



OCEAN VIEW SCHOOL DISTRICT



PERSONNEL COMMISSION AGENDA

Thursday, August 12, 2021

CLOSED SESSION

4:00 p.m.

H.R. Conference Room, Building B

REGULAR MEETING

4:30 p.m.

Board Room, Building A

Classified Employees

in **PARTNERSHIP** with **EDUCATION**

Personnel Commission

1966 – 2021

PERSONNEL COMMISSION:

Daniel P. Gooch, Chair

Bob Ewing, Vice-Chair

Lance Bidnick, Member

A G E N D A

PERSONNEL COMMISSION

**OCEAN VIEW
SCHOOL DISTRICT**

THURSDAY, AUGUST 12, 2021

CLOSED SESSION

4:00 p.m.

H.R. CONFERENCE ROOM, BUILDING B

REGULAR MEETING

4:30 p.m.

BOARD ROOM, BUILDING A

1. CLOSED SESSION

CALL TO ORDER

TIME: _____ p.m.

2. ROLL CALL

- 3. APPROVAL OF MINUTES:** The Personnel Commission will receive the minutes of the last Closed Session meeting of June 17, 2021.

ACTION

Page 1

Moved: _____

Second: _____

Vote: _____

INFORMATION-DISCUSSION-ACTION ITEMS

4. THE PERSONNEL COMMISSION WILL MEET IN CLOSED SESSION TO DISCUSS:

- A. Discussion of appointment of employees and employee termination, evaluation of employee performance, complaints or charges against employee, and other personnel matters pursuant to Government Code § 54957 and 54957.1.

DISCUSSION

1. Director, Classified Personnel evaluation

5. ADJOURNMENT

TIME: _____ p.m.

ACTION

Moved: _____

Second: _____

Vote: _____

6. RECONVENE TO OPEN SESSION

CALL TO ORDER

TIME: _____ p.m.

7. PLEDGE OF ALLEGIANCE

8. ROLL CALL

9. REPORT OUT OF CLOSED SESSION

AGENDA FOR THE PERSONNEL COMMISSION MEETING – AUGUST 12, 2021 – PAGE 2

- 10. PUBLIC COMMENTS:** The Personnel Commission welcomes comments or concerns on any item within the jurisdiction of the Personnel Commission. If you wish to address an item on the agenda, please indicate when, at this point, or at the time the agenda item is discussed.

In lieu of attending in person, you may submit comments by emailing the Director, Classified Personnel at mvellanoweth@ovsd.org no later than 4:00 p.m. on the day of the scheduled meeting. Comments will be read into the record.

- 11. APPROVAL OF MINUTES:** The Personnel Commission will receive the minutes of the May 6, 2021, Regular Personnel Commission meeting for approval.

ACTION
Pages 2-6
Moved: _____
Second: _____
Vote: _____

- 12. APPROVAL OF MINUTES:** The Personnel Commission will receive the minutes of the June 17, 2021, Regular Personnel Commission meeting for approval.

ACTION
Pages 7-12
Moved: _____
Second: _____
Vote: _____

COMMISSION BUSINESS

- 13. CONSENT CALENDAR:** The Personnel Commission will receive the following items on the Consent Calendar:

ACTION
Page 13
Moved: _____
Second: _____
Vote: _____

A. JOB DESCRIPTION REVIEWS/REVISIONS:

There are no job description reviews or revisions requiring approval at this time.

B. RECRUITMENT AND TESTING:

ELIGIBILITY LIST(S): The Personnel Commission will receive the Director's recommendation to certify the following eligibility lists.
(Eligibility lists provided to Commissioners only.)

- 2021-01 Assistant Superintendent, Administrative Services
- 2021-02 Human Resource Analyst
- 2021-03 Maintenance Electrician
- 2021-04 Director, Fiscal Services
- 2021-05 Department Secretary

- 14. CLASSIFIED PERSONNEL ACTIVITY LISTS:** The Personnel Commission will receive for information the following Classified Personnel Activity Lists received by the Board of Trustees for approval at the Ocean View School District, Regular Board Meetings of:

INFORMATION
Pages 14-19

- June 8, 2021 (Exhibit A)
- June 22, 2021 (Exhibit B)
- July 6, 2021 (Exhibit C)

15. EMPLOYEE APPEAL FROM SUSPENSION: The Personnel Commission will receive the Director’s recommendation to determine whether to employ a Hearing Officer to conduct the Appeal from Suspension Hearing or the Commission conducts the Appeal from Suspension Hearing. Director also recommends a date be set for commencement of the Hearing.

ACTION
Page 20-28
Moved: _____
Second: _____
Vote: _____

COMMUNICATIONS

16. SECOND PUBLIC COMMENTS: The Personnel Commission welcomes comments or concerns on any item within the jurisdiction of the Personnel Commission.

17. COMMISSIONER REPORTS

18. DIRECTOR AND STAFF REPORTS

19. ADJOURNMENT

TIME: _____ p.m.

ACTION
Moved: _____
Second: _____
Vote: _____

The Ocean View School District Personnel Commission meets on the second Thursday of each month at 4:30 p.m. unless otherwise noted. Agendas are posted and are available 72 hours in advance of each regular meeting on the bulletin board outside the Board Room and on the District website, www.ovsd.org.

Agenda items must be submitted in writing to the Director, Classified Personnel at mvellanoweth@ovsd.org no later than the end of the working day seven days preceding the next Commission meeting. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

Persons requiring accommodation in order to view the agenda or participate in the meeting may make the request for accommodation by contacting the Personnel Commission Office at 714-847-2551, extension 1400, 1401, or mvellanoweth@ovsd.org or meifert@ovsd.org at least 48 hours in advance of the meeting. (Government Code 54954.2 (a)1).

Safety protocol reminders when attending Personnel Commission meetings in person:

- *Before entering the building, please perform the self “wellness check” posted on the entrance. If you answer Yes to any of the questions, please do not enter the premises.*
- *As you enter the meeting room, use hand sanitizer, which is located on the wall at both entrances.*
- *Wear a face covering at all times while in the meeting room.*
- *Practice social distancing by keeping 6 feet between yourself and others at all times.*

**OCEAN VIEW SCHOOL DISTRICT
MINUTES
Regular Closed Session Meeting of the Personnel Commission
June 17, 2021**

CALL TO ORDER

The June 17, 2021, Regular Closed Session meeting of the Personnel Commission was called to order at 4:00 p.m.

ROLL CALL

Commissioners Ewing and Gooch were present. Director Vellanoweth was also present. Commissioner Bidnick was absent.

**APPROVAL OF
MINUTES**

Motion by Commissioner Ewing to approve the minutes of the April 15, 2021, Closed Session Meeting.

Seconded by Commissioner Gooch, and carried with a 2:0 vote.

COMMISSION BUSINESS

**INFORMATION/
ACTION ITEMS**

The Personnel Commission met regarding:

A. Discussion of appointment of employees, and employee termination, evaluation of employee performance, complaints or charges against an employee, and other personnel matters as pursuant to Government Code sections 54957, 54957.1, 54957.5 and 54957.6.

1. Director, Classified Personnel

ADJOURNMENT

Motion by Commissioner Ewing to adjourn the June 17, 2021, Closed Session Meeting at 4:29 p.m.

Seconded by Commissioner Gooch, and carried with a 2:0 vote.

Michelle Vellanoweth
Director, Classified Personnel
Secretary to the Personnel Commission

Date

OCEAN VIEW SCHOOL DISTRICT
Regular Personnel Commission Meeting Minutes
May 6, 2021
4:30 p.m.

- CALL TO ORDER** Commissioner Gooch called the May 6, 2021, Regular Personnel Commission Meeting to order at 4:30 p.m.
- PLEDGE OF ALLEGIANCE** Mr. Phi Tran led the pledge of allegiance.
- ROLL CALL** Personnel Commissioners Bidnick and Gooch were present. Personnel Commissioner Ewing was absent.
- STAFF MEMBERS PRESENT** Michelle Vellanoweth, Director of Classified Personnel; Michelle Eifert, Personnel Assistant; Betzabeth Vazquez, Personnel Analyst; Bophary Ngin, Personnel Technician.
- PUBLIC COMMENTS** There were no public comments at this time.
- APPROVAL OF MINUTES** Motion by Commissioner Bidnick to approve the minutes of the April 15, 2021, Regular Personnel Commission meeting.
- Seconded by Commissioner Gooch, and carried with a 2:0 vote.
- CONSENT CALENDAR** The following job description reviews were received on the Consent Calendar:
- A. Job Description Reviews/Revisions:
- There were no job description reviews or revisions submitted for approval.
- The following recruitment and testing – eligibility lists were received on the Consent Calendar:
- B. Recruitment and Testing – Eligibility Lists:
- 2020-39 Noon Duty Supervisor
 - 2020-40 Groundskeeper I
 - 2020-41 Instructional Assistant – ABA
 - 2020-42 Instructional Assistant – Special Education
 - 2020-43 Instructional Assistant – Severely Disabled
- Motion by Commissioner Bidnick to approve the Consent Calendar.
- Seconded by Commissioner Gooch, and carried with a 2:0 vote.
- CLASSIFIED ACTIVITY LISTS** The Personnel Commission received for information only, the Classified Activity Lists that were presented for approval at the Board of Trustees meetings of April 13, 2021, and April 27, 2021.

MINUTES OF THE MAY 6, 2021, PERSONNEL COMMISSION MEETING – PAGE 2

**PUBLIC HEARING ON
THE PROPOSED
ANNUAL BUDGET OF
THE PERSONNEL
COMMISSION FOR
FISCAL YEAR 2021-
2022**

Commissioner Gooch opened the Public Hearing on the Proposed Annual Budget of the Personnel Commission for Fiscal Year 2021-2022 at 4:33 p.m.

Director Vellanoweth stated that Commissioner Ewing, as the Vice Chair, acted as the Director's budget liaison this year. She explained that Education Code requires that the Personnel Commission prepare an annual budget for its own office.

Director Vellanoweth shared that she worked closely with Commissioner Ewing, Vice Chair. In preparing the budget for the upcoming school year, Director Vellanoweth also met on several occasions with the Director of Fiscal Services, Keith Farrow, to obtain necessary information to identify past expenditures and trends, project future expenditures, including salary and benefits costs, and discuss budget strategies or district objectives that need to be considered.

The first reading and discussion took place at the Personnel Commission meeting April 15, 2021. This was an opportunity for Commissioners and District officials to provide input. Today the Personnel Commission is holding its Public Hearing and adoption. According to Education Code, the public hearing must be held prior to May 30. The Board and administrative representatives have been invited to this meeting to share their views on the budget if they so choose. The Commission's task is to fully consider those expressed views of the board, district administration, or other concerned persons or organizations, and try to resolve any differences that may exist before voting to adopt the budget.

After approval by the Personnel Commission, the budget is submitted to the County Superintendent of Schools. The budget proposal being presented today has been reviewed in all areas in an attempt to keep the budget as low as possible. It is the best estimate as to the minimum budget that would be required in order for the Commission to operate and fulfill its mission. It addresses current and long term needs. The Director will continue to remain prudent and strategic in prioritizing expenditures around the essential, necessary, and discretionary categories. This will enable any remaining funds left over at the end of the year to be redeposited into the District's general fund.

Most line items are recommended to continue as currently budgeted for this current year. There was a slight decrease in one area, and there are some increases due to the cost of scheduled merit and longevity increases for the Personnel Commission Director and Staff, as well as the cost of the mandatory statutory benefits for Director and Staff.

Director Vellanoweth then shared a PowerPoint presentation with the Commissioners and meeting attendees, which outlined each budget line, and she provided updated information on each item.

She thanked Commissioner Ewing for being the budget advisor this year and Director Keith Farrow for his assistance with preparing the budget. She also thanked Superintendent Hansen and Dr. Conroy for their support and for supporting the functions of the Personnel Commission.

**PUBLIC HEARING ON
THE PROPOSED
ANNUAL BUDGET OF
THE PERSONNEL
COMMISSION FOR
FISCAL YEAR 2021-
2022**

Commissioner Gooch commented that he had spoken with the Director and the Vice-Chair about the preparation of the budget. He also spoke to the Superintendent and advised her of the efforts of the Personnel Commission in keeping with the District's fiscal requirements at this time. He also explained to the Superintendent that with some personnel changes that are being made, the department has fallen a little behind with some regular activities, such as job description reviews, and other things that are routinely completed on an annual basis. He indicated to her that should this continue, the Personnel Commission may need to come to the District to advise that additional funds may be necessary to complete these tasks. He stated that it is very important that a regular routine review of the job descriptions and other items are maintained in the event the District has a need for any specificity of a job classification.

The Public Hearing on the Proposed Annual Budget of the Personnel Commission for Fiscal Year 2021-2022 was closed at 4:42 p.m.

**ADOPTION OF THE
PROPOSED BUDGET
OF THE PERSONNEL
COMMISSION FOR
FISCAL YEAR 2021-
2022**

Commissioners Gooch and Bidnick thanked Director Vellanoweth, the Personnel Commission staff, and Commissioner Ewing for their efforts in preparing the budget.

Motion by Commissioner Bidnick to approve the Proposed Annual Budget of the Personnel Commission for Fiscal Year 2021-2022.

Seconded by Commissioner Gooch and carried with a 2:0 vote.

**EXTENSION OF
ELIGIBILITY LIST –
FOOD SERVICE
WORKER**

Director Vellanoweth explained that in December 2020, an eligibility list for Food Service Worker was established. As is the usual practice for this classification, this eligibility list was created for six months. It was created to help augment the substitute pool and be prepared in the event that any permanent positions need to be filled. Some substitutes have been hired from this list, but there has been very minimal turnover in the Food Service department. Therefore none of the eligibles have had the opportunity to be considered for permanent positions. This eligibility list is set to expire on June 10, 2021. After discussions with the Commission staff, it was thought to be a good idea to extend this eligibility list so that any hiring that needs to take place for the upcoming school year could be accomplished using this eligibility list.

Director Vellanoweth reached out to the Director of Food Services, Jim Riner, to provide him with this information. Mr. Riner is in support of the recommendation to extend this eligibility list. Therefore it is Director Vellanoweth's recommendation to extend the list for an additional six months, with an expiration date of December 10, 2021.

Commissioner Gooch reiterated that in his opinion, the Commission's primary goal is to provide qualified applicants in a timely manner to the administration so they can accomplish their mission. In so doing, eligibility lists must be prepared and established. Mr. Gooch has long advocated for the Director to coordinate with the administration to get their input. He expressed his appreciation that the Director had already done this.

Motion by Commissioner Bidnick to approve the Extension of Eligibility List – Food Service Worker.

Seconded by Commissioner Gooch and carried with a 2:0 vote.

**SECOND PUBLIC
COMMENTS**

Commissioners Gooch and Bidnick announced that they would like to recognize one of the Personnel Commission's fine employees, Bophary Ngin, who is leaving the District to pursue higher education. They presented her with a bouquet of flowers, expressed their appreciation for all of her hard work, and wished her the best in her endeavors.

Phi Tran, CSEA Chapter 375 liaison to the Personnel Commission, announced that CSEA has recently nominated their delegates to the 2021 annual conference for CSEA. It will be virtual again this year. As for Ocean View's own chapter, as he mentioned at the last meeting, he has been appointed Chief Union Steward. Additionally, they are currently building out their steward team to help members with employment issues, grievances, or discipline representation. They have welcomed two new stewards, Brandi Knox, School Office Clerk at Mesa View, and Dana Moyer, Food Service Worker at the Central Kitchen.

At the state level, CSEA has just completed the first Communications Academy. Over 130 participants attended. It provided several useful topics, both basic and advanced. It was interactive and provided for attendee participation. There are several short on-demand videos available on YouTube on CSEA's video page for anyone who wants to view them.

CSEA announced that field office staff will begin to gradually transition back to field office in-person work.

Mr. Tran congratulated Reagan Headrick on her promotion to Assistant Superintendent of Human Resources, and he looks forward to working with her in her new role. He also congratulated Felix Avila on his retirement.

He also mentioned that CSEA will be celebrating Classified School Employee Week. The state-wide theme will be Essential Workers Getting It Done. This theme came from the Communications Committee. There will be buttons and pins for employees to wear.

**COMMISSIONER
REPORTS**

Commissioner Bidnick had nothing to report.

Commissioner Gooch congratulated the entire Ocean View family, classified, certificated, and administration, for getting through the past fourteen or fifteen months. He stated that it must be wonderful for teachers and classified staff to see students back in person. He is very pleased and proud to be a part of this organization.

**DIRECTOR AND STAFF
REPORTS**

Director Vellanoweth stated that the next Personnel Commission meeting is currently scheduled for June 10, 2021, however Commissioner Ewing will not be available on that date. She reached out to Commissioner Gooch and Commissioner Bidnick to see if they were available June 17 instead. Commissioner Bidnick may potentially have plans but both Commissioners were open to changing the date of the next meeting to June 17, 2021. Director Vellanoweth wished Commissioner Gooch a happy birthday, which will be coming up over the weekend.

MINUTES OF THE MAY 6, 2021, PERSONNEL COMMISSION MEETING – PAGE 5

**DIRECTOR AND STAFF
REPORTS
(CONTINUED)**

She announced that May 10 through May 14, 2021 will be celebrated as Ocean View's Week of the Employee. This is a combination of Teacher Appreciation Week, Classified Employee Week, and Week of the Administrator. On June 8, 2021, the Board of Trustees will recognize retirees and employees receiving years of service awards. Director Vellanoweth also congratulated Vista View Middle School, which was named a California Distinguished School for 2021.

As for the Personnel Commission office activity, there are currently 14 recruitments open and in progress right now. Many have not been recruited for in quite some time or are new classifications that require exam development and supplemental materials to be developed. Positions for both summer and fall are being recruited for. Other classification work the office is currently working on includes new or revised job descriptions, layoffs and displacements, reasonable assurance letters for part time employees and substitute employees, unemployment insurance claims, workflow requisitions, and staffing which includes job offers for the summer programs coming up.

In our own office, Bophary Ngin will be leaving as of May 21, 2021. A recruitment is open for the Personnel Technician and this closes on May 16, 2021. Bophary will continue to assist the office with extra temporary support and to train the new person who is hired. In Human Resources, there is a vacancy for a Human Resources Technician, and a recruitment is open for a new classification of Human Resources Specialist.

Director Vellanoweth congratulated Reagan Headrick on her new appointment as Assistant Superintendent of Human Resources. She will be starting on July 1, 2021. A list of all other new administrator assignments for the 2021-2022 school year was included in the Director's monthly memo to the Commissioners. Director Vellanoweth wished the best of luck to all of her fellow leadership team members. She has reached out to them to let them know that she is here to support and assist them in any way she can.

She wanted to also inform the Commissioners that sadly Kathy Tryon, former Principal at Village View, and most recently Director of Teaching and Learning, has passed away this week. She also extended her condolences to Kathy's family.

ADJOURNMENT

Commissioner Gooch asked for a motion to adjourn the meeting in honor of Mrs. Kathy Tryon.

Motion by Commissioner Bidnick to adjourn the meeting.

Motion was seconded by Commissioner Gooch and carried with a 2:0 vote at 5:03 p.m.

Michelle Vellanoweth, Director, Classified Personnel
Secretary to the Personnel Commission

Date

OCEAN VIEW SCHOOL DISTRICT
Regular Personnel Commission Meeting Minutes
June 17, 2021
4:30 p.m.

- CALL TO ORDER** Commissioner Gooch called the June 17, 2021, Regular Personnel Commission Meeting to order at 4:32 p.m.
- PLEDGE OF ALLEGIANCE** Superintendent Hansen led the pledge of allegiance.
- ROLL CALL** Personnel Commissioners Ewing and Gooch were present. Personnel Commissioner Bidnick was absent.
- STAFF MEMBERS PRESENT** Michelle Vellanoweth, Director of Classified Personnel; Michelle Eifert, Personnel Assistant; Betzabeth Vazquez, Personnel Analyst;
- REPORT OUT OF CLOSED SESSION** Commissioner Gooch reported that there was nothing to report.
- PUBLIC COMMENTS** Phi Tran, Chapter 375 CSEA liaison to the Personnel Commission, stated that CSEA expresses their support for the Personnel Commission and the Merit System at Ocean View School District. The Board received an anonymous letter regarding the Merit System. CSEA wrote a response to the letter for the June 8, 2021, Board Meeting. Mr. Tran wanted to publicly state that CSEA recognizes the value of the Merit System, which has been established at Ocean View School District for over fifty years. He went on to briefly explain about the Merit System and how it began. Mr. Tran is in his sixth year as CSEA's liaison to the Personnel Commission. During this time relationships and partnerships have been established with the Commissioners, the Director, and the Partnership with Administration and Labor continues. Phi was also pleased to report that AB289, which has to do with Merit System elections and making sure they are fair and equitable, has passed the State Assembly and is currently in the State Senate. Hopefully it will be signed later this year to take effect in 2022. He mentioned that it is the responsibility of the Personnel Commission and CSEA to educate the members, the community, the staff, and the administration of what the Merit System is. He also wished Commissioner Ewing a happy birthday.
- Felix Avila, Assistant Superintendent, Human Resources, stated that he was pleased to see that the Commission would be taking action today on a couple of job descriptions. He informed the Commissioners that the School Safety Assistant classification will be utilized for the employees who were laid off, lost their jobs, or lost hours. The Bus Driver/Utility Worker job description will be advantageous to current employees because the positions will now provide health benefits and extended hours.
- APPROVAL OF MINUTES** The May 6, 2021, minutes were tabled due to lack of a quorum.

CONSENT CALENDAR

The following job description reviews/revisions were received on the Consent Calendar:

A. Job Description Reviews/Revisions:

- Bus Driver

The following recruitment and testing – eligibility lists were received on the Consent Calendar:

B. Recruitment and Testing – Eligibility Lists:

- 2020-44 Instructional Assistant – Sign Language
- 2020-45 Human Resource Specialist
- 2020-46 Instructional Assistant – ABA
- 2020-47 Skilled Maintenance Worker
- 2020-48 Personnel Technician
- 2020-49 Instructional Assistant – Special Education
- 2020-50 Instructional Assistant – Severely Disabled

Motion by Commissioner Ewing to approve the Consent Calendar.

Seconded by Commissioner Gooch, and carried with a 2:0 vote.

CLASSIFIED ACTIVITY LISTS

The Personnel Commission received for information only, the Classified Activity Lists that were presented for approval at the Board of Trustees meetings of May 11, 2021, and May 25, 2021.

PROPOSED NEW CLASSIFICATION – EXECUTIVE DIRECTOR OF FACILITIES AND TRANSPORTATION AND RECOMMENDATION TO RECLASSIFY INCUMBENT FROM DIRECTOR OF MAINTENANCE, OPERATIONS, AND FACILITIES TO NEW CLASSIFICATION OF EXECUTIVE DIRECTOR OF FACILITIES AND TRANSPORTATION

Superintendent Hansen stated that she appreciates the Personnel Commission’s work on developing and researching this new job description. She did want to make a recommendation that the salary range be changed to Range M75. After further review of the comparison districts, the elementary districts that are within Orange County, she feels that Range M75 is more aligned with the median salary. When looking at the level of responsibility that is being asked of this employee to perform, one thing that needs to be considered is the number of facilities within the district. Ocean View School District is one of the biggest landowners in the city of Huntington Beach. Much of the property is leased out but nevertheless, the district is responsible for maintaining and keeping tabs on it, which is this employee’s responsibility. With this, Dr. Hansen urges the Commission to consider changing the salary range recommendation from Range M72 to Range M75.

Deputy Superintendent Conroy informed the Commission that he is retiring at the end of July. He stated that his replacement will be an Assistant Superintendent, rather than Deputy Superintendent. He requested an edit be made to the job description so that anywhere Deputy Superintendent is referenced, it be changed to Assistant Superintendent, in order to be accurate moving forward.

Director Vellanoweth stated that several months ago, Jim Choate, Director of Maintenance, Operations, and Facilities, and Dr. Conroy, submitted a position information questionnaire requesting a reclassification study be done on Mr. Choate’s position.

PROPOSED NEW CLASSIFICATION – EXECUTIVE DIRECTOR OF FACILITIES AND TRANSPORTATION AND RECOMMENDATION TO RECLASSIFY INCUMBENT FROM DIRECTOR OF MAINTENANCE, OPERATIONS, AND FACILITIES TO NEW CLASSIFICATION OF EXECUTIVE DIRECTOR OF FACILITIES AND TRANSPORTATION (CONTINUED)

Director Vellanoweth proceeded to conduct the review of Mr. Choate's position, having conversations with him, Dr. Michael Conroy, Mr. Felix Avila, and the Superintendent. At the conclusion of the study, Director Vellanoweth determined that Mr. Choate has not been working within his current job classification and has assumed duties and responsibilities that are not currently reflected in his job description. Mr. Choate has been in his position for approximately six years. Over the last few years, he has gradually accrued certain duties and responsibilities that are outside of his current job description, including but not limited to the oversight of the Transportation Department, and the multi-million dollar construction bond program that he is responsible for.

With this, and in reviewing the criteria, Director Vellanoweth determined that a new classification should be developed that was more reflective of the duties he is performing. The title of this new proposed classification is Executive Director of Facilities and Transportation. Since Mr. Choate meets the criteria for reclassification by gradually accruing the duties over the last few years, he would not need to apply and test, but with the Commission's approval could be reclassified to this new position.

As for salary considerations, Director Vellanoweth referred to the salary data included in the agenda item. She did originally recommend a Range M72 for this classification, which was extremely conservative. However, in looking at the median salary range, a Range M75 is an acceptable salary range to assign to this position. Director Vellanoweth did have several detailed conversations with the Superintendent about this and she is very comfortable with modifying her original salary recommendation from Range M72 to Range M75. This would bring this classification to the median of the districts that were surveyed, that are performing very similar duties to ours, and would make a very competitive salary for this position.

Director Vellanoweth asked that the Commission consider the proposed new job description for Executive Director of Facilities and Transportation, the reclassification of the incumbent from Director of Maintenance, Operations, and Facilities to the new classification of Executive Director of Facilities and Transportation, and the proposed salary recommendation of Range M75 on the classified management salary schedule.

Commissioner Gooch stated that he appreciated the information provided by the Superintendent and staff regarding this. He mentioned that the Commission and the Director take the review of such items very seriously and rely on all input in order to make an informed decision.

Motion by Commissioner Ewing to approve the proposed new classification of Executive Director of Facilities and Transportation with the modified salary range of Range M75.

Seconded by Commissioner Gooch, and carried with a 2:0 vote.

Motion by Commissioner Ewing to approve the reclassification of incumbent from Director of Maintenance, Operations, and Facilities to Executive Director of Facilities and Transportation.

Seconded by Commissioner Gooch, and carried with a 2:0 vote.

**REACTIVATE
CLASSIFICATION OF
SUPERVISOR OF
TRANSPORTATION AND
TITLE CHANGE TO
TRANSPORTATION
SUPERVISOR**

Director Vellanoweth stated that in conjunction with the reclassification and the new classification of Executive Director of Facilities and Transportation, it is the District's desire to reactivate the classification of Transportation Supervisor. This position would be assigned under the new Executive Director position and would serve in a supervisory capacity, similar to the Grounds Supervisor and Maintenance and Operations Supervisor. The previous title was Supervisor of Transportation, so Director Vellanoweth recommends a title change to Transportation Supervisor to be consistent with the other supervisory classifications.

Director Vellanoweth has prepared and presented an updated job description as the last job description was quite dated.

The Director recommends reactivating the classification of Supervisor of Transportation, with the title change to Transportation Supervisor, the updates to the job description, and the salary range allocation of Range M51 on the classified management salary schedule.

Motion by Commissioner Ewing to approve the reactivation of classification of Supervisor of Transportation and title change to Transportation Supervisor, as indicated.

Seconded by Commissioner Gooch, and carried with a 2:0 vote.

**NEW CLASSIFICATION –
SCHOOL SAFETY
ASSISTANT**

Director Vellanoweth explained that as a result of classified layoffs, the District and CSEA have an interest in utilizing some COVID-19 relief funds to establish a classification that can be utilized in a limited term capacity for the upcoming school year. These limited term assignments would be offered to Ocean View employees who were affected by the layoff either by being fully laid off or being reduced in work hours.

It is the Director's recommendation that this new limited term classification for 2021-2022 only, be approved at the equivalent to Salary Range 18, Step 1, at \$15.020 per hour.

Commissioner Ewing asked how many employees would be eligible for this position. Director Vellanoweth answered that part of the MOU states that fourteen positions would be created. He also asked how they would be assigned to schools. Director Vellanoweth answered that this has not yet been determined.

Motion by Commissioner Ewing to approve the new classification of School Safety Assistant.

Seconded by Commissioner Gooch, and carried with a 2:0 vote.

**PROPOSED
PERSONNEL
COMMISSION MEETING
DATES FOR 2021-2022**

Motion by Commissioner Ewing to approve the proposed Personnel Commission meeting dates for 2021-2022.

Seconded by Commissioner Gooch, and carried with a 2:0 vote.

**SECOND PUBLIC
COMMENTS**

Superintendent Hansen expressed her appreciation to the Commission for approving the job descriptions on the agenda today. As the Commission is aware, there was a layoff, and this was one way to provide relief to some of those employees who were laid off and hire them back in these positions.

Dr. Hansen introduced Reagan Headrick, the new Assistant Superintendent of Human Resources, who is very familiar with the Personnel Commission due to her current position of Executive Director of Special Education. The District is very excited to have her in the Human Resources department working alongside Director Vellanoweth.

She also invited the Commissioners to the retirement celebrations for Felix Avila and Dr. Michael Conroy the following Monday.

Mr. Tran was honored to inform the Commissioners that the CSEA members of Orange County have elected him as their Alternate Area H Director to represent them should the current Area H Director out of Fullerton High School, Mr. Bill Hager, be unable to serve. He is ready to serve the members in that capacity and represent them should he be needed.

**COMMISSIONER
REPORTS**

Commissioner Ewing reminded everyone that the next meeting of the Personnel Commission is scheduled for July 8, 2021.

Commissioner Gooch deferred his comments until after the Director and Staff reports.

**DIRECTOR AND STAFF
REPORTS**

Director Vellanoweth confirmed that the next Personnel Commission meeting is scheduled for July 8, 2021. She also wished Commissioner Ewing a happy birthday which is coming up. She shared that the last leadership meeting of the school year was held this week and it was in person, which was a pleasant change. There has been a lot of classification work going on and there is more to come. As for a recruitment update, there are currently 17 recruitments in process at the moment, with a few more in the queue ready to go up very soon.

Bophary Ngin has, as the Commission knows, resigned and has been gone four weeks already. She has been coming in a few days a week to help out the office as the transition is being made and while the recruitment for her replacement was taking place. The recruitment has finished and the new Personnel Technician will be starting next week. Her name is Diana Flores and she is currently the School Office Clerk at Spring View. It is hoped she can attend the next meeting to be formally introduced to the Commissioners.

Other office work has included a large volume of unemployment claims, merit increases, evaluations, end of the year resignations, final interviews in preparation for the upcoming school year, and testing instructional aides for the summer program.

There have been 27 or so Goldenwest College students who have applied as Instructional Assistants. They are being tested and on-boarded in order to utilize them in the summer program and as substitutes for the coming year.

DIRECTOR AND STAFF REPORTS (CONTINUED) Speaking of summer programs, Classified Personnel is staffing five summer programs this year. There is ESY (Extended School Year), Child Care program, Food Services, Preschool program, and SLAP (Summer Learning Acceleration Program). Director Vellanoweth commended Reagan Headrick and the Special Education department because it has been a tough haul this year getting staff to accept and commit to working this summer.

COMMISSIONER REPORTS (CONTINUED) Commissioner Gooch, reiterated in response to the Director’s comments, that the Personnel Commission annually presents a budget and goals. The number one goal of the Personnel Commission is to provide the administration with qualified applicants in a timely fashion so that the District can do the good work that needs to get done.

Commissioner Gooch then congratulated Felix Avila and Dr. Michael Conroy on their retirements. He knows the Superintendent and the staff appreciate their good efforts and the Commission appreciates them appearing before them over the years. He wished them well and hopes they enjoy a long and healthy retirement. Commissioner Gooch also wished Commissioner Ewing a happy birthday.

ADJOURNMENT Commissioner Gooch asked for a motion to adjourn in honor of all frontline workers both at Ocean View School District and in the medical profession, and in memory of his good friend, James Martin, who spent his last hours in the republic of Vietnam defending freedom. He passed on June 16, 1968.

Motion by Commissioner Ewing to adjourn the meeting.

Motion was seconded by Commissioner Gooch and carried with a 2:0 vote at 5:05 p.m.

Michelle Vellanoweth, Director, Classified Personnel
Secretary to the Personnel Commission

Date

OCEAN VIEW SCHOOL DISTRICT
PERSONNEL COMMISSION

Memo

TO: Personnel Commissioners
FROM: Michelle Eifert
Personnel Assistant
DATE: August 12, 2021
SUBJECT: Agenda Item No. 13B.: ELIGIBILITY LIST(S)

Background Information

The following eligibility list(s) are forwarded for approval. These lists are confidential within the meaning of Education Code Section 45274 and Government Code Section 6254(g) along with other examination records and data. (Eligibility Lists to Commissioners only).

- 2021-01 Assistant Superintendent, Administrative Services
- 2021-02 Human Resource Analyst
- 2021-03 Maintenance Electrician
- 2021-04 Director, Fiscal Services
- 2021-05 Department Secretary

Recommendation

The Director of Classified Personnel recommends the Personnel Commission approve the following Classified Personnel Eligibility Lists: 2021-01 through 2021-05.

OCEAN VIEW SCHOOL DISTRICT
PERSONNEL COMMISSION

Memo

TO: Personnel Commissioners

FROM: Michelle Eifert
Personnel Assistant

DATE: August 12, 2021

SUBJECT: Agenda Item No. 14: CLASSIFIED PERSONNEL ACTIVITY LIST(S)

Background Information

At the Ocean View School District, Regular Board Meeting(s) of:

- June 8, 2021 (Exhibit A)
- June 22, 2021 (Exhibit B)
- July 6, 2021 (Exhibit C)

The Board of Trustees received the above Classified Personnel Activity List(s) for approval.

These lists are provided for the Personnel Commissioners to review classified employee activity recently processed by Classified Personnel staff.

Recommendation

The Director of Classified Personnel recommends that the Personnel Commission receive the Classified Personnel Activity List(s) of June 8, 2021, June 22, 2021, and July 6, 2021.

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California
Classified Personnel
June 8, 2021

Approve Employment

In accordance with Merit System Testing Procedures:

<u>NAME</u>	<u>POSITION</u>	<u>SITE</u>	<u>SALARY</u>	<u>RANGE/ STEP</u>	<u>EFFECTIVE DATE</u>
Ayala, Chris	Custodian	Vista View	\$20,198 hourly	28.1	05/17/21

Approve Substitute Employment

In accordance with Merit System Testing Procedures:

<u>NAME</u>	<u>POSITION</u>	<u>STATUS</u>	<u>SALARY</u>	<u>RANGE/ STEP</u>	<u>EFFECTIVE DATE</u>
Abercrombie, Carol	Instructional Assistant	Substitute	\$19,708 hourly	21.5	05/24/21
Abercrombie, Carol	Instructional Assistant – Special Education	Substitute	\$20,193 hourly	22.5	05/24/21
Abercrombie, Carol	Instructional Assistant – ABA	Substitute	\$22,301 hourly	26.5	05/24/21
Abercrombie, Carol	Early Learning Instructional Assistant	Substitute	\$20,193 hourly	22.5	05/24/21
Brown, David	Custodian	Substitute	\$19,237 hourly	28.1	05/13/21
Brown, David	Maintenance/Grounds Helper	Substitute	\$19,237 hourly	28.1	05/13/21
Courrieche, Nancy	Noon Duty Supervisor	Substitute	\$14,00 hourly		05/14/21
Courrieche, Nancy	Instructional Assistant	Substitute	\$16,172 hourly	21.1	05/14/21
Courrieche, Nancy	Instructional Assistant – Farm Facility	Substitute	\$16,994 hourly	23.1	05/14/21
Courrieche, Nancy	Instructional Assistant – Special Education	Substitute	\$16,578 hourly	22.1	05/14/21
Courrieche, Nancy	Instructional Assistant – Severely Disabled	Substitute	\$17,854 hourly	25.1	05/14/21
Kaiser, Sonia	Clerk Typist	Substitute	\$16,994 hourly	23.1	05/24/21
Kaiser, Sonia	District Receptionist	Substitute	\$20,701 hourly	31.1	05/24/21
Kaiser, Sonia	School Office Clerk	Substitute	\$19,237 hourly	28.1	05/24/21
Mix, Kristen	Instructional Assistant	Substitute	\$16,172 hourly	21.1	05/21/21
Mix, Kristen	Instructional Assistant – Special Education	Substitute	\$16,578 hourly	22.1	05/21/21
Mix, Kristen	Instructional Assistant – Severely Disabled	Substitute	\$17,854 hourly	25.1	05/21/21
Quinones, Andrew	Custodian	Substitute	\$19,237 hourly	28.1	05/13/21
Thompson, Allie	Speech and Language Assistant	Substitute	\$21,223 hourly	32.1	05/20/21
Walls, Stephanie	Clerk Typist	Substitute	\$16,994 hourly	23.1	05/20/21
Walls, Stephanie	District Receptionist	Substitute	\$18,759 hourly	27.1	05/20/21
Walls, Stephanie	School Library Specialist	Substitute	\$20,701 hourly	31.1	05/20/21
Zone, Maddison	Noon Duty Supervisor	Substitute	\$14,00 hourly		05/19/21

Approve Separation - Resignation

In accordance with Merit System Rules 8.1 to 8.6:

<u>NAME</u>	<u>POSITION</u>	<u>SITE</u>	<u>BEGINNING DATE</u>	<u>EFFECTIVE DATE</u>
Toma, Sara	Instructional Assistant – ABA	Lake View	09/05/18	06/10/21

OCEAN VIEW SCHOOL DISTRICT
 Huntington Beach, California
 Classified Personnel
 June 8, 2021

Approve Separation – Exhausted All Available Leaves
 In accordance with Merit System Rules 8.1 to 8.6:

<u>NAME</u>	<u>POSITION</u>	<u>SITE</u>	<u>BEGINNING DATE</u>	<u>EFFECTIVE DATE</u>
Fisher, Laurie	Instructional Assistant – Special Education	Spring View	09/27/02	05/19/21

Approve Retirement

<u>NAME</u>	<u>POSITION</u>	<u>SITE</u>	<u>BEGINNING DATE</u>	<u>EFFECTIVE DATE</u>
Andrew, Catherine	School Health Technician	Harbour View	01/07/05	06/24/21
Barry, Christine	School Library Specialist	Mesa View	09/10/07	06/24/21
East, Sandra	Instructional Assistant – Severely Disabled	Lake View	03/20/09	06/24/21

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California
Classified Personnel
June 22, 2021

Approve Employment

In accordance with Merit System Testing Procedures:

<u>NAME</u>	<u>POSITION</u>	<u>SITE</u>	<u>SALARY</u>	<u>RANGE/ STEP</u>	<u>EFFECTIVE DATE</u>
Ortiz, Mario	Custodian	Harbour View	\$20,198 hourly	28.1	06/01/21

Approve Substitute Employment

In accordance with Merit System Testing Procedures:

<u>NAME</u>	<u>POSITION</u>	<u>STATUS</u>	<u>SALARY</u>	<u>RANGE/ STEP</u>	<u>EFFECTIVE DATE</u>
Kaiser, Sonia	School Office Clerk	Substitute	\$19,237 hourly	28.1	05/24/21
Kaiser, Sonia	District Receptionist	Substitute	\$20,701 hourly	31.1	05/24/21
Kaiser, Sonia	Clerk Typist	Substitute	\$16,994 hourly	23.1	05/24/21
Walls, Stephanie	School Library Specialist	Substitute	\$18,759 hourly	27.1	05/20/21
Walls, Stephanie	District Receptionist	Substitute	\$20,701 hourly	31.1	05/20/21
Walls, Stephanie	Clerk Typist	Substitute	\$16,994 hourly	23.1	05/20/21

Approve Promotion

In accordance with Merit System Testing Procedures:

<u>NAME</u>	<u>POSITION</u>	<u>SITE</u>	<u>SALARY</u>	<u>RANGE/ STEP</u>	<u>EFFECTIVE DATE</u>
Flores, Diana	Personnel Technician	District Office	\$3,843.00 monthly	35.1	06/21/21
Morones, Oscar	Skilled Maintenance Worker	Facilities	\$4,453.00 monthly	37.3	06/07/21

Approve Separation - Resignation

In accordance with Merit System Rules 8.1 to 8.6:

<u>NAME</u>	<u>POSITION</u>	<u>SITE</u>	<u>BEGINNING DATE</u>	<u>EFFECTIVE DATE</u>
Pham, Julie	Food Service Worker	Mesa View	03/29/04	06/24/21

Approve Retirement

<u>NAME</u>	<u>POSITION</u>	<u>SITE</u>	<u>BEGINNING DATE</u>	<u>EFFECTIVE DATE</u>
Asad, Seema	Instructional Assistant – Special Education	Circle View	09/06/00	06/24/21
Edwards, Pamela	School Library Specialist	Village View	08/30/99	06/11/21
Fernandez, Shelly	School Health Technician	Village View	09/07/01	06/24/21
Justice, Pamela	School Library Specialist	Circle View	09/06/06	06/28/21
Oliver, Leslie	School Health Technician	College View	01/18/08	06/24/21

OCEAN VIEW SCHOOL DISTRICT
 Huntington Beach, California
 Classified Personnel
 June 22, 2021

Approve Separation – Exhausted All Available Leaves
In accordance with Merit System Rules 8.1 to 8.6:

<u>NAME</u>	<u>POSITION</u>	<u>SITE</u>	<u>BEGINNING DATE</u>	<u>EFFECTIVE DATE</u>
Cervantes, Maria Martha	Noon Duty Supervisor	Oak View	03/13/06	05/21/21

OCEAN VIEW SCHOOL DISTRICT
Huntington Beach, California
Classified Personnel
July 6, 2021

Approve Substitute Employment
In accordance with Merit System Testing Procedures:

<u>NAME</u>	<u>POSITION</u>	<u>STATUS</u>	<u>SALARY</u>	<u>RANGE/ STEP</u>	<u>EFFECTIVE DATE</u>
Moore, Annika	Instructional Assistant	Substitute	\$15.895 hourly	21.1	06/22/21
Moore, Annika	Instructional Assistant – Special Education	Substitute	\$16.294 hourly	22.1	06/22/21
Moore, Annika	Instructional Assistant – Severely Disabled	Substitute	\$17.549 hourly	25.1	06/22/21
Moore, Annika	Instructional Assistant – Physical Education	Substitute	\$17.549 hourly	25.1	06/22/21
Moore, Annika	Instructional Assistant – Adapted Physical Education	Substitute	\$17.549 hourly	25.1	06/22/21
Moore, Annika	Instructional Assistant - ABA	Substitute	\$17.990 hourly	26.1	06/22/21

Approve Promotion
In accordance with Merit System Testing Procedures:

<u>NAME</u>	<u>POSITION</u>	<u>SITE</u>	<u>SALARY</u>	<u>RANGE/ STEP</u>	<u>EFFECTIVE DATE</u>
Hess, Rachel	Instructional Assistant – ABA	Mesa View	\$22.970 hourly	26.5	06/10/21

Approve Reclassification
In accordance with Merit System Rules 3.3.4:

<u>NAME</u>	<u>POSITION</u>	<u>SITE</u>	<u>SALARY</u>	<u>RANGE/ STEP</u>	<u>EFFECTIVE DATE</u>
Choate, Jim	Executive Director of Facilities and Transportation	Facilities/Transportation	\$12,663.00 monthly	M75.5	06/18/21

Approve Separation - Resignation
In accordance with Merit System Rules 8.1 to 8.6:

<u>NAME</u>	<u>POSITION</u>	<u>SITE</u>	<u>BEGINNING DATE</u>	<u>EFFECTIVE DATE</u>
Esparza, Nicholas	Delivery Worker	Food Services	11/03/10	06/24/21
Fennell, Karmin	Bus Driver	Transportation	01/03/12	06/24/21
Matheus, Kristin	Instructional Assistant – Severely Disabled	Village View	10/09/07	08/05/21
Hendrickson, Michaela	Child Care Attendant	Hope View	09/24/14	06/24/21
Pantoja-Marquez, Jimmy	Lead Evening Custodian	Facilities	08/05/19	06/24/21

OCEAN VIEW SCHOOL DISTRICT
PERSONNEL COMMISSION

Memo

TO: Personnel Commissioners
FROM: Michelle Vellanoweth
Director, Classified Personnel
DATE: August 12, 2021

SUBJECT: Agenda Item No. 15: Employee Appeal from Suspension

Background Information

At its meeting on July 6, 2021, the Board of Trustees took action to adopt a Notice of Proposed Disciplinary Action and Statement of Charges against a permanent classified employee resulting in a one-day suspension without pay. The Board of Trustees based its decision on several separate charges of violating the Merit System Rules and Regulations for the Classified Service, Causes for Disciplinary Action. The employee was notified of their rights to appeal the disciplinary suspension. The employee filed a timely Request for Hearing Before the Personnel Commission on July 29, 2021 (Commissioners only).

It is recommended that the Personnel Commission consider whether to appoint a Hearing Officer to hear the appeal of this disciplinary action or to hear the matter themselves in accord with Merit Rule 8.6.5.B.1. Should the Personnel Commission vote to conduct the Appeal Hearing, a date for the commencement of the Hearing should be set in accord with Merit Rule 8.6.5.A.2.

Recommendation

The Director, Classified Personnel recommends the Personnel Commission determine whether to employ a Hearing Officer to conduct the Appeal from Suspension Hearing or that the Commission will conduct the Appeal Hearing. If the Commission decides to conduct the Hearing themselves, it is recommended a date be set for commencement of the Hearing.

Attachments:

- Merit System Rule 8.6.1, Causes for Disciplinary Action
- Merit System Rule 8.6.4, Grounds for Appeal of Disciplinary Action Merit System
- Rule 8.6.5, Appeal Hearing Procedures
- Request for Hearing Before the Personnel Commission (*Commissioners only*)

8.6 DISCIPLINE - SUSPENSION, DEMOTION, DISMISSAL

(Revised 08/09/07)

When an employee in the classified service has failed or fails to perform the duties of the position in a satisfactory manner, or has committed any act or acts to the prejudice of the public service, or has failed to perform any act or acts the employee was hired to perform, or whose service rendered is below satisfactory standards, or who otherwise has become subject to disciplinary or other corrective measures, the Board of Trustees shall have the power, and it shall be its duty, to take action subject to the provisions of the Education Code and these rules, in any of the following ways:

- To reprimand the employee and record such reprimand in the employee's personnel file;
- To suspend the employee without pay;
- To demote the employee to a lower class;
- To discharge the employee from the service of the District.

(Revised 08/09/07)

8.6.1 Causes for Disciplinary Action

A. A permanent classified employee shall be subject to disciplinary action, which may include demotion, suspension or dismissal, for any of the following causes (*listing does not imply degree or severity in rank order*):

1. Falsification, withholding, or misrepresentation of material information supplied to the District, including but not limited to, information supplied on application forms, employment records, or other District records. *(Revised 08/09/07)*
2. Gambling on school property.
3. Incompetency.
4. Inefficiency.
5. Insubordination.
6. Excessive absences, unexcused absence(s), tardiness, or patterns of absence that indicate abuse. *(Revised 08/09/07)*
7. Continuing illness and/or disability, which cannot be reasonably accommodated. *(Revised 08/09/07)*
8. Conviction of a serious crime by a court of law for which conviction has a demonstrable adverse impact upon the District's ability to continue employment; failure to disclose material facts regarding a criminal conviction. A plea of nolo contendere is deemed to be a conviction within the meaning of these rules. *(Revised 08/09/07)*
9. Inattention to or dereliction of duties.
10. Abandonment of position.
11. Willful and persistent violation of rules, regulations or procedures adopted by the District.

12. Possession of an alcoholic beverage container on District property or in District equipment; consuming an alcoholic beverage on District property or in District equipment; being under the influence of an intoxicant, controlled substance or other drug to a degree sufficient to impair one's ability to work safely and efficiently.
13. Possession of illegally controlled substance or other drug or "look alike" under circumstances indicating an intent to use, supply or sell.
14. Arrest and being formally charged with a sex offense as defined in Education Code Section 44010 is cause for immediate suspension in accord with Education Code 45304, conviction requires termination in accord with Education Code 45123.
15. Arrest for narcotics, or controlled substance offense, as reflected in Education Code Section 44011 is cause for immediate suspension in accord with Education Code 45304, conviction requires termination in accord with Education Code 45123.
16. Offering anything of value or offering any service in exchange for special treatment in connection with one's job or employment; or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
17. Engaging in political activities during assigned hours of duty.
18. Conviction of a crime of moral turpitude.
19. Making an unprovoked physical or verbal attack on a pupil, District employee or member of the public; or discourteous, offensive, or abusive language or conduct toward other employees, pupils, or the public.
20. Failure to maintain any license or certificate which is a condition of employment.
21. Failure or refusal to submit to involuntary testing of blood, breath, or urine pursuant to a request or direction of a supervisor pursuant to a duly adopted District drug testing procedure for employees engaged in safety sensitive occupations and/or who perform safety sensitive activities.
22. Dishonesty, theft, misappropriation or willful misuse of district property for personal gain; willful destruction or damage to District property or the property of others lawfully on District property.
23. All forms of abuse, harassment, or discrimination including but not limited to: ethnic, racial, religious or sexual harassment of another.
24. Advocacy of the overthrow of the federal, state, or local government by force, violence or other unlawful means, including conduct in violation of Government Code Section 1028.
25. Any other cause or causes for disciplinary action set forth in the Education Code or other applicable Code.

8.6.2 **Dismissal of Temporary and Substitute Employees**

The employment of a temporary or substitute employee may be discontinued at any time without regard to procedures set forth in this section. Any employee whose assignment has been discontinued pursuant to this subsection does not have the right to appeal such action to the Personnel Commission.

8.6.3 **Procedure for Disciplinary Action - Permanent Employees**

A. General Procedures:

For purposes of this subsection, "disciplinary action" means dismissal, suspension without pay, or involuntary demotion of an employee who has successfully completed any required probationary period.

"Emergency suspension without pay" means a suspension which is necessitated because the employee's continued presence at work would constitute a significant, unwarranted risk to the life, health, or safety of the employee or others, or is of such an outrageous nature as to require immediate removal of the employee from work. Unless otherwise provided for by law, the maximum time during which an employee may be suspended without pay is thirty working days.

The severity of disciplinary action shall be determined in consideration of the seriousness of the violation involved, the employee's overall record with the District and any mitigating circumstances. Some offenses may be the basis for disciplinary action, up to dismissal, on the first offense.

Before any disciplinary action begins against a permanent employee, except an emergency suspension without pay, the employee shall receive a written Notice of Proposed Disciplinary Action either by personal service or by certified mail issued at least fifteen (15) working days prior to the proposed effective date, which shall contain:

1. A statement of the specific charge(s) (Cause or Causes for Disciplinary Action) against the employee.
2. The specific acts or omissions upon which the proposed disciplinary action is based, referenced back to the specific charge against the employee; and
3. Notice that copies of all documents supporting the proposed disciplinary action are available for the employee's review; and
4. Notice of the date the proposed action will be presented to the Board; and
5. Notice of the employee's right to respond, within ten (10) working days, either orally or in writing prior to the effective date of the proposed action; and that failure to respond will constitute a waiver of the right to respond.

B. Employee's Right to Respond - (Predisciplinary Hearing): *(Section 8.6.3.B added 08/09/07)*

1. PREDISCIPLINARY HEARING REQUEST: If the employee submits a request to respond to the charges within ten (10) working days after receipt of the Notice of Proposed Disciplinary Action the employee shall have a right to meet with the Superintendent or designee, and the effective date of the proposed disciplinary action shall be stayed pending the outcome of the predisciplinary hearing process. The employee shall be allowed to respond to the charges prior to the Superintendent's recommendation of disciplinary action to the Board of Trustees.

(REFERENCE: Skelly v. State Personnel Board, 15 Cal.3d 194 (1975))

2. NOTIFICATION OF THE TIME, PLACE AND DATE OF THE PREDISCIPLINARY HEARING TO EMPLOYEE: The District shall coordinate the scheduling of the Predisciplinary Hearing. The District shall notify the employee in writing of the time, date, and place of the Predisciplinary Hearing. Notification shall be either in person or sent by Certified Mail (Return Receipt Requested). This requirement will be deemed to have been met if the notification of the Predisciplinary Hearing is sent Certified Mail to the last known home address on file in the District Human Resources Office. Failure of the employee to retrieve delivered mail, or respond to notifications by the U.S. Postal Service of attempted delivery shall not be grounds for voiding notification, or the staying of the time lines outlined in these Rules. For purposes of this Rule, if a notice is mailed, as indicated above, the second working day following the postmark date of the notice shall be considered to be the official date of receipt.
 3. EMPLOYEE SHALL HAVE THE OPPORTUNITY TO RESPOND TO CHARGES: The employee shall have the opportunity to respond to all charges. However, the Predisciplinary Hearing is not an evidentiary hearing. The employee will not be allowed to call or examine witnesses.
 4. RIGHT TO REPRESENTATION: The employee may be represented by legal counsel, union representative, or any other person designated by the employee. If the employee fails to appear, the Superintendent may recommend the proposed disciplinary action to the Board of Trustees.
 5. SUPERINTENDENT OR DESIGNEE'S DECISION: The Superintendent or designee shall issue a written decision within five (5) working days after the conclusion of the Predisciplinary Hearing, to either implement the proposed disciplinary action, to modify the proposed disciplinary action, or to rescind and halt the proposed disciplinary action. The Superintendent or designee shall not act to provide for a penalty or disciplinary action more severe than that recommended in the Notice of Proposed Disciplinary Action. The written decision of the Superintendent or designee shall be filed with the Personnel Commission Office. The District shall be responsible for notification of the employee as to the decision of the Superintendent or designee.
 - a. If the employee requests a Predisciplinary Hearing with the Superintendent or designee, and at that hearing the employee and Superintendent or designee agree on an alternative course of action, this agreement shall be in writing. If the agreed alternative action requires Board of Trustees action, the Superintendent shall recommend to the Board of Trustees that the alternative action be approved. The Board's decision to accept or reject the alternative action shall be final.
 6. The Superintendent's or designee's decision shall be communicated to the Board of Trustees. *(Section 8.6.3.B added 08/09/07)*
- C. Emergency Suspension Procedures:
In any case where an emergency suspension is effected, the District shall provide the employee, by personal service or by certified mail as soon as possible after the action is taken, with the following:
1. A statement of the specific charges against the employee, including the specific acts or omissions upon which the suspension is based; and

2. Notice that copies of all documents supporting the suspension are available for the employee's review; and
3. Notice of the date the action will be presented to the Board; and
4. Notice of the employee's right to appeal the suspension to the Personnel Commission.

D. Notification Procedures:

1. Should the proposed disciplinary action be effected, a written notice shall be promptly served by the District upon the employee, either personally or by certified mail, stating the action taken.
2. Within three working days following the taking of disciplinary action by the Board, the District shall submit to the Commission a complete copy of the causes and charges against the employee, together with all documentation it made available to the employee and copies of all communications with the employee regarding the disciplinary action.
3. Within ten working days following receipt of notification by the District advising that a permanent employee has been suspended, demoted or discharged, the Director of Classified Personnel shall cause to be furnished to the employee a copy of the charges against the employee together with an advisement of the employee's right to appeal the disciplinary action to the Personnel Commission.
4. Written notification of the employee's appeal rights shall be made by personal service or by certified mail delivery to the employee's last known address.
5. Written notification of the employee's appeal rights shall advise that appeal of the disciplinary action must be made within 14 calendar days following the employee's receipt of the notification and charges from the Personnel Commission Director, Classified Personnel, describe how the appeal is to be made, and caution that failure to make a timely appeal will constitute a waiver of the right to appeal the disciplinary action.
6. If the employee fails to timely appeal the disciplinary action, the disciplinary action shall be final without any action by the Personnel Commission.

8.6.4 **Grounds for Appeal of Disciplinary Action**

Appeal of disciplinary action can be made only on the following grounds:

- A. Procedures set forth in these rules have not been followed.
- B. The action was taken because of political or religious acts, opinions or affiliations, or unlawful consideration of race, color, national origin, sex, marital status, religion, age, or legally cognizable disability which could be reasonably accommodated.
- C. There has been an abuse of discretion.
- D. That the action taken was not in accord with the facts.
- E. The penalty involved is excessive.

8.6.5 **Appeal Hearing Procedures**

A. Establishment of Hearing Time and Place

- 1. If the employee has made timely appeal of disciplinary action, the Commission may investigate the matter and may require further evidence from the employee and/or the District.
- 2. If the employee has made timely appeal of disciplinary action and requested a hearing thereon, the Commission shall fix the time and place of the hearing which will be within a reasonable length of time following the Commission's receipt of the appeal. The Commission shall promptly cause the employee and the District to be advised of the time and place of the hearing; such notification shall be in writing, made either by personal service or by certified mail, and shall be made so as to provide each party with at least five working days' notice prior to the scheduled commencement of the hearing.
- 3. The Commission may, in its sole discretion, for good cause change or continue any scheduled hearing date. In such case the Commission shall give appropriate written notice of such change or continuance to both the employee concerned and the District.
- 4. Nothing shall preclude the Commission from scheduling a hearing on its own motion, absent any request from the affected employee and/or the District for a hearing.
- 5. Any investigation and hearing shall be confined to the reasons for the disciplinary action as charged by the appointing authority and the relevant defenses set forth in the employee's appeal and answer.

B. Conduct of the Hearing

- 1. The Personnel Commission may, in its sole discretion, elect to conduct the hearing itself or may appoint a Hearing Officer to conduct the hearing and report findings and recommendations to the Commission.
- 2. The hearing may be closed (restricted to parties) or open to the public at the option of the employee.
- 3. The hearing shall be informal, and neither the Commission nor its Hearing Officer shall be bound by technical rules of evidence in the conduct of the hearing. Decisions made by the Commission shall not be invalidated by an informality in the conduct of the hearing and/or form of its findings, conclusions and decision.

4. Any relevant evidence shall be admitted at the hearing if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs irrespective of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions conducted in a court of law. Hearsay evidence may be admitted for any purpose but shall not, of itself, be sufficient to support a finding unless it would be admissible over objection in a civil action conducted in a court of law. The rules of privilege and of official or judicial notice shall be effective to the same extent as in civil actions conducted in a court of law. Irrelevant and repetitious evidence may be excluded. Oral evidence shall be taken only under oath or affirmation.
5. The Personnel Commission or its Hearing Officer shall determine the admissibility of all evidence proffered at the hearing, including its relevancy, weight, and the credibility of testimony and other evidence whether written or oral. Findings and conclusions shall be based upon a preponderance of evidence presented at the hearing.
6. The hearing shall be recorded on tape or by a Certified Shorthand Reporter. The party requesting the Certified Shorthand Reporter shall be responsible for all costs associated therewith. If the parties mutually agree to utilize the services of a Certified Shorthand Reporter, the costs thereof shall be shared between them on terms to be arranged between them. In the event that the services of a Certified Shorthand Reporter are utilized by the parties and a transcript thereof obtained, a true and correct certified copy of said transcript(s) shall be provided to the Commission and/or Hearing Officer free of charge.
7. Each party will be permitted an opportunity to make an opening statement (District first) and closing argument (Employee first). The District shall first present its witnesses and/or evidence in support of its charge(s) and the employee will then be afforded an opportunity to present witnesses and/or evidence. Implicit in the opportunity to present witnesses and/or testimony is the right of the opposing party to cross-examine witnesses and/or object to the introduction of evidence.
8. Each party may petition the Commission in writing on a form obtainable from the Office of the Commission for the issuance of subpoenas to compel the attendance of witnesses and/or the production of documents. Such petition must be received in the Office of the Commission not later than ten working days prior to the scheduled commencement of the hearing. It is the responsibility of the party requesting the subpoenas to ensure that proper service is made thereupon so as to ensure the attendance of witnesses and/or production of documents in a timely manner so as to permit the hearing to proceed as scheduled. Should the need arise during a hearing to subpoena additional witnesses and/or documents, petition may be made to the Commission or Hearing Officer, whichever is conducting the hearing, which shall have sole discretion as to whether the requested subpoena(s) shall be issued. The Commission or Hearing Officer, whichever is conducting the hearing, may, on its own motion, issue subpoenas and cause same to be served.
9. Both the District and the employee may be represented by counsel or other designated representative of their choice.

10. The Commission or Hearing Officer may permit an amendment of the charges at any time prior to the Commission reaching a decision. If such amendment is permitted and determined by the Commission or Hearing Officer to be substantial and requiring an opportunity for the employee to react to the amendment, the employee shall be given notice of the amendment, and be given an appropriate time in which to respond to the amendment. The Commission or Hearing Officer may, among other things, grant a continuance of the hearing, reopen the hearing, or take other such action as will, in its sole judgment, ensure that such amendment is not procedurally prejudicial to the employee and that a fair hearing will be had.
11. In the event that a Hearing Officer is used to conduct a hearing, his/her findings of fact and recommendations shall be submitted to the Commission no more than forty-five(45) working days following the conclusion of the taking of testimony and evidence or the date established for the submission of post-hearing briefs, whichever is later. The Commission may accept, reject, or amend any of the findings or recommendations. If the Commission does not accept the findings and recommendations as presented, the Commission shall review the record of the hearing or investigation, or the Commission may order a supplementary hearing or investigation before rendering a decision different than that recommended by the Hearing Officer.
12. In the event the Commission conducts a hearing, the Commission shall render its decision as soon as possible.
13. Whether the hearing is held in public or closed session, the Commission, after conclusion of the hearing, may deliberate to reach its decision in closed session. No persons other than members of the Commission, its counsel or advisor, and its staff, shall be permitted to participate in the deliberations. The Director, Classified Personnel shall not advise or make recommendations to the Commission or participate in its closed session deliberations if the Director, Classified Personnel is the party who brought the action against the employee.
14. The Commission may sustain or reject, in whole or in part, any or all of the charges filed against the employee. It may sustain, reject or modify the disciplinary action invoked against the employee, however, it may not provide for discipline more stringent than that invoked by the District.
15. If the disciplinary action is not sustained, and/or the penalty imposed is rejected or modified, the Commission's decision shall set forth the appropriate remedy, which may include determining the effective date the employee is to be reinstated, which may be any time on or after the date of disciplinary action, payment of all or part of the employee's full compensation from the time of suspension, demotion or dismissal, and/or other measures as may be necessary to effect a just settlement of the appeal consistent with the Commission's findings.
16. The decision shall set forth which charges, if any, are sustained, and the reasons therefore. A copy of the decision shall be filed with the Board of Trustees and a copy delivered to the employee or mailed to the employee's last known address by certified mail no later than 15 working days following the Commission's deliberations and rendering its decision.
17. The Commission's decision shall be final and shall not be subject to review, modification or reversal by the District's Board of Trustees.