

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

MINUTES

October 24, 2012

5:30 P.M.

I. CALL TO ORDER

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

B. Roll-Call

1. Commissioner Gino Barabani, Chair came in 5:45 p.m.
2. Commissioner Rhonda Early, Vice-Chair
3. Commissioner Michael Salazar, Member
4. Nersidalia Garcia, Secretary III

Absent was:

5. Abe Flory, Personnel Commission Director

C. Pledge of Allegiance

II. APPROVAL OF AGENDA

Moved	<u>Ms. Early</u>	Seconded	<u>Mr. Salazar</u>
Vote: Barabani	<u>Early</u>	<u>Aye</u>	<u>Salazar</u> <u>Aye</u>
Ms. Early	Commissioner Salazar I would like to pull action Item IV. C. from tonight's agenda. So I move to approve tonight's agenda with that revision.		
Mr. Salazar	I second that.		
Ms. Early	Is there any further discussions?		
Mr. Salazar	No further discussion.		
Ms. Early	Motion carries.		

III. PUBLIC COMMENTS

- NOTE:**
- Comments from the public on any agenda item may only be made at this time. This is a special meeting and comments may only be made on matters on the agenda. When speaking, please make reference to the agenda item that you are speaking on.
 - This is a time for the public to make comments only. It is not a time for any member of the public to demand answers to questions from the commission or its staff.
 - Public comment during the commission's discussion of an agenda item will not be permitted.

Carl Greenwood CSEA - Officer	Good evening my name is Carl Greenwood CSEA - Officer. I'm glad that you pulled back. Although I think that the chair and the commission both of them need to grow up a little bit. But it shouldn't go at the cost at the back of my employees. The chair
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is not here on a day to day basis to go through the day to day things that need to be done. And I always thought that is why we had a commission, so thank you very much for pulling that through. We would have a real problem with that and would have fought that one all the way. So thank you very much

Dr. Harold
Vollkommer
Assistant
Superintendent

Good evening commissioners, Harold Vollkommer, from the school district. I also want to thank you for pulling the item, actually item IV. C. I along echo with what Mr. Greenwood said. There has got to be a better way to do this than how it is being done. The item we were going to speak to is this item being in conflict with on of the personnel commission rules 2.3.3. so, if this should come back up again we would ask that you would at least research that personnel commission rule in relation to these types of changes. But it really does not seem to be working and there is an answer out there some where and I think by working together we can find it.

I would also like to caution the commission, as I did a couple of months ago about the content of the back ground information. I believe that this information is getting dangerously close to bringing personnel matters into a public forum. We have already received one formal complaint toward a claim against the district because of back ground information that is contained in the back-up materials for the Personnel Commission meetings. In reviewing this I can see where other people would say that you are airing my business in public. From a personnel, protected personnel matters in stand point you as a public entity, under the Brown Act Laws have to be very, very careful with that. So again I am just exercising a word of caution to you about that same issue.

Lastly, I just want to say thank you again as I always do. I know your job is not easy. I know that we have huge hurdles in front of us, but, I was going to, if Mr. Barabani had been here, extend an offer to at any time, any day I will cancel what I'm doing if I can, if possible to meet and problem solve. The judge in the law suit, you may take this up in close session tonight has basically ordered us to try mediation and to start communicating. I will make myself available and our attorney available if we choose to do it that way. Any time, any day, we really want to move this forward. For the good of the kids, the good of the employees in the district and the good of the community. So thank you for the hard work you do. We know it's not easy. Andy you are appreciated.

Carl
Greenwood
CSEA ,
Representative

Carl Greenwood again, I would also like to extend that as far as the CSEA that we would be able to meet at any time to go forward; we would also have our attorneys there also to make sure that we don't want to drop anything that we feel we fought so hard for. But we also want to move ahead so if we can compromise if we can come to some type of an agreement, we could save a lot of litigation on both ends. So we will do the same. Thank you.

Dr.
Vollkommer

Just as a point of clarification I gave you the wrong rule reference, it is 2.3.2. Not 2.3.3. I apologize.

IV. ACTION ITEMS

A. The commission will consider approving revised classification specifications for the following classifications. Each classification will be discussed and voted on separately:

1. It is moved that the commission approve the revisions to the classification specification for the following classifications. Each classification will be discussed and voted separately:

Moved	_____	Seconded	_____
Vote: Barabani	_____	Early	_____
		Salazar	_____

2. It is moved that the commission approve the revisions to the classification specification for Cafeteria Worker.

Ms. Early _____ Is there any oppositions to the classifications that were listed on the agenda from either of you?

Carl Greenwood, CSEA Representative Did we come to some type agreement that we are going to use the high school equivalency or not?

Ms. Early At a prior meeting for one position was noted to drop it. Ok, for one position. I hate that Ms. Jenks is not here.

Mr. Salazar Ok, if I may, I am glad you brought that up. I think that what we had discussed was that it would be dropped for the trainee, but would be included for the cafeteria worker. I think that was where we left that but I'm not 100% sure. So, I know that we were talking about the training as being the real entry, entry level a couple of hours per week. Then the other was you need to have a high school diploma, if you are looking to stepping up. Then beyond that you need a high school diploma and other college or what have you. That was my understanding and I went back and looked at this action items and it looked like cafeteria workers still did not include a high school diploma in fact I think it was a strike their on.

Carl Greenwood, CSEA Representative I think the district and the CSEA were still very adamant about being at a learning facility. Unless it's against the law, against something like that I feel having that for the trainees also.

Mr. Salazar Do you recall whether your, cause I know that you signed off on a few things Mr. Greenwood? And I believe that was one

of the items you signed off on and your team had looked at.

Carl Greenwood
CSEA
Representative

Carl, I think we were discussing that and we can to that agreement that we wanted to make sure that anything that classified people go for they would at least have that much education

Mr. Salazar

Because I'm not 100% certain. So I knew, I thought that a minimum the cafeteria worker should include that. I thought we were fairly certain on that. But even on our back up it does not include the high school diploma on the cafeteria worker. I would revise that.

Carl Greenwood
CSEA
Representative

Well it was brought up to me at our last meeting that that may be, there may be laws prohibiting us from putting that requirement on. I would like to hear more about that legally. I would like a legal opinion on that. We don't want to do anything against the law either.

Mr. Salazar

We should look at them one at a time Rhonda.

Ms. Early

I think, I did not see any high school requirements in any of them.

Mr. Salazar

That is correct.

Ms. Early

Did you?

Mr. Salazar

No.

Ms. Early

So it might be a good idea to pull that from tonight's agenda. Until we can get the case log as a something of that material for us that we can actually view. Mr. Barabani?

Mr. Barabani

I guess, on the high school diploma, we were looking for some kind of guidance on that from the last meeting. I thought that Mr. Vollkommer was going to look in to it.

Dr. Vollkommer

I haven't had a chance, I have been busy with some other issues so I haven't had a chance to get that done for you but I'd be happy to. I apologize for speaking out of turn, sorry.

Mr. Barabani

I asked you. We could wait on this guy and come back. This was to make it also consistent with Alexis' statement that she made last week about how one of the lower classes of the high school diploma and the higher one didn't. That is basically a part of this, but I still would have any problem trying to hear the opinion Mr. Greenwood would like to hear that too. So everybody is in agreement with this, ok. So would you like to re-agendize?

Ms. Early

Yes go ahead.

Mr. Barabani

Making a motion to re-agendize action item A Numbers 1 and 2?

Ms. Early

I would say action items A & B.

Mr. Barabani

Which would include, under action item A include 1 and 2 and

under action item B include number 1?

- Mr. Salazar 1 and 2. I will second that.
- Mr. Barabani I have a second. Any discussions? Call for the vote.
- Ms. Early Aye.
- Mr. Barabani Aye.
- Mr. Salazar Aye.

~~B. The commission will consider approving recruitments for the following classifications.~~

- ~~1. It is moved that the commission approve the job bulletin for Cafeteria Worker as submitted and that it directs the Personnel Commission Director to submit an eligibility list to the commission for certification by December 12, 2012.~~

Moved: _____ Seconded _____
 Vote: Barabani _____ Early _____ Salazar _____

C. Pulled

- ~~1. It is moved that the commission direct the Personnel Commission Director to halt the current recruitment for Cafeteria trainee, admit any current applicant who was disqualified due to not having a high school diploma or equivalency, and to submit to the commission for approval a new job bulletin with the requirement for a high school diploma equivalency omitted from the bulletin at the November 14, 2012 regular meeting.~~

Moved: _____ Seconded _____
 Vote: Barabani _____ Early _____ Salazar _____

Mr. Barabani Action Item C was pulled. We will go to item D.

D. It is moved that the commission approve the minutes for April 25, 2012 as submitted.

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

- Mr. Barabani I made a motion, do I have a second?
- Ms. Early I will second.
- Mr. Barabani Open for discussion, corrections?
- Ms. Early I found just grammatical corrections but there are a couple of areas where I couldn't get the meaning of the paragraph. Page1, under Patrick Maher, 3rd line down, the certified matter was talking about the major category. I didn't know

what that was, I don't remember that verbiage. So I wasn't sure what that was talking about. And then the last paragraph, the last sentence in there it says - we still have not seen - should be seen, the stipulating judgment, the necessary, or tell us about, so I think that that verbiage needs to be listened to again, the necessary should be something else.

Mr. Barabani Ok.
 Ms. Early So I support your motion to approve with corrections.
 Mr. Barabani Okay, we have a motion to accept with correct and re-submit with corrections.
 Ms. Early Aye.
 Mr. Salazar Aye.
 Mr. Barabani Aye.

E. It is moved that the commission approve the minutes for May 15, 2012 as submitted.

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

Mr. Barabani Move to approve the minutes of May 15, 2012 as submitted. May 15th.
 Ms. Early I second.
 Mr. Barabani Open for discussion, corrections? Is it correct?
 Mr. Salazar I will abstain from voting on that one because I wasn't here for most of that meeting.
 Mr. Barabani No corrections. Call for the vote.
 Ms. Early Aye.
 Mr. Salazar Abstain was not present at meeting.
 Mr. Barabani Aye.

F. It is moved that the commission approve the minutes for May 30, 2012 as submitted.

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

Ms. Early Mr. Barabani I move to approve the minutes for May 30th.
 Mr. Barabani I will second it. Open for discussion, corrections? Call for the vote.
 Mr. Salazar Aye.
 Ms. Early Aye.

Mr. Barabani Aye.

G. It is moved that the commission approve the minutes for June 27, 2012 as submitted.

Moved: Early	Seconded	Barabani	
Vote: Barabani	Aye	Early Aye	Salazar Aye
Ms. Early	I move to approve the minutes for June 27 th with corrections, and grammatical corrections.		
Mr. Barabani	I will second that.		
Mr. Barabani	I don't have any corrections, I do have a question? Nersi, on page 8, on those last paragraphs which would be 53 of 69, it's the one that has a cross A has line going through it. 53 to 69.		
Nersidalia Garcia, Secretary III	I think so.		
Mr. Barabani	I'm just trying to refresh my mind on that.		
Nersidalia Garcia, Secretary III	You canceled that and you did not speak about that so then I just struck it.		
Mr. Barabani	Ok, no problem. Call for the vote.		
Ms. Early	Aye.		
Mr. Salazar	Aye.		
Mr. Barabani	Aye.		

V. COMMISSIONERS/DIRECTOR COMMENTS

Mr. Salazar One comment and it was pulled from the agenda tonight item IV. C. as you have already heard mentioned in the public comment section I'm glad we pulled this and I hope we don't see it either.

Ms. Early I have none.

Mr. Barabani This is for the public record. I had a meeting with our new superintendent. He's got a different vision than other I've heard other superintendents. He's looking at everything; of course he's concerned with the budget and who's not. He's moving in all directions and looking at things I've never seen. I've been around the school district and a lot of people that kind of focus down one central path and his basic goal it appears to be that what ever it takes to find something that works, get us to do something that is right and correct for the students. You know he's looking at all avenues. He is setting high goals which there is nothing wrong with. He is looking for high standards. I did suggest that he meet with both of you, he has the option. Think you might get a call. He's a busy guy. I had to meet with him very early in the morning. Now I know what the sunrise looks like. I also invited him to come to a commission meeting here.
Some of the other things that have nothing to do with him at this

time are that we made some motions, we are trying to move forward here we have some jobs but, when it comes time to try fill our positions that come out of our budget it appears we still don't have any standing. There seems to be a lack of respect for the classified employees when it comes to the regard of the merit system. People come up here and make great statements about how we are getting along and how things are getting better. There just doesn't seem to be a change in conduct or in the attitude toward us. It might be getting even worse. At times I've been here and I think okay its getting better and I'm starting to feel once again we are just puppets and people just want to pull our strings, that is all they want to do. For an independent merit system that would appear to be unacceptable. Hopefully my perceptions are not correct even though I believe them to be so. That is the end of my comments.

Mr. Salazar Just one more thing, real quick. It just an administrative thing. I am looking at the agenda, when you get to Commissioner and Directors comments I believe should be labeled Roman Numeral V, Closed session should be labeled Roman Numeral VI and Adjournment should be labeled Roman Numeral VII. Like I said it is just a slight administrative adjustment.

Mr. Barabani Under the same comments here since we are doing that I don't know if you guys knew that Christine wouldn't be making it today. Other than that I call we are going into close session at 6:13 p.m.

VI. CLOSED SESSION

The commission adjourned into closed session at 6:13 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

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

The commission reconvened into open session at 6:13 p.m. and announced the following action taken in closed session: There was no report out.

VII. ADJOURNMENT

The commission adjourned the meeting at 6:13 p.m.