

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

MINUTES

June 5, 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>Not present</u>	Early	<u>Aye</u>	Salazar	<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.

DJ Kenybru, volunteer worker My name is DJ Kenybru, I have been volunteering at del Vallejo middle school as a custodian since November of last year. I put in an application and they said they were hiring, I came here to do it I just got a letter back saying that I did not have enough experience, but I'm trying to figure out why I don't have enough experience when I have been volunteering for almost 1 year. Is it going to open up again, or when is the hiring process to start again?

Ms. Early Mr. Kenybru, I'm going to have to provide your contact information to Ms. Garcia and have commission staff gets back with you about application.

DJ Kenydbru Ok, because I did print out my application is well.

Ms. Early Thank you. Are there any other comments from the public?
Seeing none, move on to action items.

IV. ACTION ITEMS

A. The commission will consider ratifying eligibility list. Proposed motions are

1. It is moved that the commission approve the eligibility list for Community Education Assistant III/Severe Impairments effective June 5, 2013 and terminating June 4, 2014.

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.

2. It is moved that the commission approve the eligibility list for Food Worker Trainee effective June 5, 2013 and terminating June 4, 2014.

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

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

3. It is moved that the commission approve the eligibility list for HVACR Mechanic effective June 5, 2013 and terminating June 4, 2014.

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

Ms. Early All in favor of motion. Motion carries.

4. It is moved that the commission approve the eligibility list for Instructional Tutor Learning Handicapped/Physically Handicapped effective June 5, 2013 and terminating June 4, 2014.

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

Ms. Early Any discussion? All in favor, motion carries.

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

1. It is moved that the commission approve the revisions to the classification specification for Campus Security Officer I.

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

Ms. Early Any discussion on the motion?

Mr. Salazar Just real quick what were the revisions, what is the change?

Ms. Early I am going to as the commission director to address that. What did CSEA and the district agrees to the change.

Flory Honorable Chair members of the commission the answer to the second question is yes, and the answer to the first question is minor changes.

Mr. Salazar Can be more specific?

Flory Job summary no changes made, supervision no changes made, essential functions add may be assigned by control distinguishing clarity listings no changes, and one standards knowledge skills, strike the various topics covered by penal code section three, two training replace with various topics covered by the security officer training course. Experience in training strike this are the minimum experience education standards education standards which were made to as approved in February 24, 1999, no changes minimum qualifications, no change license, special requirements. Strike and replace work environment required physical level and required appointment required and that is it.

Mr. Salazar That is all I have.

Ms. Early Any further discussion for the motion? All in favor of the motion.

Mr. Salazar Aye.

Ms. Early Aye, motion carries.

2. It is moved that the commission approve the revisions to the classification specification for Educational III (Spanish).

Ms. Early I move

Mr. Salazar I second.

Ms. Early Any discussion on the motion?

Mr. Salazar Same question.

Mr. Flory Once again, yes the second part of the question approval of the parties. Jobs summary strike in and the designated language replaced with Spanish. Add and/under supervision, essential job functions. Strike problems, replace with challenges and strike cooperatively and replace cooperate strike play off and replace with *ing*, strike and let's see and t notice of various times sent home, capital T correspondence in English and Spanish language replaces Spanish. Strike designated language place with Spanish. Experience and trainee minimum experience and education training or reject applicants 1998....strike desirable add of specific units and under licenses add appropriate California license and special requirement strike on replace with and. The rest are required.

Ms. Early What do you mean about valid California license?
 Mr. Flory That would be probably a class C.
 Ms. Early Driver's license?
 Mr. Flory Yes, valid California license. I miss read it, sorry.
 Early Any further discussion on the motion. All in favor.
 Mr. Salazar Aye.
 Ms. Early Aye. Motion carries.

C. The commission will consider approving recruitments. Proposed motions are:

1. It is moved that the commission approve the recruitment for Campus Security Officer I Exam 13-015, with the following changes to the recruitment bulletin submitted by the Personnel Commission Director and in accord with the stated timelines:
 - a. The eligibility list shall be submitted to the commission no later than September 4, 2013.
 - b. The reference to rules allowing for a change in the examination plan shall be removed from the bulletin.

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

Ms. Early Any discussion on the motion?

Mr. Flory Honorable chair members of the commission I recommend you strike B for the same reason we discussed on the last meeting. We do need this kind of latitude to be able to make changes and in the past that has been acceptable so we recommend striking B.

Ms. Early Why would you change the examination after you posted the bulleting?

Mr. Flory Depend on the number of applicants, the number of vacancies and the initial review of the applications we may find that one no one is qualified and when they find a lot people are qualified and we need to modify this selection procedure. We can't predict the future, we can guess but we can't predict the future and this has been a stable part of job announcement for year.

Ms. Early So give me an example of when it would be necessary for that to change the type of examination plan once you proceed with the applicants.

Mr. Flory Let's say you are going to go the training experience evaluation application when we receive two applications, it would be superfluous to go through all that if they need the qualifications by definitions just certify them with the basic training experience evaluation to make sure they qualify. Another example might be that we expect maybe 20 to 30 applicants and we get two or three hundred and you might want to strike a structural or board because the just the mechanics the time delays and the all the structure for that many applicants. We don't know ahead of time

how many applicants we are going to get and so we need that flexibility to adjust based on qualifications, applicants and what the recruitments looks like. And one more comments just FYI when we put a date on there we run back into the same problem if you recall in the agenda produced by myself and staff we had the personnel analyst position listed there. The commission has required us in the past in writing to use the personnel analyst for a number of the functions that they would like to see us perform without filling that job we may or may not be able to hit a specific date. So we for the past six months have been placing filling that job on the agenda and as you are aware we diverted the money back for being unfilled, we have not fully funded for next year but we have no direction from the commission on when they would like to fill that job.

- Ms. Early Thank you. Commissioner Barabani we are page 2 of the agenda. Welcome, we are glad to see you. We are on action item IV. C-2. There is a motion on the floor on the agenda currently discussion on the motion. The motion on the floor is on favor do you have any comments or corrections on that motion. Any further discussion Mr. Salazar?
- Ms. Salazar So motion on the floor is as is. The personnel commission director he is suggesting that we strike items B of that motion. So strike item B of that motion point of order and restate or could we reinstate it?
- Ms. Early So part of the discussion Mr. Barabani was that we strike B under 2 reference allowing to change in the examination plan to be removed from the bulletin our director has suggested that we leave that off the bulletin and he gave us the reason why it should be removed. Can you repeat it for Mr. Barabani?
- Mr. Flory Certainly I can. Passed practice which is not always the best guiding principal as allowed for changes in the exam plan once the bulletin is published. We to summarize can't predict the future we don't know how many applicants are going to receive quality and the quantity and there for we have some flexibility our position would be let the experts make the determination vs. the minimum.
- Mr. Barabani And the experts are who?
- Mr. Flory Your staff?
- Mr. Barabani What is the legal basis for allowing this?
- Mr. Flory I am not an attorney.
- Mr. Barabani In the course after advertising you are saying you want the ability to change these examinations for the advertising.
- Mr. Flory That is right.
- Mr. Barabani Based on what criteria.
- Mr. Flory The number of applicants and quality of the applicants. Say for a job you are expecting maybe 50 or 75 applicants, you get three.

You would then reduce the selection procedure down to training experience evaluation because according to the Ed Code you certified all people that are qualified. The odds would be expecting 2 or 3 applicants and you receive hundreds and you set up a structural board or written test and training experience evaluation, the time the cost and the money involved and structural board because you don't know how many applicants you are going to get so it just would be overwhelming and you would delay the whole process tremendously as if you didn't have flexibility around.

- Mr. Barabani When you first had the bulletin you would have minimum qualified
- Mr. Flory Yes.
- Mr. Barabani So would you expect people to meet minimum qualifications?
- Mr. Flory Certainly.
- Mr. Barabani We are talking about changing an examination plan.
- Mr. Flory Right, that would be things like performance test, written test, training experience and evaluation.
- Mr. Barabani When you apply to bulletin you say test would be 50% oral and 50% written. Later after applicants apply they can change that.
- Mr. Flory That would be correct.
- Ms. Early Any further discussion on this motion.
- Mr. Barabani Motion as stated.
- Ms. Early The motion is as written. Are we ready for the vote? All in favor of the motion signify with a voting sign of aye.
- Mr. Barabani Aye.
- Mr. Salazar Nay.
- Ms. Early Aye. Motion carried.

- 2. It is moved that the commission approve the recruitment for Educational Interpreter III Exam 13-015, with the following changes to the recruitment bulletin submitted by the Personnel Commission Director and in accord with the stated timelines:
 - a. The eligibility list shall be submitted to the commission no later than September 4, 2013.
 - b. The reference to rules allowing for a change in the examination plan shall be removed from the bulletin.

<u>Move:</u>	<u>Ms. Early</u>	<u>Seconded</u>	<u>Mr. Barabani</u>
<u>Vote: Barabani</u>	<u>Aye</u>	<u>Early</u>	<u>Aye</u> <u>Salazar</u> <u>Abstain</u>
Alexis Jenks, HR Specialist for PC	The title is incorrect for the classification before you make your motion. It should be for Education Assistant III Spanish not Educational interpreter III that was last month's meeting. The back of material everything is consistent with EA III Spanish.		

Back up page

Ms. Early What is the correct title again?

Alexis Jenks The correct title should be Educational Assistant III Spanish.

Ms. Early Thank you. Let me reinstate the motion, I move to approve the recruitment for Education Assistant III Spanish, exam 13-010 with the following changes for recruitment bulletin submitted by the personnel commission director if any of timelines the eligibility list shall be submitted to commission to the commission no later than September 4, 2013. The reference to rules allowing for change in examination plan shall be moved from the bulletin. Do we have second to that motion?

Mr. Salazar I second.

Ms. Early Any discussion on that motion?

Mr. Flory Honorable chair same objection to item D.

Ms. Early Thank you. Any further discussion on the motion. All in favor.

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries.

- 3. It is moved that the commission approve the recruitment for secretary III Exam 13-012, with the Personnel Commission Director being directed to provide an eligibility list for ratification no later than September 4, 2013.

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

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

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries.

- 4. It is moved that the commission approve the recruitment for Nutrition services Custodian/ Utility Technician Exam 13-0xx, with the Personnel Commission Director being directed to assign an appropriate Exam I and to provide an eligibility list for ratification no later than July 3, 2013.

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

Ms. Early Any discussion on the motion.

D. The Personnel Commission Director will provide a status report on the 3 recently

opened recruitments and explain is failure to comply with the commission's decision to have a closing date of May 27, 2013 for the position of Educational Interpreter III.

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

Mr. Flory Honorable chair members of the commissions Here is a copy for you.

Ms. Early Thank you. Mr. director what is the status?

Mr. Flory On that report I gave a copy. We only have one applicant for that position on this time. I am recommending extending the closing date or making it open continuous. A lot of times we will find that there are not any qualified candidates there is no one applies public sector pays better than government, so we need more time on that one. Again this is part of that predicting the future etc.

Mr. Flory Only received one applicant? Did you advertise it? Who did you advertise it with?

Alexis Jenks Is the same way that we normally do for others?

Mr. Barabani Is there a special dal organization requirement or anything like that?

Mr. Flory We talked to the district and have not found one for that. This job I believe pays more than the private sector.

Mr. Barabani What is the difference on pay?

Mr. Flory I don't know that on top of my head.

Mr. Barabani I don't like open closing date because then we don't know when we can move forward we have people that wants us to fill all this positions, but if we only have one applicant then? I like to see closing date on everything so people can see when it opens and closes

Ms. Early So our director is recommending having it extended on closing date. Can you give us a date?

Mr. Flory I would recommend having it open continuously because we are going to have trouble filling this positions as they come up, there is not many candidates applying. Rule of thumb for commissions you have a huge number of jobs open and very few applicants you keep them open continuously and periodically review the applicants. If you have enough then you certify them but you keep taking applications

Mr. Barabani How far off are we on the pay scale of other districts pay?

Mr. Barabani I don't know the answer to that I can research that and find out. At this point of time we are not recommending pay changes in pay scales.

Mr. Barabani If one of the reasons we are not able to get valuable candidate because we are not paying them wouldn't that be a concern? Could you give us an idea what this pay may be in surround district 25 miles radius?

Mr. Flory Certainly we can do that. The turn is around the area or you can set a public sector, we can certainly do that.

Ms. Early So can we reagendize this item to provide results. Ok. So do we have a motion for director to research pay scale of relevant labor market and provide information for next meeting. I so move.

Mr. Barabani I second that

Ms. Early Any discussion on that motion?

Mr. Salazar Are we talking about items G & E?

Ms. Early No, D. Specifically for specifically this can be the position for interpreter III. Any discussion on the motion? All in favor of motion?

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries.

E. It is moved that the commission approve the recruitment for Nutrition Services Custodian/Utility Technician Exam 13-0xx, with the Personnel Commission Director being directed to assign appropriate exam # and to provide an eligibility list for ratification no later than August 3, 2013.

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

Ms. Early Any discussion on the motion?

Mr. Barabani Yes at the last meeting it was brought this up and we were told that position was going to be filled that they were actually interviewing. I checked the board minutes I don't see anyone that is hired.

Gladys Byrd, Interim Director for Classified They did interview for the position but on the eligibility there were not at least 3 ranks and they have the right to interview at least 3 ranks and that is what was proposed.

Mr. Barabani They knew that before they interviewed don't they?

Ms. Byrd Sometimes it can take less than 3 weeks. If there is one and they want to choose that one then they can do that.

Mr. Barabani So nobody is in that position right now except someone working out of class.

Ms. Byrd They have two positions and one position is vacant.

- Mr. Barabani That is the reason they have the exam to have an eligibility list so we can get it filled, ok.
- Ms. Early Any further discussion on the motion? Ready for the vote signify with a voting sign of aye.
- Mr. Barabani Aye.
- Ms. Early Aye.
- Mr. Salazar Aye.
- Ms. Early Motion carries.

F. The commission will discuss and take action concerning the District's response to the commission budget. Proposed motions are:

1. The commission moves to give notice to the County Superintendent that the district has stated that it intendeds to unilaterally reduce the Commission's budget in violation f Education Code section 45253 and the request that the County Superintendent comply with the procedure outlined in Education Code section 45253 when the District does not agree to the commission's approved budget.

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

Ms. Early Any discussion on the motion?

Janet King, Fiscal Director I wanted to make sure that the commission was aware that at the last that you have received the last communication on September 12th The budget for the full amount that was requested was not a significantly reduced as originally procedural last year's process I'm curious did you commination that I sent?

Ms. Early We received the communication also, had a copy of last year's budget as signed by Mr. Mohamed.

Janet King, Fiscal Director Yes and I send a communication to you I communicated that. What we had last year.

Ms. Early Just a moment, can I ask you to come to microphone; sometimes it's hard for minutes to be recorded? Thank you

Janet King, Fiscal Director No problem. Last year when we went through this process about this time beginning of June ending may we actually locked budget so at the time that the budget was approved by Mr. Islam went forward we had already built a budget in but we could not change it to the approve amount at that point of time. . We had to wait until July 1 when the system was available for us to make changes. It's a procedural thing right now. We can't make changes we are in a frozen mode. Last year when that occurred when the final paperwork came through it was an oversight the system was not updated for that budget. When I gave the original amount mid-May of this year it was 611,000 when I gave you that amount it was based on the resident and our financial

system. After research and having received communication from you of why we were reducing your budget I looked into again and I found a letter from Mr. Islam and we went back into the system reviewed, and we again revised total of \$716,941.

I believe that the budget that was submitted by commission itself was \$726,384. There were some material miscalculations in that budget that was submitted by commission and I am going to explain the relation to when we move forward to July 1, 2013 all the classified furlough days were restored. all the step columns were advanced and, not in the budget that was submitted it did not include all of the health and welfare and mandatory benefits that we have to develop it into the budget. That was one on the reasons that we made modifications that we did. But in the end right now in this the budget there is \$716,941.00. It is less but it is not a significant amount that we originally thought would be.

Let me make one more clarification when you compare it to last year. The budget that you should have had approved through last years approved budget was 653,520.00 so you have a significant increase amount of dollars because of the salary increases and steps and columns and benefits. Our policy as a district that we followed is we fund all positions with the steps and columns with mandatory benefits and all other operating expenses remain same level for all departments and all sites.

Mr. Barabani The trouble the material we had there was a lot of errors what you proposed the year before and what the budget we had submitted was not the same. As we were going through the budget Dr. Vollkommer did not objected it. This letter you send we receive it the last minute. We were told we have to accept this.

Janet King,
Fiscal Director It would have been great had we had to really work to this it's not real easy to do on a meeting format to go through all of it. Line by line detail and we would have gladly had one of our budget analyst sit down and go through each detail. The evening of that meeting I just was not feeling well.

Mr. Barabani We had three meetings that we discussed this budget. I remember asking for district officials to be here to answer our questions. That they were notified for someone to be here. The only one we got at last special meeting just to make sure that we did not have these issues. The only thing we had is this letter I guess you wrote it and we were told by Nerci who handed to us, and you told us to accept it and we could not make any changes.

Janet King,
Fiscal Director What I had said was going from our policy. I wrote that letter based upon our financial system. After hearing your concerns I went back and looked I actually went back to the district pulled the documentation information and discovered that indeed the approved budget was not was on the system corrected that and now \$716,000.00 is what is on the system and it would be available.

Mr. Barabani But that was not same as previous year right?

Janet King The budget for previous year 2012-13 was signed by commission and Mr. Islam and it was for \$653,000.00

Mr. Flory I have one comment, honorable chair members of the commission, how much money did we revert approximately this fiscal year or at the end of June.

Janet King We projected expenditure through the end of 2012-13 and \$474,000.00 so even if we did not build it all in we only anticipate seeing \$474,000.00.

Mr. Flory So we are reverting approximately how much?

Janet King Its \$135,000.00

Ms. Early And just for a comment on benefits and staffing that was page one of the budgets the figures on that page we were given by our commission's director who says he received it from district so those calculations were not made by us we were told that was made by your office. So all those page 1 figures was figures that we did not come up the three of us, we let the district put it together.

Janet King At this point I can't verify with staff regarding that, I can't verify that they were the ones calculated those numbers or completed there is one frequently overlooked and that might of being the one. Someone missed it somewhere.

Ms. Early Director Flory who provided you with the figures from that section of the budget?

Mr. Flory The district.

Ms. Early Specifically who are the names?

Mr. Flory Who is your analyst?

Janet King It would probably been dd and the only piece upload system and some of the programs have manual adjustment for unique situations that pare we uploaded to the system, if someone pulled the numbers it could have been our fault.

Ms. Early Thank you.

Mr. Barabani Do you have a copy of the budget that you said it was proposed.

Janet King I emailed it to you.

Ms. Early Any further discussion on this motion? Ready for the vote? All in favor of motion as stated signify with a voting sign of aye.

Mr. Barabani Aye.

Mr. Salazar Nay.

Ms. Early Aye.

Mr. Flory Madam chair just a point of order, why this motion you are saying you want to contest to county of superintend even though

we are getting more money than we possibly ever spend this fiscal year?

- Ms. Early That challenges we never received the budget from the personnel commissioner director. You have three commissioner that came to a public meeting, we have questions, we gave input, we brought the budget from last year that we had to get just simply because we had copies, we asked the commission director to verify the figures with the district provide us with the budget via email so that the commissioners can come back the following week and reviewed it because we had received the actual form via email and voted up or down because question have been raised and would be answered before the following week we never received the form. We were put in a position where without any input we would have to actually create the form based on comments and concerns that were brought up in open section the week before, we never received an agenda for that meeting. We never received a prepared budget, we received an email and I thank you Ms. King the date of the meeting was handed to us at the meeting after we had on our own had to prepare the budget. So there is a process that concern to me that was not followed and we were left on our own to prepare stuff that we thought should have been prepared and researched and we had for this to be put on agenda a month prior to due date and we can never get it on agenda or draft budget to work with so at the last minute your commissioner was sitting here trying to meet a deadline for preparing forms by ourselves so it's a whole process.
- Mr. Flory Honorable Chair members of the commission, my question are how would you like to implement this motion?
- Ms. Early I think the agenda it's self-explanatory.
- Mr. Flory Who would you like to give the notice? Staff you, commissioners, how do you want to handle it?
- Ms. Early I would love for it to be a collective as with all of the other action items I think we work better as a team; if we can be on a collective effort I would favor that.
- Mr. Flory So you would like us to prepare a draft along the lines of motion which is self-explanatory you will reviewed it and send out to all three commissioners for input
- Ms. Early Send it out to all three commissioners for input, and then we can have a special meeting per your recommendation to you discuss in open form.
- Mr. Flory My only other point is we are really just discussing \$10,000 less than we were given which is probably about \$200,000.00 more than we are going to spend next year.
- Ms. Early We are also discussing failure to put a draft budget on the agenda and failure to provide the commissioners for information prior to the due date.

Mr. Flory And that has been explained two or three times but I don't know that the county superintendent has any authority in that area. This specific motion you just mentioned.

Mr. Salazar Essentially what this motion does as I understand it it's a dispute of approximately \$10,000.00, and essentially the question here is to bring that \$10,000.00 difference to the county superintendent for purposes of increasing the budget? Is that the end goal here?

Ms. Early Yes.

Mr. Salazar So the end goal is we are disagreeing with the revised budget of the district. Now I was here when we were doing our budget and it was very generic process by which we used to say the least. Essentially the process we used was pick the highest number.

Ms. Early From the recommendation for the commission director.

Mr. Salazar I understand and I also understand we don't do everything he says. So, but that was the process and I think for the record we are wasting valuable commissions time looking for a number that quite frankly does not have any impact on this commission one way or another. That is one part. Where I do agree and understand the chairs concern with respect to a process. And I think that this question that we have for the county superintended does not address that process is a separate question. As far as I would be in favor of us having a better budget process I'm certainly in favor of that I was very disappointed in processed used. This question really does not address that process. So to close my comment on this I paint that the budget whether at this point \$710,835.00 or \$716,941.00 I think either one of those are very generous and they ample capital in the budget for us to take care of our business here. So I agree with you in that regard that our process needs to be much better. I always like you not happy become unhappy on the special meeting calls etc. so I think that process certainly can be improved it might of being a little bit better than it was last year even though it does not seem like it. But for us to go and create big fuzz to the superintended about this I don't know that I'm in favor of that I'm not in favor of that. I am in favor of us improving our process.

Ms. Early Any more comments?

Mr. Barabani Yes madam chair. You are talking about wasting time, we spent three meetings and we did waste a lot of time, we are not the reason and our process has been flowed class being interfered with that I can with the last three times that I submitted a budget, the previous year we submitted a budget, we were told we had a certain date to get it in we submitted then we were told we were late. Mr. Mohammed personally gave us a date and later said the date was too late. This time we open the process, I asked make sure the district knows, the district had a presentation here, Mr. Vollkommer was here when we were going through

this, he didn't object to those numbers. Those numbers and then talk about wasting time at the very last minute we get a letter from the budgeting department telling us how our budget is going to be it's a live it or take it, right this meeting did not just happened it was posted it was given enough time, minimum 72 hours, a special meeting of 24 hrs. No one, but no one from the district contacted us or sends us anything previous to that. Now we got some stuff now after the fact. I think our process is doing the way it is stated on the Ed Code. I don't understand, no one here knows we have a personnel commission director who doesn't know who he spoke to over there, and now you run budget part and you can't tell us who gave us the figures originally.

- Janet King Just to be certain the system we have where each dept. can go and access the budget at this moment to time I can't tell you whether it was going into the system issue or whether it was a personal conversation. That piece I can't tell you where the original draft line came from.
- Mr. Barabani I can tell you one thing, it's not our fault people coming to blame us because of work being done.
- Mr. Salazar I don't think it's a matter of pointing fingers,
- Mr. Barabani I do because we went through 3 meetings they could have showed up any times during those meetings and spoke up. They chose not to and then I don't find it professional showing up at the last minute and saying this is the budget take it or leave it that is all you get. Talk about a process that is an insult to us.
- Mr. Salazar I am not insulted; this is good for me, speaking of place and time madam chair, and speaking of wasting time, madam chair.
- Ms. Early Thank you commissioners, any further comments? Just to clarify this motion is just asking county of Superintendent to comply with the residual that is outlined in Ed code when the district and the commission have not agreed on dollar figures. So there is a procedure that is outlined and we are asking to be on alignment that is what this motion tells us.
- Mr. Barabani It is the law so hopefully in the future also.
- Ms. Early Right now. The concern is that next year, my concern is that next year when we ask for an item to be placed on the agenda well in advance to for the commissioners to have a draft budget in place, this was well before the budget meeting we asked for the draft and we could not get it. And then at the last minute well the figures that you were provided, might not of being the exact figures because of what was put into the system. We are giving information, we are trying to work, we are trying to work for you, but the information that we are given might not be accurate so we do the work we do the work but after we submit the finished product all that work was in vain because your numbers were off, because what was on the system might not of being actually accurately. We asked where this figures came from. We were

told that this came from the district so we used those, when we ask how come the numbers that are on this budget that you provided us are not consistent with what we have as our approved operating budget nobody can give us an answer this was a public meeting where this questions were raised, we were told that those questions were addressed we would have the information at the follow up scheduled call meeting, we got no information, so we went on what we had as a signed document as an operating budget and so for us to come back it's a process and we don't want to keep going through this every year. If you know there is a due date and you know that the budget has to be voted on use your diligence to provide us with information that is not an error. Because when we come here we use our due diligence to meet the deadline and so it's more than just a dollar figure, it's a process. This is a process and the process needs to be improved upon, that is all I am saying. Is there any further discussion on this motion? And realize the motion is just asking for the procedure that is in writing in the Ed Code to be implemented. Any further discussion? Hearing none all in favor of the motion.

Mr. Flory You already voted, you already approved it, I was just brining up a point.

Ms. Early Ok I already wrote that down, thank you. Next motion item, that motion did carry.

2. The commission moves to request legal assistance to prevent the intended declaration of the District to violate Education Code section 45253 and to provide all legal recourse to ensure that the District and the County Superintendent fully comply with section 45253.

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

Ms. Early Discussion on the motion.

Mr. Flory Just to point of order madam chair do you have a dollar figure in mind?

Ms. Early I do not.

Mr. Flory So you would just follow the district request for proposal procedure is that what you are saying?

Ms. Early Follow the procedure we have been following. Any discussion on that motion? All in favor of the motion signify with a voting sign of aye.

Mr. Barabani Aye.

Ms. Early Aye.

Mr. Salazar Nay.

Ms. Early Motion carries.

G. The commission will receive a report from the Personnel Commission Director

as to his persistent failure to comply with the directive and standards established by the commission at its April 3, 2013 meeting whenever the personnel director placed an item on the agenda to open a recruitment and take action as it deems appropriate.

<u>Ms. Early</u>	<u>Seconded</u>	<u>Mr. Barabani</u>
<u>Vote: Barabani</u>	<u>Aye</u>	<u>Early</u>
<u>Mr. Flory</u>	<u>Aye</u>	<u>Salazar</u>
<u>Abstain</u>		
Mr. Flory	You received the report to comments, one you also given us in writing direction that the personnel analyst in the commission office will perform specific functions without you moving ahead or even placing that item on the agenda it's very difficult for us to comply with this when you are telling us this person does not exist is required to do all this things.	
Ms. Early	And what were the things that the personnel analyst was to do as far as compliance with putting things on the agenda and providing supplemental information?	
Mr. Flory	Honorable chair members of the commission that was supplied at the last meeting with very great detail.	
Ms. Early	Personnel Analyst?	
Mr. Flory	From the former chair in writing to me and the staff. It's very detailed out of what specific things the analyst is responsible for, supervision specific job analysis every function that you asked for, you assigned those to the analyst. We still don't have that analyst on the agenda. It's very difficult to comply with directive standards when you corrected some standards are in complex. And also changes on the second draft. I can get you another copy if you like, but you send to me and the staff saying specifically this is what we want the analyst to do and be responsible for them.	
Ms. Early	But this agenda item is not regarding the analyst provision and I don't remember the analyst being responsible for providing supplemental material to the agenda.	
Mr. Flory	Honorable chair members of the commission, to disagree respectfully you assigned duties responsibilities directly related to corrective and standards to that position, and that position has not approved yet to be filled.	
Mr. Barabani	So no one else can do those duties like you?	
Mr. Flory	Obviously other people can do those duties but those other people have also other duties. So we have a situation the duties.	
Mr. Barabani	I mean duties as simple as dates of the recruitments what dates they need to be opened and closed. We asked that bulletins being placed with open dates. We have people complaining the positions are not getting opened. We passed recruitment bulletins they are not being properly made we come back people are upset and rightfully so and all we are asking is for we asked you to follow the procedure to open the job, its real simple. It does not take the other person to do it, you can do it and your	

staff can do it. You spend a lot of time sending out emails that are not concerns to other people. Here is the list back here on the back up agenda item the dates that are scheduled for this examination for the test portion, no one can do that of our staff?

- Mr. Flory An honorable chair member of the commission that is not my point, my point is you have assigned.
- Mr. Barabani I realize, this reads the commission will receive a report from the personnel commission director as persistent failure to comply with directive standards established by the commission as of April 3, 2013 meeting. Wherever the personnel director was placed on that agenda an open the recruitment and take action as deem appropriate. When I asked, when csea recently said they have three priority jobs, we passed the motion that we were going to open those positions on certain date, and a certain month it was never done. That is what we are talking about here, it's my understanding. Every time we ask why they are not done. We get the top response, the other dude is responsible.
- Mr. Flory That is a new one, I never heard that one.
- Mr. Barabani We want to know why the stuff is not been getting done.
- Mr. Flory Thank you should we wait for the response?
- Mr. Barabani Sure.
- Mr. Salazar Just give your report
- Mr. Flory You have the written report in your hands which I handed out earlier which explains everything. Yes, other people can do it, but to a certain to point and time when you assigned to us and dictate to us that the analyst will perform those functions then we are damn if we do it damn if we don't.
- Mr. Salazar There is nothing to vote on, can we move on to item H.
- H. The commission will receive a report from the Personnel Commission Director as to
1. The current status of the criminal investigation into the forgery of Commissioner Barabani's emails.
 2. Whether or not members of the governing board were advised of the investigation.
 3. Whether or not members of the governing board received any such forged emails and whether or not copies of such forged emails are part of the investigation.
 4. The reason that the investigation is taking so long to complete.
- | | | | | |
|--------------------|----------|--------------|-----|--------------------|
| Moved: Mr. Salazar | Seconded | Mr. Barabani | | |
| Vote: Barabani | Aye | Early | Aye | Salazar Abstain |
- Mr. Flory Honorable chair members of the commission, I have no additional information from this. As I understand from the last meeting we received a one line statement that the campus police have expanded the investigation and that is ongoing and I don't

have additional information with respect.

Mr. Barabani I have not received anything from the police department on any part of this investigation. Have they sent you something?

Mr. Flory No they have not.

Ms. Early Let's let him finish the report and if you have some questions, ask him when he finishes.

Mr. Flory That one line was given to me by Dr. Vollkommer and I reported on that at the last meeting. With respect to whether or not governing board has received forged emails my only comment would be any emails sent by you that may have been written by somebody else that one of the recipients might of being a board member would be the only way to know that they received something.

Mr. Barabani I'm not talking about email sent by me, you know that. The email addressed was sent out similar to the San Bernardino Sherriff account was just missing one or two different letters, and it was sent to the board members and there were statements contributing to me signing those. I did not sign those emails I did not send those emails out. I asked police department to get involved six months ago. They could of made a simple procedural call to find out where the emails first originated from and I wanted to know why it's taken five to six months. Actually they forced the chair commission chair name and position by sending out those emails. It's not only forging emails is that they took name and the commission and commission chair and used it to make statements that are outright false if not illegal and I want to know after 6 months nothing I asked you to check in on it. Did you contact any of the board members to see if they have any copies of the case?

Mr. Flory I don't have access to the board members. But I did contact....

Mr. Barabani You can send them an email; you can see who received it.

Mr. Flory Pardon?

Mr. Barabani I was trying to find out why you can see who received them when you send out an email or the school police department

Mr. Flory There is an ongoing investigation

Mr. Barabani There is no one telling me that but you.

Mr. Flory The district is telling me what I communicated to you I have inquired and I have no additional information

Mr. Barabani I get confused when you say the district and when you say, its like when you email saying commission staff I'm not real sure what that means either does that mean everybody here in this department? I am curious about that to, is everybody in this department agrees to send that one email out or is that you that send it out?

Mr. Flory I don't believe that is the item we are discussion

Mr. Barabani I am just asking, you said the district and then you tell me Dr. Vollkommer which is it?

Mr. Flory Dr. Vollkommer is our district liaison.

Mr. Barabani Ok, so basically we don't have any information.

Mr. Flory That is correct

Ms. Early What is happened with the agenda last month that would update us on current status on investigation? Who is doing that investigation?

Mr. Flory Our liaison is Dr. Vollkommer I rely on him for information. He has said what we gave to you in writing that Mr. Barabani contributed to me the campus police had expanded the investigation that is all I know.

Ms. Early Do we have any that is what we were told last month? Do we have anyone else here present tonight that can give us any additional information?

Joseph Paulino, Interim Chief of Police In regards to?

Ms. Early Investigation that we waited to forgery of the commission chairs identity and sending out emails to members of the district and elsewhere.

Joseph Paulino, Interim Chief of Police If the commission chair wants information he needs to come to 536 W. Baseline Ave. to get information. We would not have that in public form.

Mr. Barabani So what you are saying...

Joseph Paulino, Interim Chief of Police I'm saying you need to go to 536 W. Baseline in regards to investigation. Thank you.

Mr. Barabani Thank you that is all I need to know.

Ms. Early Has anyone shared that information with commissioner Barabani prior to this evening that he needed to go there to get his update, who provided that information to him?

Joseph Paulino, Interim Chief of Police I don't know you asked me the question and I gave you the answer.

Ms. Early Ok has anybody provided that information to you and an update?

Mr. Barabani No mam.

Ms. Early Thank you for the information. 536 W. Baseline.

Mr. Barabani Yes, I got that written down.

Ms. Early So the answer to the question two, members of the governing board were not advised of the investigation and nor were they contacted and told that those emails that they received were not from commissioner Barabani, is the answer to number two no?.

Mr. Flory I'm sorry what are you asking?

Ms. Early You have four questions or four items on the agenda.

Mr. Flory Ok.

Ms. Early And this were items that were raised by Commissioner Barabani, so were members of the governing board advised that there was an investigation going on of the item?

Mr. Flory I have no knowledge of that. I have no knowledge of any change from the last meeting on all four of these items.

Ms. Early So you have not had any contact with any board members?

Mr. Flory No if someone is doing an investigation let's say the campus police department I let them do the investigation, I don't do my own investigation.

Ms. Early Commissioner Barabani do you have any other comments?

Mr. Barabani No, I will go by the station to check on the report.

Ms. Early Ok.

Mr. Barabani Thank you.

- I. The commission will discuss the continued practice of the District appointing temporary employees to vacancies in violation of the Rules and Regulations and the statues of the merit system and the discussion and action of a decision to implement the public hearing process to vacate all such appointments pursuant to Education Code section 45310. A proposed motion is:

The commissions moves to direct the Personnel Commission Director to prepare a detailed list and submit the same with his draft agenda for the July 17, 2013 meeting with the name of every person who is filing a classified vacancy as out of class provisional, substitute, contract basis, or other non-permanent appointment that includes since July 1, 2102:

1. Dates of such appointments.
2. Title(s) held by all such appointments
3. If that person has a personal action form that was signed by the Personnel Director and If so, an explanation as to why it was approved by the Personnel Commission Director
4. Mailing address of each such person (information shall be redacted for the public agenda).
5. A time line and process for the commission conducting a public hearing pursuant to Education code 45310 for positions found to be filled in violation of Education Code section 45310 and the Rules and Regulations of the Commission.

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

Ms. Early Discussion on the motion.

Wandy Prava,
District Teacher I have a question is this in regards to our subs that have been working in the same position for three years for our Special Ed position? Can we get a little bit of information? I am a teacher at Carmack Elementary School.

Early Can come to the mike for the recorder sometimes we can't hear from various places. Thank you

Wendy Prava,
District Teacher My name is Wendy Prava, I am a teacher at Carmack Elementary School, I teach Special Day class. I have been working with sub teachers filling this positions that I guess this is what the agenda topic is. I would like to know more, we get this various information, we don't really know exactly what is happening other than the fact that we have been told that there is no immediate solution to the problem. We do have subs that have been in those sub positions for three years. We have teachers that are teacher subs that are working in aide positions. It's really damaging to our students it puts students at risk to have subs coming in and out instead of helping out full time positions. I don't know who's at fault, I don't know where everything goes, I don't know who to speak to, how to address it, who to be angry with, who to blame, I don't know any of the details, I just know its violating our students rights, its violating their legal right to a free and appropriate public education, its putting the district at risk.

There are a lot of violations going on and on top of that not only for our students, the risk that is putting our students at, the bottom line is we are here for our students. I think that everybody that is here I would hope for our students because otherwise none of us would have jobs. But it's not really fair to the people who are volunteering year after year and not being paid for the need of the job but, also for our subs. I mean this guys are not just in some 14 karat gold jobs, they are changing diapers, they are getting bit, this are not kids that are easy to take care of and they are coming in day after day, after day, they are taking the test and they are qualified for the job and coming in you know they are switching up, they are doing everything they supposed to do. And they do deserve to be hired into the district. They prove that they can do the job. They prove that they are going to stand by the district. I don't know where the dysfunction is between the district and the personnel commission. I really encourage whoever is and whatever is going on to come together and figure out what the solution is. I don't know where or how that is going to happen but, I really do hope and I know this is a form of discussion, I don't know really a thing about it, but I just hope as a teacher to come in and let you know how it is harming the students and that it is holding them back. When we see a different face every day or when they see somebody new they can't talk, they

are learning how to use the restroom, and they are learning how to eat. I don't know about other schools, I can only speak of our school. When they are learning all this new things it's somebody that comes in that doesn't know them, they don't when they want to drink water, we just deny them access to the education, because that stranger has no idea of what that means. That is all I just wanted to give my two cents of this whole issue of everything that is going on with the subs and to say that I hope that we can start hiring the people who deserve to be hired. And to come to some sort of agreement as to what needs to happen. If we have our students in this position we would expect them to come to an agreement and we would expect them to work it out, and I know it's more complicated than that but in the Interest for our district and our students and what we are here for and our purpose I hope that we can relate to that as we go through it, thank you.

Ms. Early Thank you. Commissioner Barabani.

Mr. Barabani I understand and I hear this all the time. It's the position to remain open, we as the commission run recruitments, we test them, and then we make sure the people have the merit that qualify for the job and as to your issue, I will look into it. A good example, this is a good time to bring this up, is we are questioning is that custodial utility technician worker. I'm using that example, an eligibility list existed for that, once it's been approved the district can hire of that. That position remained opened, the whole time that list has been out, it took one year, they have placed a sub in that position. They did not hire a permanent person. Now they are saying they have only two people left on the list. The problem with that you let a list last too long people get discourage and they go to other places to find jobs. They supposed to fill this position within a few months we have been hearing the complaints on this as we try to fill this position, once they eligibility list as you see its approved, it's up to the district to fill in the positions. No matter what they say about the commission is up to them.

Wendy Prava,
District Teacher That is one of the reasons I came to the meeting because we don't know where its coming from we are told that personnel commission is dysfunctional and nobody is working with the district. We don't get the real story we are starting to ban together as teachers and starting to look at it. It is hurting our students and it is damaging the quality of our education, it messing up our district to a certain degree when you mess up our students you mess up our district. We are starting to look what is going on, the truth needs to come out there, we need to find out what the truth is and as we have Dr. Marsden coming in he said transparency is everything. We need to be transparent on this and we need to figure it out. I did get an aide last year; I had an open position for three years, and another sub for three years and this year I had substitute teachers filling my open position all year. I had substitute teachers all year. It's wrong it's not appropriate for fill those

positions with substitute teachers, its not the same quality. I don't know how we can get the information out there, but I'm glad to be here and get the information. When an aide comes here and says, "well the personnel commission is not hiring", then I can give them the correct information of what is going on.

Mr. Barabani We don't hire, we just produce and eligibility list and then they hire from the top three ranks. I do appreciate what you are saying because ultimately those positions are not getting filled with someone that you don't know if those people in those positions are qualified. The union csea had the same problem, and we are in a lawsuit. I am appointed by CSEA, when you are in a lawsuit people tell you don't say much. Bottom line is we produce the eligibility list after we produce an eligibility list, we don't have any say

Wendy Prava,
District Teacher The eligibility are there but blocked.

Mr. Barabani The commission was suit by district because we try to change rules and implement the merit system like we suppose to operate, and we are in court, and CSEA is also involved in the lawsuit, and this is for classified. When you get to the certificated department, they don't have to do that.

Wendy Prava,
District Teacher Do you know if there is a way for these positions are blocked or unblocked? I'm personally interested in instructional aide.

Mr. Barabani What you should be asking is of the eligibility list.

Gladys Byrd,
Interim
Classified
Director Excuse me, they approved the list today,

Mr. Barabani Gladys I have the floor.

Wendy Prava,
District Teacher I did see that. Thank you.

Steven Holt,
District
Employee My name is Steven Holt, for the record, Independent classified advocate, there is one issue and two components of that one is out of class problem, where they are taking people from various positions and place them in other positions, we do need hiring, we do need the eligibility list but the other problem is illegal hiring or contracting out through various organizations like manpower some of this are illegal contracted out, and some of these are out of class, but it's still the same problem but its two components of that I just want to make sure that everyone is aware of that.

Ms. Early Thank you.

Carl I sat back there for the past hours and I heard the blame, there is no excuse, and you are right Gino it's been over a year,. From what I am hearing there is a accountability issue, who is accountable to who? Who answers? If it's the personnel commission side why was in it done? If its your side why

wasn't done? We are wasting a lot of time posting blame. We need to find out why wasn't done? We are given a task. Why wasn't that task done in a timely manner. If it's the district fault then the district needs to be reprimanded for that. If it is the personnel commission fault then they need to be reprimanded. But nobody is coming together and finding out the real issue of why these things are not getting done. My next question is are we going to be recruiting? Did we find out where the job is, are we there, there is no excuse to have two people for a job in these city when we are at 14% of unemployment, it does not make sense. Why are we going through this and not doing anything about it. Maybe if we did something like that we get more people on the board, more people that would want to work for San Bernardino Unified. So let's stop close the blame if they are requesting something give it to them. If they don't get back to it on a timely manner then you have a complaint but they can't do their job unless they have the proper paperwork, let's start working together, let's forget about the past, stop pointing fingers and blaming back and forth. I am just saying across the board, I'm not blaming anyone. At this point we need to start getting out there, to get the word out that we have jobs. As far as dropping the ball on jobs who ever does it, whichever side they need to be dealt with if they are not doing the job. Thank you.

- Mr. Barabani Carl we approved the eligibility list today ok, people need to do is start tracking that.
- Carl That is what I'm saying wherever the ball is of tracking instead of blaming each other. You have someone that is accountable for that. Let's get to the root of the problem. I think if we did 10 recruitments a month within a year we have this filled, so that is my opinion.
- Mr. Flory We have 10 to 20 to 30 people dropping by to check to see what jobs are opened, usually they are not any. We have an equal number of phone calls, hotline, website; we don't have enough jobs approved to be opened for people to apply for that is the bottom line. If 500 vacancies and tonight we approved 3,4 or or 5 jobs a different amount for what we had an original agenda, but we are not making enough progress and announcing enough jobs to solve this problem. The committee that the chair is being invited to be on which met yesterday and I believe is meeting in two weeks its one way of an approach. And I think what you have here on the agenda is the second type of approach. Put them together and you get problem resolved.
- Gladys Byrd My name is Gladys Byrd. Typically we are not supposed to speak at this part of the meeting but I just want to assure you that as soon as our team receives the eligibility list we will schedule interviews for SI. I know some people had been on previous list but we have not got that list so this list I think its being a year coming so we will be scheduling the interviews.

There are some people that will be moving forward but this is a bad time of year because school is going to be out, so we are going to schedule interviews and then by August when school starts I don't know if those people will want the job. As soon as we get the list we will work on it. We fill list for cafeteria worker, we filled custodians it is pretty stable right now, we were asked to open up the recruitment for custodians when we had a list and we did not have any vacancies as soon as classified human resources receives a list the team will schedule interviews. Thank you

Mr. Barabani Can I ask you why that position remains open for one year the custodian technician?

Gladys Byrd Once again the custodial technician position had five eligible candidates, they had two positions with five eligible candidates there is enough to fill the two positions. We called they were two candidates that were not interested in the position, so therefore, did not have three ranks. Basically they need four ranks to fill the two positions. The site chose not to select, one position was filled the other one was not. There were two candidates on the list right now, one is not interested.

Mr. Barabani So it's a time to recruit again.

Gladys Byrd Yes it's time to recruit again.

Ms. Early That is just the issue what we have without the eligibility list to become still dated. I might of applied for a position today that I am interested right now but if you call me 10 months from now my interest might have changed, I may have started working somewhere else so that is why we encourage the closing date so that the information on the list is current.

Ken Holt, District Employee I just want to speak upon the utility worker position. I have worked on that position, I was involved in getting reclassified as utility worker custodian and nutrition services it's a unique position, you can't go out on street and find someone, it's also the utility worker part of it dealing industrial food there is big components to that position. It is appalling that nutrition service will leave that vacant for a whole year when it's such a hard position to recruit for, if they had those people they should have hired of that list from the beginning. I think it's going to be a struggle trying to find more people to be qualified for that position. I know they act like we get a million people that need more jobs. This is not just a job you need basic knowledge to get. It's a tough job and it requires a lot and I hope in the future when you guys put the list out that the district acts on it and they hire in a reasonable amount of time. Sitting on a position for a year and then blaming you guys to me it's not fair to the commission Im speaking on behalf of classified employees not necessary the union. It's not fair for classified employees because that happens. We are doing double the work. I know there is a utility worker now that gets abused because there is only certain functions the utility worker can do. The others are

substitutes custodians, they are not allowed to touch that equipment, It's also an abuse for classified employees issue as well, I hope that by you guys exposing this and re recruit that and fill it in a timely manner because it does make a difference out there, we had a lot of issues, we talked about it in the last couple years in nutrition services, and that is one of the big ones. Thank you. it get fill that in time of matter.

Ms. Early Any further discussion on the motion that is before us? Are we ready for the vote? All in favor of the motion signify with a voting sign of aye.

Mr. Barabani Aye.

Ms. Early Aye.

Mr. Salazar I will abstain.

Ms. Early One abstention. Motion carries. Next agenda item.

J. CSEA has served a notice to produce documents which include all eligibility lists form November 1, 2009 until the present. The commission will discuss the Personnel Commission Director's repeated failure to provide such and take appropriate action to comply with the production. Proposed motions are:

1. It is moved that the commission order the Personnel Commission Director to provide all such lists to the attorney for the commission no later than 5:00 p.m. June 6, 2012.
2. It is moved that the commission place the Personnel Commission Director on paid administrative leave effective 5:00 p.m. June 6, 2013 if he has not fully complied with the notice to produce by June 6, 5:00 p.m. as determined by counsel for the commission and that any and all duties related to the Personnel Commission Director be removed from his authority during this administrative suspension which shall remain in effect until the commission meets and lifts the suspension.
3. It is moved that if placed on paid administrative leave that the Personnel Commission Director be prohibited from entering the offices of the commission during his suspension and that the District enforce the suspension through all legal means.

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

Ms. Early Open for discussion

Mr. Flory There is the information you requested.

Ms. Early It does not go to me it goes to the attorney that requested it.

Mr. Flory Excuse me for the moment. Thank you.

Ms. Early And realize that it was the attorney for CSEA that is requesting the information as part of the litigation. So director Flory let me ask you what was in the envelope that you handed to Ms. Kwong?

Mr. Flory Yes.

Ms. Early What was it?

Mr. Flory The documents which include all eligibility lists for Nov. 1, 2009 to present, and a memo to Ms. Kwong when she requested the information initially to which I never got a response, which essentially said on April 23rd did you get the discovery information from us? Is there anything else you need? At that time she simply could have said, rather than the list of eligibility list, I need the entire eligibility list that brings up a whole group of questions and legal issues and everything for which I didn't get a response, per your request those have been delivered.

Mr. Barabani I received that email you stated this is like the third time we asked for that list she needs the list so she can provide it to CSEA, one of the things you brought up was that you could not provide the list because it is the districts property. Was the legal opinion? Or did Mr. Vollkommer tell you it was district property?

Mr. Flory You mischaracterized your statement.

Mr. Barabani No I'm reading your email.

Mr. Flory Right, it does not say that in the way you said it.

Mr. Barabani Really?

Mr. Flory Are you talking about the email of today Wednesday June 5th?

Mr. Barabani Yes. It says there are serious legal questions regarding involvement relationship between that Ms. Kwong, so you got who did you receive your legal advice to send us this?

Mr. Flory I had these concerns since I first received the request so I asked for a conflict letter but prior I had said to Ms. Kwong had you got everything you need is there anything else? And I got no response.

Mr. Barabani There are numerous issues legal and non-legal regarding spending district money and existing legal actions. This is directly conflict with Ed Code 45213, since I don't quite understand what you actually saying?

Mr. Flory I think the document speak for itself.

Mr. Barabani No it does not its convoluted.

Ms. Salazar Can I ask a question? What are you talking about?

Mr. Barabani His email that he sent out today.

Mr. Salazar Ok, I don't have that.

Mr. Barabani Oh, sorry.

Mr. Flory You need a copy?

Mr. Salazar Sure.

Mr. Barabani I originally started out asking a simple question, I said are the list the district or commission property?

Mr. Flory I don't know the answer to that, that issue has not been resolved to my understanding

Mr. Barabani You are telling that the work has not been produced in this office does not belong to us?

Mr. Flory Some of it does not belong to us.

Mr. Barabani Because you said I didn't say that right, I said there are numerous legal questions as to who the records actually belong to. So Did Mr. Vollkommer tell that they are district property?

Mr. Flory No.

Mr. Barabani Then how did you come to that conclusion that there are serious legal consequences.

Mr. Flory Because if you go back six or seven years we were trying to get functions transferred over to the personnel commission legitimate should be performed by the personnel commission in that gap period I don't know if those issues got resolved.

Mr. Barabani That is when they brought in Mr. Jossierand in here, and he recited to bring who the district hired as a so we have been operating under those things. But you made those statements. You did not get this advice from Mr. Vollkommer or the district?

Mr. Flory No, I didn't get any legal advice. In response to my previous request, which I sent to you and it was spelled by some of the commissioners that I had no right to even ask for it.

Mr. Barabani I am concerned because CSEA turns in what they requested and time after time we keep hearing about the million reasons, and this is just another reason that they could not do it because we don't know if it belongs to the district, you made that determination on your own.

Mr. Flory You raised a question.

Mr. Barabani We asked you to turn over the records long before that. This is the problem where we go back to that other proposal. Everybody says let's get this thing moving, this is part of the problem. You are making up stuff. Nobody said that this belongs to the district, you just admitted that, now you are telling me that there are serious legal questions to whom the records actually belong to, nobody questioned said that, hand the records over. I don't believe the district cared about if you handed this over because the district ultimately would have to pay the sanctions that were being opposed. CSEA asked for sanctions rightfully so because we were not fulfilling them but I don't believe that Vollkommer/the district wanted to pay those sanctions and made that determination. So I don't understand why they weren't hand it over. We had this discussion once.

Mr. Flory It was handed over for the two statements that I made, once was

the April 23rd follow up email when we produced the documents for which I never received the response. Second, was my request were some legal issues to be resolved which, I haven't heard back on. Then I received the conflicting email saying have this stuff done today when the deadline in the agenda that commission chair approved its tomorrow, you have the documents we are done with the issue.

Mr. Barabani I asked you the question 20 minutes ago, you said that its district property you said I misinterpret of what you are saying. Well it makes sense if there exist issues If those records are commission or district property even though the commission may have copies so I have been misinterpret what you said. Let me read that again, there exist issues if those records are commission or district property so you are claiming you are not turning these records over because you don't know they belong to the commission or district property and you are the one that determine that correct? We asked you to turn it over, the commission here voted for those records to be turned over and why did you make the distinguished answer that they belong to the district.

Mr. Flory Because I don't know the records belong to.

Mr. Barabani What difference does it make, when we say turn them over, turn them over.

Mr. Flory You want your personnel file to be turned over to somebody. Is your personal file a district personnel file or commission personel file? I asked you for the answer?

Mr. Barabani This is part of eligibility list and is part of the lawsuit that. CSEA asked for it.

Mr. Flory Its confidential information.

Mr. Barabani But CSEA asked for it.

Mr. Flory But its confidential information.

Mr. Barabani And our attorney is asking for it, the commission attorney is asking for it. They are not your records, they are commission records and you should have turned them over. This is the kind of stuff that is causing time and jobs of not being filled, I am tired of it. When we vote for the records to be turned over, it might be fourth time on the agenda that we asked. They are not your records. They belong to the commission and we the commission voted I believe we asked to turn them over. We didn't ask someone from the street to turn them over to and then she will turn it over to CSEA based on what the courts request. Sounds to me like a stalling task. So you pretty much made this up?

Mr. Flory Absolutely not and I resent that. Of course I didn't made this up if you go back to the memo of Tuesday, April 23rd I am as helpful as I can possibly can be and I got no response if Ms. Kwong had a problem with what we provided in discovery in April she could have contacted me saying thanks for the email I have

everything I need or no I have this items. Then I have some items separate from commission issues, separate from legal advice I am going to raise those.

Mr. Barabani You know the problem is I now look like the bad guy here, because every time I bring this up people complain to me. But this is what it comes down to I got this documents here, the commission voted, turn this over to the attorney, it's that simple. They are not yours, we ask you to do it, you don't do it. And today all of a sudden you did it, it must be because of item number three.

Ms. Early Any further discussion on the motion. Ready for the vote all in favor signify with the voting sign of aye.

Ms. Early Aye.

Ms. Early Aye.

Mr. Salazar I will abstain.

Ms. Early One abstention.

Ms. Flory Just a point of order madam. The item is moved. The document have been delivered.

Ms. Early I understand commission director Flory you have had handed an envelope to Ms. Kwong who is not in this room and you stated that you have provided her with the requested eligibility list I have not seen them, I did see the envelope, I have no verification of what was in the envelope. I hope that she has received the eligibility list that has been requested by attorney for CWA because I spent a lot of times sending follow up emails this is not the first I hope it is the last. Now these documents were requested back in February it is now June. So if that is what she has received then it is a mute point, then if it is not what she has received then I am voting in favor of the motion that we just voted on.

Mr. Flory Minor point of order Madam Chair, I handed the documents to you so you can see for yourself that is that they were, you did not want to see it.

Ms. Early You attempted to hand me the envelope I have no way of verifying if that was the entire eligibility list from the date that they requested, I can't verify that only you could. But we requested that before.

Mr. Flory And I have verified that, thank you.

Ms. Early But we requested that before.

Mr. Barabani The original request was given to our attorney not to Ms. Early

Ms. Early Not to me, I did not request the documents. I was requesting on behalf on current litigations, I did not need the documents. We are moving forward on the agenda on to item 2 and 3 are relevant to 1. I will read them into the record if that is your pleasure. If the commission wants item 2 and 3 pulled

referencing Mr. Flory envelope what is your pleasure?

Mr. Barabani If we proceed with this two next motions, they become mute if all the documents have been delivered.

Mr. Flory Point of order, the word is moved not mute.

Mr. Barabani Thank you, the word is to hand over the documents. Let's go forward with this and then they become of no use if there everything is stated. Like you stated before we asked and asked for this and stuff has not been handed over in the past.

Ms. Early Item 2 it is moved that the commission place the Personnel Commission Director on paid administrative leave effective 5:00 p.m. June 6, 2013 if he has not fully complied with the notice to produce by June 6, 5:00 p.m. as determined by counsel for the commission and that any and all duties related to the Personnel Commission Director be removed from his authority during this administrative suspension which shall remain in effect until the commission meets and lifts the suspension.

Mr. Barabani Second it.

Ms. Early Discussion on the motion. Hearing none, all in favor of the motion signify with a voting sign of aye.

Mr. Barabani Aye.

Ms. Early Aye.

Mr. Salazar Nay.

Ms. Early Motion carries. Moving on to item 3, It is moved that if placed on paid administrative leave that the Personnel Commission Director be prohibited from entering the offices of the commission during his suspension and that the District enforce the suspension through all legal means.

Mr. Barabani I will second it.

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

Mr. Barabani Aye.

Mr. Salazar Nay.

Ms. Early Aye. Motion carries.

K. It is moved that the commission approve the minutes for November 7, 2012 as submitted and corrected.

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

Mr. Barabani Open for discussion and changes.

Ms. Early I got some corrections. Page 41 of 114 of packet strike commissioner Barabani calling the meeting to order, I called the meeting to order that day. It is records its rival time for commissioner Barabani. Wait I am sorry. I have a question on

this set of minutes all of my corrections are grammatical so I can provide Ms. Garcia with my markup copies. I had a question on page 5 on that set of minutes where it says the commission adjourned into closed session at 5:55 p.m. and then after that it says after that the commission adjourned the meeting at 5:55 p.m. so I wasn't sure at the time, if the time needs to be verified at the same time that we went into closed session. I just put a couple of questions on that and the rest is fine.

Mr. Barabani Call for the vote with corrections. Aye.

Ms. Early Aye.

Mr. Salazar Aye.

Mr. Barabani Motion approved.

L. It is moved that the commission approve the minutes for February 6, 2013 as submitted/corrected.

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

Ms. Early That is the meeting that I called to order. No corrections for me. Actually one word change in page 18 set of minutes page 58 of the package, it's the 5th line up from the last paragraph for Ms. Early mid-sentence we received the item after it was posted strike item and insert agenda. That was a content change for me. We did receive agenda after it was posted. We did not receive the draft agenda for that meeting. Those are my corrections for that set of minutes.

Mr. Barabani Any further corrections. Call for the vote.

Ms. Early Aye.

Mr. Barabani Aye.

Mr. Salazar Aye.

M. It is moved that the commission approve the minutes for April 3, 2013 as submitted/corrected.

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

Mr. Barabani It is moved that the commission approve the minutes for April 3, 2013 as submitted.

Ms. Early I want to ask Ms. Garcia if you can verify who called the meeting to order, the minutes are stating that Commissioner Barabani called the meeting to order, can you verify? I thought I called the meeting to order. I'm seeing after that for motion to approve the agenda so that would be my correction.

Mr. Barabani Call for the vote. Aye.

Mr. Salazar Aye.

Mr. Barabani Aye.

N. It is moved that the commission approve the minutes for April 10, 2013 as submitted/corrected.

Moved: Mr. Barabani	Seconded	Ms. Early		
Vote: Barabani	Aye	Early	Aye	Salazar Aye
Mr. Salazar	Correction would be on page 103 items 1A the meeting was called to order by commissioner Early.			
Mr. Barabani	Call for the vote.			
Mr. Salazar	Aye.			
Mr. Barabani	Aye. Motion carries.			

V. COMMISSIONER’S AND DIRECTOR’S COMMENTS:

Mr. Flory: Complements for Nerci, Alexis and Irma they are doing an excellent job in supporting the staff and the commission.

VI. CLOSED SESSION

The commission adjourned into closed session at 7:42 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

Ms. Early: The commission reconvened into open session at 9:33 p.m. announcing written directive directed to Director Flory, the commission adjourned the meeting at 9:35 p.m. Thank you.

VII. ADJOURNMENT

The commission adjourned the meeting at 9:35 p.m. .