we don't have to be part of the discussion here. As you'll see, you won't receive thirty emails, a week.

Ms. Early You want for that to be on our next agenda?

Mr. Barabani Yes.

Ms. Early Any other discussion on this item?

F. It is moved that the commission approve the minutes for June 15, 2012 as submitted.

Moved \_\_\_\_\_ Seconded \_\_\_\_\_  
Vote: Barabani \_\_\_\_\_ Early \_\_\_\_\_ Salazar \_\_\_\_\_

Ms. Early I move that the minutes from June 15, 2012 be approved with grammatical corrections.

Mr. Salazar I second

Ms. Early Any corrections on that?

Mr. Salazar Correct

Ms. Early Correct. Page what?

Mr. Barabani Uh, page 12 for me. Whatever order you wish to take?

Mr. Flory Madame chair, members of the commission, if you'd like, if you give the changes to me, we'll make sure their made.

Mr. Barabani Go down, down, middle of page, yes, the chair, foreseeing the presentation, I'm not; I don't know what was said there if anything. Review that.

Mr. Flory Just a point of order. What I meant to say was, if you give us the corrections, without reading them, we're trying to save some time. We'll make those corrections and determine, if you want

Mr. Barabani Everything I have in writing?

Mr. Flory No, just give us what you got.

Mr. Barabani It is my agenda; I got notes all over it.

Mr. Flory No, just rip out that part and we'll make the changes.

Mr. Barabani Ok, I'll, uh. Well, but I had it on the record though.

Mr. Flory Point of order, you can approve it with changes which you are handing to me and we will make those changes.

Mr. Barabani	Well, I'd like the changes to be on record.
Ms. Early	Ok.
Mr. Salazar	I'd give them to him.
Mr. Barabani	I won't. Matter of fact, I'm not giving them to him.
Ms. Early	Maybe fourteen should have been, oversee the separation?
Mr. Barabani	I don't remember, I just didn't remember, it's been awhile.
Ms. Early	Any other corrections?
Mr. Barabani	If you got corrections, go ahead and say them.
Mr. Salazar	No, I don't have corrections.
Ms. Early	It will start with 14 Substitute page 22 of 70. If I can give you my copy and correct the context and provide us with a clean copy of the minutes with corrections. Do we have any further corrections to the minutes?
Mr. Salazar	No.
Ms. Early	We have a motion to approve the minutes dated June 15 with corrections. All in favor signify with the voting sign of aye.
Mr. Barabani	Aye.
Mr. Salazar	Aye.
Ms. Early	Aye. Motion carries.

**V. COMMISSIONERS/DIRECTOR COMMENTS**

Ms. Early	Director Comments?
Mr. Flory	I have none.
Ms. Early	Commissioners?
Mr. Salazar	None
Mr. Barabani	None
Ms. Early	The commission will now adjourn into closed session. I don't know if we will report out for closed session. Have a Merry Christmas everyone.
Mr. Salazar	I'm sorry Madame chair can we back up for just a second? I would just like to welcome you on board as the chair of this commission. And, thank you for stepping up to serve as our leader of the personnel commission. I'm really excited about the future of the commission under your leadership. Happy Holidays.
Ms. Early	Thank you. Happy Holidays everyone.

**VI. CLOSED SESSION**

The commission adjourned into closed session at 7:35 P.M. for:

Pursuant to Government Code Section 54957 to discuss:  
PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: Personnel Commission Director

Pursuant to Government Code Section 54957 to discuss:  
PUBLIC EMPLOYEE DISCIPLINE

The commission reconvened into open session 7:35 p.m. and announced the following action taken in closed session:

There was no report out for closed session.

**VII. ADJOURNMENT**

The commission adjourned the meeting at 7:35 P.M.