

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

MINUTES

May 1, 2013

5:30 P.M.

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
3. Commissioner Michael Salazar, Member
4. Abe Flory, Personnel Commission Director

C. Pledge of Allegiance

II. APPROVAL OF AGENDA

Moved	<u>Ms. Early</u>	Seconded	<u>Mr. Salazar</u>		
Vote: Barabani	<u>Not present</u>	Early	<u>Aye</u>	Salazar	<u>Aye</u>
Mr. Salazar	I will move to approve tonight's agenda.				
Ms. Early	I second.				
Ms. Early	All in favor.				
Ms. Early	Aye.				
Mr. Salazar	Aye.				
Ms. Early	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.

Juanita
Upshaw,
District
Employee It department, Good evening my name is Juanita Upshaw data control clerk for informational as well as CSEA Chapter Treasure. I am here to say a special thank you on behalf of CSEA and its members for listening to us and taking into consideration the effects of the numerous vacancies classified positions have had in our work load. We appreciate the actions in signing the eligibility list for some of those classified position. And we know you are a long way to go, but we understand that it takes one step at a time, but at least it's a step in the right direction and we commend you for that. We are here this

evening asking you to approve the eligibility list before you. I have personally being out to the school sites this first month and have witnessed firsthand the skeleton crews that many of the sites are working with. Many of them are overwhelmed so far behind on their actual duties because they are being asked to cover other areas resulting for them to get further back and farther behind. But who does this effect immediately the students. The students are either being effected or indirectly as a result of the vacant positions of being filled the quality of services provided to the student's staff and parents is suffering. And our members are being stretch thin. Please ratify the list before you tonight and let's keep up the progress that we are making at SBCUSD. Thank you.

Cal Gordon,
School District
Employee

Good evening commissioners and fellow employees. My name is Cal Gordon, locksmith for M&O, and the first Vice President of Chapter 183. I would like to take this time to thank personnel commission for approving the eligibility list for April the 3rd. This four classified positions are very badly needed. In saying that I don't want to put blame on any one personally for the way the commission functions. But I believe that this commission will stop the bickering, cat fights amongst each other and concentrate on doing 100 % of the job 100% of the time instead of 3% of the job, or 3% of the time. We can fill all the 450+ vacant positions we now have. Which in return helps the school district and the community at this time most if not all district employees is being overworked, stretches the limits and very stretched out. In closing I ask why can we all just get along your jobs and please approve the eligibility list on the agenda for tonight. Not in one day, two days, one or two years.

Denise, District
Employee

Hi my name is Denise; I am a custodian at the WA building. I am here to say the same thing they did. Thank you for ratifying the list last month or at the last meeting. I was very discouraged at the last meeting to see the bickering and the back and forth discussion. I felt like I was at home with my teenage son and all his friends in the house, and that was very frustrating and discharging I think if we can put egos aside maybe we can hire people. I had the opportunity for this month also with Juanita, and it is affecting our students who have kids in our students the office staff is so short that the son was in the office all day long with one person, no one was ever called because there was one person in the office in the elementary school. They have no health aide, they have no subs. They ere are so many things that to be done beyond what else is here. The building that to work in I see people doing three jobs and they are stressed, they are eating at their jobs, not taking their breaks and things that should not be happening should not be happening. The points are not being met, so many things and I ask that you continue to work as you did last week. Put your egos aside and stop arguing and so many of you say you are here for classified employees well show it by putting the ego aside. Thank you.

Steve Holt,

Good evening, distinguished commissioners Steve Holt I work

District
Employee

as a custodian here for the SBCUSD and as an advocate advisor. I am here tonight because of concerns that I have, I was not able to bring a lot of my fellow classified but, I contribute they will be here. But I first want to say that we commend all the commissioners for the work that you have done over the years. For the nearly two decades we had a broken system here and it takes brave people to fill the shoes you guys are doing right now. There is a lot going on. But what I am concern about is I recently heard against the personnel commission and there are even whispers of possible getting rid of personnel commission.

The commission is someone we can turn to for appeals rights without you guy we would go to the district and we know how corrupt is being here in SBCUSD. You guys have given us progressive discipline when the union led from the famous chapter for over several years fighting for progressive discipline could not get it. You guys did as of made stuff disappear for one year and our personnel file prior for going back possibly 25 years for peoples files. You guys have done a tremendous job. You have a lot of support; I talked with hundred classified employees throughout this district, right here in San Bernardino and throughout the city of California. People do support commission here in this district they do support you guys I can assure you that. Talking about getting eligibility list process and I myself has suffered for not being able to get people the right amount staff we needed to do the jobs but I understand everything is a process just for the sake of hiring people, and have the district continuing what you by continuing to do favoritism nepotism going on for so long in this district I can tell you right now maybe the director can help me we had classified people working out of class illegally for years and more than 90 days and that is it and a vacancy they are all temporary on IE or something like that. Why are people working years in this position, could it be because its favoritism going on? Do we not have prior hearings on this district where it's come out where this is going on, that is proven? There has been a history of favoritism, cronyism, and nepotism going on and do I mind say racism and I will bring that up to and I have addressed certain board members about that. I am happy that you guys are one of the leading fighters here for the cause of classified employees and I can tell you right now there are a lot of classified people out there that support you guys. Ms. Early I appreciate everything you have done over the years and I know you guys don't hear that a lot, but I can tell you will hear that on this port very future meetings. They do support you and they do support all commissioners for what you have to do because big job to take on but, the district has done stuff they are not supposed to do.

Now I am not saying I had my share of criticism for the commission at times but, when you have criticism if you come here in a professional manner you address the commission in a professional manner and you tell them what your concerns are. When I have been to meetings and I have a list of slaughter

going on individual commissioners and people when I see people that fill the room and half of them are not from this district. I come in and want to complain what is going on here, where we have to walk the walk. I am grateful for what you guys do and I am here to tell you that I am grateful that you guys are trying to bring a fair but legal and legitimate hiring process and that we all can go on our merits, purpose of the merit system because we know somebody or we are kissing enough something to get ahead. I am here for the record; there are hundreds of people supporting the commission right now. And I make sure that I get the message out personally and you have my pledge that we do support you, we are happy with what you are doing. We do like to see the eligibility list get done but we want to see it done in the right way. We don't want anything rush if it's going to be overnight and the district is going to sleep in people because they like them. We want to be a fair and hiring process. We want this a big district, we want for the public to have an opportunity to get jobs, we want to see people work on the district have opportunities we don't want to see this stuff going on over the years where he knows her and she knows him. I have seen with my own eyes, and I will state it for the record I know it goes on. I personally seen it over the years and I can absolutely test that goes on this district.

But again, thank you to each one of you for what you done on behalf of myself and a lot of other classified employees. Thank you for your continual support of us as we continue to support you.

Nick Flores,
Assistant
Director for
Accountability
Department for
SBCUSD

And I hope I'm speaking on the right place on the agenda if not I apologize. Basically what I'm here to do is provide my support to you and the approval of the revised classification for the data control clerk and hopefully the approval for the same position. It is highly important to the district, I am responsible for data submission to the state and this position that is very important to insuring that our data is extract and accurate to our system and submitted to this is our official counts come from work of this position does. So that somebody is working out of classification and so disagree with some of the comments that were made in out of class of favoritism because basically a test to the person that we have working out of class is there because of the skill set that this person brings to the position and resembles the skill set that the revised classification is going to require to fill this position but, the most qualified person to allow us to continue to report accurately on a timely data. To the state of California as well as the department of education. Thank you.

IV. ACTION ITEMS

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

1. It is moved that the commission approve the eligibility list for Community Relations Worker II (African American Parent Involvement) effective May 1, 2013 and terminating April 30, 2014.

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>Abstain</u>
Ms. Early	Any discussion on the motion.				

2. It is moved that the commission approve the eligibility list for Electrician effective May 1, 2013 and terminating April 30, 2014.

<u>Ms. Early</u>	Seconded	<u>Mr. Barabani</u>			
Vote: Barabani	<u>Aye</u>	<u>Early</u>	<u>Aye</u>	<u>Salazar</u>	<u>Abstain</u>
Ms. Early	Any discussion on the motion.				

3. It is moved that the commission approve the eligibility list for Special Assistant III (Transition) effective May 1, 2013 and terminating April 30, 2014.

<u>Ms. Early</u>	Seconded	<u>Mr. Barabani</u>			
Vote: Barabani	<u>Aye</u>	<u>Early</u>	<u>Aye</u>	<u>Salazar</u>	<u>Abstain</u>
Ms. Early	Any discussion on the motion.				

4. It is moved that the commission approve the eligibility list for Special Education Assistant effective May 1, 2013 and terminating April 30, 2014.

<u>Ms. Early</u>	Seconded	<u>Mr. Salazar</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.				

Ms. Early Ok, let me modify, it is moved that the personnel commission approve Special Education Assistant effective May 1, 2013 and terminating April 30, 2014.

Mr. Salazar I will second it.

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

Mr. Salazar Aye.

Mr. Barabani Aye

Ms. Early Aye. 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 revision to the classification specification for Data Control Clerk.

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

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

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries.

- 2. It is moved that the commission approve the revisions to the classification specification for Educational Interpreter III.

Mr. Barabani I will second.

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

Mr. Barabani Aye.

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 Data Control Clerk Exam 13-009, with the following changes to the recruitment bulletin submitted by the Personnel Commission Director and in accord with the stated timelines.

The opening date shall be May 6, 2013 and the closing date shall be May 27, 2013.

The eligibility list shall be submitted to the commission no later than July 3, 2013.

The examination shall be modified to provide for a written examination weighted at 50% and a structure interview weighted at 50%.

The reference to Education Code section 45278 shall be removed from the bulletin.

Interviewers shall not be employees of SBCUSD.

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

Ms. Early Any discussion on the motion.

Mr. Flory Honorable chair members of the commission, I would support the recruitment items three through five. I am just wondering

where they came from and how that speaks for the criteria each commission is set up passed. Additionally if you recall your procedure was for us to once the district describes the duties and responsibilities are for us to develop class classification and meet with district and the union to get approval and if you take a look it was submitted to you by the union and the district have accrued the class specification and job announcement as it stands without this modifications.

- Mr. Barabani Madam Chair.
- Ms. Early Yes, Mr. Barabani.
- Mr. Barabani We have representatives for both right now. They can speak.
- Ms. Early So do you have a question you wanted to ask?
- Mr. Barabani The representation from the Union and CSEA any problems with this?
- Ms. Early Please come to the microphone.
- Charles Arroyo, CSEA President On the item C number five, interview should not be employees of SBCUSD. Who would they be?
- Mr. Barabani Outside people, somebody from outside the district and that is qualified. You get a very fair hearing that way.
- Charles Arroyo, CSEA President What is the protocol for interviews?
- Mr. Barabani Regarding what?
- Charles Arroyo, CSEA President Well I know it's usually the district would be interviewing isn't that protocol usually what happens?
- Mr. Barabani Oh yes that is.
- Charles Arroyo, CSEA President So why?
- Mr. Barabani This is in regards to 50% before the district interview. Once the eligibility list goes to the district then HR will set up interviews.
- Charles Arroyo, CSEA President Ok, but is this protocol is this how you usually do things?
- Mr. Barabani We have done this in the past yes. We have brought out outside agencies; I believe the police department, for another position. So basically the score that you see here is 50/50 they are still going to get interviewed by HR.
- Charles Arroyo, CSEA President So what is the concern with data control clerk?
- Ms. Early Those people applying for efficiencies, be more objective,

outside interviewers have been brought in the past gather everything is equal for all.

Charles Arroyo, CSEA President: Ok, I understand that. What is the concern with this certain position that you wish to proceed in this manner? Are positions that come up and single this position out and if we are why is the reason we are doing that? I just can't comprehend why we are doing that for this position.

Ms. Early: This position is not being single out and it has been done in the past.

Charles Arroyo, CSEA President: About how many times, can you tell me what positions? I still don't understand why this position.

Ms. Early: It is actually some other positions that are on the agenda for today. This position is not being single out.

Charles Arroyo, CSEA President: So why are we doing this then? I'm having a hard time understanding why we have outside interviewers. I mean if we don't do this for every single position but we do it for certain ones.

Ms. Early: For people that are in house for those positions we are trying to make it fair for those applicants might not have the connection with some interviewers that might be doing the interviews.

Charles Arroyo, CSEA President: So you are saying like cronyism or something?

Ms. Early: I'm saying we are just trying to make it fair, keep it fair.

Charles Arroyo, CSEA President: If the district personnel interviews then you know they might have a friend or something.

Ms. Early: We want to prevent that.

Mr. Barabani: This position was one of the ones you wanted filled. Data processing is not a large department right? One of the criteria is this are crucial positions. You have a lot of openings the people that do the interview have to come from the department.

Charles Arroyo, CSEA President: Mr. Salazar do you have comment?

Mr. Salazar: I have a couple of

Jason Terkeurst, CSEA Labor Representative: It appears to me from back up information the supervisor, CSEA they read 100% who is eligible, why is the commission wanting to change that?

Mr. Salazar: That is my question, as part of the commissions I knew not a thing about that. I understand I was here when it was approved by CSEA, basically, they hammered out the details and now we have a few things that are different here, and looks like and, I just want to know who changed that. It wasn't you, it wasn't the

district? Who changed it?

Ms. Early That was actually going to be the recommendation for several of the items that are on the agenda here tonight, is that problematic? We are trying to keep everything fair.

Jason Terkeurst, CSEA Labor Representative I understand there are times that are positions that have been interviews and sometimes there is not, I am just wondering why this position was added. Same understanding if someday knows the job or not. To me it makes it simpler and faster having to go find people that know about this type of work to interview and wait for waited scores. Interviews are very subjective and a person can be awesome know the job 1000% get a perfect score but does that mean they can't do the job? That

Ms. Early Your recommendation is that we should strike the 50% of interview rated?

Jason Terkeurst, Labor Representative I don't have a suggestion, I don't have a recommendation.

Charles Arroyo, CSEA President That is my recommendation

Ms. Early Thank you president. Any other discussion on this item?

Mr. Barabani Well what about the?

Nick Flores, Assistant Director for Accountability Department I have a comment, assistant director assessment in accountability I did have #5 as a question, because it's my opinion by not having interviews in district at least those that do the function of job, we will be going on opposite direction by possibly bringing in outsiders that what the position entails. But I too have a question. If there is going to be 50% in interview why outside people? Is that the only solution? Thank you.

Mr. Barabani Are you stating that not all interviews be in house or just this one?

Nick Flores, Assistant Director for Accountability Department If we are going to be in that route and not be an HR person in this case the manager is responsible for what comes out of this position in order to get the most qualified person would be sufficient.

Mr. Barabani Thank you.

Patrick Maher The education code specifically prohibits anyone who works as a supervisor over the position being filled. They need to be interviewed that is different than when they hire someone. Talking about, you need someone who has some knowledge, but it can't be someone who is the supervisor for that position without violating education code.

Nick Flores, Assistant I just want to be clear that my suggestion is for me to be on that panel we are talking about in house vs. out of district. I'm not

Director for Accountability Department even in the department but there is qualified people within it department that has possibly served on such a panel because they have the relevant knowledge and for this advice for position that has been hired for. I'm not suggesting, although, I believe that I would be one of the most qualified person for such an interview process but, I was not suggesting that I would be on this particular one.

Mr. Salazar I would like to, if I don't know if this is the order or not, based on what we heard and based on the history of the data control clerk position was put together for the to the motion we voted on motion as is? Or?

Mr. Barabani We have a motion on table.

Mr. Salazar Ok.

Ms. Early We can vote on motion as is, we can offer a substitute motion, so any other discussion on the motion as it is? All in favor of the motion as is signify with voting sign of aye. Any opposition to the motion

Mr. Barabani Nay.

Mr. Salazar Nay.

Ms. Early Nay. Motion is defeated. The commission chair will entertain a substitute motion.

Mr. Salazar Madam chair, I would like to offer substitute motion for item C on the agenda roman numeral IV. C and basically, I can read it or what I am suggesting is we strike three, four and five. The examination should be modified, the reference Ed Code should be removed and *inaudible* not be SBCUSD in placed.

Ms. Early Do we have a second to the motion? To strike items three, four and five from item IV. C. I will second. Open for discussion.

Mr. Barabani If we start at bottom on the 5th one Mr. Salazar what are you proposing? So they could have people all from the school district?

Ms. Early He is proposing that but, you are also proposing that we not have weighted interview?

Mr. Salazar That is correct.

Jason Terkeurst, CSEA Labor Representative Just for some clarification if there is still means for district personnel or not, so the motion is actually saying the district personnel that is not needed 100%.

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

Mr. Salazar Aye.

Mr. Barabani Aye.

Ms. Early Aye. Motion carries.

2. It is moved that the commission approve the recruitment for Educational Interpreter III Exam 13-010, with the following changes to the recruitment bulleting submitted by the Personnel Commission Director and in accord with stated timelines:
 - a. The opening date shall be May 6, 2013 and the closing date shall be May 27, 2013.
 - b. The eligibility list shall be submitted to the commission no later than July 3, 2013.
 - c. The "Qualifications" section shall be rewritten on clearly state what evidence of certification must be provided at the time of application.
 - d. The reference to Education Code section 45278 shall be removed from the bulletin.

<u>Ms. Early</u>	<u>Seconded</u>	<u>Mr. Barabani</u>
Vote: Barabani	Aye	Early
	Aye	Salazar
	Early	Abstain
Ms. Early	Any discussion on the motion.	
Mr. Flory	Honorable chair members of the commission, I have the same comment as the above I would recommend this classification, it was recommended by the district developed by Personnel Commission and signed off by both CSEA and the district so again it's recommended that it not be changed from last area.	
Mr. Salazar	I agree with our personnel director, this is the same issue we just covered on the previous motion. So I am in favor of approving for Education Interpreter III, but removing items C and D.	
Ms. Early	Any further discussion on the motion?	
Mr. Barabani	On item C, is this also for the qualifications section. Is this one where you had some issues with stipend? Mr. Flory are we going to meet those qualifications?	
Mr. Flory	I am not sure if I understand your question.	
Mr. Salazar	I have a question, that bulleting I 42 where is that?	
Mr. Flory	This is in the draft agenda that we submitted to you which is Page 11 of 143 so I will check yours to see where it might be.	
Mr. Salazar	There is page 7 of 19 is that what we are talking about?	
Mr. Flory	Yes.	
Mr. Salazar	Ok, I just wanted to make sure I was correct on that. That would be page 17 of 118, would be action item IV. C (2) without C and D. I think that is the way I read page 17 however I am looking for confirmation.	
Mr. Flory	Was that a question? I am sorry.	
Mr. Salazar	Yes, that was a question.	
Mr. Barabani	As the section 45278 why do you find that direction, why do you want their permission?	

Mr. Salazar Who are you asking?

Mr. Barabani Mr. Flory you are recommending that we remove, it was placed in there that on this one it's reference to education 45278 right? Why is it that you want that to remain in there?

Mr. Flory Because that is the way it was of all purged. The district gave us we classified that way, second passed practice and tried that is also listed with our rules which would be chapter four of our personnel commission rules.

Mr. Barabani So basically what you are saying is that CSEA approved and arrangement approved it right? So we don't want any changes?

Mr. Flory That is correct?

Mr. Barabani And so we asked that 45278 right?

Mr. Flory So on the agenda requesting to be removed,

Mr. Barabani Doesn't 45278 does that give the commission right to change the components? So on one side you are saying we don't want anything that you want to leave that rule there.

Mr. Flory Actually 45278 deals mainly with notice and 15 working days. There will be no reason to remove.

Ms. Early Any further discussion on the motion? So the motion before us is inclusive items A, B, C and D we are clear? All in favor of the motion signify with a voting sign of aye. All apposed the motion.

Mr. Salazar Nay.

Ms. Early Nay.

Mr. Barabani Nay.

Ms. Early Motion is defeated. Is there a substitute motion?

Mr. Salazar Madam chair, I like to move that we modify action IV. C (2) striking C and D.

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

Mr. Salazar Aye.

Mr. Barabani Aye

Ms. Early Aye. Motion carries.

3. It is moved that the commission approve the recruitment for Custodian I Exam 13-003, with the Personnel Commission Director being directed to provide an eligibility list for ratification no later than July 3, 2013.

<u>Moved: 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>Aye</u>
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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. 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.

Mr. Flory Honorable Chair members of the commission point of order I don't know where this classification came from? I don't believe this is the one recommended by the district, I am not sure. I am looking at the draft agenda we submitted to you and it was not on there and just kind of appeared on this one so I don't know if that is the criteria that the commission has established on the past.

Mr. Barabani This is one that was asked to be placed on so that we can move forward with it.

Mr. Salazar Who asked?

Mr. Barabani We have gone through this before. Is the position open right? I remember speaking with someone and telling me the position was open and it wasn't on the position needs to be filled I don't see any problem.

Ms. Early Did we request to extend for this position? This was a request that came to the commission to extend an eligibility list that was already on existence and I believe that the meeting was cancelled.

Dr. Vollkommer They interviewed for that position today.

Mr. Salazar For this position?

Dr. Vollkommer I don't know if it is necessary to do the recruitment for this. They were interviewing today?

Mr. Flory We had it previously opened and it has been filled.

Mr. Salazar Thank you Mr. Barabani.

Mr. Early We have a motion on the table. All in favor of the motion signify with a voting sign of aye. Nay.

Mr. Salazar Nay.

Mr. Barabani Abstain

Ms. Early One abstention, Mr. Barabani and we understand that position is being interviewed for that position today.

D. The commission will consider extending the eligibility list for Custodian at the request of the Personnel Commission Director. A proposed motion is:

It is moved that the commission extend the expiration date for Custodian 1 (Exam 12-002) from June 5, 2013 to July 3, 2013 in order to accommodate a new due date for the eligibility list previously due to the Commission by June 5, 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 Discussion on the motion?

Ms. Flory Honorable chair members of the commission, that it be extended to November 2, 2013 based on the request from district.

Mr. Barabani We just opened up the item and previous one it's moved that the commission approve exam 1300 Personnel Director be directed no later than July 3rd, we are extending this so we have a hired. We extend this to November.

Ms. Early Any further 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. Motion approved. Next agenda.

E. The commission will discuss a draft budget proposal submitted by the Personnel Commission Director and set a date to conduct the required public hearing on the budget a proposed motion is:

It is moved that the personnel Commission set the public hearing for the budget on May _____ 2013 and the Personnel Commission Director be directed to ensure that all legal notices, "invitations" and other requirements be completed to ensure that the commission may act legally on the budget at that date, as well as providing any responses that the commission may have about his draft budget proposal to commissioners prior to that date.

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 We have the draft budget in the packet and actually asking for a date available this month. So we have to filling the date. I move that the personnel commission set a date for public hearing for May 2013, whatever you tell me and, the personnel commission director is to ensure that all legal notices invitations and other requirements be completed to that the commission may act legally on the budget that day. Unless providing any resources that the commission will have about the draft budget proposed to commission prior. I will second that.

Mr. Barabani I will second that.

Ms. Early Discussion on the motion. Seconded by commissioner Barabani.

Mr. Barabani Just need a date. We also need to contact the governing board, superintendent, to tell them the place of this meeting so they can discuss the budget.

Ms. Early Is next week to soon?

Mr. Salazar I'm fine. For the record I am not playing with my phone.

Ms. Early May 8th is that a good date at 5:30 p.m. in this location?

Mr. Barabani Is there a specified amount of time we have to notify the board, is there a 10 days 5 day?

Mr. Flory Let me comment on this as you recall and I know we discussed this later. We received packet from the county and from the district notification a bit late, it was and we found out that the chair indicated that we will go same amount of money this year for next year. So I don't think this is going to be a contrary process.

Mr. Barabani I believe by law we need to notify.

Ms. Salazar We are working on the calendar if next Wednesday is not enough time to be on compliance we just need to know. I would agree with Mr. Flory I don't think there is a conflict. The 8th works for me.

Mr. Flory We said it tentatively the 8th I will check tomorrow morning.

Union Representative The board meeting is the 7th and the 21st.

Mr. Salazar I would request if there is any either confirmation via telephone if that day is good or is not good.

Mr. Flory Ok, not an email? We will make sure we meet all the dates.

Ms. Early We will insert May 8th. So it is moved that the Personnel Commission set the hearing meeting for the budget on May 8, 2013 and the personnel commission director be directed to insure that all legal notices, invitations be completed to insure that the commission may act legally on that budget on that day as well as providing any responses that the commission may have about this draft budget proposal to commissioners prior to the day moved by Rhonda early, seconded by Gino Barabani. All in favor of the motion signify with a voting sign of aye.

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye.

Mr. Flory Madam Chair, just one point of order, you have a copy in your packet at least I'm sure it's on the draft that we send you. If you can take some time to look at that is there anything you want to

change the sooner we know we can make modifications to it. Just give us a call if there is anything you like to change.

F. The commission will discuss the status of all recruitments that have been approved by the commission since May 18, 2012.

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

Ms. Early Any discussion on the motion. Mr. Flory can you give us an update on status. Tracking log we don't have one, if we did this would be an item

Mr. Flory I'm looking at your back up and give me just a second so I can check our agenda. Honorable chair members of the commission, in the draft that was sent to you the staff recommended budget on page right after the budget is the tracking report for your information on every item. Somehow it got left out, we sent out that to you last Wednesday afternoon. If you like I can make additional copies. It's right after the budget.

Mr. Salazar What you are saying it was left out, it did not make it here.

Mr. Flory It's on our draft agenda but not on this one.

Ms. Early So that is related to item F, status of recruitments that has been approved by commission since may 18th 2012.

Mr. Flory It is item F.

Ms. Early Ok, thank you. Mr. Flory you want to go over this with us.

Mr. Flory It would be probably better for the sake of time if you go over it and ask questions, I can update it tonight or tomorrow.

Ms. Early Where the comments say pending is approval.

Mr. Flory Pending approval that would be approval information.

Mr. Barabani I don't have the number of days it takes to certify recruitment is there was one on that column?

Mr. Flory I don't know sir.

Mr. Barabani How many days it takes from the time and you certify the list and recruitment is closed, how many days does it take?

Mr. Flory If you like us to do the math for you we could.

Mr. Barabani I was doing the math and I was coming up with an average of 95 a day working days. I could be wrong, you had that column, recruitment closes this are all the recruitments that you guys have worked on right? But we recruit? Any missing?

Mr. Flory I would have to do a very detail study. If you see some that are obvious let me know.

Mr. Barabani We have nutrition service custodian tested and hired for? I don't see it on this list. I am kind of curious if you have that available on files the eligibility list and so on.

Mr. Salazar What is your question, Mr. Barabani? It's moved that the commission approve recruitments?

Mr. Barabani They interviewed for position but I don't see it on the list. When did they do that? I need the date.

Mr. Salazar Just update the list.

Mr. Barabani Can we get it now? Is it available right now?

Mr. Salazar I don't see it now.

Mr. Barabani Unless I get it today.

Ms. Early So is there any further discussion. We do have a recommendation to add a column.

Mr. Barabani How long it take?

Alexis Jenks There is a column that says the item you requested.

Mr. Barabani Once it is recruited how many days it takes to certify the list?

Mr. Flory Assistant nutrition services director date class proof 9/12/2012 date all of them approved same date. Recruitment dates from 9/17/2012 to 10/18/2012. Testing dates from 12/11 till 12/19, exam type training experience evaluation. Date list certified 1/2/2013, ratified 1/16/2013. We would just do the math between the bulleting being approved of 9/12/2013 to 1/2/2013.

Mr. Salazar If somebody said how many days did it take to get from?

Mr. Barabani It's approved till when it's ratified the list the 16th. So we have September, October this one here I guess is?

Mr. Salazar You want to say that in days?

Mr. Barabani Yes working days.

Alexis Jenks If we are going to add that column just to add some clarification we can for some of these recruitments. We have been asking to you for approval and they were not approved so we had to bring them to you next month and then if they were not approved we had to bring them to you to get approved for another month. Do you want a running record when we submit them to you the date they were approved, they were approved on this date and how long because if you want numbers we have to be giving you some specifics.

Mr. Barabani Yea the numbers, the date the class the spec was approved and the date it was ratified.

Alexis Jenks But if you bring it to a meeting to ratify not approved.

Mr. Barabani Then that would mean that date for class spec was not approved. So you have the column there when it was approved but this one first one, Mr. Salazar 9/12 to 1/16/2013.

Alexis Jenks How would it be to include them in there also if it wasn't approved and also the date that it was?

Mr. Barabani Yea, but this is the list on what we are working on and the approval then you are adding things not approved so; we are not concerned with that right now. I want to know where we are at in the process doing this hiring.

Mr. Salazar But we can't see to answer Mr. Barabani s questions, we can see the first one took 4 months.

Mr. Barabani You can just put a column there excel actually has formula where it will do it for you automatically put two dates and it will add time the dates between there. Just make the column and add dates.

Mr. Salazar If I go to, let's go to the third one because that is ratified and if I went and approved. If I said august 22nd. So I can go.

Alexis Jenks We can add it on, it's no problems, it's just when this was originally requested back in January this is the way it was requested, but we can defiantly change that.

Mr. Salazar I don't want to waste time, it's a simple solution. Thank you.

Ms. Early Any further discussion on item F, moving on to item G.

G. The commission will receive a report from the Personnel Commission Director as to his 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 o9pen a recruitment and take action as it deems appropriate.

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

Ms. Early Any discussion on this topic?

Mr. Barabani Mr. Flory?

Mr. Flory Honorable chair members of the commission I believe we are in compliance on this although if you recall 6 years ago when I was here ¾ of this did not exist. When one interim director was here ¾ of this did not exist. And gradually this last 9 months these have been involved. So we are trying to keep up ever moving target increasing nation needed to do something fairly simple which is get a job opening in it. We believe there were up to date on this.

Mr. Barabani Some of the things you suppose to send the agenda as a word doc.

Mr. Flory I don't know that we want to get to two different agendas.

Mr. Barabani I'm talking about when you send the agenda you should send the word document it makes it easier for us to work with.

Mr. Flory What am I refereeing to the backup material?

Mr. Barabani That is part of your directives.

Mr. Flory I'm looking at item IV.G Which item are you referring to?

Mr. Barabani It would be inaudible. All we want is the word document

Mr. Flory Is that on that sheet is what IM saying from your agenda is that on here.

Mr. Barabani This is the thing that we discussed on the last agenda and you were supposed to fix it on this agenda.

Mr. Flory Thank you all I'm asking is here is your back up for your agenda. Is this on your back up for your agenda? Point being this is a moving target if you like it in word; if you like in word perfect let us know because it keeps changing.

Mr. Barabani No it does not we only use word. The dates you guys only have word, you don't add word. I don't recall word perfect being used by district for years.

Mr. Flory You miss my point, this is a moving document the word or Microsoft word is not on here, you are requiring they need to add on, and anything else you like just slowly down the process what I'm saying. Pile on the longer you keep the person analyst and don't recruit for it, it just slows things down that is all I'm saying.

Ms. Early Any other discussion on this item? Moving on to item H.

- H. The commission will receive a report from the Personnel Commission Director on The status of the Environmental Safety Officer position.
2. Why the position continues to be filled in violation to time limits imposed by Education Code section 45287
 3. Whether or not he has approved any personnel actin form allowing the violating of Education Code section 45287
 4. What actions he has taken to force the District to cease and desist form violating Education Code section 45287

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

Ms. Early Any discussion on the motion.

Mr. Flory Honorable chair members of the commission, this item there appears to be a lot of disagreement on this. I will explain it as best as I understand it. Ed Code 45276, the governing board should fix the duties off all positions as part of the classified service and require by section 45109 to essentially just repeats at the governing board fix the prescribed performed by all person in the classified services. In this case on this job that has been over proceeds me returning, the board has not done that. So that and the issue and I know everybody would like to discuss it, bring it up but until the school board and the district tells us according to 45276 then we are outside of our bounds doing the things we have been doing. So right now nothing is going on that recruitment.

Mr. Barabani Well the position right now is being continually filled on violation

by Ed Code 45287.

Mr. Flory It may be that I don't know the answer to that.

Mr. Barabani 90 working days when no eligibility list exist for the position. The classified service and the employer may total of 90 working days

Mr. Flory So I go back to 45276 and I may you recommend the commission to the district but until the district says the duties and we are recommending you not to act.

Mr. Barabani We do have classified position, its being filled in violation of 45287.

Mr. Flory Ok, what would you like to do about this?

Mr. Barabani If you approve any personal forms allowing this to happen Ed Code 45287.

Mr. Flory Predates mean?

Mr. Barabani What actions have you taken to seek the district to cease and desist Ed Code 45287?

Mr. Flory Discuss the issue with the district and it's up to them and the governing board to take actions.

Mr. Barabani You are the personal commission director?

Mr. Flory Sorry what?

Mr. Barabani You are the personnel commission director right?

Mr. Flory Thank you.

Mr. Barabani Is in it part of your duties to make sure this laws are not violated.

Mr. Flory In conjunction with the personnel commission yes.

Mr. Barabani So what can you do to get the district to cease and desist from violating this problem?

Mr. Flory I can talk to them about it or we can send them a letter from the commission and explain your concern. We can't overstep our bounds and tell them what do; they need to tell us what to recruit for.

Mr. Barabani Why don't, I like you to prepare a letter and then we can look it over.

Ms. Early Can you put that in motion form?

Mr. Barabani I like to have a letter prepare and send to the district in regards from the personnel commission director to explain why Ed Code section 45287 is not being applied to this position and to ask the district to cease and desist from violating the Ed Code section 45287.

Ms. Early I will second. Any further discussion of the motion? All in favor signify with the voting sign of aye.

Mr. Barabani Aye

Mr. Salazar I will abstain

Ms. Early Aye and one abstention from commissioner Salazar.

- I. The commission will receive a report from the Personnel Commission Director as to 1. The current status of the eligibility list for Nutrition Services Custodian/Utility work to include the number of persons hired from the list and the number of persons remaining on that list.
2. The number of current vacancies in the classifications.
3. The reasons that the district has appointed two "out of class" provisional appointees to that classification.
4. Why one of those persons appointed was deemed by an independent hearing officer to not be qualified to fill the position of custodian but was still appointed to work out of class when they did not place on the eligibility list for that position when tested.
5. Whether or not the Personnel Commission Director has approved any personnel action forms authorizing the placement of these persons into out of class provisional appointments if not, what action he has taken to get the District to cease and desist filling the positions in violation of the certification requirements of Education Code section 45310.

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

Ms. Early Current status for eligibility list for nutrition custodian utility worker.

Mr. Flory Thank you madam chair, if you would look at the agenda that was delivered to you last Wednesday noon at our agenda is item 4g and there is a complete explanation I can read it. "Nutrition Services has two nutrition services custodian utility worker one is filled the other is vacant there are not two people working out of class the position working was not on an eligible list California Education Code 45100 states etch, I won't read that to you since you are familiar with it. There is no reference direction with person working out of class must come from an eligibility list this is an issue that has come up before. There is reference to classified employees working outside their fixed duties they must be compensated with the assignment exceeds 5 days and calendar day period. Interviews held for position where held on 10/18/2012 list expired 7/13/2013 only two of the eligible candidates were reviewed remaining two candidates declined the interviewed to date there are three eligible, one employee is worked out of class which ended 4/24/2013. Human Resources classified approves out of class assignments passed practice from the district during the time Mr. Roddel and Teenier Mr. Brown, Mr. Flory and during the period Mr. Maher was personnel commission sub for HR classified to approve out of class assignments. Of the three remaining candidates of the eligibility list only one candidate was interested in the position. As per personnel commission rules 6.2.5 procedure when during the three ranks are made which you are aware of based on the rule above the hiring to

interview three candidates. That was in the information that was sent to you in the draft agenda a week ago.

- Ms. Early Any further discussion?
- Mr. Barabani Yea, Mr. Flory can you tell me the time where you acted to stop the district from hiring contract workers? And using substitutes that were not on the list.
- Mr. Flory I believe we as the commission....
- Mr. Barabani You as the personnel director, Mr. Flory tell me one time you acted upon to stop the district from hiring contract workers and using people that are substitutes that are not on the list. Has it happened?
- Mr. Flory Yes once again we discussed this on open meetings, I have discussed this with the district and one of the main problems is called the getting jobs through the old process which you highlighted very nicely here with the word document and thus they have to continue to operate the district. I have talked to them about it; they agree they would like to not use that. We have to move forward with the process of opening up jobs getting them filled in order for them to eliminate those.
- Mr. Barabani What actions have you taken to get the eligibility list to get approved?
- Mr. Flory Discussed with commission and district on several occasions. This comes up quite a bit.
- Mr. Barabani Now we are going to the same subject here. I feel like I'm going on circles here, it's not on the list but they are hired. Somebody from this position. And I asked to see the entire lists that were ratified and I still have not seen them. Before we leave tonight, I like to see it.
- Mr. Flory Again sir, this predates me, this practice has been going on for quite a while. I came back and recommended a number.
- Mr. Barabani I understand that but someone was hired for the position it had to come of the list. I don't see it. Where is the list?
- Mr. Flory I don't know you have to ask previous directors.
- Mr. Barabani The date the eligibility list expired from previous.
- Dr. Vollkommer Mr. Barabani I am trying to see if I can help. Are you asking for the eligibility list for the custodian utility worker that we are currently working from? I believe that recruitment is not the spread sheet because you asked for recruitments that were done in May 18th. I think it is an actual eligibility list that is necessary would not be on spread sheet because of that reason.
- Mr. Barabani All I'm asking of the date when eligibility was signed, all he would have to do is go on file cabinet and get it.
- Mr. Vollkommer Did Alexis leave? Ok, she had it in her hand. She showed me

the dates it does exist. Thank you

Mr. Barabani If this did exist why wasn't someone from that list hired from that list? If we have an edibility list they have to hire of that list someone as my understanding that the person in that position was not on that list.

Dr. Vollkommer Are you talking about the person that is working out of class?

Mr. Barabani Yes.

Dr. Vollkommer There were two eligibility list sets the first time and they said we are going to hold on to the rule of three. Only the two eligibility lists were sent from as I understand it so we are hoping they went from that list of the vacant position. So if they choose someone today I would know that by tomorrow morning, then the issue would be solved.

Mr. Barabani But it's not what I'm asking, the position is filled and why it was not on the eligibility list.

Dr. Vollkommer Currently the employee is working out of class. They did choose the eligibility list because of the rule three. The first time around

Mr. Barabani So what I'm asking is then who was in that position was not on the eligibility list is that correct?

Dr. Vollkommer That is correct.

Ms. Early Any further discussion on item I? moving on next agenda on item J.

J. The commission will receive a report from the Personnel Commission Director as to the status of the investigation into the complaints of allegations of inappropriate ethnic slurs by the Personnel Commission Director toward Commissioner Barabani, when the "investigation" will be completed, and why commissioner Barabani has not heard anything from the District since filing the complaint.

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

Ms. Early Any discussion on the motion.

Mr. Flory Honorable chair members of the commission, in the draft agenda that we sent to you that did not make it on your agenda, Marie Arakaki responded to the letter dated on April 29, 2013 to response to concerns he raised on Mr. Flory personnel commission meeting. It's the district policy to respond directly to the complaint.

Mr. Barabani She is going to send me a letter

Mr. Flory Yes she is going to send you a letter April 29th.

Mr. Barabani She mentions why she has not interviewed me, that is usually the protocol.

Mr. Flory I know nothing more than what I told you.
 Mr. Barabani I'm curious; I just have not heard anything.
 Ms. Early Any further discussion? Item K.

K. 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 member 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.

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

Ms. Early Any discussion on the motion.

Mr. Flory Honorable chair members of the commission, as was included in the agenda that was submitted on the draft agenda a week ago. Interim Chief Paulino reports that the investigation of the allegation emailed misuse is ongoing and may be expanded to include all potential inappropriate actions; he will refurnish a report as soon as it has been concluded.

Mr. Barabani No time date yet? This has gone for a long time

Mr. Flory This is all I know.

Mr. Barabani Did he say he will do it on writing?

Mr. Flory We have it on the agenda.

Mr. Barabani Was that sent to you by email?

Mr. Flory I don't believe so.

Mr. Barabani Where did you get that? I like to have a copy of that email.

Ms. Early Requesting a copy of the email that Mr. Flory has.

Mr. Flory The district provided the information we included on the draft agenda, it did not make it to the final agenda. You had the information a week ago.

Mr. Barabani I would like to know who you spoke with, who you got the information from and the dates. I would like to know what time you got the information and from whom on both items and the item of Marie Arakaki included.

Ms. Early Moving on to item L.

- L. The commission will consider approving actions to open new classified recruitments at the requested of CSEA. A proposed motion is: It is moved that the commission direct the Personnel Commission Director to submit to the commission at the June 5, 2013 meeting request to approve revised classification specifications and a proposed examination plan with projected dates for the entire process to provide an eligibility list to for certification by September 4, 2013 as a first step in opening recruitment for the position of: 1. Campus Security Officer, 2. Education Assistant III/Spanish

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

Ms. Early Any discussion on the motion?

Mr. Barabani Madam chair you are correct, you said final.

Ms. Early As the first step for opening positions campus security.

Mr. Barabani I will second that.

Ms. Early Any discussion on the motion?

Mr. Flory Honorable chair members of the commission, there are two problems our staff supports and is over abundantly of all positions being open and filled. We have a problem with Ed Code 45276 which I read to you earlier. "The governing board should fix the duties of all positions as part of the classified service, you have as a second problem with your own criteria that you set up April 13th where you directed the personnel commission director and we went through this items and Mr. Barabani had a we provide you a copy in word those procedures on the Ed Code are not being followed.

Mr. Barabani Mr. Flory

Mr. Flory Yes sir.

Mr. Barabani The people and the classification and the CSEA are determine that they are working hard I gave you three positions, this are that they feel that needs to be filled. To take the load of them I think, you have all of May, don't come back here till June 5th you should be able to get something started, we can have approved.

Mr. Flory Honorable chair members of the commission nothing it's impossible to get something started. The process has to start with the district according to 45276.

Mr. Barabani See who you need to speak to the district

Mr. Salazar Hold on, hold on a minute!! First of all one commissioner does not order.

Mr. Barabani I am not ordering and second of all positions after 453 vacant positions I have been hearing about all this positions so this positions are critical I have been told that so why don't we decide to move forward and get this filled.

Mr. Salazar I just want to make sure the public knows that one commissioner does not run the commission.

Mr. Barabani I'm not running it I am asking to bring to the commission for vote.

Mr. Salazar You are asking who?

Mr. Barabani Mr. Flory.

Mr. Salazar Do we vote?

Mr. Barabani That is what I meant I am asking for the commission to vote.

Ms. Early Dr. Vollkommer.

Dr. Vollkommer I would fully support opening this recruitments form the district perspective and then where we have a system where CSEA, and the district, and members of the commission sit together and review job specs making changes we need to make. I am here so everybody knows we are on the same page, we would be glad to do this for these two positions.

Mr. Barabani Thank you and I think CSEA would find this very cooperative. They will be there to help you.

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

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries.

M. It is moved that the commission approve the minutes for November 14, 2012 as submitted.

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

Ms. Early Discussion on the motion, this are minutes for November 14th. Any corrections for the record? Minutes for November 14th. All in favor of approval of minutes signify with voting sign of aye.

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries

N. It is moved that the commission approve the minutes for December 12, 2012 as submitted.

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

Ms. Early Any discussion on the motion for December 12th. All in favor signifies with voting sign of aye.

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries.

O. It is moved that the commission approve the minutes for January 16, 2013 as submitted.

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

Ms. Early Any discussion on the motion? Page 78 of your packet, I called the commission meeting to order not commissioner Barabani so on the first line on A strike Barabani and insert Early. Under roll call items 1 and 2 can you just switch my name and commissioner Barabani name, strike Gino Barabani and insert Rhonda Early, commission chair and strike Rhonda early and insert Gino Barabani for Vice Chair.

On page 83, 6th items up we can strike *we have heard the* and then on page 85, 6 lines under where it says Ms. Early strike the last word at that lines agendas and *insert commissioners*, so it should read *go out to all seated commissioners not agendas*. On page 9, nine paragraphs up where it says it's the 4th line on that paragraph, strike graph and *insert draft*, we see the draft format.

On page 26 its 106 of this agenda, the first paragraph where it says Mr. Salazar strike modify and insert *ratify* so it should read *I like to move that we ratify action item IV. A*, same correction on the next page 104 under the agenda under Mr. Salazar is the first paragraph of Mr. Salazar. I like to move that the commission strike modify and insert ratify. On page 105, the 4th paragraph from Mr. Barabani strike exams and insert *exam*, so it should read but we did not reopen the exam. On page 106, first paragraph under Mr. Salazar strike advert and *insert adverse* so it should be *adverse impact*. On page 112, second paragraph from the bottom strike alter and insert *offer*, so it would read offer an alternate motion but different would be fine if that is what is stated. Any other discussion on the motion? Any other corrections? All in favor of the motion to approve minutes for January 16, 2013 with grammatical corrections signify with a voting sign of aye.

Mr. Salazar Aye.

Mr. Barabani Aye.

Ms. Early Aye.

Mr. Flory Madam chair just point of order you skipped November 7th it was sent on draft to you and I don't believe it did not made it on this agenda.

Ms. Early Sorry for that error, well minutes for November 7th for our next meeting and then can we add the subsequent meetings to bring us up to date?

Nersi Garcia Yes.

Ms. Early Thank you. Motion carries.

V. COMMISSIONER'S AND DIRECTOR'S COMMENTS:

Mr. Barabani: One of the reasons I asked for the column earlier is a year ago we were closing recruitments and the time it was certified on the list we were doing that about 32 days and now its averaging about 95 days that is 3 times more, we need to see some improvement on that. We had some discussion today about this positions one of the positions is the environmental officer, originally it does not seem to be any work been done between you and the district to get us a revised classification speciation for that position. We heard for over a year I don't know if it is becoming an excuse to appoint an out of class, I don't know the status regards to the district regarding this matter, it must be reason, I have a court order. There should be a reason; someone is putting a position for year after year. It's kind of hitch 22 situation it's very convenient the district places them wherever they wanted to the position because they don't want to modify a recruitment bulletin.

In the mean time they are filling with violation of Ed Code. And as a personnel commissioner I like to have some more concern on that. On one point it would have been an excuse to place someone in position year after year. To qualify for they never get an opportunity to fill that position to move up. It becomes I feel I have become *inaudible* just to keep that position they should not have any problem. So we need you to start looking into how we can start these appointments. And we need that from 32 days to 95 days that is not helping the contract you are getting in the eligibility list done, that is three times more than we are doing before. We are contracting workers and not classified positions. Not met some deadlines and that is not very good and two other items that we wanted to I might of not got this so, we as a commissioners move this on the position for food worker trainee I asked to be merged and notified by email. Did I not get that? This is it? Ok, thank you. This has been given over to the district so they can begin to hire? I think one of the other things we wanted to discuss updated invoices I did not see that.

Mr. Flory: Yes. I did not see it on your agenda.

Mr. Barabani: Was it on yours.

Mr. Flory: On the top of my head everything has been paid except the last two invoices one is for depositions and one is for court reporter.

Mr. Barabani: Were those 30 days ago.

Mr. Flory: I think they just came in today.

Mr. Salazar: First of all I like to thank everyone for coming in; I know a lot of you left. I understand it is a commitment of your time. You don't have to be here, there are other things you can be doing. I like to keep my comments positive; I thought we did some good work this evening, the commission I am not saying that to take credit. I'm saying that because that is all the work that you do that helps us to do, but there are rules and compliance and things that we want to do to get the best employees hired for our children. But since I have been here

tonight's is at or equal to some of the best work that I think we have done and I hope that we again, thank you all for being here.

Mr. Flory: I like to thank commission staff for doing an excellent job.

Ms. Early: Thank you. Next agenda item, moving on to close session, I like to pull conference with legal counsel Kristine Kwong I don't see her. The commission adjourned to closed session at take a five minute break adjourned at 7:45 p.m.

VI. CLOSED SESSION

The commission adjourned into closed session at 7:45 p.m. for:

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

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

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

Title: Personnel Commission Director (Limited Term 45286)

The commission reconvened into open session at 8:43 p.m. with no action taken.

VII. ADJOURNMENT

The commission adjourned the meeting at 8:43 p.m.