

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

MINUTES

December 4, 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>Ms. Early</u>	Seconded	<u>Mr. Barabani</u>
Vote: Barabani	<u>Aye</u>	Early	<u>Aye</u>
		<u>Aye</u>	<u>Salazar</u>
			<u>Aye</u>

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.
- 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.

Mr. Ochoa,
parent for Ingram
school

Good evening my name is Orlando Ochoa; I am a father of two students that attend Ingram Elementary school. The reason that I am attending this here today is that many parents at Ingram do not speak English. I believe that there is a necessity to have someone in the office who speaks Spanish and English. I actually have been a witness to when parents are coming to the office with concerns for the children. The office staff, although they are very great, I understand them. I speak both languages. But I can see the frustrations in the parents and the staff as well. There have been instances where some of the parents here have been having issues with where per instance medical related.

Also, I myself witnessed a situation where one of the ladies in the cafeteria, she pretty much lost control. This is the one of the staff there, I believe her name is Ms. Elwood, she yelled at the child and raised her hand and she was literally yelling at the child, and he was so scared that he could not even say anything. I actually went in and let Mrs. Rogers know, but the

mother was not able to do that herself because she does not speak English.

There are other issues some of the parents are here and they could actually relay that to you. But as far as like I said sometimes parents have had to call the office, to just let them know the child will be not be in today, due to medical reasons for instance, and they are put on hold until they find a teacher that speaks both languages and the one teacher that is used quite often and she is glad to do so, she is excellent, she is actually my daughters teacher Mrs. Rodriguez. But I think that is unfair to her class because they have to interrupt her class as well. I think if you have the funds and I read on the paper you do have lots of funds because we are designated as one of the poorest areas in the state. What I am suggesting is to please hire someone who speaks both languages. The parents needed, the teachers need it.

As a matter of fact the principal, she is very lovely, but she needs someone there. As hard as she tries her Spanish is not that good, but she does need someone who speaks both languages. I don't need anyone there myself as you can see I speak both languages.

But nonetheless, I remember growing up my parents did not speak English, it was frustrating for my parents. It was frustrating for me; a 2nd grader trying to be an interpreter for dad and mom and the school and staff. If you have the means, please consider this like I said, you will be making the principal very happy. You will be making a lot of the parents very happy and the children too. They need this service. Okay, does anyone else would like to add to this? Your own personal experiences.

Translating for another parent – they lady here, Nora, her child is very ill and if I recall correctly we had an earlier meeting today. Her child had been transferred from Ingram to a different school and she tried hard to explain why the child could not be transferred to another school. Her child I'm not even sure if it was a daughter, but she does have a boy, a son and a daughter, they are both ill.

But one of the children, from what I recall from this earlier meeting was so ill that the doctor does not recommend the child to be transferred with public transportation. He recommended that the child remain at Ingram instead of being transferred to a different school. She had a difficult time relaying that to Ingram because again, lack of communication. The parents here they understand that is their responsibility to learn the language. After all they are here in America; however they do have this great need. They are not going to be able to learn the language overnight.

My parents, I am 44 years old, I was three years old when they immigrated here, and to this day it's very hard for them to learn the language. They understand more than what they

can speak.

But there are other cases but most than anything it's the concern that something may happen to the children because the parents are not able to communicate with the school staff and vice versa.

There was another case, I don't see the lady here, but she had gone to Orange County to take her father to have some test done. I guess the father's ill as well. And on her way back, unfortunately, she hit traffic and she was trying to communicate with the school to let them know that she is on her way. The first time she called she says that they had her on hold for about an hour and finally somebody hung up on her. I guess they could not find Mrs. Rodriguez and then she tried again and they had her on hold for another 15 minutes before they hung up on her. So then she tried again a third time and this time she hangs up. She said she doesn't know how long she was on hold. The need is there. I hope you folks find it in your hearts and also in your wallets to hire someone. We do know that there are a couple vacant spots and I just hope you hire the right person, someone that the community really needs.

Mr. Barabani Is there a position that has not been filled? Or do you need a position there?

Mr. Ochoa As a matter of fact there's a couple vacant spots available.

She just reminded me, there was also a lady, who out of her good will she's like myself, bilingual who tried to volunteer here sometime in the morning. Apparently due to politics with and or the union. I guess the teachers union, she was not allowed to. I guess that's something that a staff member supposed to do. You may want to look into that. There are parents that have a few hours that they could spare and would be happy to do so but apparently the union is getting on the way.

Parent in Audience In Spanish, "we want to know if it's true or does the principal not want to give us the opportunity.

Mr. Ochoa She's just wondering if that is true or if the principal want to give the lady an opportunity.

Mr. Barabani That I would not know, the reason I am asking as the Personnel Commission we fly jobs for the purpose like this and we then test. We make sure person is qualified. Obviously, if we are testing for a bilingual job, we want to make sure that they are able to communicate and things like that. As for the position have you gone to the school board to raise these concerns with them first?

Mr. Ochoa I don't think they have gone to the school board, from what I got from the earlier meeting it's just something that the parents have requested the principal and the principal informed them

that it is out of her hands. And as a matter of fact she had suggested that they speak to I believe Mr. Arellano and, Mr. Arellano asked us to come to the meeting today to bring our concerns with them forth.

Parent in audience Parent asking in Spanish, "Why if they have two secretaries why one is not Spanish and the other in Spanish?"

Mr. Ochoa She is saying that right now there's a couple of secretaries but she's asking why one is not a bilingual, but I do not have the answer for that. They're frustrated as you can see, just by the tone of voice, even though you may not. They are frustrated because this has been going on over and over.

I myself when I happen to be by the office I have volunteered myself and gone in there with a parent to raise some concerns about their child or the education and what not.

Anyone else wants to say something?

Mr. Barabani Can you make sure you leave your name and phone number so we can get in contact with you?

Mr. Ochoa I will supply it to Mr. Arellano or as many as you would like to.

Mr. Barabani Please give the information to Mr. Maher.

Mr. Ochoa Okay, I will do that. Thank you so much.

Antonio Escobedo, parent for Ingram Elementary School Hi my name is Antonio Escobedo. I am one of the one of the parents here. I have three children in that school. I just want to bring something up; I just recently had a surgery on my legs. They only have 3 handicapped entrance sections there. Obviously you can see they are short staffed. We need extra personnel to take care of the traffic over there, because it is really getting out of hand. I tried to get into the handicapped spaces but people they don't respect the space or anything like that. So, I'm thinking if you guys could hire someone to at least take care of the traffic there. Because one of the parents was saying that before it's too late any other parents would get into arguments on that or anything, besides the handicapped. I was hoping you guys can address that. The other parent was saying they were hoping maybe you guys could hire an additional or a vice principal maybe? That would run one of the offices. That would be a good idea also. She is saying they used to have a vice principal. It is really frustrating out there, people that can't talk English. My wife is in the same situation, my wife does not speak any English, and so I am kind of here for her and the rest of the parents. Thank you for your time.

Ms. Early Are there any more comments from the public?

Dr. Perry Wiseman, Assistant Superintendent to Good evening commissioner, my name is Perry Wiseman and I assume the role of Assistant Superintendent of Human Resources on November 1st. I'm here on behalf of the district and we have an agenda Item IV. C, I would like to speak on

Human
Resources

that item this evening. There has been multiple emails and phone calls communication going back and forth between Mr. Maher and the district in regards to the buyer position and we put a memo out I think it was November 26th to request that the commission terminate the list and we gave a variety of reasons. Mr. Maher gave a nice thorough response and we received that.

Anyways we are still requesting that and I have three requests for the commissions. First is to follow through with the request of terminating the buyer list and here is our rationale. On a couple of the items that I am going to address in regards to the rationale are included in the memo that the district sent out. One of them we just found I'm going to speak on that piece.

Number one is the training and experience exam conducted by Mr. Flory was flawed and that Mr. Maher had mentioned it was flawed he had to go in and clean some things up with that. And the question we have is that and the other thing is that there were records kept on the T&E exam and the question we have is if there were no records, I know Mr. Maher went and reran everything and used all of the records to do that. How was he able to reorder the rankings? That is the main issues that we had in the memo. I did meet with the classified staff and we all believe that Mr. Maher when he does the recruitment and putting the eligibility list together by himself and that is a process he does. He does a fantastic job. We are not here to speak negatively about his process. The processes. But the process that Mr. Flory put together there were multiple flaws.

The other one was Mr. Flory actually called; he wasn't clear on the job description that said professional buying experience. And he actually called on Debbie Love, the purchasing director to go over and serve as a technical expert. She reviewed all of the applications and at that conclusion of that in reviewing the application she stated to Mr. Flory that there was no one that had professional buying experiences.

One of the rules that and it was not addressed in the memo but one of the rules and this is 4.04 technical expert involvements in review of the employment applications". If you look at 4.04 "the identity of the applicant shall not be disclosed to the technical expert photocopies of the side of the application containing pertinent information shall be made for the technical expert and any information on that copy tending to disclose the applicants identity shall be blackened out or otherwise removed unless impractical to do so."

Unfortunately Debbie Love saw every applicants name, the names were not redacted so the district is requesting due to not having records all of the flaws in the T and E, we are not too sure if there is records on the oral as well as the names not being redacted we believe that there was not much merit on that process with the buyer. Keep in mind I know Mr.

Maier had a communication; there is some cherry picking and so forth. I came on to the position as I stated November 1st and learning the writ and all of the PC rules and all of that.

I had a staff member come to me and that was Debbie Love and she was concerned and she was trying to get in with me every day just to share with me that we have applicants on this eligibility list, and they will not be able to handle this job. While interviewing they were saying that they have done purchase requisitions at the school site, or they have done orders on office depot and that is pretty much the extent of their experience. We are looking for people that need to go and negotiate contracts and negotiate prices with vendors. So professional buying experiences is pretty extensive so, that is the request.

The second request is, if the commission chooses not to terminate the list, we are asking that you do not certify the list for an additional 90 days.

Lastly the third request is as Mr. Maier stated and it is also stated in the Writ, that per the Writ if the district is unable to fill the vacancy for within 20 days the district shall call a meeting within 5 days.

So this is a formal request to bring the personnel commission representative, CSEA together as well as the district and to really sit down and examine the process the practices where we are at with the buyer list, other list, and so forth. I think CSEA and I don't want to speak on their behalf, but I'm sure we have been meeting and talking and we really want to come together and make this happen. That's the request. We want the best employees at the schools the district and we need to fill this vacancies and give people in the community jobs and get the work done so that is my presentation. Thank you.

Sylvia Ross,
Employee for
SBCUSD

Good evening commissioners, my name is Sylvia Ross, I am an applicant for the position of Superintendent's Assistant and I'm here just to voice my concern about the examination process that the performance exam for the Superintendent's Assistant. I'm sorry I'm nervous. I brought copies of the flyer. I just wanted to bring to your attention the essential job functions. It indicates that the job requires "interpretation of policies, rules and regulations. Serve as liaison to other administrative staff members. I am just summarizing, I'm just going to do a short summary. "Represents the district in various levels. Coordinates and manages the budgets for the departments for departments within the superintendent's division. Serves as office manager. Supervises evaluates and assists in the selection of staff. Transmits instructions and directions. Determines schedules and priorities. Oversees the preparation editing and reviewing the preparation of the bulletins, reports, and correspondences. Reviews outgoings correspondence, receives calls maintains and regulates. Establishes and maintains files as necessary composes and

dictates correspondence receives and transcribes and types dictation as needed. Gathers information and summarizes data, composes routine items for board presentation, I just want you to see what those action words are.

The performance examination included "intermediate outlook", I mean "intermediate excel" and "intermediate word". In "word", there were two problems with that. Number one, the district has two versions of word, one of them is a newer version which is the 2010 version and some people still have the older version which I think it's 2007. That is ok; word is something that we all use as administrative assistant. With "outlook" it is not used very often as an administrative assistant and I have 25 years of experience as an administrative assistant. I used "outlook" very rarely, and I know how to use the tables and such. But the examination itself included formulas and pivot tables that the average person doesn't use. You can see on the job announcement and the essential job functions. There is nothing in there that actually says you have to use that in the performance of your job. Basically it says that you oversee the preparation of and editing so I think that is flaw in there because the test really is for "outlook", should be basic but it did not test for your ability to "oversee the preparation editing and reviewing of correspondence and reports and such.

So, I just wanted to share that with you. I did get the results of my test. I do see that I received a score of 72% on "word" and my overall score went down because of the "excel", which I feel did not relate to position itself. So, I am requesting a review on that. Ok. Thank you.

Debra Love,
Purchasing
Director

Good evening commissioners, my name is Debra Love and I am the Director of purchasing services. I am here to speak to on behalf of the buyer eligibility list. I kind of want to bring you are all up to date and Mr. Maher because I know he was not here when this went on. Also Dr. Wiseman he was so kind to listen to my concerns when I brought them to him and I appreciate him bringing this forward.

I wanted to give you a little bit of what went in this. I read the memo from Mr. Maher saying that this was just brought to the attention of the Personnel Director and the commission in October and I wanted to correct that. Because Perry was not here and neither was Mr. Maher. I did want to bring this to the attention of the personnel director's office at that time Mr. Abe Flory back in December. I did go over and looked at the list because they did not feel they had the expertise to look through. And I came over and this office and went through all those applications. In December, I notified them that there were no applicants that were qualified and I gave them the reasons and specifically pointed out what I seen in there as the reason why they were not qualified for this. And there

were quite a few applicants. They indicated that they would talk with Abe Flory and Abe would get back with me. Abe did get back and say that he needed to take this forward for whatever reason. So I was really quite concerned. I just want to make sure. This was in December 2012. We were forced to move forward and we went on the interview process; which at the same time I brought up the same concern.

I want to tell you about the interview process because we did have five applicants that we brought in. I served on that interview and I have 34 years in purchasing. I have worked for the district for 17 years I have done nothing but been in purchasing for 34 years the rest in government. So I am pretty familiar in purchasing. The other person who was on that was our Interim CBO at that time, who has over 25 years in finance, running purchasing and facilities; she is pretty qualified, I have a contract analyst who has over 25 years being a contract analyst. She's been with the district for over 12 years. She worked in LA County in contracts. And then we had a buyer who has been here for over 25 years. We all served on that committee and we had someone from HR to sit in on that.

I would encourage and ask you guys to look I noticed Mr. Wiseman's letter that they offered to share that interview of those notes with you. I don't have those notes but I can remember what went on. I would ask you to take that time and look at those notes we ask for you to read the buyer description. This is a critical position. I don't know if Mr. Maher realizes Mohamed and I met with him over 2 years ago. Because this position was so critical that it got pulled up under this so we can get someone in. It's not a purchasing clerk or a purchasing assistant, this is a buyer who is going to go out and negotiate contracts. They need to be familiar with public contract code, federal code; it's a liability on the district. We can place an order and the buyers don't know and later on somebody can challenge that and the federal government.

We have a contract out there for twelve million dollars. Well we have gone through litigation and because we were so careful and went through and knew what we were doing that we did not have to pay that money back. This is a critical position. So we take it very serious. That is why I am before you now because when we interview these folks and if you read the buyer list we put in there that they they need to be familiar with public contract code; they need to be familiar with RP process; they need to know how to negotiate. All these things I am saying to you we specifically ask them these questions. Each one of those applicants said no I have never done this but I am willing to learn. I would even encourage you to speak with any of those applicants I wish they were here so I can say with them here so that you know. I applaud them for being honest and telling me that.

But my problem is that our position is critical. There are three

people doing five peoples jobs. We are very busy and I spend every weekend carrying buyers work and I need someone in that just takes a little bit of time to bring up to speed so that we can keep getting on about the business of the district and I don't have to worry about liability. So that is why I'm here before you, because it's not about the applicants on the list. I have no idea about the process what you guys do, I leave that up to you three identities, I trust you to make that right decision on that. I have no expertise on that but, I do have expertise in purchasing and I ask you to just take some time and consider this before making a decision, consider what Perry asked you about pulling that list and going back and looking at it. Please look at the interviews, talk to the people, and I think that they were honest enough to say that no we never done this and I do not have the staff nor do we have the time to be able to train those people from zero up to where they want to be. Thank you for taking the time to listen to me and I would ask that you please take the time to look at this and consider before you make a final decision. Thank you.

Lisa Towery,
CSEA Labor
Representative

Thank you, I don't have the history of what it occurred on the past. I know for our members they are very suspicious when the district appears that they are resorting back to what they determine, they think is bad behaviors. Dr. Wiseman and I both don't have, we kind of almost came in at the same time and we are trying to move forward and I don't know if there is a way for us to meet. I think we have to meet more often. I met with Pat, he works really hard and he is extremely thorough. But I think we need to meet more so we can address this issues because of what has been stated. It concerns me but at the same time I need to answer to my members as to if we pull a list there is a viable reason as to why we did it and it's on the best interest of everybody.

For CSEA we just want to make sure that we have the right candidates and that we are working together. The PC, CSEA, and the district. I think that as I understand it that if you don't take action tonight then the list expires and there may be a perception that the district is doing this purposely. I don't know that and I really don't want to assume that. So I don't know if it's the best thing to do is to give us time to meet and do the right thing. With Pat's expertise, because he's looked at all of this, he's been saddled with having to fix what and but in his professional opinion to move forward with candidates and lists and all that kinds of stuff.

Basically, we need to start talking to each other to solve these issues and Pat has been very good about sending us email's, but honestly meetings work better. They really do. And I know Pat is willing to do that, so we are willing to do that and we want to make sure that we are hiring the right candidates and we don't want to hire people who aren't going to make it through probation; that is not good for our members either. And, I straight out ask the district, our members say that they

are cherry picking. I am just going to bring it forward. Are you cherry picking? Because you know what we don't need is that, I am here to go forward and I don't have all this history. I'm glad I don't. I will form my own opinion, and that is usually how I work in all my districts. Right now I just want everybody to do the right thing. You have to think about it. But in CSEA's opinion we just want to be able to answer our members questions; we are willing to meet as soon as possible so that the list does not expire. But I guess that action has to be taken tonight right Pat?

Pat Maher To extend the list?

Lisa Towery,
CSEA Labor
Representative Yes whatever is legal? Bottom line is let's just do it right, and let's meet and do it correctly. Okay? And have everyone in the room, especially him, so we can see what happened and Pat can help us through that process as well. Thank you.

Ms. Early Are there any other comments from the public?

Sylvia Ross I'm sorry Sylvia Ross again. It was brought to my attention that I was using the wrong reference, I said the "outlook" for the performance exam and it was actually "excel". For the record, thank you.

Ms. Early Any other comments? For the parents from Ingram just to let you know that we have Dr. Vollkommer here to put the commission actually works to test for position after the vacancies have been identified as on a field list so those of you who came forward saying that we need such and such a thing addressed in Ingram, a lot of those things are something that has to be, it is not under our purview. Ok, we test for positions that have been identified as vacant and need to be filled from the district. I just want you to associate and Dr. Vollkommer if you want to come forward please.

Dr. Vollkommer Dr. Wiseman and I have already spoken and we are going to get in contact and compare the vacancy list or vacancy log with what we have in terms of positions at Ingram. We will also be in contact in the morning with Dr. Zamora who oversees that school as part of their schools. So we will make sure that we are on the right track in getting someone that has bilingual capabilities for the school.

The commission is absolutely correct. They kind of provide the foundation of selection for us, but it is really up to the district to make sure the right people are in those positions. So I will make sure if I can get a contact person or if Daniel already has contact information, we can work through Mr. Arellano's office to make sure that we get back to someone to get back the information. Ok. Thank you Ms. Early.

Lisa Towery–
CSEA Labor Can I answer one question for them because I want them to know if the principal was telling them the truth regarding the

Representative work? The principal is telling the truth; because volunteers cannot perform work that is by law its classified work. There is a way to solve this problem and I am sure Dr. Vollkommer and Dr. Wiseman are thinking about it, because there is ways contractually for us to solve this problem for you. And that is why it's good that you came forward because I'm hearing it, and you are hearing it, and Cal is hearing it, you know we are all hearing it. There is a way to solve it but just to let you know, it's to protect our work. We can't have volunteers doing our work and that's the law. Your principal is telling you the truth and she's doing a good job. But there is a way to solve it, without blaming people so we can do it.

Mr. Barabani Madam Chair if there is an issue, like there is not priority lists can we just right now that say something on that. Let's try to work on that immediately if we can, and to get a list out to fill these positions.

Dr. Vollkommer Mr. Barabani that's why I said the first step is to look at the vacancy log. To see if there is a vacancy I don't know the personnel ending groups office of the top of my head, it may be that there is a substitute there and we may be able to change the substitute and get a bilingual substitute if possible or while we are waiting for a bilingual clerk, or bilingual secretary or something that is on the vacancy log, I just don't have that in front of me so.

Mr. Barabani I understand that but maybe you and Lisa can maybe get together on this and we can have something by next month. Something we can go over and correct.

Lisa Towery,
CSEA Labor
Representative Yes, Pat and Cal and I met and we went through a lot of job classifications so that they are ready for you next meeting. I would like to ask for a meeting, I don't know if I do that now, for January 7th, if I would like to request that meeting because we are working on getting this all buttoned up, and there are minor changes but there's is a lot of them. And some of them were the ones that Pat knew were priority.

Mr. Barabani It's been a major concern so if some of those things you have not been working on, you can get working on them.

Lisa Towery,
Labor
Representative
for CSEA Yes we have been working on them. But there is other ways like Dr. Vollkommer was saying there is ways to resolve this issue without pointing fingers on that lists and all that kind of stuff. Although that has to be done and those are priority I agree.

Ms. Early Thank you. Are there any other public comments? Seeing none we will move on to action item IV.

IV. ACTION ITEMS

A. The Commissioners will make nominations and vote for officers for 2014.

1. It is moved that _____ be approved by the commissioners as Chairperson for the 2014 term.

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

Ms. Early I move that Commissioner Gino Barabani be approved by the commission as Chair person for 2014 term. Commissioner Barabani do you accept the nomination?

Mr. Barabani Yes.

Ms. Early Do I have a second to the motion?

Mr. Barabani I will second.

Ms. Early Any discussion to the motion?

Mr. Salazar Yes, just real quick, we are on action item IV. A 1 and 2, my comment just for public record is that it may be premature for us to make this nomination at this time. I don't think the final decision has been rendered in terms of the joint appointee yet and, so my suggestion would be that we just leave the current chair in place and the current vice chair in place until that issue is resolved then come back and revisit this matter because we might have to revisit this matter again.

In the future. As not to be redundant and be efficient with the time of the commissioners that is just my comments that would be my suggestion with respect to action items IV (A) 1 and 2.

Ms. Early Thank you commissioner Salazar. I agree with your rational however, in keeping with our commission rules which, states that we do this in December of every year. So if you have to revisit this then, you would have to revisit it.

Mr. Salazar Good enough.

Ms. Early So understanding though. Any other comments? Any other discussion? All in favor signify with a voting sign of aye.

Mr. Barabani Aye.

Ms. Early Aye.

Mr. Salazar Nay.

Ms. Early Motion Carries.

2. It is moved that Rhonda Early be approved by the commissioners as Vice-Chairperson for the 2014 term.

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

Ms. Early I accept the nomination and I second the motion. Any discussion on the motion?

Mr. Salazar Same objection.

Ms. Early Any further discussion on the motion?

Mr. Barabani Call for the vote.

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

Mr. Barabani Aye.

Ms. Early Aye. Any opposition to the motion?

Mr. Salazar I'll abstain

Ms. Early Ok, one abstention. Motion carries. At this time I like to turn the meeting over to our new commission chair.

Mr. Barabani Thank you.

B. The commission will consider approving eligibility list. Proposed motions are:

1. It is moved that the commission approve the eligibility list for Groundskeeper (Exam 13-028)

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

Ms. Early I Second.

Mr. Barabani Any discussion? Call for the vote.

Ms. Early Aye.

Mr. Salazar Aye.

Mr. Barabani Aye.

2. It is moved that the commission approve the eligibility list for Athletic Equipment Attendant (Exam 13-029)

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

Ms. Early I second.

Mr. Barabani Any discussion? Call for the vote.

Ms. Early Aye.

Mr. Barabani Aye.

Mr. Salazar Aye.

C. The commission will consider taking action concerning the District's failure to fill vacancies.

1. It is moved that the commission invoke the Writ of Mandamus Appeal Process due to the District's failure to fill vacancies for the position of Buyer within twenty (20) days as provided for in the Writ.

Moved: Mr. Barabani Seconded None
 Vote: Barabani Early Salazar
 Mr. Barabani Do I have a second? No second we will move on to the next.

2. It is moved that the commission extend the eligibility list for Buyer (Exam 12-005) from January 10, 2014 to April 10, 2014.

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

Mr. Barabani Do I have a second?

Ms. Early I second

Mr. Barabani Open for discussion.

Ms. Early I want to thank Dr. Wiseman. I did receive your written response and I thank Mr. Maher for providing us with background information. I was not aware of the process that was utilized by Director Flory was problematic so it is of concern to me to hear that a position has been in limbo for a year. We approved an eligibility list in February and 10 months later we are just now hearing of problems with that eligibility list.

I did hear Ms. Love come before us stating that she has had discussions with commission staff and with Mr. Flory. Those discussions were never shared with us. So we were unaware, at least I was, I can't speak for my fellow commissioners, but I was unaware that a position has been vacant for that long and that challenges were presented that were never shared with our commission. So I did receive the correspondence from Dr. Wiseman, thank you. I did receive the emails from Mr. Maher thank you. I just want to thank all of you for bringing and sharing the information with commissioners within this last month.

My concern is that it took a year for those concerns to be shared with us. Someone should of being coming saying "How come this position has not been filled?" These are problems with the process that was utilized by the director. No one had shared that information with us. So, I have several question marks as to why did this take so long to come out? Did the correspondence did hear information that was shared tonight and for that reason I'm seconding the motion to at least to extend the eligibility list until more information is shared. Specifically, with CSEA and applicants that have been sitting on the sideline wanting to know what is the status of their application. So that is my input.

Mr. Salazar Just want to make a few comments on Action Item IV. (C) 2 which is a consideration for extending the eligibility list for buyer. And I have read through the correspondences as well and there is some history that is new to me as well and I think

that in part, you know, I want to thank Pat for bringing that stuff to light. I have a question for Pat on this. I read through the correspondences, my question is very simple. Do you think we have a good list here?

Mr. Maher It depends what you mean of good. If you mean a legal list?

Mr. Salazar No, I don't mean a legal list? Do we have a solid list that addresses the issues that Ms. Love is talking about? I mean is this a list of the people that we are trying to fill for specific job category, I mean it's critical. We are talking about lots and lots of money here. I don't want to take any job lightly.

Mr. Maher I have not gone back and looked at it individually; people should have been screened in or out. I have not gone back to look at and try to evaluate independently. Whether the T&E was properly rated. We do have rating scores for that by the way. That is how I was able to reorder the list because we do have the scores.

I did not go back to look at the independent analysis. I was looking at the legal stand-point and what procedures were taking place when it has to be required. I can't tell you yes or no. You would have to trust Ms. Lowry's expert opinion, or if not I can't refute that. I would accept it at least for pending further review. To answer the question if it's a good list, I guess it depends on what you think of a good list. Unfortunately it is very similar to what Mr. Flory did, in terms of quality.

Mr. Salazar Which is?

Mr. Maher Which is not very good, but that means none the lists is very good either, so I don't know which one you want to pick and choose. I really can't answer your question.

Mr. Salazar I believe that all the jobs that are flown are critical to the mission of the district which to educate the children. With what I heard tonight it's a lot of information to process. I can't see why we would consider extending an eligibility list that quite frankly does not appear to meet the requirements of what we are looking for such a critical position and again I want to reemphasized all positions to me are critical.

But and I conquer with you Ms. Early, why does this take so long? It is frustrating to me as well and again that is why I go back to Mr. Maher and say, thank you for uncovering this information this is data that we did not have access to. We thought we had good information and come to find out that it's not the banding and the other stuff that goes on with the text here with the correspondence, I just can't see any reason that we would want to extend an eligibly list that does not fill a critical position with applicants that quite frankly don't seem to measure up to what we are looking for which is the best of the best. So, sorry I'm a little long winded but that is my comment on that. Again, I think it's very important, I don't like

saying this but this might be one we need to start all over with.

Ms. Early Commissioner Barabani did I hear you say that you did not have an opportunity to review the applications that your received so you can see not say that they fail to meet the requirements.

Mr. Maher I looked at it and only the requirement aspects whether or not there was a legal compliance or not a legal compliance. Except for some information I heard for the first time tonight. I felt that the process was legally compliant. Not good, but legally compliant. Tonight the more I heard about it, I am at a point now of what was done and what was not done, was or was not legal until we have more time, to check into that and find out exactly what happened with everything else, I can't make a recommendation this time. It will take me some time to get some further research of what I heard for the first time tonight. So I can't answer the question for you whether or not is legal or no legal. I have some concerns, but it was later on so I can't go any further right now.

Ms. Early I did commissioner Barabani hear the concerns that were brought forward by Ms. Love and also those that were brought forward by Ms. Towery. My understanding is that eligibility list is due to expire on January the 10th.

Mr. Maher I believe that is correct.

Ms. Early I heard from Ms. Towery that she was requesting a special meeting for January the 7th during her public comments. Would you have had an opportunity to review information be able to report out on January 7th if the commission decides that we can meet on January 7th

Mr. Maher I think we can meet on a regular meeting for January.

Ms. Early And I don't have a calendar.

Mr. Maher I hope at least we find some stuff out. And make a decision hopefully give you some more recommendation by then. I can get the information that I need and deal with it. There are a lot of issues going on. I'm looking on whether or not the exam violates the law or not. Some it's clear that it did the recommendation to the district and CSEA how do they move forward on those. The majority again, very poor quality, total lack of trying to find qualified people. But that is not on a legal exam, but how many exams do we now throw out and start over again? That is the position I have taken on all of them, is it illegal? We can't proceed on it or if there is something illegal we can fix it and proceed with it if not then we have to throw the list out.

If its legal then we can proceed with it legally then I believe we should continue with it as best as we can and we can either fill the positions and get some of this many other positions filled, if not we have to many other positions to

recruit for and fill up. If not we will proceed with the list that we thought were good list at the time of mediation of when it went to the court and the time of the Writ. We thought it was at least a good list to find out when I walked in here how bad they really were in terms of quality and legality. I don't think anyone was looking at redoing any of those lists. So that is kind of the situation that we are in and how many we do?

Ms. Early

Thank you.

Mr. Salazar

I'm not playing with my phone, I am looking at dates.

Mr. Barabani

Mike, do you have any more comments?

Mr. Salazar

You know why don't you go and if there is something else that comes up then you know.

Mr. Barabani

First of all, as I listen to people speak here, they talked about how critical those positions were, and from my perspective every position I don't care what it is in this district, it is critical because ultimately they serve the children of this district. I got some really major concerns, I mean, I not only listened very carefully I also heard things that I did not want to hear. I heard that a lot of confidential information got out of this office.

I also know and I'm going to beat this elephant for this, the district supported Mr. Flory on this flaw list. I stood here over and over demanding that he provide us information, provide us with proper information, provide us with proper list, the district sits on this list for 10 months says nothing hoping Mr. Flory would get the position and continue to do this kind of work from my opinion.

Now here we sit having to fix problems which I complained about over and over again, so did Ms. Early and now I hear it is a critical position? Of course it is a critical position, its tax payer money, especially buyer position, it's going to get wasted if you don't get somebody here that will do the position.

I also understand that that there are a lot of CSEA employees that are on this list and I'm their appointee but, I also must be neutral when it comes to making decisions on this. One of the things not only was the district was called on this list. I saw a lot of CSEA employees and their leadership come in here demanding this list be done, and even some came up to me add told me I was not very kind, because I demanded that this things be done.

Well if the commission was allowed to have done their job properly at this time, these situations would not exist now. So now I'm sitting here making a vote. This is a very hard decision, very critical. My problem right now is the ten month thing. We reach a point almost, I feel that if I don't support this list I'm telling the district "I don't care that you guys sat on this list for 10 months, violated the law, sat on this list

because we wanted to pick the cream of the crop.”

We found somebody and I’m bringing this up because in the past the charges of nepotism and favoritism and even racism have been brought up because the list were not done properly and there was independent arbitrator who said that also. This are people who came from outside and said this situation existed.

Now I am looking at the list 10 months later and they are trying to tell me I have CSEA telling me I don’t want this list now even though we know the person who produced it, did not produce it right. And then the district is saying I don’t want that list even though they supported that person that made the list. It is ironic it is beyond ironic. That is my statement. Call for the vote unless someone else would like to say something else.

Ms. Early Commissioner Barabani would it be appropriate to have this on the agenda for January 7th? Would it allow Mr. Maher a little bit more time to review the application?

Mr. Barabani Yes, we have a motion on the floor we need to vote on it. I will call for the vote on this.

Ms. Early Nay.

Mr. Salazar Nay.

Mr. Barabani I will abstain. We have a motion.

Mr. Maher We don’t need a motion; we will put it back on the agenda.

Mr. Barabani If we have to have a special meeting then we will if something comes up.

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

- 1. It is moved that the commission approve the recruitment for Nutrition Services Custodian/Utility Technician (Exam 13-023) as submitted.

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

Ms. Early I second.

Mr. Barabani Any discussion? Call for the vote.

Ms. .Early Aye.

Mr. Barabani Aye.

Mr. Salazar Aye.

- 2. It is moved that the commission approve the recruitment for Lead HVACR Mechanic (Exam 13-027) as submitted.

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

Ms. Early I second

Mr. Barabanai Any discussion? Call for the vote. Aye.

Ms. Early Aye.

Mr. Salazar Aye.

E. The commission will come to consensus on holding two meeting days per month and will set the days of the month when the two meetings will be held.

Ms. Early For reasons as stated from commissioner Salazar I believe that this item is premature. I am prepared to support two meetings for the month of January and then January set the calendar for 2014 with three commissioners present but for us to set the calendar for the entire 2014 tonight is a little bit premature. I'm in agreement to holding 2 meetings in January and setting the dates tonight.

Mr. Salazar I concur with that. I like that idea.

Mr. Barabani I will also.

Mr. Maher When I originally prepared the agenda the backup I thought that we were on vacation through Jan the 3rd and coming back on the 6th. I found out today we are coming back on the 2nd. If you want to hold the meeting on January 1st is the first Wednesday. I don't think many people are going to show up. If we report one week we still get the agenda out for brown act.

Second Wednesday is usually when CSEA has the membership meeting and they asked that we don't have meetings that date. We can have it the following Thursday, or as early as Tuesday. It's important to have it that week and then have the second meeting the fourth week because I anticipate a lot of bulletins being opening up, class specs coming in. There is a lot of work to do the two meetings will keep us real busy just getting through a whole lot of information. So it's you know as soon as we set the dates. I suggest the 2nd week and the 4th week of January; we have the first regular meeting in February.

Mr. Salazar So I heard CSEA mentioned the You mention the 7th that day works for me. What was the other date you were talking about

Mr. Maher The second week, it could be Tuesday, Wednesday, or Thursday, I could still get the agenda out on Friday to be in compliance with the Brown Act.

Mr. Salazar What dates are you suggesting, I know you are giving me three days but I don't know the dates.

Mr. Maher Tuesday, Wednesday, or Thursday, Somewhere around the

20th.

Mr. Salazar Is it the 20th you are talking about?

Mr. Maher Yes, the week of the 20th.

Ms. Early Wednesday is the 22nd.

Mr. Salazar I'm fine with that. That works for me. I have 7th and the 22nd at 5:30 p.m. that is perfect then we will agendaize on the 22nd so that we can get the rest on the calendar.

Mr. Barabani Move to item F.

F. The personnel director will give a report on the status of the commission's compliance with the production of eligibility lists pursuant to the Writ of Mandamus.

Mr. Maher I got a base report, I met earlier with CSEA and we had three meetings, email correspondence and moving forward. The first set of roughly 15 class specs to you by the January meeting, and hopefully I get recruitments of the same meeting. Open it up when this stuff gets finalized and get it together. I will be working on it over the holidays. Alexis has volunteered to work during the Christmas break to do the work. We can get the bulletins put together and I will be working on the agenda so whatever we have available at that time will go under the agenda things that come during the time that we can move forward on it.

Mr. Barabani Mr. Maher, since Lisa is sitting behind you, when you say volunteer I assume she is going to take the time.

Mr. Maher Oh yes, volunteer to work. One more thing. I'm still waiting for the district to give me names to set on the interview panel for T & E for the Assistant Superintendent for the business department and the Superintendent Assistant we got the first test done and ready to go, and ready to move forward on that so as soon as we talk and get that information hopefully if not the first meeting probably the second meeting to get this going.

Mr. Barabani Ok, everyone knows what needs to be done.

G. It is moved that the commission approve the minutes for September 18, 2013 with Corrections.

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

Ms. Early I second.

Mr. Barabani Thank you. Any corrections? Call for the vote.

Mr. Salazar Aye.

Ms. Early Aye.

Mr. Barabani Aye. Thank you.

H. It is moved that the commission approve the minutes for October 9, 2013 with corrections?

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

Mr. Salazar I will second.

Mr. Barabani Call for the vote.

Ms. Early Aye.

Mr. Salazar Aye.

Mr. Barabani Aye. Thank you

I. It is moved that the commission approve the minutes for October 21, 2013 with corrections.

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

Ms. Early Aye.

Mr. Barabani Everybody ok with those? Call for the vote.

Ms. Early Aye.

Mr. Salazar Aye.

Mr. Barabani Aye. Thank you.

VI. COMMISSIONER'S COMMENTS

Mr. Salazar: I will keep my comments brief in the interest of time. I just want to publicly thank Ms. Early for the fabulous job she did as our chair. We are going to miss you in that capacity and I want to also publicly welcome Mr. Barabani back to the Chair. Additionally, publicly I want to thank Pat for his good work. I think we are going in the right direction. I know this not a popularity contest as for some people in the room and it is not about being popular is about doing the right thing, and doing things right that also help us to get to our ultimate goal and mission which is to get the best people hired in the district so. Those are my comments as far as that go. More on a personal level because I believe this is our last meeting of the year. I want to wish everybody happy holidays.

Ms. Early: I have no comments.

Mr. Barabani: My only comments it has been a pleasure to have Rhonda Early as a Chair. It has been a pleasure all this years for the commission and I hope to continue to do so. Other than that I wish everyone a wonderful Christmas and Happy New Year.

VII. CLOSED SESSION

The commission adjourned into closed session at 6:55 p.m.

Pursuant to Government Code Section 54956.9 subdivisions (d) (2), (d) (4) and (e) (1)
Conference with legal counsel concerning anticipated litigation 2 potential cases.

Pursuant to Government Code Section 54957 to discuss:

PUBLIC EMPLOYEE APPOINTMENT

Title: Personnel Commission Director (Provisional)

The commission reconvened into open session at 7:57 p.m. and announced that no action taken in closed session.

VIII. ADJOURNMENT

The commission adjourned the meeting at 7:58 p.m.