

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

**MINUTES**

August 7, 2013

**I. CALL TO ORDER**

A. The meeting was called to order at 5:34 p.m. by Commissioner Barabani.

B. Roll-Call

1. Commissioner Rhonda Early, Chair
2. Commissioner Gino Barabani, Vice-Chair
3. Commissioner Michael Salazar, Member-Absent
4. Abe Flory, Personnel Commission Director

C. Pledge of Allegiance

**II. APPROVAL OF AGENDA**

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

Ms. Early                      Do we have a revised classification specification for Athletic Equipment Attendant?

Mr. Flory                      Madam Chair there are some issues that one of the staff members had been working on the difference requirements and each school. She is attempting to work that out so she can get input. It's like having four separate selective or four different classifications. And she is having problems getting everybody together so, no we do not have a revised classification for Athletic Equipment Attendant.

Ms. Early                      Do we have an eligibility list for custodian 1?

Mr. Flory                      No we do not.

Ms. Early                      I recommend that we pull action item A and B from tonight's agenda.

Mr. Barabani                      I will second that

Ms. Early                      All in favor of the motion to approve tonight's agenda with the exception of action item A & B signify with a voting sign of aye. Moving on to item III public comments.

### **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 For the record can you please identify yourself, thank you.

Stella Madrigal,  
Classified  
Employee

My name is Stella Madrigal and I am custodian for the Board of Education. I was looking at tonight's agenda and I am really disappointed and I want to tell you why. We have funding for all kinds of positions to be filled and there are over 400 positions that should be filled. We have the money yet they are not getting filled it's like we have 1 or 2 positions filled and then we take two to three steps back and then we don't have anything again. Like tonight's agenda we don't have anything of any future positions. And we have some positions here that have not been filled since 2005. Now I don't understand why this is going on when we have the money now, and you have the power. The schools need help; we are all here for the children. The schools need help; they are running ragged over there, people at M& O and everyone. We have to do all kinds of work and it's not necessary when we have vacancies. I just ask that you please consider that, because the way we are going is not acceptable anymore. And I am considering going to fellow coworkers all of the union members and maybe asking them to consider maybe having personnel commission to not exist within the school district. I don't want to do that so I plead with you and I am asking you to please fill these positions. Like I said since 2005 we have positions that have not been filled. So at this time I just asked that you please consider that and meanwhile I am going to do my part and get a consensus, and see how my coworkers feel about this. Hopefully we will see change that we don't have to do this. Because I really would not want to remove personnel commission but sometimes I feel like we don't have another choice. Thank you.

Ms. Early Thank you.

Mike Dominguez,  
Director for  
Special  
Education for  
SBCUSD

I would like to respectfully ask that the job description for Instructional Tutor Aurally Handicapped be changed. We are under the direction by California Department of Education to change the language and the job description and it has been some time since they ask us to do that. So now the district is facing sanctions and a possible lawsuit by the California Department of Education. The language that needs to be taking out refers to interpreting services. Instructions tutors are not allowed to do that for instructional services. So there are two lines that we have to take out.

Ms. Early	Thank you.
Mr. Barabani	Can you send that in writing to the staff?
Mike Dominguez, Director for Special Education for SBCUSD	Yes sir.
Mr. Barabani	Thank you, can you copy each commissioner if you don't mind. Thank you.
Mike Dominguez, Director for Special Education for SBCUSD	Yes sir.
Ms. Early	Thank you
Ed Norton, Director for Maintenance & Operations Department	<p>I am Ed Norton, Director of Maintenance &amp; Operations, I would like to literate on hearing the same concerns on the tremendous amount of vacancies that exist. Not only is it important to the district but it is also important to the local community. There are economic difficult times; there is a lot of people that they can use a job. People may be forced to give up their all, give up their car; relocate because they can't find employment when we have 500 jobs that are vacant. I would like to extend my appreciation to the commission for those positions that have been advertised and I am working with personnel commission on job descriptions for Air Condition Mechanic and Electrician and Lead Electrician and so forth and I am glad that things are moving on. It's not moving fast enough but at least we are making some progress, so I appreciate that.</p> <p>One of the main reasons I came tonight is it looks like you took it out of the agenda is custodian I position. I am not sure why you took it out of the agenda but my understanding is because you want to have a second portion of the test, it's a verbal part qualification test is that correct? Every position in the district has its qualification obviously the more complex the test is. Every position in the district whether is custodian I or Nutrition Food Services or Director or Superintended is important to overall know the ability for us to carry on our sportsmanship for the education process. A good Custodian is on their way to the next level, ok, but it is an entry level. And so the real requirement should be a written test to identify that they have some basic knowledge for cleaning and really more importantly that they can read and write in English. Of course, they have to have the equivalent of GED, but it is an entry position. Custodian I position comes to the district goes through a training program by maintenance and operations so from my standpoint as a Director and I'm sure administrators feel the same way is a written test is proficient I don't think you are going to gain anything through an oral test that can be</p>

accomplished through the interview process. So I don't think you should be holding this up. I don't recall any verbal test for custodian I entry position. Again we provide the training it's a basic entry skill level position, a lot of other custodians come in as a custodian and after a few years they become grounds worker but it is a basic entry level. A person who is a graduate from high school, GED or Adult Ed takes time to train them during probationary period and you end up with satisfactory performing custodian. I think there is two parts you need to understand on the open vacancies one of the important things that has not been filled for the last several years is substitute custodial list. Every time the site has a vacancy they put the position in the Smart find, the problem is there is a nonexistent sub list such an inadequate number that they can't fill the positions to monitor the school and they end up with one night custodian that have to do carpets where there is not enough time to vacuum and take out trashes. So you get double job duties. The need for custodians is not to fill vacant position but also to establish vacant substitute list and you really have to have 200 names on that list. Believe it or not any time we had less than 120 we have vacancies that exceed even that capability of the night stand which is 18 people to do emergency log of school sites that can't fill positions. And so its double head here between filling the vacancy list and establishing a sub list. Those sub list you find that they have other skills as sub custodial or pool and cabinets. So at any given time you will need 60 or 70 custodians at any given day as substitutes. It's a tremendous impact and the other things are again it's another opportunity for the local community to pay their bills, support their families. You are not only hurting the district you are hurting the community. So I consider myself to be fairly qualified in these areas. I don't need to have an oral promotion of the test for qualification for an entry level of custodian I, just give them a good written test, it's not a take home test so that they show that they can understand and read, and write English and have proper license certificate, driver license, GED, and high school diploma and the rest will take care of itself Ok. Thank you very much.

Ms. Early Thank you.

Mr. Barabani I have a question the list of custodian came out of commission a year ago, were they qualified did you feel you got a good list a year ago?

Mr. Norton As far as a selection of names for the positions?

Mr. Barabani Well the candidates that showed up for interviews.

Mr. Norton I did not show up for interviews.

Mr. Barabani You did not do the interviews?

Cheryl Garcia, Manager of Operations for M&O did not participate last year.

M&O

Mr. Norton

Well, I would have to give you call, yes I haven't heard any complaints from sites that got the position filled. The other thing is the times its long term subs and being selected from the permanent position once given an opportunity to pass and establish to read and write the English language. And we often find 99% at the time at the sub custodian are best performing custodians because they know that they can be here today and gone tomorrow. They also become the best strongest candidates on the list for permanent higher positions. I give you a qualified statement that says yes I haven't received any complaints in the last year other than the normal average one or two complaints here and there where we have to go to the administrator to figure out what is going on with the performance.

Mr. Barabani

Last year we gave the same test. One of the reasons we wanted to give it again is because we thought it work so well because we had not heard any complaints and we wanted to speed up the procedure so we would not have to change anything. So we did have an oral and written interview and we processed a lot of people that way. We used the standard that was devised by PHD and what happened was we said to go ahead and attempt to use that and then we flew that when we flew the position we said it was going to be a two part test. I believe it was 250 people showed up.

Mr. Norton

Last year?

Mr. Barabani

No for this year.

Mr. Norton

How many people got hired out of that list?

Mr. Barabani

None so far because we did not get the second part. Once we process the test and give you the list it's up to you to pull names. We give you the top three candidates and you pull from them. The personnel Commission does not do any of the hiring.

Mr. Norton

I have not seen the list in my opinion you need to speed up the process and if you have two parts of the process where you have to schedule writing and follow up with an oral testing that is extremely timely process for an entry level position. I think that you are defeating the purpose and the purpose to get qualified entry level position for custodian I, and I agree with oral test for sophisticated trade's hands on proficiency test but this is an entry level position. It's important to get the right folks and if you can read and write and understand English we can train them it's a one day training that is it.

Mr. Barabani

Some of the test can't differentiate and you are going to have personnel skills and communicate with the staff.

Mr. Norton

Part of the interview is for that.

Mr. Barabani

Once again we thought the testing would be done today.

Mr. Norton

It's too time consuming I would suggest shorting the process

to fill the vacancy position, we need a significant quality of sub custodian from the sub list and all I can tell is a number of people that we have to train from last year is different test.

- Mr. Barabani The test was valid because we extended it a while back.
- Mr. Norton Your intention is trying to get the best candidate and I am suggesting is basic entry level position but the training process is more than adequate to show someone how to clean, mop and pretty much basic stuff hopefully at home you learned some of that. I know I did. What I'm suggesting is at this level you are taking too much time to establish the sub list. In my opinion is equally as important to fill in permanent position. Las year we had 40 vacancies.
- Mr. Barabani You had a list last year; you could have called them and asked them to work.
- Mr. Norton I can't do that.
- Mr. Barabani Well you can call HR and get the list from them; I know a list existed because we extended it and still have a bunch of names, why you can't call them.
- Mr. Norton The only part that I'm aware of and the purpose of the meeting that you have control of is testing procedure cut that down of written test the other part I can't respond. To me what I'm asking to speed up the testing process for basic entry level position. I don't think it's necessary to have an oral panel testing.
- Mr. Barabani But that is how we flew the position.
- Mr. Norton I understand I would appreciate it we are hurting through the district.
- Mr. Barabani All right.
- Mr. Norton Thank you.
- Gladys Byrd,  
Interim Classified  
Director My name is Gladys Byrd for classified human resources department, regarding the custodian eligibility list from last year it was pulled all the positions for custodian were built at one time, during the past couple of months we got more. The list was only extended for short periods of times, so with that list that we had that was creatively done it was pulled, people were not interested in being subs. What Mr. Flory said maybe with that new list we would have some people interested being subs and recruitment can be recruiting for subs only as well then maybe people can be interested on subs but the people on the list were interested in permanent jobs.
- Cheryl Garcia,  
Manager for  
Operations for  
Maintenance &  
Operations  
Department My name is Cheryl Garcia, manager of operations for M&O; I don't really know the entire process but correct me if I'm wrong. But I think part of the concern is the list that you have are employees that are 9,10 and 11 months and, yes they want to sub during the breaks but we need subs during school session. I have the principal's calling me every day, I don't have a custodian, what do I do. How do I take out the trash?

How do I clean the water fountain? How do I put the flag down? Because we can't support that that so, and I don't know who is in charge of that, and again if we can consider if there only 9, 10 or 11 month employees and they are only available during the breaks well we don't need the help during the breaks we need the help when school is in session, ok.

Harold  
Vollkommer,  
Deputy  
Superintendent

Good evening commissioners Harold Vollkommer I promised I am not going to talk about custodians. I just want to bring to your attention some information that I received from Dr. Mitchel, Assistant Superintendent for Student Services. I gave you copy from the agency that looks over our child development program which includes the child development and preschool within the laws related to this programs. We have to keep a certain ratio of students to adults. When we do not have that ratio we are found to be out of compliance. So, we were found to be out of compliance several times during the 2013/2014 school year. And they have told us that they have put us in probation. This is a six million dollar program that funds both our preschools which I think we have 28 schools and child development center which, we have in different places so what I'm asking for and just kind of giving you heads up, we are going to focus, basically it comes down to 10 bilingual instructional aides positions and 1 instructional aide position. So if we can get those filled and on board then we will be able to meet those ratios consistently. We never know when they are going to come in its mostly surprised visits. So really I just wanted to give you heads up we haven't received the letter as yet. We should get that letter in two weeks or three weeks but, I will forward you a copy when I get it. But if you can assist us in getting that particular classification moving and we are ready to work with CSEA and get the job description done and that type of thing. If we can get that recruitment approved in September for the meeting in the personnel commission and then we will be well in our way to show some evidence that we can rectify this problem.

Mr. Barabani

We can also have and I'm speaking for the chair. Madam chair we can have an emergency meeting to approve that if we have to.

Dr. Vollkommer

Thank you Mr. Barabani I appreciate that very much it's not a death conflict at this point.

Mr. Barabani

We don't want to be there.

Dr. Vollkommer

I appreciate that you are willing to do an emergency meeting but we can get that done in September, get that recruitment open, once we get the background work done so we can get eligibility list quicker. If we use regular schedule meeting that would work out. Thank you very much and have a good evening.

Ms. Early

Thank you. Are there any other comments. Moving on tonight's agenda.

**IV. ACTION ITEMS**

~~A. The commission will consider approving the revised classification specification for Athletic Equipment Attendant~~

Ms. Early: Action Item IV.A has been pulled. Commission staff is still working on classification specification for athletic equipment.

~~B. The commission will consider ratifying the eligibility list for Custodian I~~

Ms. Early: Action item B has been pulled there was no eligibility list for Custodian I attached for the commission to ratify tonight.

C. It is moved that the commission approve the minutes for May 8, 2013 with corrections.

<u>Moved: Ms. Early</u>	<u>Seconded</u>	<u>Mr. Barabani</u>	<u>Salazar</u>	<u>Absent</u>
Vote: Barabani	Aye	Early	Aye	
Ms. Early	I move that we approve the minutes from May 8 <sup>th</sup> with corrections. Any discussion? There was aside from grammatical correction on page 3 under public comments			
Mr. Barabani	Is that page 8 of 30 of the package?			
Ms. Early	Its page 8 of 30 of the package. Its page 3 of the minutes after public comments it says commissioner Barabani I second the motion. I didn't see the motion reported. So that needs to be inserted in the minutes. The way its written now is we are open for public comments no comments from the public section it may be only made at this time that kind is worded funny. The next item says commissioner Barabani seconded and I second the motion, so there is something missing in the minutes on that page, so I'm asking for something to be revisited and reinserted.			
Mr. Barabani	It appears to be the same stuff in the front page on comments the whole statement comments that is what is missing.			
Ms. Early	Ok. And the motion is missing. That is the only content change that I noted. Anything else Mr. Barabani?			
Mr. Barabani	No.			
Ms. Early	No further discussion. All in favor of the motion signify with the voting sign of aye.			
Mr. Barabani	Aye.			
Ms. Early	Aye. Motion carries.			



D. It is moved that the commission approve the minutes for May 16, 2013 with corrections.

<u>Moved: Ms. Early</u>	<u>Seconded</u>	<u>Mr. Barabani</u>		
Vote: Barabani	Aye	Early	Aye	Salazar Absent
Ms. Early	Any discussion on the motion?			
Mr. Barabani	No.			
Ms. Early	All in favor signify with a voting sign of aye.			
Mr. Barabani	Aye.			
Ms. Early	Aye. Motion carries.			

**V. COMMISSIONER’S AND DIRECTOR’S COMMENTS**

No comments.

**VI. CLOSED SESSION**

The commission adjourned into closed session at 6:04 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 183, v. San Bernardino City Unified School District: Governing 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

The commission reconvened into open session at 6:30 p.m. and announced the following action taken in closed session:

**VII. ADJOURNMENT**

The commission adjourned the meeting at 6:30 p.m.

