

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

**MINUTES**

September 18, 2013

**I. CALL TO ORDER**

A. The meeting was called to order at 6:05 p.m. By Commissioner Early.

B. Roll-Call

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

C. Pledge of Allegiance

**II. APPROVAL OF AGENDA**

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

**III. PUBLIC COMMENTS**

- NOTE:**
- Comments from the public on any agenda item may only be made at this time.
  - Because this is a special meeting, comments may only be made on an agenda item.
  - Each member of the public may speak only one time during the public comment session.

Ms. Early                      Are there any public comments?

Michael Dominguez, Special Services Director                      Hello, my name is Michael Dominguez, I am the Director for Special Education for the district, and I just wanted to thank the commissioners for putting the Aurally Handicapped job descriptions on the agenda. Can I answer any questions about it?

Mr. Barabani                      My contact with the state, I talked to Dr. Ward, she was saying that the problem that they are having from our bulletin is having used the word not being able to do the interpreting and by removing that (inaudible). She also mentioned possibly looking into, she did not say it was necessary, but it can be broken into two sections. In addition, I talked to her and she is in agreement with that. I defined two in this agreement but she highly emphasized that it is necessary to be passed because it is mandated in your department.

Mr. Dominguez                      Ok, thank you and I noticed on page 6, there are some items that you want to strike from that.

Mr. Barabani These are her recommendations and I do not know what to say on this, the only thing if you agree or disagree on this.

Mr. Dominguez Yes, we agree. I agree with these changes, I agree with you that we need to get it passed and, It is a very simple mistake. Thank you very much.

Patrick Maher Patrick Maher, again, you have a memo that I wrote after, I talked to Dr. Ward. I think that if we strike out the employment standards, knowledge, skills, and abilities, specify the American sign language and signing exact English and at the bottom of the page using signing exact English, using American sign language should be. . . strike those four lines.

I think that the class spec will meet the state requirements; we will go ahead and allow them to accept the changes, and continue the funding as I can meet as early as tomorrow. I am trying to polish this thing to get to what is needed. So, just track those four lines leave everything else the way it is, it will be sufficient to meet the standard requirements.

Mr. Salazar Which four lines are you talking about?

Mr. Maher It says appointment standards, knowledge and skills the availabilities of the characteristics. It says American sign language strike that. Signing exact English strike that. Using sign exact English, using American sign language strike that.

The class spec will meet the state concerns right now and would have to figure out what the department needs and how it complies with the state law. Those four changes are made and everything else is the way it is. That should get you pass your state requirement and keep your funding going.

Mr. Salazar Is there an issue on that?

Mr. Dominguez No sir.

Mr. Salazar Thank you.

Ms. Early Are there any other comments from the public? Are there any comments from Dr. Vollkommer as it relates to this related classification?

Dr. Vollkommer This specific one Ms. Early?

Ms. Early Yes.

Dr. Vollkommer No, I just want to thank you for your help Mr. Maher and to Mr. Barabani for their efforts; hopefully we can get this squared away and get this thing off our back and continue to get funding so thank you, I appreciate it.

Ms. Early Thank you. Are there any other public comments? Seeing none, we are moving on to Action Item IV. A.

#### **IV. ACTION ITEMS**

- A. The appointee of the governing board nominates Valerie Dixon for the joint appointment to the commissioner

Ms. Early The item is that the appointee of the governing board will now share his nomination for his joint appointment to the commission.

Mr. Salazar Thank you Madam Chair, at this point and time I would like to nominate Valerie Dixon. She is a resident of San Bernardino who knows our community and a former classified employee of the district and, she worked here for approximately 18 years, which is a long time. She knows how the American system works and is involved in the district and the community. I know she will be fair and firm, so I believe that she would be an excellent proponent to the merit system so my nomination for appointee is again, Valerie Dixon.

Ms. Early Moving on to the next action item.

B. It is moved that the commission reschedule the regular meeting of the commission from October 2, 2013, until October 9, 2013 at 5:30 p.m.

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

Ms. Early The item is to reschedule the regular meeting for the commission from October the 2<sup>nd</sup> 2013. This item was asked to be placed on the agenda at the request by commissioner Barabani. We need a motion to reschedule, and if we reschedule we need to have the date.

Mr. Barabani If you want, I will make the motion. It is moved that the commission reschedule regular meeting from October 2<sup>nd</sup> until October \_\_, 2013 at p.m.

Ms. Early I will second the motion and open it up for discussion.

Mr. Barabani The only thing is that I cannot make it and I know the appointment is coming up, and I want to be here for the meeting. It is going to be very tough for me to make it. The only thing I ask if we can reschedule the meeting of October 2<sup>nd</sup> because we have to give the public enough time so we can move forward.

Ms. Early You mean after October 2<sup>nd</sup>.

Mr. Barabani After the October 2<sup>nd</sup> yes, Ms. Early I do not know if the 9<sup>th</sup> might work for you. Since I am making the request, I will accommodate with what you suggest. The week of October 9<sup>th</sup> is a Wednesday so the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> of October I am really tied up.

Ms. Early October the 9<sup>th</sup> is the following Wednesday. Commissioner Salazar I do not know what your availability is? I am available for October the 9<sup>th</sup>.

Mr. Salazar I would do whatever it takes to reschedule that meeting for October 9<sup>th</sup>.

Mr. Barabani                    Alternatively, you can propose another date if you like.

Mr. Salazar                     I would do whatever it takes to reschedule that meeting on October 9<sup>th</sup>; I would cancel vacations, whatever I need to do.

Ms. Early                        October 9, 2013 at 5:30 is fine with all of you. It has been moved and, seconded, that the commission reschedule the regular meeting for the commission. The changes are from October 2, 2013 to October 9, 2013 at 5:30 p.m. All in favor signify with a voting sign of aye.

Mr. Salazar                     Aye.

Mr. Barabani                    Aye.

Ms. Early                        Aye. Motion carries.

Mr. Barabani                    Thank you.

- C. It is moved that the Personnel Commission appoint the following persons to the Commission Staff, to perform duties under the subject matter jurisdiction of the Commission as assigned or directed, and to be compensated from funds in the budget of the Personnel Commission effective the date of their original assignment to the Commission staff:
1. Alexis Jenks, Human Resources Specialist
  2. Irma Garcia, Human Resources Specialist
  3. Nersidalia Garcia, Secretary III

Moved	<u>Ms. Early</u>	Seconded	<u>Mr. Barabani</u>
Vote: Barabani	<u>Abstain</u>	<u>Early</u>	<u>Salazar</u> <u>Aye</u>
Ms. Early	Is there any discussion on the motion?		

Mr. Salazar                     I am just a little curious why are we mentioning people that already work for us when we know they are under the commission? It just seems redundant, why is this on our agenda? I guess that is my question.

Ms. Early                        I think it is on our agenda because of the mediation agreement that we just received. The information that we received from the judge says, the employees that are currently working in the commission office were assigned to the commission. We did not have any input or any control over employees that we received to staff the office and, this kind of just solidifies that we have three individuals that are working as part of the commission staff and we want to affirm their position. We thank them for all the work that they do.

Mr. Salazar                     So I have a question, I am looking at this, heaven forbid one of them should leave. Are we now going to appoint staff from here on out? Are we going to go off the list or are we here to follow the merit system principals in the future? Are we just free to appoint whomever we want? Because that sounds like we are back to square one. If we are not working off that list, so I am curious about that.

Ms. Early                        These individuals are already here.

Mr. Salazar I understand they are here but I am talking about if one of them were to leave.

Ms. Early That position will be advertised for recruitment like all other positions.

Mr. Salazar Then we would use our merit system.

Ms. Early We would use the merit system for hiring another employee.

Mr. Salazar Ok, just curious, that is fine.

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

Mr. Salazar Aye.

Ms. Early Aye.

Mr. Barabani I am going to abstain on this.

D. I moved that the commission approve the revision to the classification specification for Instructional Tutor Aurally Handicapped as submitted.

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

Mr. Barabani I will second that.

Ms. Early Is there any discussion on the motion?

Mr. Barabani This is now the opportunity to speak about this item. Does anybody want to speak about this?

Patrick Maher It should be as amended, because of what is on the classification specification and you made that amendment that should be as amended with those amendments.

Ms. Early As amended, we will make that change of motion unless there is any opposition. Is there any further discussion on the motion?

Mr. Barabani Mr. Dominguez, are you ok with the changes?

Mr. Dominguez Yes sir.

Ms. Early So, let me just restate the motion for the record. I move that the commission approve the revision to the classification specification for instructional Tutor Aurally Handicapped as amended.

Mr. Barabani I will second that.

Ms. Early All in favor signify with a voting sign of aye.

Mr. Barabani Aye.

Ms. Early Aye.

Mr. Salazar Aye.

Ms. Early

The commission will now adjourn into closed session at 6:21 p.m.

## **V. CLOSED SESSION**

The commission adjourned into closed session at 6:21 p.m.

Conference with legal counsel, Kristine E. Kwong, Musick, Peeler, & Garrett, LLP

EXISTISTING LITIGATION (Section 54956.9a): California School Employees Association and its San Bernardino City Chapter No. 183, v. San Bernardino City Unified School District; Governing Board of the San Bernardino City Unified school District; Superintendent Arturo Delgado; Personnel Commission of the San Bernardino City Unified School District: and does 1 to 10, inclusive, Case No. CIVDS1106215.

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

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

Pursuant to Government Code Section 54957 to discuss:  
PUBLIC EMPLOYEE APPOINTMENT  
Title: Personnel Analyst (Provisional) Education Code section 45287

The commission **reconvened into open session** at 9:09 p.m. and announced the following action taken in closed session:

It is moved that the Personnel Commission appoint Patrick Maher as a Provisional Personnel Analyst effective September 16, 2013, for a period not to exceed 90 working days. In addition, assigning him the sole responsibility for implementing the provisions of the Writ of Mandate as it pertains to filling vacancies under the writ, and such other duties and responsibilities as the Commission Chair may assign.

Moved Rhonda Early                      Seconded Gino Barabani  
Vote: Barabani Aye                      Early Aye                      Salazar Abstain

On the motion of Commissioner Rhonda Early and Seconded by Commissioner Gino Barabani and with Commissioner Early voting in favor, and Commissioner Barabani voting in favor. Commissioner Salazar abstaining from the vote. The commission appointed Patrick Maher as a provisional Personnel Analyst effective September 16, 2013 for a period not to exceed 90

working days assigning him the sole responsibility for implementing the provisions of the Writ of Mandate as it pertains to filling vacancies under the writ and such other duties and responsibilities as the Commission Chair may assign.

**VI. ADJOURNMENT**

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