

**Covina-Valley Unified School District  
Personnel Commission**

**Regular Meeting**

Dr. Mary Hanes Professional Development Center  
220 West Puente Avenue, Covina, CA 91723  
4:45 p.m.

October 12, 2021

The Personnel Commission welcomes residents of the community to attend its meetings. Members of the public have the opportunity to address the Personnel Commission at each meeting. Five minutes may be allotted to each speaker and a maximum of 20 minutes to each subject. If you wish to address the Personnel Commission, please complete the "Request to Speak" card and hand it to the clerk prior to the start of the meeting.

The Personnel Commission does not censor public comment, which may include criticisms about a specific employee, nor does the Commission require that such discussion not take place in public. The Commission encourages members of the community to make their public comments in a courteous and respectful manner so as to facilitate the resolution of disputes involving matters under the Commission's jurisdiction.

**Reasonable Accommodations for Individuals with a Disability**

Any individual with a disability who requires reasonable accommodation to participate in a Personnel Commission meeting may request assistance by contacting the office of the Director, Personnel Services, 519 E. Badillo St., Covina, California 91723; (626) 974-7000; Fax (626) 974-7073.

Meeting called to order by the presiding officer \_\_\_\_\_ at \_\_\_\_\_ p.m.

Flag Salute

Roll Call:

Judith C. North, President	_____
Reggie Alderete, Vice President	_____
Dennis McNaught, Member	_____
Michele Doll, Assistant Superintendent, Personnel Services	_____
Rod Zerbel, Director, Personnel Services	_____

## I - Preliminary

1. **Adoption of Agenda.** Recommendation is made that the agenda be adopted as submitted. **Action**  
Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_, Vote\_\_\_\_\_
2. **Approval of Minutes.** Minutes of the regular meeting of September 14, 2021, are submitted for approval. **Action**  
Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_, Vote\_\_\_\_\_
3. **Approval of Minutes.** Minutes of the special meeting of September 29, 2021, are submitted for approval. **Action**  
Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_, Vote\_\_\_\_\_

## II - Public Comments

At this time members of the public may address the Personnel Commission. State law prohibits the Commission from acting on any issue not included on the agenda. Due to time limits imposed for public comment, the Commissioners do not answer questions or respond to statements made during the public comment.

4. **Public Comments on Non-Agenda Items.** Any person wishing to speak to any item **not** on the agenda will be granted up to five minutes to address the Commission regarding that item. **Info**
5. **Public Comments on Agenda Items.** Any person wishing to speak to any item **on** the agenda will be granted up to five minutes to address the Commission regarding that item. **Info**

## III - Director/Commission Member Comments

6. **Director's Report.** At this time the Director may address activities, correspondence, or operations; and may acknowledge or recognize specific programs, activities, or personnel. **Info**
7. **Commission Members' Comments.** At this time Commission Members may address activities, correspondence, or operations; and may acknowledge or recognize specific programs, activities, or personnel. **Info**

## IV - Conference Items

8. **Administrative Regulation 4218, Causes for Disciplinary Action.** The revised Administrative Regulation 4218, is presented for information. (Ref. A) **Info**
9. **Announcement of Personnel Commissioner Intended Appointee.** At this time, the Personnel Commission will announce their intended appointee for the District appointed personnel commissioner. (Ref. B) **Info**

**V - Closed Session**

10. **Public Employee Discipline/Dismissal/Release** (Gov. Code 54957)

**Discussion**

**VI - Adjournment**

11. **Adjournment.** \_\_\_\_\_ p.m.

**Action**

Motion by \_\_\_\_\_, Seconded by \_\_\_\_\_, Vote \_\_\_\_\_

**Administrative Regulation 4218**  
**Causes for Disciplinary Action**

The revised Administrative Regulation, 4218 - Causes for Disciplinary Action, is presented for information.

### **Causes for Disciplinary Action**

A permanent classified employee may be subject to suspension, demotion, involuntary reassignment, or dismissal for one or more of the following causes:

1. Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)
3. Unlawful discrimination, including harassment against any student or other employee
4. Violation of or refusal to obey state or federal law or regulation, Board policy, or district or school procedure
5. Falsification of any information supplied to the district, including, but not limited to, information supplied on application forms, employment records, or any other school district records
6. Unsatisfactory performance
7. Unprofessional conduct
8. Dishonesty
9. Neglect of duty or absence without leave
10. Insubordination
11. Use of alcohol or a controlled substance while on duty or in such close time proximity thereto as to affect the employee's performance
12. Destruction or misuse of district property
13. Failure to fulfill any ongoing condition of employment including, but not limited to maintenance of any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position
14. A physical or mental condition which precludes the employee from the proper performance of duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law.

15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job
16. Violation of Education Code 45303 or Government Code 1028 (advocacy of communism)
17. Any other misconduct which is of such nature that it causes discredit or injury to the district or the employee's position

An employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student, or for refusing to infringe on a student's protected conduct, when that student is exercising free speech or press rights pursuant to Education Code 48907 or 48950. (Education Code 48907, 48950)

No disciplinary action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district. (Education Code 45113)

#### Initiation and Notification of Charges

The Superintendent or designee shall provide notice to the employee of a recommendation for discipline, which includes the charges and materials upon which the recommendation is based. The notification shall identify an impartial district official ("Skelly officer") with whom the employee may meet at a specified time and place or to whom the employee may provide a written response to the recommendation of discipline. After meeting with the employee or considering any response from the employee the Skelly officer shall recommend to the Superintendent or designee whether to proceed with the recommendation for discipline.

The Superintendent or designee shall file any final recommendation for a disciplinary action in writing with the Governing Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address.

The notice shall in ordinary and concise language, inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the district rule or regulation that the employee has allegedly violated. In addition, the notice shall include the employee's right to a hearing on those charges, the time within which the hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card or paper which the employee may sign and file to deny the charges and request a hearing. (Education Code 45113, 45116)

#### Request for Board Hearing

Within the time specified in the notice of the recommendation of disciplinary action, the employee may request a hearing on the charges by signing and filing the card or paper included with the notice. (Education Code 45113)

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of the request for a hearing. The request shall be

delivered to the office of the Superintendent or designee during normal work hours of that office. If mailed to the office of the Superintendent or designee, it must be received or postmarked no later than the time limit specified by the district. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing.

#### Employment Status Pending a Hearing

A classified employee against whom a recommendation of disciplinary action has been issued shall remain on active duty status pending any hearing on the charges, unless the Superintendent or designee determines that the employee's continuance in active duty would present an unreasonable risk of harm to students, staff, or property. The Superintendent or designee may, in writing, order the employee immediately suspended from duty without pay and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance.

#### Compulsory Leave of Absence

Upon being informed by law enforcement that a classified employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes:

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187 (murder or attempted murder)
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

The Superintendent or designee may place on an immediate compulsory leave of absence a classified employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361,

11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinols.

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless the employee demands a hearing on the dismissal.

### **Personnel Commissioner Intended Appointee**

On October 4, 2021, the Board of Education announced its intention to name Ms. Judith North as the district appointed Personnel Commissioner.

At the November 9, 2021, Personnel Commission meeting, public comments will be heard regarding the appointee. The Commissioners will then vote on the appointment for a three-year term commencing December 1, 2021.