

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

**MINUTES**

July 17, 2013

**I. CALL TO ORDER**

A. The meeting was called to order at 5:36 p.m. by Commissioner Early.

B. Roll-Call

1. Commissioner Rhonda Early, Chair
2. Commissioner Gino Barabani, Vice-Chair-walked in 5:45 p.m.
3. Commissioner Michael Salazar, Member
4. Abe Flory, Personnel Commission Director

C. Pledge of Allegiance

**II. APPROVAL OF AGENDA**

Moved	<u>Mr. Salazar</u>	Seconded	<u>Ms. Early</u>
Vote: Barabani	<u>Early</u>	<u>Aye</u>	<u>Salazar</u> <u>Aye</u>
Ms. Early	I will move to approve tonight's agenda. All in favor.		
Mr. Salazar	Aye.		
Ms. Early	Aye. Motion carries.		

**III. PUBLIC COMMENTS**

- NOTE:**
- Comments from the public on any agenda item may only be made at this time. Because this is a special meeting, comments may only be made on an agenda item.
  - Each member of the public may speak only one time during the public comment session.

Ms. Early                      Next agenda item is comments from the public; please identify yourself for the recorder.

Teacher  
Employee for  
district                      We don't have an athletic equipment worker in our facility which means the coaches have to do all the work that athletic equipment has to do. We have to do the uniforms and dozens of other jobs. We really need to get that position filled and I was wondering if there was a chance to get a sub for that position to get the eligibility list going because there is and I saw a lot of jobs opened in the district. I know there is a lot of commotion going on, about hiring people but, I know there is a lot of citizens in our community that have children that go to San Bernardino City school district that are looking for a job and if we can get this jobs open so they can apply for them chances are they will stay in San Bernardino area and keep their kids in san

Bernardino. Instead of transferring into another school district and losing money because of it so I am here because I care about our kids and they need all this tutors and this entire classified people to help them. We have to make sure the facilities are clean, or help them with their education so we are number one, and the committee feels like that our district is a little bit dysfunctional because we are not getting jobs filled in and I hate to see that because I am part of this district and I think, and if so if I can get my basketball team of girls to get along, be together and united and whatever it takes to accomplish our goals then I just would like see that in our district with the people that are in charge when there is a job opening for people to be allowed to come in and apply for this jobs and get hired for this jobs that way we can go on and show people that we have a great district and things get done. I appreciate anything you can do. I ignite these kids, you guys ignite the adults. God Bless you.

Ms. Early

Thank you.

Teacher for  
San Bernardino  
Unified School  
District

Have a blessed day.

Steve Holt,  
District  
Employee

Good evening commissioners my name is Steven Holt, district employee and also independent advocate for classified. Today I would like to express a concern of mine as we are doing job duties I do know within a preview of the commission salary study some time ago through the great wisdom of the district they decided to abolish the career ladder of the custodian. They took away the custodian four's, three's. We are at the schools, I work at the San Bernardino High School we have 5 positions abolish, no lead experience and the district no longer delivers action crew. Right now independent news mark equipment and they do at the lower levels like elementary and Jr. High Schools, we have to be self-independent Less staff more work force and the duties of two's, and three's to lead and handle the responsibility that were incorporated and now being picked up by job descriptions are now picked up from custodian 1's. At some point I would like the commission to look at the comparison's at what the other custodians are making and mark duties as one has shifted and as we are incorporating more responsibilities abolishment the 4's and 3's and if you can look at that sometime I really appreciate that. Thank you very much.

Liz Madera,  
District  
Employee

I just wanted to suggest or comment, I know there has been some recruitment that have kind of being on a limbo because of job description was changed after it was approved, I'm talking about Superintend Assistant. To me I believe it has been in a limbo because it was flown other than approved. Has that gone to recruiting office to say let's fly this. I'm sure there is other positions that may be in the same category. Does the office know what the problem is? Let's recruit for that position. It will be nice to get those going again. Thank you.

**IV. ACTION ITEMS**

A. The commission will consider ratifying the eligibility lists for the following recruitment:

1. It is moved that the commission ratify the eligibility list for Data Control Clerk.

Moved Ms. Early Seconded Mr. Salazar  
Vote: Barabani Early Aye Salazar Aye  
Ms. Early Any discussion on the motion? All in favor of motion. Motion carries.

B. The commission will consider approving revised classification specifications for the following classifications.

1. It is moved that the commission approve the revisions to the classification specification for Food Production Worker.

Moved: Ms. Early Seconded Mr. Salazar  
Vote: Barabani Early Aye Salazar Aye  
Ms. Early Any discussion on the motion?

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

Ms. Early Any discussion on the motion? All in favor of the motion?  
Mr. Salazar Aye  
Ms. Early Aye. Motion carries.

3. It is moved that the commission approve the revisions to the classification specification for Plumber.

Moved: Ms. Early Seconded Mr. Salazar  
Vote: Barabani Early Aye Salazar Aye  
Ms. Early Any discussion on the motion?

4. It is moved that the commission approve the revisions to the classification specification for Power Mower Operator.

Moved: Ms. Early Seconded Ms. Early  
Vote: Barabani Early Aye Salazar Aye  
Ms. Early Any discussion on the motion?

5. It is moved that the commission approve the revisions to the classification specification for Serving Kitchen Operator.

Moved: Ms. Early Seconded Mr. Salazar

Vote: Barabani \_\_\_\_\_ Early Aye \_\_\_\_\_ Salazar Aye \_\_\_\_\_  
 Ms. Early Any discussion on the motion? Motion carries.

C. The commission will consider approving recruitment flyers for the following classifications.

1. It is moved that the commission approve the recruitment flyer for Food Production Worker with the following changes/additions/deletions:
  - a. The opening date will be July 22, 2013
  - b. The closing date will be August 5, 2013
  - c. The eligibility list will be presented to the commission for ratification at the earliest time but no later than October 2, 2013.
  - d. All examination components shall be administered and the Personnel Commission Director is prohibited from making any changes to the examination components stated in the bulletin.

Moved: Ms. Early \_\_\_\_\_ Seconded Mr. Salazar \_\_\_\_\_  
 Vote: Barabani Aye \_\_\_\_\_ Early Aye \_\_\_\_\_ Salazar Abstain \_\_\_\_\_

Ms. Early Any discussion on the motion?

Mr. Flory Madam chair, point of order on the next seven items I would recommend you remove D it is in conflict with PC rules 4.08K and the California Education Code and will be discussion custodian later in the agenda and that is the kinds of problem that comes up and we don't have that flexibility based on applicant code to receive we have received which is to the testing process.

Ms. Early Can you read to us form the pc rules 4.08K?

Mr. Flory It essentially says that its purview of the director to staff to make. Under 4.08 whenever is necessary anticipating vacancies and classified service and appropriate eligibility list does not exist and examination should be conducted at least 6 days in advance. It should contain the following information and K is the proposed part of examination including hybrid examination such as written performance and oral performance. Which unusual under no circumstance shall substance changes such as holding of an oral performance 4 days between post mark and data examination which we tried to follow if we are changing something? Not to jump ahead to much but in an oral panel for that are outside people would take days almost week for just for the oral panel when the test it's valid enough to create a list of which subs would be hired.

Ms. Early Any further discussion on this motion? Let's take a 10 minute recess, I just want to read over this section and be sure. Let's reconvened at 5:55 p.m.

Mr. Salazar Meeting reconvened at 5:55 p.m. in looking at there is a couple of things by director if I'm not mistaking rules and regulations

reference to roles 4.08 the old rules on the examination if we look at our new rules that verbiage whenever is necessary we can find that in our new rules on chapter 5 and there is a whole paragraph on chapter 5 that talks about the holding of the examination and, its really talking about the announcement of the examination. So the new numerals supersede the old rules. It really is it's a more concise version I suppose you can say of what we see in the old rules, the old rules were much more detailed. So the other thing that says on the new rules it says the executive director by the way for point of reference 5.1.1.2 executive director personnel commission may place advertising and newspaper articles should make every effort. So this is really talking about announcement on the examination that is what they call vs. holding of the examination. I what I would like to see is on new rules where if at all there is a specific rule that talks about the holding of the examinations. So I guess that is what we are talking about here, not necessary of the examination by the holding of the examination. I'm just pointing that out. There other commissioners to bring back input. Than you.

- Ms. Early Any further discussion on this motion. Thank you commissioner salazar. Just a couple of sentences before that in that same paragraph where Mr. Salazar was reading says the personnel commissioner should announce the examination shall be distributed to all employees so the question raised before us by our director was item D was a violation of our personnel commission rules. And I don't from what I read I don't see that as a violation to our rules.
- Mr. Flory Madam chair I strongly recommend against approving the seven items. We will need some latitude as test and expert lay as situations rise as we develop test.
- Ms. Early We have a recommendation on the floor. Item D from the next seven agenda items.
- Mr. Barabani I didn't quite understand that, you need latitude for what?
- Mr. Flory Meaning some flexibility depending on the number of applicants, quality of applicants, and then one a rule you receives a larger than respected number we would have to go outside and get a number of people to perform process that would add to the quality of the section or the certification.
- Mr. Barabani What does that mean?
- Mr. Flory It means we need flexibility.
- Mr. Barabani I mean you got 10 people, 20 people come in and they are given an exam. They have a written component and a verbal component or a practical exam with a written exam, right? Do you want the flexibility to drop one of those after we approved it?
- Mr. Flory I was thinking more like 10 times those numbers.

Mr. Barabani If we approved it in a public meeting then that is what we approved. And then we do something like behind closed doors and changed that, it would be a brown violation.

Mr. Flory No because we are not doing it behind closed doors, we are doing it publically by announcing that we are doing it and then we are taking the actions so we can meet the deadlines.

Mr. Barabani How are you going to announce that?

Mr. Flory As we were discussing that I thought was the new rule, but ends up being the old rule. We would announce to the applicants that there is a change where we would say this and this and it would be that and that.

Mr. Barabani But we have a public meeting determine this is what we are now later you want to change what happened on public record.

Mr. Flory Right

Mr. Barabani And make an announcement on your own:

Mr. Flory Make an announcement to the applicants. And sometimes the department may have an input and it might need to modify something. We have a tremendous number more than we are expecting.

Mr. Barabani I don't see how you go over the fact on specification on what we want for the job and for instance we have a posted Friday for police department, so we get a post certified and if we get to many applicants you might want to make the test easier.

Mr. Flory It's not the same.

Mr. Barabani But that is what you are implying.

Mr. Flory No.

Mr. Salazar Can you give us a practical exam? I know you tried to; can you give us a practical example where we would understand? I mean number one, I think what I'm hearing you saying by not allowing that latitude it can slow down the process and the so looking for practical example of when this would be beneficial to or not harm an applicant. Does that make sense?

Mr. Flory Yes.

Mr. Salazar So maybe you can help us to understand it because I think I don't want to put words in Mr. Barabani's mouth by my standpoint its approved we have an examination it is what it is. My concern would be after the fact that you have that kind of latitude that you change the entire exam or change component of exam so that would be my concern also.

Mr. Flory I would note that

Mr. Salazar Maybe why you should explain why we should not be concerned on that.

Mr. Flory Let's say that we receive no applicants then nothing needs to be done if we have 10 vacancies and we receive 1 applicant then maybe we can eliminate a couple of the steps in getting moving. Let's say we have 10 vacancies and we get a dozen applicants procedures we would then maybe eliminating one of those because we can get an accurate psychometric determination as to the quality of the applicants from less than what we are predicting. The staff and I don't mean to insult you and you can't predict what is going to happen when we start getting applications coming in. That is why we are asking for flexibility so we can move ahead and we are not trying to be devious we are not trying to just franchise somebody or change a critical component there are components that go in to each selection procedure and those parts would remain, if something would be superfluous would be duplicate or unnecessary we have the flexibility to eliminate that and move at a process.

Mr. Barabani Maybe we can use a more a practical exam. We have the custodian exam and we approved specifications. What were there?

Mr. Flory Those were that is a perfect example you gave similar open dates, closing dates, and eligibility list then there were two different versions of the announcement, one was a written test and one was a written test and oral panel. In this case you received 252 applicants and 80 passed the written test, I would then make a determination, there is no need to make an oral panel because we have 80 candidates that are well qualified based on the written test. So I would make a test and measurement decision to not have the oral and that would give you more than enough applicants which would then be used to hire for subs that would be a perfect example.

Mr. Barabani We are going to use them for subs? I thought we were trying to get an eligibility list to hire them from the list.

Mr. Flory As I understand is for subs. I may be wrong.

Mr. Barabani So I am approving sitting up here using my time to approve subs? We got ten open positions in the custodian and we are just going to put subs in there. Is that what I am hearing?

Mr. Flory I believe you already have a certified list for those positions and the district is in process of hiring positions.

Mr. Barabani So the district is not hiring, they want to hire subs. I am confused.

Mr. Flory Let me see if I can explain it better. The district has enough candidates to hire from the positions that they have. There was a request to reopen it and no one anticipated hundreds of applicants.

Mr. Barabani We had a lot last time that there was a custodian opening. We had 100 and the district cooperated with the exams they gave us a room over there. The whole process went through and went

pretty fast.

Mr. Flory In this case this would be used for sub positions as I understand now you have 80 people and your requirement is to go outside to perform the interviews.

Mr. Barabani I am confused, you are saying you have a list and now we are going to produce a list for subs.

Mr. Flory That is my understanding, yes.

Mr. Barabani Where does that come from? We are not here to fill the subs we are here to approve CSEA saying they want the positions filled. Now you say you want to fill the subs. That is not even our intend that is not even closed to what our mandate is. So you want the ability to change so you can make a self-list?

Mr. Flory No, sorry. The ability to change when we have an accurate measurement of the real and not add something else on. There was anticipating prior to us knowing the situation that we had.

Mr. Barabani So you can make a sub list.

Mr. Flory It does not have to do anything with the sub list.

Mr. Barabani Well you said that I didn't.

Mr. Flory Let's say it's a real list and you now have 80 people that you need to put through structure over board, you will interview 80 people, I don't think it's going to add considerable benefits.

Mr. Barabani 250 applied and you are saying 80 passed. Then did those 80 have oral component exam?

Mr. Flory No

Mr. Barabani No, why not.

Mr. Flory The job was announced there were two announcements, one compared from someone else and one announcement by us.

Mr. Barabani One announcement was approved by the commission and I don't know where the other came from. The one that was approved by commission was the one that should be posted. So we have two custodial so one was for subs and the other one was for? So why didn't they go through oral component?

Mr. Flory Because at this point and time I am trying to explain to you the problem not to go through the whole component. I'm saying it would not add anything to the determination of the quality of candidates plus it would be a tremendous burden for your staff and people out there.

Mr. Barabani This being a custodial exam maybe it would be a performance test; part of being a custodian is you interact with children, teachers. We had a few who filled it and that are adequate for the position. You would interview them and pretty good idea and their score come up I mean we are using it now, how was the cut score made?



Ms. Early The agenda item we are on is related to the food production worker and the motion on the table is the commission approves the recruitment flyer for food production worker with the following changes, additions, deletions, and they are 1 through 8 so let's stay focus on the food production worker. Is there any other discussion on this motion? Any other discussion on this motion? Are we ready to vote?

Mr. Salazar We are one item; we are not taking all of them.

Ms. Early I read items A through D as part of the motion.

Salazar Are we going to go through each one individually?

Ms. Early We are going to vote on each number individually so if there is something specifically we can discuss. The motion includes item A-3. All in favor the motion signify with a voting sign of aye.

Mr. Barabani Aye.

Salsa I'm going to abstain

Early Aye.

2. It is moved that the commission approve the recruitment flyer for Lead Electrician with the following changes/additions/deletions:
  - a. The opening date will be July 22, 2013
  - b. The closing date will be August 5, 2013
  - c. The eligibility list will be presented to the commission for ratification at the earliest time but no later than October 2, 2013
  - d. All examination components shall be administered and the Personnel Commission Director is prohibited from making any changes to the examination components stated in the bulletin.

Move: Ms. Early \_\_\_\_\_ Seconded Mr. Barabani \_\_\_\_\_  
 Vote: Barabani Aye \_\_\_\_\_ Early Aye \_\_\_\_\_ Salazar Abstain \_\_\_\_\_

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

3. It is moved that the commission approve the recruitment flyer for Lead HVACR Mechanic with the following changes/additions/deletions:
  - a. The opening date will be July 22, 2013
  - b. The closing date will be August 5, 2013
  - c. The eligibility list will be presented to the commissions for ratification at the earliest time but no later than October 2, 2013
  - d. All examination components shall be administered and the Personnel Commission Director is prohibited from making any changes to the examination

components stated in the bulletin.

Moved: Ms. Early                      Seconded      Mr. Barabani  
Vote: Barabani      Aye                      Early      Aye                      Salazar      Abstain  
Ms. Early                      Any discussion on the motion? All in favor? Motion carries.

4. It is moved that the commission approve the recruitment flyer for Painter with the following changes/additions/deletions:
  - a. The opening date will be July 22, 2013
  - b. The closing date will be August 5, 2013
  - c. The eligibility list will be presented to the commission for ratification at the earliest time but not later than October 2, 2013
  - d. All examination components shall be administered and the Personnel Commission is prohibited from making any changes to the examination components stated in the bulletin.

Moved: Ms. Early                      Seconded      Mr. Barabani  
Vote: Barabani      Aye                      Early      Aye                      Salazar      Abstain  
Ms. Early                      Any discussion on the motion? All in favor signify with a voting sign of aye. Motion carries.

5. It is moved that the commission approve the recruitment for Plumber with the following changes/additions/deletions:
  - a. The opening date will be July 22, 2013
  - b. The closing date will be August 5, 2013
  - c. The eligibility list will be presented to the commission for ratification at the earliest time but no later than October 2, 2013.
  - d. All examination components shall be administered and the Personnel Commission Director is prohibited from making any changes to the examination components stated in the bulletin.

Moved: Ms. Early                      Seconded      Mr. Salazar  
Vote: Barabani      Aye                      Early      Aye                      Salazar      Abstain  
Ms. Early                      Any discussion on the motion. All in favor signify with a voting sign of aye. Motion carries

6. It is moved that the commission approve the recruitment flyer for Power Mower Operator with the following changes/additions/deletions:
  - a. The opening date will be July 22, 2013
  - b. The closing date will be August 5, 2013

- c. The eligibility list will be presented to the commission for ratification at the earliest time but no later than October 2, 2013.
- d. All examination components shall be administered and the Personnel Commission Director is prohibited from making any changes to the examination components stated in the bulletin.

Moved: Ms. Early                      Seconded      Mr. Barabani  
 Vote: Barabani      Aye                      Early      Aye                      Salazar      Abstain  
 Ms. Early                      Any discussion on the motion. Motion carries.

- 7. It is moved that the commission approve the recruitment flyer for Serving Kitchen Operator with the following changes/additions/deletions:
  - a. The opening date will be July 22, 2013
  - b. The closing date will be August 5, 2013
  - c. The eligibility list will be presented to the commission for ratification at the earliest time but no later than October 2, 2013.
  - d. All examination components shall be administered and the Personnel Commission Director is prohibited from making any changes to the examination components stated in the bulletin.

Moved: Ms. Early                      Seconded      Mr. Barabani  
 Vote: Barabani      Aye                      Early      Aye                      Salazar      Abstain  
 Ms. Early                      Any discussion on the motion? All in favor signify with a voting sign of aye. Motion carries.

- D. The Personnel Commission will address the practice of the personnel director providing written report at the time of the meeting and not distributing copies to the public. A proposed motion is:

The personnel director is directed to provide to the public prior to the start of a commission meeting ample copies of any proposed written report to or other documents provided to the commission that was not part of the original agenda package and that relate to the public meeting portion of the agenda.

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

Mr. Flory                      Madam Chair, I did not understand these questions.

Mr. Barabani                      In the past you had discussions and you gave us packets like this, if you object to something, you bring in the packet at the last minute. You need to provide the public, put your objections in writing that way we can handle it at the meeting. This objection

should of being placed in the agenda package.

Mr. Flory           What I'm confused about you just asked for recess to review the rules are you saying that at that time copies should of being provided to everyone.

Mr. Barabani       No you just had an objection and you stated that there was a law, and you stated there was rule it would of being really helpful if we would not waste items.

Mr. Flory           Thank you.

Mr. Barabani       Maybe write up a little format writing what your thoughts are.

Mr. Flory           Thank you.

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

Mr. Barabani       Aye.

Ms. Early           Aye.

Mr. Salazar         Nay.

E. The Personnel Commission will address the practice of the personnel director not complying with previous directions to make all reports in writing to the commission as part of the agenda package. A proposed motion is:

The personnel director is directed to provide in writing as part of the agenda package any report that he has been directed to provide as part of the agenda package as part of the agenda package and make oral reports on additional information only when that information was not available at the time the agenda was prepared.

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

Ms. Early           Discussion on the motion.

Mr. Flory           Madam Chair, here again it's a little bit confusing because your staff prepares an agenda and then an outside individual produces the actual agenda that you approved. There have been approximately 22...

Mr. Barabani       There is only one agenda it's the commission's agenda.

Ms. Early           Let's let director Flory finish.

Mr. Flory           Since my return there has been 22 agenda's produced by myself and staff and only 2 of those have been used. The problem then becomes you are asking the director to provide in wiring as part of the agenda package of what the director does not have report or control off, and that is an impossible position. Like this is not your staff's or my agenda. So you are saying I should have put into this stuff that was requested or presentations or anything else that oral reports and stuff should of being put in someone else's agenda, that is impossible to do. I don't know a way of doing it.

Ms. Early Mr. Barabani.

Mr. Barabani I think part of the problem you just stated is right there. You said my agenda it is the commission's agenda is not your agenda. It's the commissioners. This thing about my agenda and somebody else's, all I'm asking is you put something in your agenda the one you send that you reworked as you said sometimes that you put back up document material as to why something is placed on that. So we know the purpose of that item so we can read the backup material. Why we are doing what we are doing on item D? You have sent many agendas and no explanation why items are not on the page. When you write on a motion it makes it hard to vote on something if we don't have a backup material.

Mr. Flory Not to be argumentative but your staff not me, your staff can't put things into it per what you say on here.

Mr. Barabani Do you send an agenda before Wednesday of noon?

Mr. Flory Yes.

Mr. Barabani And you compile it? Many times that comes without back up. And the public when they come here to speak, they can speak on it; they know exactly what it means. It does not take much effort. Agenda item B; The commission will consider approving and revise approving classification. We now know we are going to revise classification for at least 5 jobs. The commission staff will review by csea and recommending revisions to the commissions. We now know that csea and district can approve this, you based it on public record, everyone has a chance to review. This agenda item gives us back up material for changes done. We will go make our vote and take that to consideration.

Mr. Flory Let's take Item E, I have never seen item E before. It was not on the agenda that was presented to you. This is a new item that someone else produced. I can't now comply with what you are requesting here for item E because I did not know that was going to be on the agenda.

Mr. Salazar Let me ask a question if I may, for example, we have item E and on the back up material, agenda item roman number four for E, page 29 of 66. That paragraph is that something that you wrote?

Mr. Flory No that is the problem.

Mr. Salazar I am trying to make sure that I understand that so there is item E on our agenda and again you don't write our agenda but, was put on this agenda. I know I did not put that item on the agenda so it came from someplace else. However, that item got on the agenda there and you did not write the backup material on that agenda item.

Mr. Flory That is correct.

Mr. Salazar        So how did item E. get on our agenda?

Ms. Early         I can respond to that.

Mr. Salazar        Yes, please.

Ms. Early         Commissioner Barabani sent out an email which you were copied on and director Flory was copied on with several items that he wanted to be placed on the agenda. We got a draft agenda out on Wednesday out of the several items that he requested and I think you made the request directly to Mr. Flory of the other three commissioner's only one of his items were placed on the agenda. I came in and replied to all stated that I see that only one of your items was placed on the agenda I do not have time to reinsert the request or comply to your request to see that all of your items were placed would you place your items on the agenda and provide your back up material so that Mr. Flory can post the agenda on a timely manner.

Mr. Salazar        Understood, yes, I am not looking for it I'm curious how does that get there? That is how it got there, ok. So this is an item that Commissioner Barabani requested, he requested this item not eh agenda and provided the backup material. So in the case of our director providing back up material he would be responsible for providing back up material for items that he put on the agenda. Because he obviously could not put back up material on items that you put on the agenda that you already provided the backup material for, it would not make any sense. That is all I mean, I am trying to figure it out.

Mr. Barabani      Right here where it says, he has been directed he has something that he want to place on the agenda provide some back up material and if you or anyone else direct him sometimes it takes some research because you look up the rules and give us the opinion on this, right? Place it on the back up. It is not the first time we asked. A lot of the agenda submitted the working agenda call before Wednesday it does not have back up material on items that we did not submitted. Mr. Flory put it himself if you are going to put something on it, we would like to see some back up.

Ms. Early         Is there any further discussion on the motion before us? All in favor of the motion signify with a voting sign of aye.

Mr. Barabani      Aye.

Mr. Salazar        Aye.

Ms. Early         Aye. Motion carries.

F. The Personnel Commission will address the change in the exam plan for Custodian 1 without the consent or knowledge of the commissioners. The personnel director will provide the following information:

1. Why he certified an eligibility list for Custodian 1 that was not based

- on the examination plan approved by the commission
2. Why he failed to give clear notice to the examination that the list they were asking to certify was based on an altered examination plan from that approved by the commission.
  3. What cut (pass/fail) score was used on the written exam and how that cut score was determined and by whom.
- Ms. Early There is three items listed on the agenda we can take them one by one. Item 1 why he certified an eligibility list for Custodian 1 that was not based on the examination plan approved by the commission.
- Mr. Flory Madam chair I believe we already discussed this and it's your wish to have no deviation from what you have stated in whomever prepared the announcement so that is fine per your direction.
- Ms. Early So for this agenda item just give us the answer to that question. I know the discussion was mixed in with another item but I'm kind of would like to ask for discussion that is pertinent to that item on the agenda.
- Mr. Flory Madam Chair members of the commission the 250 people applied we had 80 take the exam and passed and we made a decision based on the apparently incorrect announcement that and on logic that it would be a waste of time to do an oral panel for 80 individual for the requirement that only people that consider panel from outside that will revise that now and will go ahead and conduct those orals and will draw that request for certification.
- Ms. Early Thank you, maybe the discussion as it enables to item f1.
- Mr. Barabani Part of the problem one of the things that we asked about the bulletin and it states what exams are and you ask the district and you get there and get the approval for items at that time. We waiver and change that examination after we approve that here. What if the two parties working with us, we are trying to go down in a new avenue here, don't you think that we are not doing right about that?
- Mr. Flory You are talking about two different things. One is the job specification and the second is the announcement. I don't believe there is a requirement for the district and the union to review the announcement.
- Mr. Barabani But we are here in public, and when we are here they have an opportunity to speak about it. That is why we include the back up. Well, they looked at, if they want changes and we change it. So everyone leaves this meeting with certain expectations and then we change them. That doesn't seem right.
- Mr. Flory That won't happen again.
- Ms. Early Any further discussion on item 1? Moving on to F2. Personnel director will provide information on he failed to give clear notice

to the commission that the list they were asking to certify was based on an altered examination plan from that approved by the commission.

- Mr. Flory As stated before we had a different announcement by the one that was prepared by another individual so we will correct that item in the future and follow whatever announcement you approve.
- Mr. Barabani That is not the question being asked. The question is we approved a certain announcement, we voted for something and on here the assumption it was being done like we asked to at that moment and time maybe it would of being a good time to say, Madam Chair commissioners we changed the test, we voted based on what we believe it's going to happen.
- Mr. Flory Honorable chair members of the commission we did not know that.
- Ms. Early Any further discussion on F2. Moving on F3 What cute (pass/fail) score was used on the written exam and how that cut score was determined and by whom.
- Mr. Flory Honorable chair members of the commission, in this particular case there was once standard deviation below the median. This is generally the way cut scores are determined you have directed us and I do not want to bring up the sensitive subject that a particular person on the staff will perform certain functions of the position that is currently vacant and, you told us not to bring it up so I don't want to bring it up so I made that decision on cut scores and have been making determination on cut scores based on sound, testing measurement principles and in this case one standard deviation and, I can explain that, I can draw a chart.
- Ms. Early Any discussion on item three? Moving on item G.
- G. The personnel director will provide a report on current status of all invoices for legal services since July 1, 2012 that includes:
1. A current status on all invoices for legal services since July 1, 2012 indicating the date received, the date sent to the District for payment, the date that the invoices were paid.
  2. If any invoices not paid for over 30 days, the reason for non-payment and a description of all efforts made to get payment made and as to why payment was not successfully made.
  3. An explanation as to why the personnel director has failed to consistently keep the commission updated on the processing of all invoices as he has been directed to do numerous times.
  4. An explanation as to why the invoices for court reporter costs was not paid within 30 days and all efforts to get it paid, including the date received by the commission and the date forwarded to the District.
- Mr. Flory Had I know this item was going to be on the agenda I would



have prepared a report copy for everybody.

Mr. Barabani You did not get a copy Friday?

Mr. Flory Right, your requirement is to put that into that agenda from last Friday. That is your direction.

Mr. Salazar We can't very well do that.

Mr. Flory Just trying to comply.

Mr. Barabani In this case where that other rule comes in maybe if you had the report where you can have this people, they can understand or are you giving the oral report here? Ok go on.

Mr. Flory All bills and invoices have been received signed approved it was necessary to increase the amount of money from another \$50,000.00. It was necessary due to high cost of process and we prepared a REAF for another \$150,000 just went over today to the district so everything is being processed on a timely basis. The minute I get it I review it, and sign per your direction and approval and send it over to the district to sign it. It's my understanding they are making every effort to get Ms. Kwong paid.

Nersidalia Garcia,  
Secretary III for  
PC Let me add to that, it's going to be paid there is \$30,000 that is already approved and it's going to be paid, and the other \$50,000 has been Board Approved on July 6<sup>th</sup>, I'm sorry July 2<sup>nd</sup> so that is going to be paid up, so that will be a difference of \$15,000 that they still need to pay. With the new REAF that was sent, once its board approved then they will send the rest of the payment and whatever invoices come in.

Mr. Barabani Thank you. Does that include invoice # 24990?

Ms. Garcia All the recent invoices that were put in there.

Mr. Barabani Thank you for your information.

Ms. Early I just want to comment on this item. I have requested previously that we have a tracking log for position vacancies so we know the status of all approved vacancies and our effort to fill also one for our legal fees. And it would be much simpler for us if you just included that information in our packet. Ms. Garcia did started and so what happened to me is I get the contacts, they want to know where we are in processing payments for particular invoices. Without me having the tracking log and the information from you I have no response to them. So Ms. Garcia you started a tracking log for invoices.

Ms. Garcia I just gave you a copy today.

Ms. Early You gave us a copy today in this packet?

Ms. Garcia I put it in your folder. I just updated it. I just found out from accounts payable where there were at? So, I was waiting for the board approval, and I was waiting for everything to go through so, I just talked to accounts payable today and they are

ok on making the \$35,000.00 because that is already approved and now they found out that \$50,000 has been board approved so she is going to start that process. So I will email you information tomorrow or Friday.

Ms. Early Ok, email to everybody so that way this item will be taking care of because we would already take care of the information.

Ms. Garcia Now this board approval is not going to go through until sometime in August so the rest would be paid up and whatever invoices come in.

Ms. Early And as long as we have done what we have to do and submitted I can at least reply and say that. For this just in reference and keeping everything in perspective this is not a new request, this is a follow-up of a previous request, but we are all in the same page and we know where we are at with payment and legal fees. Ok so it's not a new request for report on this particular item it's a follow up on previous request of report. Next agenda item.

H. The personnel director will demonstrate the OPAC computer evaluation program and will demonstrate how scores are obtained and used by the program. No confidential information on how the program computes scores, and no confidential information on actual scores will be provided. Instead, the personnel director will show how staff obtains scores when a test has been completed.

Mr. Flory Madam Chair members of the commission I will demonstrate the OPAC computer evaluation program on a power point presentation. OPAC stands for office proficiency assessment and certification system. It's similar to other test and measurement and selection system that is used in the public and in a lot of cases private sector. Its govern mainly by the uniform of guidelines of employee selection procedures. And it's a product of little consulting grouping they do a lot of work with fire fighters and other individual as well this clerical for components. There are six primary testing groups in the open system computing test, clerical test and others an example might be intermediate word where that is an essential function of the job. The OPAC system uses validated test to measure the right skills for the job. Licenses are allowed for limited testing. Certification meets high standards. In other words this material that is being used is validated and accepted in the industry.

Mr. Barabani Thank you.

Ms. Early Thank you.

I. The personnel director will provide a report to the commission on the problem of getting approved minutes posted on the web for public access. Minutes have been approved through April of 2013 and will propose a solution, but the last sets of minutes on the web are for January.

Ms. Early Mr. Flory you have a solution for that?

Mr. Flory Madam chair members of the commission I can tell you that all minutes that have been approved it has been posted. It is just

time and resource issue.

Ms. Early So they have been posted through April.

Mr. Flory Yes.

Ms. Early Any other questions? Thank you.

J. It is moved that the commission approve the minutes for May 1, 2013 with corrections.

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

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

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. It is my desire to stay up to date with minutes so we had a couple of short meetings since our May 1<sup>st</sup> meeting can we have those minutes agendized for next commission meeting so that we are current on all our minutes.

Ms. Garcia Yes.

Ms. Early Motion carries.

**V. COMMISSIONER'S AND DIRECTOR'S COMMENTS:**

No comments

**VI. CLOSED SESSION**

The commission adjourned into closed session at 7:00 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

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

Title: Personnel Analyst (Limited Term 45286)

**VII. ADJOURNMENT**

The commission adjourned the meeting at 7:05 p.m.

