

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

**MINUTES**

February 6, 2013

**I. CALL TO ORDER**

- A. The meeting was called to order at 5:33 p.m. by Commissioner Early.
- B. Roll-Call
  - 1. Commissioner Rhonda Early, Chair
  - 2. Commissioner Gino Barabani, Vice-Chair—came in 5:38 p.m.
  - 3. Commissioner Michael Salazar, Member
  - 4. Abe Flory, Personnel Commission Director- Absent
  - 5. Nersidalia Garcia, Secretary III
- 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>
Ms. Early	<u>Next agenda item approval of tonight's agenda.</u>		
Mr. Salazar	I like to approve tonight's agenda.		
Ms. Early	I second. Call for the motion. All in favor signify with a voting sign of aye.		
Mr. Salazar	Aye.		
Ms. Early	Any discussion? Motion carries.		

**III. PUBLIC COMMENTS**

- NOTE:**
- Comments from the public on any item that is not on the agenda but is under the subject matter jurisdiction of the commission may only be made at this time.
  - Comments from the public on any agenda item may only be made at this time.
  - Public comment during the commission's discussion of an agenda item will not be permitted.

Ms. Early                      Now we are open for comments from the public. If you like to comment we ask that you come to the front to assist the recording for tonight's meeting.

Terry Young,  
Substitute  
Employee                      Good evening, I am Terry Young, I am currently working in M&O with prior equipment and alarms and stuff like that. I am here because I applied for Environmental Compliance Safety Officer position. I understand that you have someone working there who is not qualified right now to do the position. I did do the position for three years at my previous job. I also

have the degree required for that position and, just in the time that I have been here I have seen numerous things that are not in compliance with OSHA standards. This range from clutter electrical rooms where you can't get to the breaker, don't have space required to go around and get to the breakers. We have breakers that are not put in lock position for fire alarm systems and people going in turn them off so half the school not working for the fire alarms. I found bottle desks being moved by a female with no cap on the top of it. It was pressurized so there was no standardized for it, illegally transported to the school in back of the pick-up truck without being tied down. It was not secured it was leaning at a 45 degree angle up against the cabinet which means we can roll off on either side if somebody touched it. It didn't have the safety top on top that means you break off the top and you can it would be like a nice little can it can go off. Cables, electronics devices I have seen contractors working on cutting cables during school time, inactive for fire alarms systems and, they don't go back to the panels and, fuse those out so they won't keep popping as errors so panels that we work on t are improper and it doesn't meet the specs.

Equipment being used, electronics not calibrated. If you use a multi meter and you want to check it for voltage you want to make sure it is reading correctly. If not it can result in bodily damage and as far as I seen none of them that I have seen have any stickers on for calibration which is required. I can go on. I have seen so many things wrong that need to be worked on and I have ideas of how to go up there. I don't know how you have the safety set up with this tool for meetings for safety meetings that is teamed within the school. They should have one of the janitors working on evenings that should be in a safety team on with the teacher and a secretary so to get the word out to check these places and make sure they are safe. Water leakage to be safe. It's a major problem that you have here. You need to have somebody in there to get these things out to get descent hazard to you which happens a lot. I just want to make my little spill. I would be more than happy to work out of that position even in that same pay because you guys are in entire need of help. You need to get somebody out there now. That is pretty much what I wanted to say.

Gladys Byrd,  
Interim Director  
for Classified  
Human  
Resources

Good afternoon my name is Gladys Byrd and, I just want to make a few comments regarding the requirements of the High School Diploma. The district and CSEA has requested High school diploma for cafeteria worker and High School diploma for custodian. Which some commissioners voted not to have on it and they refer to Duke VS Greeks in that situation. I pulled up the supreme court decision regarding Duke VS Greek and, I am sure you are aware of some of this circumstances it was not necessary that they have to have a high school it was of lapse of the company they only aloud to be hire in its labors. Hire classifications were typically given to

rights and during that time in the south the education system for blacks was a lot different than it was whites. The decision did not say that companies could not say that a person had to have a high school diploma. The decision said also that the test had to be related to the job. In the case of Duke Power the test wasn't related to the job. So I would like the commission to know, we are education institution and when you approve a job to put that in consideration. Now as I look at it if we have a cafeteria worker or custodians that come in to this district and they don't have a high school diploma, we stop them they can't promote. Maybe a cafeteria worker because they work less hours and can go back to school. But a custodian that works hard when they get off work, I know I am tired and I don't do that kind of manual of work. So that should be considered. The other thing about that aspect was some people don't have high school diplomas. Our job flyers on the job specs would say high school diploma, GED or equivalent. A person that may have disability may not have a high school diploma or a GED but they may have equivalent completion form so that would be accepted. I do know that the personnel commission and the district need to test applicants with disabilities. I remember one time an applicant was applying for a job that was blind. We made special accommodations for that young man to be tested. And I think that is still a practice that both the commission and the district will use. Thank you

Ms. Early

Are there any other comments?

Liz Madera,  
Classified  
Employee

My name is Liz Madera, classified employee I just have a quick comment it's actually an addition to the last meeting. According to the classified personnel report for January 22<sup>nd</sup> 2013 the custodian I that was in questioning the hearing report back in March is now back working out of class as a custodian utility technician in nutrition services for like 3 months. And there may be some circumstances for it but I wanted to bring it to your attention. Thank you.

Debbie Spears,  
Coordinator for  
Special Services

My name is Debbie Spears, Coordinator with Secondary Special Education, and I am here to note some corrections that probably need to be made. On page 9 in your packet. Regarding Instructional Tutor Aurally Handicapped. One of the first things we had to address within this job description was taking out the piece that states American sign language or English, exacting English would be used as interpreting service under the Aurally Handicapped Instructional Tutor position. So I see some areas that were not stricken from the previous one. I wanted to note them that it should be changed at this time. Under job summary on top of the page, where it states to provide interpreting services and American sign language and signing exact English it should be stricken out. At the bottom of the page under employment standards, knowledge, skills, abilities, and other characteristics and the last two bullets where it says using signing exacting English

the words *to translate* and *interpreting* should be stricken. And the last bullet the same words under using American sign language to translate and interpret should be stricken. And then again turning over to page 10 on the back side, under experience and education and training, the very first line at the very end where it says to inform and translate those words should be stricken. We need these changes to accommodate the requested change to make the definition and interpretation between an educational interpreter who would interpret and contrast to a tutor who would use their skills just to communicate with students while assisting teachers in the classrooms.

Ms. Early

Are there any other comments?

Jason Terkeurst,  
Labor Relations  
Representative

Good evening my name is Jason Terkeurst; I am a labor representative for CSEA Classified Employees. And speaking of the proposed changes to these two classifications job descriptions that are on your agendas tonight. I just want to put you on notice that all of this changes that are proposed on here are negotiable and they have not been negotiated with CSEA. While I'm not sure if CSEA would have any opposition to these changes, it's still a requirement to the district to negotiate any changes in job description or in salary with the union before making those changes. Both of this job descriptions have changes to this one of the job description includes a change in the salary schedule for that position so and yet those have not been brought to the union. Thank you.

Patrick Maher

My name is Patrick Maher, I continue to be amazed that Human Resource people from the district continually try to implement the high school diploma for certain jobs that are not job related. As was quoted the Duke VS Greek company decision they say that all kind criteria must be job related and the California Education Code requirement requires that all requirements are job related. Testing under EOC guidelines and under the professional personnel practice include such things as the high school diploma or lack of or education requirements and other minimum educational training requirements, experiment requirements all those are consider a test. And all those must be job related.

In order to show that something is job related there is a process you go through, you take each of the job duties as to whether or not they are essential to performing that job, if you don't perform that job that job can't be performed right and there is a critical affect upon the district. For example, custodians don't maintain the restroom in a clean manner that has an adverse impact on students and the cleanliness and the ability to use the restrooms and so on. That is essentially job related that is done for every single duty. Once you establish through a process called job analysis which this district have not done for years, once you go through a process of job analysis that is shown to be in the essential job function then the next step is to go by and link each case each

knowledge, skill or ability with essential job duties. And the idea being that you cannot possess that particular qualification, that particular element you can't successfully reform that job duty. So you got to be able to establish for example that keeping those clean requires a high school diploma in order to have a high school diploma being job related. So every single duty as long it links to this one essential duty then you can claim that job is job related. You can't show by a demonstrated purpose that any duty of a custodian requires a high school diploma to successfully perform them. Because many people without high school diploma successfully perform them. You can't be showing to be therefore is not job related and therefore it can't be used. Other arguments why they can't promote upwards or this is the education that they can use those are philosophical that is why it must be nice to have one but they don't reach that legal threshold of being job related. It continued argument is never about how it is job related. You got to job analysis and there is a whole bunch of ways of doing it. You got what is called me and the independent ratings and you calculate the ratings and then you find out that something is essential for the job to perform it.

On the second note Dr. Vollkommer gave you a report from 2003 to 2004 it refer to the 212 recruitment bulletins that were issued in that period of time. My understanding is his intent of the message was looked at what it can be done. If the people want to do the work. He also has come forward to you on the number of occasions and has suggested to you that certain things on the agenda are not necessarily accurate at least from his prospective and that you should be more accurate in your process and that is true you should be accurate, but more importantly when he is representing the district they should be more accurate on what they are providing to you. Giving you a report that shows 212 recruitments without revealing to you the full course of scope of what they means is also misleading. For example, they show 212 recruitments but only 177 eligibility list 17 % of their recruitments did not result of the eligibility list I never heard of the personnel department that conducts that number of recruitments that does not give you a list to hire from. That is a waste of time, you are failing efficiency, and something is going on and that kind of the thing. So it is not really 212 recruitments that are important it is 177. Let's look further than that, there were 3 promotional only examinations or recruitments but four lists. How do you get four lists from 3 recruitments if you are following the law and doing? Was there a list that was created that did not have recruitment? What happened? This whole thing is a spec and right there of the law the other problem is they don't tell you a lot of the background this would be done not by the personnel commission but by human resources dept. who have more staff total number of staff devoted to conduct the examinations then the

commission have total staff. So they have a lot more staff to conduct these examinations. Many of them were invalid illegal in fact they fired the personnel director in 2007 because he refused he finally refused to stop signing off of examinations being conducted by the district because he cannot certify and did not have the evidence in his mind to certify that the examination and the list that were generated were full accord with the law in the rules of the commission. So they fired him for not certifying because they want him to exemplify them whether or not he thought that there were illegal or not. The computers of two different directors who didn't go along on the list of hiring and denied computer access because they didn't what the district wanted them to do because they were personnel directors trying to act in an unlawful manner. That was not told to you. I have had a chance, I didn't look at the list but I had a chance to get about a dozen prior recruitments done in the human resources dept. I have yet to find a single one of those 12 that are looked at that it was important with the law and or the rules in our professional rules standards. Some downright upright illegal. So if you want 2777 illegal list or 50 illegal lists or 20 illegal lists you can probably do a lot better but not if you follow the rules procedures, many of this list only have a dozen people on it. So why do you get only a dozen people if you get a recruitment that they have for 10 business days instead of the 15 10 working days calendar days instead of the 15 business days yea you can do a lot more recruitment if you shorten the time period of violation of the law. You can do a lot more. So when you give this numbers out you got to look at that you have to understand what is going on and what is going on now is the commission is trying to because legal system instead of an illegal system.

Gladys Byrd,  
Interim Director  
for Classified  
Human  
Resources

Carl Greenwood,  
CSEA  
Representative

Just a point of clarification is not speaking for the district I was speaking for myself, thank you.

Carl Greenwood CSEA once again we are here to do more work. I met with the president earlier this week. Last meeting you guys said you needed you need them right away. The district has offered to help you and give you all the services you need to get things ready and understand them better be able to read and catch up. The biggest problem last meeting I believe it was done, a large portion was done once the staff had got it done, you changed it. It's just another tactic. It needs to stop, this is the last time that we are going to sit up here and say this without action. Gino you work for this classified employee we expect you to get along with the district we expect you to follow the rules and regulations and follow you are to do what classified members want and that is jobs and make things flow more easily but not only us but for the staff here that works for you.

2. We are an institute of education. What is that saying for

everyone that is ok not to have a high school diploma, I don't care what job that should be the bare minimum requirement to work for this district and you want to talk about custodians. If custodians can't read they are going to mix chemicals, create a cloud and they will kill each other. I have been there, I pulled people out of bathrooms mixing bleach with pc30 I have worked with people who don't know the English, who don't know how to speak English. I worked with people who can't read and write. That is because we are lowering our standards. And we lower our standards we are going to have more injuries, we are going to have more people hurt, and it's going to cost our district more litigation. God forbid somebody passes away; we are really in trouble so they say it's ok not to have a high school diploma for any of our jobs. In the kitchen if they don't have a high school diploma and they don't know what is going on they are going to poison our kids. I don't understand where you are going with this Pat? I just don't, you may have wrong personal views but I am looking at it as a citizen here and as a tax payer, as an employee and someone who cares about this district.

You know we have a lot of training that we go through but, if you can't read and write if you look at something, I had people tell me I need 4 gallons of beach, "you mean bleach?", you can't even spell it. This are some of the people that we have here that are working, we need classified who can read, write and understand. This is our last time we are going to come up here the personnel commission works but we need personnel commissioners who are going to do the work. Who are going to get along this is our last time we are coming here, we will put a new commissioner and we will start all over. Thank you.

Ms. Early

Are there any other public comments?

Ed Norton,  
Director of  
Maintenance &  
Operation

Good evening I am Ed Norton, Director of Maintenance and Operation. I was not planning on speaking but, after I heard this quackery on why things should be on the way they are from the individual you got up here. As an example, I don't know what that person's credentials are. But a custodian today as an example it's not just somebody that takes a mop and slopes the water on the floor and picks up trash after students. They have to work on things those bio hazards, blood pathogens, what it means to have protective equipment; they need to know how to use it. It used to be called the material, safety data sheets it's now changed to safety data sheets. They have to read complex instruction mixed chemicals that they are using the proper cleaning chemicals so that when they have the blood pathogen they are not going to spread it to use it themselves other students and staff at the school. The only way you are going to be able to determine if somebody has the basic ability for English and mathematics and at least a high school level to me means anything from high school 9<sup>th</sup> grade on. Do you have a high school diploma or equivalency of the high school diploma? So based on that

along those remarks were completely false by the individual makes the rest of the comments suspects as far as I am concerned. Thank you.

Ms. Early

Any other comments?

Charles Arroyo,  
President CSEA

Commissioners, my name are Charles Arroyo, President of CSEA. Here we are once again a month later and I don't see a lot of change. You know I came here last month and I asked you if you can please get along. Mr. Barabani you are appointing by CSEA. I gave you a message that you know exactly what classified employees want. We met about it and yet I see the same bickering. You know you guys are basically destroying the classified employment. I mean do you guys like your job? Do you enjoy working here? Do you enjoy doing this because the message I am getting from the classified employees is to get rid of you all together. They are going to start petitioning to CSEA which, I am the President and I can get rid of this commission. I mean I would think that you guys do this because you enjoy doing this. You know I know that when I enjoy doing things I get pleasure out of it and I want to do it. I mean what is your purpose? I believe you lost focus as to why you are here. As far as I am concerned you guys are here for one reason that is to hire classified employees. The classified employees have 390 vacancies ok, what can you guys do for us? And I realize there is all this legal stuff that has to be taking care of and has to be done correctly. However, can you guys just get along and communicate with each other?

Then we have Mr. Maher where ever he is coming up with these silly things that we don't need a high school diploma? Come on you want people in the kitchen cooking, using ovens and different things and reading instructions, food has to be prepared correctly you have to know how to read numbers and there is temperatures. You want them working in the kitchen with no knowledge at all. Some people can't even speak English and you want to hire those you know come on what is the matter with you guys? Seriously, what are you guys thinking? I would like to know. This is an education institution; we promote education, not drop outs. It's time you wake up and start doing your job correctly. If that petition comes to me and I get enough signatures I am going to push it. So, like I said either you guys do your job and do it correctly and serve this classified people as they should be, this people are getting injured because they are overworked there's out of class, there is people out of class who have been working for ever. People would like to work in those positions permanently, correctly. Contracting out, subs doing our jobs, volunteers, and gain programs. Why can't we put people to work that want to work. Why can't we hire more classified, why can't we fill those positions, those problems will never go away until you guys either get it together and/or do what you suppose to do. I realize there are things that need to be taking



care of. But let's put our heads together and take care of it as one as a team like I told you last time, instead of individuals. This is really crazy it really is. But if the classified employees beat you to it and if they bring the petition with enough signatures I am going to push it to get rid of this commission or commissioners whatever it may be. So please I am asking you, please get it together and work together as a team and lets move forward. Thank you.

Carl Greenwood,  
CSEA  
Representative

Carl Greenwood CSEA once again, I believe in this commission. I do believe that if the commission all have the same goal in mind that you are not letting your egos and your attitudes and the little childish things that we have been seen for almost 36 months happened you can move along. There is nothing wrong with tabling this and saying we need a legal opinion, we are in litigation here then don't deal with that. Let's deal with getting some jobs in, lets deal with doing what we can do and I think that is what we are asking. We don't want anybody injured or we don't want to lose a lawsuit, we don't want that. If it's something that you feel you need to fight for it then fight for it. But that does not mean everything stops, it doesn't meant that you go after the district, or you go after someone else. You are here for one thing like Mr. Arroyo said you are here to get people hired. You are here to make sure that people that are hired are safe. And you are here to make sure that people who are hired and the people that do work for this district are safe enough to be around our kids. That is the key. If somebody can't read or write, I don't want him around my kid. What if my child needs something he can't produce it because he doesn't understand. Have you ever thought of that, he if that is the case let's get a police officer off the street, you don't need to have a post certificate you don't need to have a high school diploma let's send him with a gun and go out there and do it. And it's insulting to talk about classified people like we are nothing. And that is what you are saying we are so dumb, we are so stupid we don't need high school diploma and that is insulting for people especially one of the members who is a classified person who supposed to be advocating for us. It is insulting and like Mr. Norton said we come a long way, we have to know what happens during a lock down, teachers are not locking down, we are going out there facing the gunman that are trying to lock the schools down for our children. We are cutting off gas if it is a gas problem, we are the ones that are going on the danger every day, and we are the ones that are at campus at 4:30 a.m. at Hunt schools where there are homicides right across the street. Shaking the bones away waking them up so our kids can be safe so our staff members can come out and be safe it's that custodian that does not a diploma, thank you very much.

Ms. Early

Any other comments?

Terry Young,

I'm listening to stuff about the custodians and sounds to me as

Substitute  
Employee  
Ms. Early

if...

Can you state your name please?

Terry Young,  
Substitute  
Employee

Yes, Terry Young I have been listening to stuff about custodians not being able to do their job and stuff like this they have to be able to read those data sheets, that is a must. It sounds to me like the person you have in there didn't safe the job it's not done. He should be on top of those kinds of things, he should be having meetings. And making sure that they understand what they did and it doesn't sound like either he does not have the time or he isn't really interested in that job. So I think if you don't want to end up in court because of something this people do you need to have a safety person in there that knows these things and get out there and talk to those people. I worked with non-English speaking people saying there is ways to communicate with them if they have friends that do speak their language to translate for you. I worked some organizations where all they have is languages from every country in the world who have done the job. Sometimes you have to lay everything out by word exactly of what you need for them to do and the order that is done and give them a worksheet that you have to play with so they can do their job because a lot of them don't know how to do it. So you people you really open yourselves up if you don't have somebody that is qualified to do the job. Thank you.

Dr. Harold  
Vollkommer,  
Assistant  
Superintendent  
for Human  
Resources

Good evening commissioners Harold Vollkommer from Resources office, I wasn't going to speak tonight but I wanted to and I am sorry Mr. Maher left, I wanted to respond to what he said. First of all, my intent of sharing that report with you was absolutely was not to mislead you, it was not the intent of sharing the report with you at all. I appreciate his investigative work and how deep he looked into that. The point was that if we focus ourselves and we develop good system we can increase volume in terms of recruiting. I think we have done that to some degree. You heard me say repeatedly not every time I come here but many times the people hired since we started hiring however, many months ago that was each and every one of them has been hired consistently with the principles of merit. I have not heard you or disagree with you once. I have not heard any question about that and I am glad for that I am glad you agree because that is how it should be. By sharing that report I was not suggesting that we should go back to a system that wasn't legal at that time. Absolutely, the system should be legal, you have heard me say before I believe the merit system is a positive it's a way for protection for the district. So I wanted to clary that my intent of sharing that report with you was not to mislead you , was not to advocate for pie in the sky or let's say go to a system that is loosed and weak and illegal that is not at all, that does us no good. We want a system that is legal, we want a system that is fair, and we want a merit system. And I will say it again each and every person that has been hired, has been hired with the

principles of merit. My point was if we say if we focus our efforts and develop better systems we can get greater volume in the system. Thank you.

Ms. Early Any more comments. Seeing none next agenda item Action Item IV. A

**IV. ACTION ITEMS**

- A. The commission will discuss and take appropriate action concerning the submission by the Personnel Director delineating how the submitted proposed classification specifications for educational Interpreter III and Instructional Tutor –Aurally Handicapped were in full conformance with the law and California Department of Education Investigation Report Case S-0286-12/13.

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

Ms. Early Is there one who wants to speak to this item?

Mr. Barabani I would like to start off with some points on this. The investigation report the personnel commission director is not here today so maybe we can request that he submits in writing to review the class specs and improve them and before they are sent to the union and to the district so they can look at them over. There seems to be a lot of problems with the class specs. There is some incomplete work on it; they need to revise the class specs according with the department of education request. We dropped a major duty and then we changed all the associating job descriptions on other parts on this so that is related right with the duties and then we had person speak if we drop the translation duty how will this position help with the hearing impairment duties? Carl mentions he didn't want his kids working around here that can't speak we drop the part of interpretation, how is it going to impact the students on this position? The children need help who is going to communicate with them? It specifically asked us to take out to be able to interpret, I would state that would be a major factor in this position. And how we looked on how the job is significantly different? And then the backup material just wasn't enough there. It's kind of inaccurate and I like to make sure people speak but you did speak on that matter. I like to know why you want that taking out and you communicate with the kids and would and by doing that comply with the California education investigation?

Special Education Representative One of the issues that we have to comply with was making sure that the oral handicapped tutor position was not stating that they were using the language to interpret now we do require that they would still need to know the language to communicate. On the assistant support the students within the

classroom and the teacher. But the difference between the two is the educational interpreter when you are interpreting services are rendered interpreters directly what is being said when teacher is teaching in front of the classroom and the tutor is in a supportive position to a teacher. In talking about use of AS or sign language for respect we are talking about an order in terms of the orally handicapped to communicate with the student but not interpret of what is stated out front of what at the initial teaching.

- Mr. Barabani But isn't that what the state and the group said was a misinterpretation of the district where the part was your stating that.
- Spec Ed Representative The state was saying that under the tutor position they should not be interpreting that we needed somebody trained and licensed in the area of interpreting and that was why the interpretation position was reinstated. We have that position prior but we had not been able to get qualified people in that have that background of training and licensing.
- Mr. Barabani Did you communicate that to our Personnel Commission director? And stated Mr. Flory and so that way when we got that instructional tutor handicapped we can make corrections on this.
- Special Ed Representative So that is why when I came up prior to today I wanted to make those corrections
- Mr. Barabani Have you delegated the information to him?
- Special Ed Representative I have not done it personally and the one to communicate although we have had others in the office that has communicated the information so I couldn't speak to what exactly has been stated.
- Mr. Barabani Ok.
- Spec Thank you.
- Mr. Barabani Thank you.
- Ms. Early Any other comments on this topic?
- Mr. Salazar Yes my comments would be brief on this topic the only other thing that I have and I don't think this can be answer tonight was I'm sorry Jason I didn't get your last name?
- Jason Terquist Terquist.
- Mr. Salazar Ok. Mr. Terquist for this position for interpreter and the salary range so I just wanted to make sure that I understood that. I understand that concern I just wanted to let you know that I understand that concern and looking at this distinguished characteristic I was talking about the salary and I don't want to get in any negotiating with CSEA about anything because that is not my job. But I noticed that the range is up versus down so in my mind that is a good thing I understand again, I don't

want to get in the middle of anything but it's a good thing but with that in mind even though that I am mindful of that and with what Debbie has told us this evening. I would like to move forward on this with those items that she was talking about earlier that had been stricken because this is not to translate we had the page before specifically interpreter who interprets so I don't know if this is just simply a time for a discussion or motion or where we go from here? But madam chair I would like to move forward with this particular item I don't know if we turn it into an action item or not or if we can vote on them with those changes. And get the input from csea on the salary.

- Ms. Early So my understanding is that CSEA had no input as far as was specifically talking about this one item. I thought I heard correctly that all of them are agendaize before labor relations for them to review. We did note the recommendation changes from Debbie Spiritute but we still need to get the input from the director and we need to make sure that the changes have been so I when you say move forward can you put that in motion for so we can vote up or down? I am not sure what your recommendation is.
- Mr. Salazar I move that we get these two positions Educational Interpreter III and instructional tutor aurally handicapped job summaries to CSEA for their sign off on it and the job specs back to us at our next meeting or a special meeting to get this moving forward. That is my motion.
- Mr. Barabani I will second that.
- Ms. Early We have a motion to this would be in action item for them to provide to CSEA for job specification receive input and to review recommendation changes from Debbie. Was that part of the motion?
- Mr. Salazar Yes when it comes to us it is ready.
- Ms. Early And have it agendaize to our commission meeting
- Mr. Salazar As soon as possible.
- Ms. Early Ok, any more discussion on the motion? All in favor of the motion signify with the motion sign of aye.
- Mr. Salazar Aye.
- Mr. Barabani Aye.
- Ms. Early Aye. Thank you. Ms. Garcia I am going to be asking if you can record that as an action item for our personnel commission director since he is absent so he will know that is an action item to be placed our next meeting agenda. Thank you.

- B. The commission will take action to obtain information on the status of all recruitments that have been approved by the commission since May 18, 2012. A proposed motion is:

It is moved that the commission direct the Personnel Commission, Director to provide to the commission by a detailed listing by February 14, 2013 or every recruitment the commission has approved since May 18, 2012 that contains the following information: The title of the position, the date (s) the commission approved a recruitment bulletin, the date the Personnel Commission Director opened and closed the recruitment, the dates of all testing and the type of testing, The total number of applicants who applied, and the total number of applicants who are on any eligibility list, the date of the eligibility list was approved, an explanation of any noncompliance with any directive of the commission or the Chair concerning the recruitment, an explanations of the reasons for any failure to produce an eligibility list within 30 days after the recruitment closed, a description of any problems and the actions taken to resolve the problems, and a description of any other relevant information.

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

Ms. Early                      Next agenda item IV. B. Is there a speaker on this item?

Mr. Barabani                I was hoping the personnel director would be here but what I wanted to know is that I clearly asked for the status of the recruitment that has been approved by the commission why there wasn't a report on every recruitment and also there was 21 approved recruitments but not all of them are on the personnel director list. Just for the record I told him we needed the list. So we can get an update, we approved 8/22/12, we approved the electrician on 8/22/12/ the HVAC mechanic, senior cafeteria, and superintend assistant, assistant nutrition supervisor, community relations worker II African American, food worker trainee, instructional tutor aurally handicapped which we discussed today. Special Education Assistance II, transition special education liaison special education III, aurally tutor, nutrition program manager, nutrition program supervisor, school police clerk I believe chief asked us specifically on 11/14 and here we are in February.

Dr. Vollkommer            I'm sorry are you reading out of the agenda?

Mr. Barabani                No this is my list I went through the past.

Dr. Vollkommer            Thank you.

Mr. Barabani                Yes they were on the past agenda. Instructional tutor learning handicapped/physical handicapped, food worker trainee, cafeteria worker, public safety dispatcher of this 21 approved recruitments we received from the personnel director 3 list for ratification and only. I remember stating what part of every single list does a personnel director does not understand, I want every single list, I want to where we were, where the recruitment was, where the testing was done when we handed over the eligibility list if we handed over to the district. When

the hiring started. On top of that we have not being provided much in a way of any details, this seems to be a pattern got a lot of people upset. We asked for this kind of detail, we want this done and we have not received it.

- Mr. Salazar Madam chair may I with respect to action item IV. B given that our personnel commissioner director is not here and I understand he has been sick and out of the office pretty much since our last meeting as I understand. I will move that we just table this item and I also just looking down the agenda and I don't see doing that for the record, I don't like doing that because I do agree with you Mr. Barabani we actually have done a lot of things here and they got in to a place where we made some orders, we taken some actions and they stalled not so much because of the commissioners other factors and we won't get into that. I guess what I am saying is that I move that we table this item to the next meeting and again looking down at the next item I would suggest that we have a meeting in the interim today to take care of this stuff.
- Mr. Barabani Well I don't just want to go, I just don't to wait for another meeting.
- Mr. Salazar There is nothing we can do for the personnel commission director but we are saying.
- Mr. Barabani No but we can ask for that report
- Mr. Salazar We already asked I don't think we need to ask again.
- Mr. Barabani We asked more than once.
- Mr. Salazar Well there you go. I agree with you Mr. Barabani.
- Mr. Barabani I hate to ask, Mr. Vollkommer out of curiosity have you consulted with Mr. Flory on any of this matters? To see where we are on it?
- Dr. Vollkommer What do you mean consulting Mr. Barabani?
- Mr. Barabani We requested we given him direction from me the chair, the new chair and to make sure the work is done.
- Dr. Vollkommer Are you suggesting that is my responsibility?
- Mr. Barabani Yes.
- Dr. Vollkommer Thank you.
- Mr. Barabani Because you taking on that responsibility even though we don't agree.
- Dr. Vollkommer I have clarified in the past but we will that for closed session. But yes prior to Mr. Flory if you are asking if Mr. Flory and I have discussed recruitments processed etc. the answer is yes, since he has been ill, no.
- Mr. Barabani It's been months some of this is going back to 9, 8 and 9/12, 9/8, 9/24, 11/14 I mean we are talking months. I mean I got my whole members chomping off for not getting done so all

right. I agree with you believe it or not let's get this on the agenda.

Mr. Salazar Let's reagendize for the next meeting.

Ms. Early State your motion.

Mr. Salazar I like to move that we reagendize action item IV. B for our next meeting or a special meeting.

Mr. Barabani I will second it.

Ms. Early We have a motion and a second to be reagendized action item IV. B for our next meeting or a special meeting. Any further discussion on this motion. All in favor of this motion signify with a motion sign of aye.

Mr. Salazar Aye.

Mr. Barabani Aye.

Ms. Early Aye. Motion carries.

- C. The commission will consider scheduling two meetings per month and determine when those meetings will be scheduled. A proposed motion is:

It is moved that the commission will hold regular meetings on the \_\_\_\_\_ and \_\_\_\_\_ of each month, except during November, December and January when it will hold one regular meeting and that the Personnel Commission Director provide a list of specific dates for approval by the commission at the next meeting of the commission.

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

Ms. Early Do we have a speaker on this agenda item?

Mr. Salazar I would like to speak on this agenda item. We had this discussion before that one meeting a month I just actually got to my calendar today, we have all the meeting dates and we have a meeting a month. I would like to stay with the regular meeting schedule however; given the activity of tonight's meeting I would suggest we have special meetings and I would, and I don't like to do this necessary because I am mindful of staff's time, commission staff and every one of our time as well with respect to this important items. I would like us to have a special meeting in the next couple of weeks, two weeks or so again if time permits for the items that are reagendize and this important items with respect to education interpreter iii and instructional tutor so I think there is some I don't want to again speak for CSEA I would think that they would have the time to look at this item and if they could get back to us and everyone can get back to us in those couple of weeks then I would love to see that. That would be the purpose of that special meeting. To take care of those action item and reagendize items. But I'm not in favor of going back and having two regular special meeting a month, it is a burdensome and I know we all have jobs up here and some of



us come from a long ways and to do that a couple of times a month it is very taxing. That is the end of my comments.

Mr. Barabani

It is a problem coming here but the problem is we have so much stuff getting through here that everybody is requesting that we get all this stuff done. Right now we had two meeting in two months and backed logged again and I think the only way we can get this stuff is to continue having meetings twice a month and the reason to put in in the regular schedule is so the public knows they can attend special meetings are called and done in the past. But they tend to interfere with peoples schedule where if you have scheduled 6 months 8 months 12 months people can work around that better then when we call special meetings in reality is emergency meetings. And you kind of fits better in a letter of the wall becomes a brown act if you schedule it

Mr. Salazar

If I may to comment on those special meetings, emergency meetings what we want to call them, they are just that. They should not be the norm in fact they should be exception to the rule and the rule is today is that we have an established meeting schedule so everyone does know this, I would hope that we do not have a special meeting every month because in that case I would agree with you. You minus will schedule two meetings a month to me that is the exception... I think right now we have an exception an exceptional opportunity here to get something done in a couple of weeks would satisfy a lot of people in this room right here, I know it would satisfy myself as the commissioner to take care of a few of this items and then move on to the following meeting would be two weeks after that then we are back on the regular track but I see no need to have two regular special meetings per month and special meetings in between.

Mr. Barabani

I wanted two regular meetings a month and the reason for that we are not moving forward and instead of waiting a whole month we would be back here in two weeks and it is quicker to hold accountability if something isn't done. Right now we are going to hold a special meeting so we can other item done if its not done when you requested we know that we are going to have two meetings once we are done we can requested and then find out that in 15 days is more than enough time at least to get a list done and correction on the bulletin and we have a lot of this issues it's not just this issues, it is many issues and hopefully we can get and hold this meetings get this stuff caught up.

Mr. Salazar

If I may I just like to make and I have heard Mr. Greenwood and I head Mr. Arroyo and they are as many others into the certain extend concerned about our progress we had two meetings a month regularly schedule and suffice to say we are not much further along than we would be if we would of have one meeting last year per month so and I want to be mindful and respectful of everybody's time. Get this stuff done and we

had this discussion a short time ago when we were putting this agenda or schedule of meeting dates together this discussion has already being had. I just want to and I see that it popped again on the agenda, first of all, I really don't see a need to be on the agenda I didn't say anything I approved the agenda as is because I feel that we can go in discussion about it. But we have our meeting dates already I think there are times when there are exceptions and I like to stick to that. With the current meeting dates and so that I think that is my part of discussion.

- Mr. Barabani I understand what you are saying.
- Mr. Salazar You don't understand
- Mr. Barabani Yes we had two meetings and we weren't able to complete the work we need.
- Mr. Salazar Well we are not going to have three or four
- Mr. Barabani But your logic is one meeting we might be able to go farther with one meeting then we are with two. The logical conclusion is having no meeting and we really go super-fast.
- Mr. Salazar Well I don't go with your logic I have my own logic.
- Ms. Early Let me comment. I am in favor of one meeting a month if we can expedite our process and I vote in favor of one meeting a month thinking that we can expedite our process within two months what I found for our agenda meeting I requested for one item to be placed for January and I did it well in advance didn't make it to the agenda. I was copied on I think a couple of request by commissioner Barabani requesting that two items be placed on the agenda. Our January meeting came those items weren't so if we are over a month and we are having trouble getting things on the agenda for discussion and approval. Our next meeting is not for a month so we lost two months so we are really two months behind so I can support both of you. What I am not support of is coming here and almost 11:00 p.m. when we are leaving the building because we are meeting once a month. I though our last meeting was very, very long and lengthy so I am in favor of increasing the frequency of meetings we can have shorter meetings and accomplish more. My biggest concern is us being able to put items of the agenda. As your commissions chair I could not get an item on the agenda with January meeting agenda. I only asked for one item. We received the item after it was posted and it was a done deal so that wastes a concern on my part. So of course I like the one month meeting but I don't like almost 11:00 meeting because we are meeting once a month and then I wanted to discuss does not get agendize so those are my concerns with once a month meeting.
- Mr. Salazar I eco your concern with respect with the administrative component that we are talking about. We are talking with the administer component and I am with you 100% and we are talking about if you want to talk about agendizing things I have

been a commissioner for three years I asked for two items in my three years to be put on the agenda neither of which it was ever put on the agenda/ and I only asked for two in three years so I understand from the administrative standpoint it is very frustrating. That part we need some help to it. That does not affect for me at least the meeting date and the time issue and I like you I don't want to be here personally I think these meetings should take 1 hr. to 1hr ½. And I think that you're as the chair doing a good job of moving these meetings along. I think you are doing a good job. I think that is one of the important functions of performance of the chair of moving things along when we get side track and I think you are doing a good job of that. Specifically we spent a lot of time on some important time stuff that it was in closed session that I think the meeting was done in 2 hours this part and it was a good meeting but we spent a lot of time in closed session and my concern is that moving forward we have two meetings and we are going to have it does not help the length of time that we spend in the meeting but as long as we can move our meetings open here in open session then you do what we can in closed session I think we can have one meeting month. Last month that was it was a long closed session.

Nersidalia  
Garcia, Secretary  
III for PC

Ms. Early may I speak? As a staff member I would like to request to have the meeting once a month it's too much I have family engagements, my daughter is in sports and I have last year missed a lot of her sport events I had to beg other family members to be there for me and it is not fair because it is not fair because I should be there, I should be there cheering her up, I should be there supporting her. And it's not fair for us to always be here. I mean I don't need comp time, I don't need overtime I am begging for that I am asking if there is a way to have it once a month and if there is a need to have a special meeting then yes we can have a special meeting. But there are no needs to have a meeting twice a month. There were times that I don't see my daughter the whole day because I go home late at night and she is asleep and I don't think it's fair for her or for myself or for the staff here that has to. I know one staff member cannot be here because she has school and the other staff members have other engagements so really it locks us down to just be here all the time so I am just requesting that.

Ms. Early

I echo your concerns I am too a parent and I am missing the basketball games so I am in favor of shorter meetings more frequently if we can. But I open to suggestions.

Carl Greenwood,  
CSEA  
Representative

Also for CSEA we have a lot of things that go on. We have our chapter meeting and this meeting. We have the majority of the people are nights so we have to go and visit them on nights so that can turn out to be one night a week or 5 nights a week because we want to go to see what the problem is so we have go to work with them so we are on site maybe 4 out of eight hours trying to find out is it true? So we are out of the

home quite a bit as officers and then we have families also so you get to Friday and your dead so I think one meeting a month would be pretty good. Thank you.

Dr. Vollkommer,  
Assistant  
Superintendent

If I can kind have summarize the sentiment. One productive meeting a month with the emphasize of production is probably enough. Two, three or four unproductive meetings a month are going to be a waste of time. So my suggestion would be let's keep it at once a month a focus on productivity and use the special meeting option if we can. Buts it's all about productivity it's not about the number of meetings, it's really not.

Ms. Early

I agree.

Mr. Greenwood,  
CSEA  
Representative  
Dr. Vollkommer

Also Mr. Barabani.

And I know you are focused on that I know that, before I finish I apologize for interrupting. I'm going to go to it really quickly since I have the floor. Can I just ask one question on what you are asking for here? As I read this title of position "the date of classification specification was approved for revision by the commission, the date the commission approved a recruitment bulleting." My question to you is can those two be the same date? In other words can the class spec revision and the come on the same day or the expectation of those that come separately.

Ms. Early

They can come on the same date and sometimes they do.

Dr. Vollkommer

I didn't know that. I just wanted to clarify the expectation that they can come it would be efficient for them to come. Thank you.

Mr. Norton

Can I ask you a question?

Ms. Early

Yes.

Mr. Norton

Why is there a requirement bulletin to see the bulletin if you already approved the job spec the essence of radiation. What is the value of that since with the district experience that has never been the requirement and as far as I know it's not an illegal requirement it's something that you opposed arbitrarily for whatever means is. I'm not sure what the means because obviously what you are doing is holding things up and then you come up to the next point and you say if you didn't cross your t's and you didn't dot your l's so we are on hold for now four more months on critical positions on this district because you didn't see a bulletin but you approved the job spec it doesn't make any sense. Would you please explain why you have to see the bulletin when you already approved the job spec.

Ms. Early

Would any of my fellow commissioners like to respond?

Mr. Barabani

The bulletin is considered a legal document also and the

district for HR understands that. It can still be a requirement.

Mr. Norton Let's hear the modest because it was never done in the past.

Mr. Barabani They did a lot of things in the past that was not legal.

Mr. Norton They did a lot of things that were legal too.

Mr. Barabani All we asking for is the bulleting when we approve the specification which they have that some problem its very simple process your right it goes back to same question can we do it on the same day? Yes if it's delivered to us.

Mr. Norton Well I take exception to two things what you said is one is I like for you to identify the legal requirements on the bulletin and makes it a requirement above and beyond for the commission to approve it separately or even individually even if it's at the same job from the job spec and number two, your interpretation that there is a difference between the bulletin and job specs. My opinion from what I have seen is down to crossing the t's and doting the l's there is no real material difference it's the same thing!

Mr. Barabani But we if we request this person to have this certain certificate or certain knowledge and send the specs in there and place it in the bulletin and it isn't in the bulletin, you are asking for us to post something without seeing it first?

Mr. Norton You are giving me an example. On

Ms. Early We are on the agenda and the item that is before is whether or not the commission will meet twice a month or once a month. Can we put that in a motion form so we can vote up or down?

Mr. Salazar I like to move that we continue with our current meeting schedule.

Ms. Early We have a second to the motion? I will second. Any further discussion on this item? All in favor of motion signify with voting sign of aye.

Mr. Salazar Aye.

Mr. Barabani Nay.

Mrs. Early Aye. Motion passes. Realize that if we find that this is not working for us we can always revisit this item. Moving on to Action Item IV. D.

D. The commission and its council will discuss the failure of the District to timely pay the invoices for counsel to the commission and to timely process REAFS for approval of funding for such services and take action. A proposed motion is:

It is moved that the Personnel Commission Director submit to the commission no later than February 14, 2013 a list of every invoice submitted by legal counsel and every REAF prepared for funding of

such series since July 1, 2012 through the present showing the date of the invoice, the date it was received by the personnel commission, the date it was submitted to the District, the date it was approved by the District for payment, the date that warrant was issued for payment, and the reasons any invoice was not aid or any REAF was not approved within 30 days of submission to the District.

Moved:	<u>Ms. Early</u>	Seconded	<u>Mr. Barabani</u>		
Vote:	Barabani	<u>Aye</u>	Early	<u>Aye</u>	Salazar <u>Abstain</u>
Ms. Early	I so move.				
Mr. Barabani	I will second that.				
Ms. Early	We have a motion to discuss on that is there any discussion for the motion?				
Mr. Barabani	Yes, we were going through thing I thought we can put it in a simple format that we can hand out later. Mr. Vollkommer you can have a copy of this. This goes back to the same thing. So it's something similar in following recruitment so we know time and date we know where it's at and we know what's happening to it. Give us the dates received the dates issued and the current status not why it is or not stalled. What is the problem with it funding anything and then we can look at this and we have this and we don't have to constantly ask.				
Ms. Early	Thank you.				
Nersidalia Garcia, Secretary III to PC	Ms. Early can I comment on this?				
Ms. Early	Yes Ms. Garcia.				
Nersidalia Garcia, Secretary III to PC	The backup shows the invoices that were paid; it shows the activity it shows the P.O. Number, invoice number, the activity and the check number that they sent out and it was redeemed and when it was mailed. Redeemed means when it was cashed by firm and mailed is that is the date that they mailed it to the company. If they mailed that that day that means that within a day or two they cashed it. It is self-explanatory.				
Ms. Early	Thank you.				
Mr. Salazar	You are talking about page 25?				
Ms. Garcia	Page 25 yes.				
Ms. Early	So the list of invoices that you have it's a little bit more extensive than what is in our back up material.				
Mr. Barabani	Yes this is a good list the only thing what personnel commission director received the invoice, the personnel director forward to the district and then what date when we get an inquiry from the attorney we can tell where they're in transition. This is basically showing when its coming in and its going out but the transition period is kind of long so we can say look its kinds of here, the county has it we received it this				

date. It was forward to the district on that date. So it's only what is Nersi is providing on here maybe a little better explanation 3 extra columns. Is this the report you made on the spread sheet?

Nersi Garcia

This is from accounts payable, yes.

Ms. Early

Thank you. Any further discussion?

Mr. Salazar

If we have a and the names are here so Musick Peeler for example they do some work for us its invoiced, there is an amount its put that on invoice and basically they are saying there is our bill right ok our bill is \$100 or whatever it is. Don't we have an accounting department that takes care and they come to you Nersi for example to take care of, I am trying to understand this because I really don't. If they pick up the phone somebody from Musick Peeler and say hey you owe us \$100, they call you because they know you. Don't we just refer them to accounting? Or is that not what we supposed to do, isn't there somebody that is responsible to take care of this, I mean we need a whole new department to take care of wouldn't we.

Mr. Barabani

We have a special procedure just for our attorney.

Nersi Garcia

I find the information for them because this is regarding our department. Accounts payable takes care of a lot of different accounts not just us, there is like 100 sites or departments.

Mr. Salazar

They should take care of all of them.

Nersi Garcia

So then I ask them to help me with a purchase order number for such amount, can you tell me what is going on, has it been paid, where it at is and so on.

Mr. Salazar

But I mean I know we just send them over there and they can ask all the questions that their hearts content I mean.

Nersi Garcia

They can if they like they can speak to the supervisor but I guess I am the liaison. I am speaking for them.

Mr. Salazar

I am not criticizing of what you are doing. I actually think you are going above and beyond. My question is we are stringed here as far as staff goes, you guys have enough duties. Isn't this something we can send them over there and like I said they can ask questions until the cows come home. I mean all you are going to do is get information for them and relay it back to them anyways, isn't that right? So, ok. Again I want to be mindful of staff's time.

Nersi Garcia

I am ok with that, but I do get them the information and I do I have spoken to Ms. Kwong on the phone explaining the procedure and the protocol of how it goes to each department. I explained it over and over.

Mr. Salazar

That part I understand, I understand there is a certain protocol, the bill comes to you or this office and then it gets to, at that point I think that is basically between them. I mean

maybe I am wrong, we don't have anybody with accountable to ask that question but, it seems redundant.

- Mr. Barabani Part of the problem we have those that have been improved till January 3<sup>rd</sup> when it should have been approved July 1<sup>st</sup>. That is the one I was looking at.
- Mr. Salazar I understand what you are talking about Mr. Barabani because I am not on favor of going to work Monday-Friday and getting paid whenever.
- Mr. Barabani Eight months later.
- Mr. Salazar My thing is you know, we have a system and you know I don't know that is our job, I mean I certainly believe that we should inquire for the benefit of our vendors but I don't think it's our job particularly as commissioners to go and start get in the middle of accounting department.
- Ms. Early That is how I see this action item and so its specifically asking specifically to track a process if we received an invoice today how long does it seat in the personnel commission office before it's are we the problem?
- Mr. Salazar I got you, I am with you. That makes sense to me. And I think historically I'm looking at this we are doing our part. So we need more proof that we are doing our part so if that is what this is about then.
- Ms. Early Where there is a break down, because if there is a 8 month turn around or 7 month turn around for figurative for commission to get paid, we need to know where it is and that process is as it relates to the payment.
- Mr. Salazar As long as we get to our side then it goes through.
- Ms. Early Seeing that Ms. Kwong you presence.
- Ms. Kwong You are my client, I represent you, I don't represent the district and your legal rights are affected your invoices are not paid in a timely manner and so to the degree that you are responsible for making sure that the process and the time manner one needs to take those efforts to investigate why they are not being processed in a timely manner. In addition I have actually spoken to the fiscal department at the district. And sometimes they as unaware as you are. I don't particularly blame anyone but that is just feedback that I get, that they are aware. I think those who supervise for those responsible for their administrative tasks needs to process them in a timely manner. Just so you know there are invoices that go back to August of 2012 that have not being paid, so it's being closed to seven months now and that is an unreasonable delay. And there is no excuse for that and you can call it procedure issues you can call it overwork or administrative duties but for seven month delay it's an unreasonable amount of time to be delayed. I am not satisfied with these answers and your legal rights are being jeopardized because of a vendor can only



wait so long before they pull out and if that is what you want then let me know. I don't think that is what you want because your issues are being adjudicated but seven months is unacceptable.

- Mr. Barabani I was getting your emails and now as I understand we had
- Ms. Kwong Incidentally the email the invoices that I sent to you I sent via email to all those that have any degree in responsibility in processing them so ignorance is not an excuse nor is it a defense.
- Mr. Barabani It appears to be delayed for some reason, we have the superintendent here I heard again today let's put the past behind us and the problem is the past is in front of us. We are not getting this behind us and we are having to deal with this we are having a meeting instead to be dealing on getting classified jobs.
- Ms. Kwong That is correct, I would appreciate you work that you need to do.
- Mr. Barabani I hear Mr. Vollkommer in human resources that can't get this done, we are working on it, you know, it has been seven months.
- Ms. Kwong Then you do the work and get it done. There is no excuse for that. Thank you
- Ms. Early Thank you, any other comments on this item? We have a motion on the table. Do I need to read the motion?
- Mr. Salazar Please.
- Ms. Early I move that the personnel commission director submit to the commission no later than February 14<sup>th</sup> a list of every invoice submitted by legal counsel and every week prepared for funding of such services since July the 1<sup>st</sup>. through the present showing the date of the invoice, the date of suppose to be received by the personnel commission, the date it was submitted to the district, the date approved by district by payment, the date that a warrant was issued for payment, and the reason any invoice was not paid or REAF was not approved within 30 days of submission to the district. All in favor of the motion signify with a voting sign of aye.
- Mr. Barabani Aye.
- Ms. Early Aye.
- Mr. Salazar I am going to abstain.
- Ms. Early Motion carries. Next agenda item.

- E. The commission will discuss the actions of the Personnel Commission Director opening recruitment for Lead HVACR Mechanic and Lead Electrician recruitments. A proposed motion is:

It is moved that the commission finds that the Personnel Commission

Director opened recruitments for the positions of Lead HVACR Mechanic and Lead Electrician after the commission failed to act on his request to approve such recruitments and without him submitting the recruitment bulletins for approval and orders the Personnel Director to cease any further recruitment or examination for these classifications until such time that the commission approves a bulletin to conduct a recruitment for these positions.

- Ms. Early Is there a speaker for this action item? Would someone like to make a motion so that we can go into discussion?
- Mr. Barabani I read the motion. It is moved that the commission finds that the Personnel Commission Director opened recruitments for the positions of Lead HVACR Mechanic and Lead Electrician after the commission failed to act on his request to approve such recruitments and without him submitting the recruitment bulletins for approval and orders the Personnel Director to cease any further recruitment or examination for these classifications until such time that the commission approves a bulletin to conduct a recruitment for these positions.
- Ms. .Early I second the motion. Open for discussion.
- Mr. Barabani We wanted this to go through and we want them to go through quickly. The personnel director opened this and I don't know why specifically we withdrew them, we wanted a quick approval to open up these examinations. I don't understand why we didn't get the bulletins in the last package so that we see what we are being asked to approve. It's that simple, we should see what we are being asked to approve, I specifically remember the HVAC I got an error where you Mr. Norton would of gotten a person its specifically said that someone that can control HVAC computer not known anything about repairing air condition, heating or like that they could of just being, they would of qualified just for the fact that they can operate on the system. So we asked for that to be removed.
- Mr. Norton How do you not know that was a typo and I actually wanted that in the job description?
- Ms. Early Just a moment this is not the time to engage in dialogue, please state your statement then if you want to respond of course we will let you.
- Mr. Barabani We were told that the union and the people invoiced in the district overlooked the specs and the bulletin, being approved and we found later that is part of the problem, make sure things were done.
- Ms. Early Mr. Norton and then Mr. Greenwood.
- Mr. Norton Again you speak in pronouns when you should identify who it is that you got information from because I have no idea when you say you talked to district people. Who did you talk to?
- Mr. Barabani I didn't talk to anyone; we were told by personnel commission director that this was done. I said we received information

from him and it's up to him to give it to CSEA and I assume to you. Who in the district receives that I don't know.

Mr. Norton Because I was you just said.

Mr. Barabani We were told they specifically said that it was approved by the district.

Mr. Norton First you said you were told by CSEA now you say you were told by Personnel Commission Director, would you make up your mind.

Mr. Barabani The process is simple.

Ms. Early Mr. Greenwood.

Carl Greenwood,  
CSEA  
Representative That is a fact, Mr. Norton did send to two of his staff one was Cheryl Garcia and the other was Garry Barber. And we sat here and we went over two different days over eight hours and we went through a different post of job titles and what we did is we went back and forth with his designee the ones who were in charge of HVAC, in charge of others, and they said what do you think about this and we came in agreement that we don't need this, we keep this and then both sides agreed and signed.

Mr. Norton I was out over certain a period of time ill.

Carl Greenwood,  
CSEA  
Representative But that was done and it was with managers and CSEA and signed off by both parties and that was done almost four months ago.

Mr. Norton So what changed in the last months?

Gladys Byrd May I address that?

Ms. Early Yes.

Gladys Byrd The job spec changes that were discussed with CSEA and the district and the commission there was a slight change by Mr. Barabani so it was not

Mr. Norton I didn't hear the last part.

Gladys Byrd The slight change where they put like energy management or something and that was Mr. Barabani that made that change.

Mr. Norton Ok, that is what I thought

Ms. Early So that item was to be reagentize in come back before the commission and it was never reagentized. Is that my understanding Commissioner Barabani?

Mr. Barabani Well it came back last week. It came back and it was incorrect. We had approved it just give us the original one that we approved.

Ms. Early It was to be reagentized and represented on the next meeting

Mr. Barabani That is right.

Miss. Early We have a motion before us. Any discussion?

Mr. Norton Sounds like Mr. Barabani contradict himself every time he speaks.

Mr. Salazar I just sometimes I don't understand. We know the changes, why you just can't approve it with the change?

Mr. Barabani That is what we did.

Mr. Salazar And trust that our personnel commissioner director is going to do that and move forward.

Carl Greenwood,  
CSEA  
Representative And to the best of the personnel commissioner if the director is not present and it has something to do with classified employees call the president, if he can't do it delegate me or someone else to do it. We will make contact with that director and say this is what we want by this meeting. That way you are not on the hot sit or asking why did it not get done? But to wait to come to a meeting such as this when you had two or three weeks, let us take you CSEA, still not here will contact the necessary people get the answers and if it is not done by this date the director is on the hot sit. But right now it seems like you are holding things and changing things as you see fit and the director is not right. Thank you

Mr. Norton I still have the question that says, "if you prove that job specification what is the value of proving the bulletin separately?" And you say we want to check and make sure it is the same, you did not approve the bulletin make it go back and change it again, or make a typographical error, so it doesn't make any sense. There is no justification for it. Once the job specification is approved then you have to take on faith other than typographical error it happened any number of times along the way and there is no value except only enough to process. And second thing is I heard three different stories from Mr. Barabani to the point of you know what you are saying is here Mr. Barabani is false and fictitious.

Mr. Barabani No the problem is being so long that I am trying to remember its quite confusing

Mr. Norton You guys are amazing

Mr. Barabani All right. Carl you are right the simple procedure we don't get the agenda, we see a draft on Wednesday we don't get the final and see it on Friday and then we can't talk about it.

Carl Greenwood If you direct your director to do something and a week goes by you haven't got a phone call from your director, you haven't got anything from him if I were you I would be calling Mr. Arroyo, and I would be calling the district. This is what happened, we can wait for the meeting, where is it? Say what are you doing how come it's not here?

Mr. Barabani That's true don't you expect when you ask something to be done it gets corrected and then you come to next meeting you

expected to be done in a rightful meeting and corrected.

Carl Greenwood Exactly but if you ask for something and it's not coming to you, and it's not coming to you as your positions that you hold then you hold the director responsible, but if you don't see anything till tonight how are we to know how to help you, how is the district to know how to help you,

Mr. Barabani You are right the problem is....

Carl Greenwood There is a telephone, email, there is planes, trains and automobiles let's get it fixed.

Ms. Early Mr. president

Charles Arroyo I like to tell Mr. Barabani, I can finish your sentence; you are not willing to communicate. However, I am a full time release president; I don't exactly have a job that I have to do specifically help csea and more than willing to help commission as I can. And if there is something missing then says feel free to communicate with me and I will help to push that forward. I am available Mr. Barabani all you need to have is a will to communicate with me and any of you can do that. I am more than available and I am willing to help you.

Mr. Barabani The problem is once we see it on the agenda on Friday and its being posted you can't change it, you can only change it on the meeting because the brown act violation for us to change it. We are basically handcuffed, if I see that this is wrong Friday and its posted and sent to me and posted at that moment, the only time I can make that change is right here public and that is the way the law has it, that way you don't make any arbitrary changes.

Classified Employee I got a question if you say it like that then why not communicate and find out what those changes are then so you have them on advance instead of seating here to the last minute.

Mr. Barabani I understand.

Carl Greenwood All I'm saying this meeting closes tonight you ask certain things today is Wednesday, by Monday you have four days if you don't have it ready when will it be ready 5 working days before the meeting whatever and figure out what is going on. The biggest thing is communication. We can support you 200% how do we know you are not communicating. You have Jason down in Rancho, lawyers, it doesn't take a month, I mean you have everything at your disposal use it. Say Harold what is going on? You got three ways use them, use us, and let us do the foot work for it.

Mr. Barabani Good idea, thank you. I will take your advice.

Carl Greenwood There you go, thank you.

Ms. Early Thank you, thank you for providing follow up and we have a motion before us and I am aware that this was a directive that

was given to the director to submit the bulletins for approval so I am aware that did take place, and it was to be reagendaize. Are we ready to vote on motion? All in favor of motion signify with a voting sign of aye. Aye.

- Mr. Barabani Aye.
- Ms. Early All opposed to motion. Any abstentions.
- Mr. Salazar I will abstain.
- Ms. Early Motion carries.

F. The commission will discuss the status of the investigation regarding forgery of Commissioner Barabani's emails.

- Mr. Barabani I see the chief is not here today we can reagendaize it.
- Ms. Early Can you put that in motion so we can vote up or down?
- Mr. Barabani Agenda item let's just do both. Agendaize item F and G.
- Ms. Early I second the motion. Any discussion on the motion. All in favor signify with a voting sign of aye.
- Mr. Barabani Aye
- Ms. Early Aye.
- Mr. Salazar Abstain.
- Ms. Early Motion carries.

G. It is moved that the commission approve the minutes for July 11, 2012 as submitted.

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

- Ms. Early Approve minutes July 11 with corrections.
- Mr. Salazar I will second.
- Ms. Early Thank you.
- Mr. Barabani The only correction I have is page 31, second Mr. Barabani down where it starts I would like to simple correction. *I would like to ask the director on the status.*
- Ms. Early On page 30 Patrick Maher is listed as our personnel commission director that should be stricken Abe Flory was our director insert Abe Flory name there. Also, there is some verbiage in the minutes from Dr. Vollkommer that refers to a comment made by Gladys Byrd earlier in the meeting on his behalf but there is not a comment why Gladys Byrd recorded under public comments. So I don't know if the comment just didn't take place or if it was omitted by the minutes so I would ask commission staff to if there was in fact a comment made from Ms. Byrd. And that is on page 39 on 142 dr. Vollkommer he says I did state in those comments through her referring to Gladys that the district had not agreed to the changes to the

duties but Ms. Byrd's comments are not recorded.

Gladys Byrd Excuse me Ms. Early the comments were from the previous meeting. He wasn't there that day, so I spoke on behalf of him

Ms. Early Ok, thank you. And no other changes. All in favor of the motion to approve of the minutes speak with voting sign of aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries.

H. It is moved that the commission approve the minutes for July 25, 2012 as submitted.

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

Ms. Early I move that the commission approve the minutes dated July 25<sup>th</sup>

Mr. Salazar I second.

Ms. Early Any discussion on the motion. This are the minutes for July 25<sup>th</sup>. They begin on page 49 of 122. Any corrections to these minutes. Pages 64, 9 paragraphs up strike this and insert these so it read under Mr. Barabani for these positions. Last line on that page under Mr. Flory it says chair has been confirming by job and duties striking confirming and insert for me. Page 65, under Mr. Barabani I agree with that to at the extra. Top line page 66 revision have gone, add it should be unapproved. Under Ms. Early the second paragraph under Ms. Early last line I am asking question instead of reading to chair delete to and it should read through the chair to our director. Page 68, 2<sup>nd</sup> paragraph under Ms. Early midway to paragraph it says government documents for us to follow it should read governing documents for us to follow. Page 71, find them who have your of it should be who gave you authorization to change this and redo so strike have and insert gave. Page 74, 2<sup>nd</sup> paragraph for Ms. Early where it says Mr. Chair. Page 78, you have Ms. Early second say I second but I don't see a motion recorded prior to that so not sure if the motion was erroneously committed. . We have Mr. Flory saying we need to redact the names, would that be ok? It says I second. So not sure if there was a motion made or just not recorded so if we can revisit the tape and make sure the motion gets inserted in that spot. Page 87, last line commission staff because I saw an email, strike I saw and insert sent it should read I sent an email. Page 88, 2<sup>nd</sup> line from the bottom of the paragraph Ms. Early where it says pull to have to pre agendized it should read pulled to have reagendaized for this meeting. That concludes my correction. All in favor signify with the voting sign of aye.

Mr. Barabani Aye.

Mr. Salazar           Aye  
 Ms. Early             Aye. Any abstentions? Motion carries.

I. It is moved that the commission approve the minutes for August 1, 2012 as submitted.

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

Mr. Barabani        I have one correction page 97, very bottom second to the bottom, we would put this on the agenda it should be we would put this on the agenda.

Ms. Early            Thank you. Any further discussion on the agenda items. All in favor with the motion signify with a voting sign of aye.

Mr. Barabani        Aye.

Mr. Salazar         Aye.

Ms. Early            Aye. Motion carries.

J. It is moved that the commission approve the minutes for August 22, 2012 as submitted.

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

Mr. Barabani        I will second.

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

Mr. Barabani        Aye.

Mr. Salazar         Aye.

Ms. Early            Motion carries. Good job on the minutes we were able to approve four sets of minutes I want to thank Ms. Garcia and everyone who might have helped her for getting those minutes to us and helping us with our sets of minutes. Thank you, thank you I appreciate.

Nersi Garcia        Do you want September and October on the next one?

Ms. Early            Yes, it's done, yes... Thank you for assisting us and helping us with the minutes.

**V. COMMISSIONERS/DIRECTOR COMMENTS**

Ms. Early            Any comments from the commissioners?

Mr. Barabani        I have a comment. As to the High School diploma once again it is a big issue, because it was kind of land mark case as I stated before kind of placed in perspective adverse impact really change the ways. I remember when you came up here and we spoke about the custodians. We tested them we gave them labels to



read, we had them figure out how much liquid goes in, I'm using on example like an ounce for gallon or was 2 ounces, how much do you put or something like that. We test so the ability to read and write to understand to look over msds sheets or safety data sheets that is what we test, is part of what we do to make sure testing are qualified. And the other thing you know if so we did produced an eligibility list with custodians; once we handle that list to the district it's up to them to start hiring.

Carl  
Greenwood,  
CSEA  
Representative

When I came in here was show me how to do this, show me how to vacuum, show me, what happens in an emergency, you had a written and you had, now anybody cause I don't, what you are saying to me who went to school serve the country went to college, move up the latter.

Ms. Early

Than you. We on the agenda item for commissioners comments. Mr. Barabani do you have any other comments for the record.

Mr. Barabani

Carl I understand you,

Ms. Early

Thank you. We appreciate your comments but right now we are on the commoners comments.

Mr. Barabani

No.

Ms. Early

Mr. Salazar do you have any comments.

Mr. Salazar

No.

Ms. Early

WE like to hear your comments, I just like to charge forward with the agenda and important we appreciate you offering your assistance for us to follow up on the agenda items we very much appreciate. I thank you all for coming, your input is important for us. The commission will now adjourn to closed session at 7:35 p.m. with conference with legal counsel Kristine Kwong, Musick, Peeler, Garrett, LLP, existing litigation section 54956.9a California school employees association and its san Bernardino city chapter 183 v sbcd governing board of the sbcusd

**VI. CLOSED SESSION**

The commission adjourned into closed session at 7:35 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,

Government Board of the San Bernardino City Unified School District; Superintendent

Arturo Delgado Personnel Commission of the San Bernardino City Unified School; and

Does 1 to 10, inclusive, Case No: CIVDS 1106215.

Pursuant to Government Code Section 54957 to discuss:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Personnel Commission Director

Pursuant to Government Code Section 54957 to discuss:

PUBLIC EMPLOYEE DISCIPLINE

The commission reconvened into open session 7:35 p.m and announced the following action taken in closed session:

There was no report out for closed session.

**VII. ADJOURNMENT**

The commission adjourned the meeting at 7:35 P.M.