

PERSONNEL COMMISSION MEETING
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION OFFICE

MINUTES

October 9, 2013

I. CALL TO ORDER

A. The meeting was called to order at 5:30 p.m. by Commissioner Early.

B. Roll-Call

1. Commissioner Rhonda Early, Chair
2. Commissioner Gino Barabani, Vice-Chair
3. Commissioner Michael Salazar, Member

C. Pledge of Allegiance

II. APPROVAL OF AGENDA

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

III. PUBLIC HEARING

Ms. Early Next agenda item public hearing. I will now turn this portion of the meeting over to Commissioner Barabani.

Mr. Barabani Section III public hearing, pursuant to Ed Code 45246 (f) the public, employees, and employee organizations may make public comments at this time only as to the nomination of Rhonda Early as the nominee of the classified employee appointee on the commission as a joint appoint on the commission for a three year term commencing December 1, 2013.

Please limit your comments during this hearing to the appointment of Rhonda Early as the joint appointee to the commission. Public comments on other matters will be heard under Section IV Public comments following this public hearing.

If there are any comments, you would like to speak please come to the podium here and give us your name.

Liz Madera,
Classified
Employee I believe we are talking about Rhonda's reappointment is that correct?

Mr. Barabani Yes.

Liz Madera I just would like to say I would be in favor of appointing Rhonda Early as a classified appointment for this district. Thank you.

Mr. Barabani Are there any other comments at this time? I will move on to

public comments.

IV. 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.
 - In order to make a public comment, please fill out the speaker request form and provide it to the Secretary prior to the start of the meeting. You must have submitted a speaker request form by the time the meeting starts in order to make public comments.

Ms. Early At this time, we would have public comments on any items that are in the jurisdiction of the commission.

Cecilia Gragg,
Classified
Employee My name is Cecilia Gragg and I am a secretary II at Barton Elementary. I wrote down some notes so I can say them in order. I would like to address the issue regarding the Secretary III eligibility list.

I have been informed that the personnel commission refuses to move forward and sign off the paperwork that has been submitted to your office. I am very frustrated with this as you can imagine. I have completed the Secretary III application and testing process twice now. Last year my efforts were futile, when the office threw them out and said that I along with everyone else I needed to reapply and complete the process again.

Despite all the time that I had been wasting, I complied and yet here I am again. The department is in place to comply with the equal rights and protect the classified body and I feel that none of this has been done. The office has done nothing but injure and hurt us. I personally have been a secretary for the district for nine years now, and I am certainly qualified and I certainly have earned the right to promote.

Currently, I am ranked at number one on the eligibility list; I was interviewed and selected for position only to be left like horse with a carrot dangling in front of me.

I would like to know why this office is preventing me from promoting. It is my understanding that Mr. Maher has found a discrepancy with the list pertaining to one of the candidates. I would like to know if this candidate stops the other 23 from moving forward or can it be dealt with it individually? I appreciate any feedback and clarity that you can provide to me today. I do not know if I stand or sit still.

Ms. Early Give your contact information to Ms. Garcia and we will get back to you.

Ms. Gragg So there is no response to any update at all whatsoever?

Ms. Early Not this evening

Ms. Gragg Ok, thank you.

Mr. Barabani I would like to say we are going to discuss this later and it has to do with this issue at closed session.

Ms. Gragg Ok, so later this evening you will be discussing it or on another date?

Mr. Barabani Oh no today.

Ms. Gragg Am I aloud to call back to find out any information?

Mr. Barabani Yes, you can call back tomorrow.

Ms. Gragg Ok, perfect. Thank you very much.

Ms. Early Are there any other comments from the public? Moving on to the agenda item number IV Action Items.

V. ACTION ITEMS

- A. The appointee of the governing board and the appointee of the classified employees shall make their respective decision to appoint Rhonda Early as the joint appointee to the commission.
 - 1. The classified appointee votes to appoint Rhonda Early as the joint appointee to the personnel commission for 3 years commencing December 1, 2013
 - 2. The governing board appointee does not vote to appoint Rhonda Early as the joint appointee to the personnel commission for 3 years commencing December 1, 2013.

Ms. Early Classified appointee what is your vote as a joint appointee to the commission?

Mr. Barabani Classified appointee votes to appoint Rhonda Early as the joint appointee to Personnel commission for three years commencing December 1, 2013. My vote is "yes."

Ms. Early Governing board appointee what is your vote as a joint appointee to the commission?

Mr. Salazar As the governing board appointee I vote No. I would like to make a comment for the record.

Three years ago about this time, we had the same issue, and of course, the Superintendent of Schools made the decision for the State California. Ms. Early was re-appointed. One of the things that I said at that time was that I felt that the commission was stale and we had not gone anywhere.

In addition, I think the point was made that Ms. Early knew the problems that personnel commission had intimately than anybody else who could be appointed at that time and so here we are three years later.

I just want also to say for the record that I personally liked

Ms. Early and she has worked hard. Further, along 3 years later, everywhere back then and we continue to have the same problems and issues and so consequently, that would be the reason for my vote "no."

Ms. Early Next agenda item.

Mr. Barabani I would like to comment to that. We did have many problems here in the commission in the last three years. It has not been any secret; it has been in the newspaper. I have been in many meetings here.

Ms. Early has been Chair for the last year. Under her leadership, we took on to move forward in mediating things, we got things settled down here. I know she has been on for the last three years but it is in the last year she has been chair and as of today, things have been settled.

We are moving forward, you can see that from the agenda. We are in progress on doing testing, and hiring and following the mandates of the court. I personally think she has done a fantastic job here at the commission.

Ms. Early Is there any other discussion? Moving on action item B.

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

1. It is moved that the commission approve the revisions to the classification specification for Groundsworker as submitted.

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

Ms. Early Is there any discussion on the motion? Are you ready for the vote? All in favor signify with a voting sign of aye.

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries.

2. It is moved that the commission approve the revisions to the classification specification for Assistant Superintendent Business Services as submitted.

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

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

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries.

- C. The commission will consider exempting the Superintendent's Assistant from Education Code section 45272(a). Proposed motions are:
1. It is moved that the commission approve the request of the governing board made on August 20, 2013 meeting to exempt the Superintendent's Assistant from section 45272(a) and in accord with section 45272(b).

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

Mr. Salazar Is there something before that Madam Chair?

Ms. Early We are now to consider exempting the Superintendent's Assistant from Education Code 45272(a) and I just made a motion to accept.

Mr. Barabani I will second that.

Ms. Early Is there any discussion on the motion?

Mr. Salazar Why would we do this?

Ms. Early In your back up material, there is a copy of the resolution from the governing board and it is at their request. It's page 13 of 29. Is there any discussion on the motion? All in favor of the motion signify with a voting sign of aye.

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion passes.

2. It is moved that the commission approve the revisions to the classification specification for Superintendent's Assistant as submitted.

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

Ms. Early Is there any discussion on the motion? All in favor of the motion signify by voting sign "aye."

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries.

3. It is moved that the commission approve the recruitment for Superintendent's Assistant 13-013, as submitted.

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

Ms. Early Is there any discussion on the motion? All in favor of the motion signify with a vote of "aye."

Mr. Barabani Aye.

Mr. Salazar Aye.
Ms. Early Aye. Motion carries.

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

1. It is moved that the commission approve the recruitment for Groundswoker Exam 13-028, as submitted.

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

Ms. Early Is there any discussion on the motion? All in favor of the motion signify with a vote of "aye."

Mr. Barabani Aye.
Mr. Salazar Aye.
Ms. Early Aye. Motion carries.

2. It is moved that the commission approve the recruitment for Assistant Superintendent Business Services 13-031, as submitted.

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

Ms. Early Is there any discussion on the motion? All in favor of the motion signify with a vote of "aye."

Mr. Barabani Aye.
Mr. Salazar Aye.
Ms. Early Aye. Motion carries.

3. It is moved that the commission approve the recruitment for School Police Officer 13-030, as submitted.

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

Ms. Early Is there any discussion on the motion? All in favor of the motion signify with a vote of "aye."

Mr. Barabani Aye.
Mr. Salazar Aye.
Ms. Early Aye. Motion carries.

4. It is moved that the commission approve the recruitment for HVACR Mechanic 13-012, as submitted.

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

Ms. Early Is there any discussion on the motion? All in favor of the

motion signify with a voting of aye.

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries.

E. The commission will consider ratifying eligibility lists. Proposed motions are:

- 1. It is moved that the commission certify the eligibility list for Nutrition Services Custodian/Utility Technician exam 13-017 with the termination date of September 3, 2014.

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

Ms. Early Is there any discussion on the motion? All in favor of the motion signify with a vote of "aye."

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries.

- 2. It is moved that the commission certify the eligibility list for Serving Kitchen Operator Exam 13-022.

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

Ms. Early Is there any discussion on the motion? All in favor of the motion signify with a vote of "aye."

Mr. Barabani Aye.

Mr. Salazar Aye.

Ms. Early Aye. Motion carries.

F. The commission accepts the resignation of Abram Flory as Personnel Commission Director as submitted but pending further legal review.

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

Ms. Early Is there any discussion on the motion? All in favor of the motion signify with a vote of "aye."

Mr. Barabani Aye.

Mr. Salazar I will abstain.

Ms. Early Aye. One abstention. Motion carries.

G. The commission moves to retain Katherine Edwards as a hearing officer and investigator pursuant to Education Code sections 45311 and 45312 with the fully authority to subpoena documents, take testimony under oath, and compel testimony by means of subpoena, in order to investigate allegations of misconduct by personnel commission staff and commissioners.

Moved:	<u>Ms. Early</u>	Seconded	<u>Mr. Barabani</u>
--------	------------------	----------	---------------------

Vote: Barabani	<u>Aye</u>	Early	<u>Aye</u>	Salazar	<u>Nay</u>
Ms. Early	Is there any discussion on the motion? All in favor of the motion signify with a vote of "aye."				
Mr. Barabani	Aye.				
Ms. Early	Aye.				
Mr. Salazar	Nay.				
Ms. Early	Motion carries.				

VI. COMMISSIONER’S COMMENTS

Mr. Barabani: Only comment I have is that it looks like we are moving forward and I think we are getting as many of this classified jobs filled as fast as we can.

Ms. Early: I agree with Commissioner Barabani and, Ms. Gragg we will get back with you regarding the concern you expressed. You will hear from us.

Cecilia Gragg: Thank you.

Ms. Early: If there are no further comments, the commission will now adjourn into closed session at 5:49 with five-minute break at 5:55 p.m.

VII. CLOSED SESSION

The commission adjourned into closed session at 5:55 p.m.

Pursuant to Government Code Section 54957 to discuss:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Personnel Analyst (Provisional)

Pursuant to Government Code Section 54957 to discuss:
PUBLIC EMPLOYEE APPOINTMENT
Title: Personnel Commission Director (Provisional)

The commission reconvened into open session at 9:10 p.m. and announced that no action taken in closed session.

VIII. ADJOURNMENT

The commission adjourned the meeting at 9:10 p.m.