

MINUTES
BASSETT UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION MEETING
APRIL 29, 2003
5:00 P.M.

1. The meeting was called to order by Chairperson Vern Wallery at 5:07 p.m.

2. MEMBERS PRESENT:

Mrs. Vern Wallery, Chairperson
Mrs. Frances Alvarado, Vice-Chairperson
Mrs. Susan Hartley, Member

3. STAFF PRESENT:

T. R. Lin, Ph.D, Assistant Superintendent, Human Resources Development
Patrick Maher, Personnel Analyst

4. OTHERS PRESENT:

See Guest Register

5. PRELIMINARY:

A. Flag Salute

6. APPROVAL OF AGENDA:

On the motion of Mrs. Hartley, seconded by Mrs. Alvarado, and unanimously carried, the Commission approved the agenda for the Special meeting of April 29, 2003, as submitted.

7. REQUESTS TO SPEAK:

There were no requests to speak.

8. APPROVE CONTRACT FOR PROFESSIONAL EXPERT

On the motion of Mrs. Hartley, seconded by Mrs. Alvarado, and unanimously carried, the Commission finds that Sally Matsubara is a professional expert and the District may offer a contract for personal services for the period of March 2, 2003 through May 30, 2003 pursuant to Personnel Commission Rule 3.1.2 and Education Code Section 45256(b5).

Mrs. Hartley stated that she understood that Ms. Matsubara is doing work the Superintendent feels is vital, but that the general issue about professional experts comes up again and again and she was confused about the exact parameters of the Commission's responsibilities. She thought a legal opinion would be beneficial in clarifying the whole matter.

Mrs. Wallery stated that she also had a concern and thought the Commission should obtain a formal written legal opinion concerning the whole issue and asked Dr. Lin to obtain one from counsel.

Mrs. Alvarado stated that she agreed.

9. DISCUSS PRELIMINARY INFORMATION ON COMMISSION BUDGET

Discussion concerning general budget issues concerning the Commission's tentative 2003-2004 budget.

On the motion of Mrs. Hartley, seconded by Mrs. Alvarado, and unanimously carried, the Commission adopted the tentative budget for 2003-2004 as submitted/amended for the purposes of a public hearing to be conducted on May 13, 2003 at 5:00 PM.

Dr. Lin stated that he wanted to clarify that this matter was merely a preliminary discussion on the budget and for the Commission an opportunity to give staff some input and direction to prepare the proposed budget for a public hearing.

Mrs. Alvarado sought information on the process.

Dr. Lin reported that the Commission would hold its required public hearing on May 13, 2003 at that time decide on its proposed budget. That would then be forwarded to the Superintendent for concurrence or non-concurrence by the Board and then the final budget would have to be submitted to the County by May 30.

Mrs. Alvarado inquired if the Personnel Analyst classification didn't incorporate the clerical duties that were previously performed when the position was created.

Dr. Lin stated that it had not and that the Personnel Analyst was a professional position, but because the former clerical support had not been maintained when the Personnel Analyst position was created, the Personnel Analyst assumed many of those duties in addition to the professional ones that were assigned to the position.

Mrs. Hartley stated that her concern originally was that if the Personnel Analyst was not added as an additional position without making any reductions in clerical support that there would be a work load problem.

Robert Nero, Superintendent, stated that he wanted to let the Commission know that he originally was trying to reduce the budget by \$1.3 million, but not, because of a demand by the County for a past liability, he was now looking at a \$3 million reduction and had identified some means of doing so through the budget committee, and was going to make some proposals to the Board.

Mr. Nero stated that he had to leave to attend another meeting but wanted to inform the Commission that Mr. Watanabe was in the hospital and asked that those present remember him in their thoughts.

Irma Quesada, CSEA Chapter President, stated that she wished that Mr. Nero would have been able to hear her comments. She said that as a member of the budget committee she did learn that even with the budget constraints, school and other organizational entities would be able to hire staff they believed to be necessary if it was within their budget.

Mrs. Alvarado stated that the addition of staff would be an increase above the current budget and that if the Superintendent wanted to decrease the total District budget, she didn't think the Commission should be increasing its budget.

Mrs. Wallery stated that if the position was needed, then it should be added.

Ms. Quesada stated that at the time of the reorganization of HRD, CSEA conveyed to the Commission that this staffing problem was coming and that there would eventually be a need for additional staff if they didn't address it at that time.

Mrs. Alvarado inquired as to where the money was going to come from if the Commission increased staffing in HRD.

Dr. Lin stated that the law gave the Commission independence by means of an independent budget to perform its duties and that if that money could be arbitrarily taken from the Commission, it would not have true independence.

That is why the budget process for the Commission vested them with the discretion in deciding its needs.

Mrs. Alvarado stated that the Commission didn't have the funds for a new position, and the priority of the Commission should be to keep Dr. Lin full time rather than creating new positions for clerical assignments. She was not in favor of picking up anymore people.

Mrs. Wallery stated that her concern was ensuring that the duties of the Commission were being done and that all the work that was supposed to be done was done.

Dr. Lin stated that the work at HRD was several years behind because of the lack of stability in HRD for so many years.

Mrs. Alvarado stated that the Commission was part of the District and even though it has its own independent budget, it still had to be realistic and work within the parameters of the District's budget. She was not in favor of adding staff.

Mrs. Hartley asked Mrs. Alvarado if she was saying that she was in support of the budget as provided with the option presented of no increase in staff. Mrs. Alvarado stated that she was.

Mrs. Wallery expressed that she was very concerned about the action to just cut the certificated responsibilities of Dr. Lin without any discussion with the Commission and to not want support providing full funding of his position if he was to only be responsible for classified personnel matters. She wondered about the legality of the action to terminate those responsibilities by considering him to be a certificated position when he is in a classified position regardless of the nature of the duties performed. Mrs. Wallery asked Dr. Lin if he had any forewarning of the action that the Superintendent took in regards to terminating his 49% funded position.

Dr. Lin stated that he had not. In fact, when learning that there was one more position than he had prepared resolutions for acted on by the Board, he was confused as to who the person was and if he had somehow missed someone. He checked with staff to ensure that he had not accidentally omitted someone and was told that he had not. It was not until later that the Superintendent first informed him of his action to permanently terminate Dr. Lin's responsibilities for certificated personnel when he was provided with the letter and resolution of the action and basis for it as a certificated employee. This surprised him because his position is entirely classified even though the Commission and Board have agreed to a different funding arrangement and have agreed that he will be responsible for both certificated and classified personnel functions.

Mrs. Wallery added that since the Commission was obtaining legal advice anyhow, she would like to get a legal opinion on whether Dr. Lin was legally

considered a certificated employee and whether the Superintendent's actions on his continued status was correct. She asked if there was a consensus.

Both Mrs. Alvarado and Mrs. Hartley concurred with obtaining a legal opinion.

The Commission reviewed the preliminary budget data and discussed the reasons why various line-item categories were budgeted the way they were.

Mrs. Wallery reaffirmed that the motion was only to prepare a proposed budget for a public hearing and that the Commission could opt for reductions before it was formally submitted. However, she was supporting that the budget that had been submitted would be increased to include the cost of one full-time Human Resources Technician.

Mrs. Alvarado stated that she accepted the proposed budget as it was submitted, but without any additional staffing or increases other than those beyond the control of the Commission. She was opposed to any increase in the budget that involved increasing the current staffing level.

Mrs. Hartley stated that she supported the budget as submitted, but agreed with Mrs. Wallery that the proposed budget would include an increase of one full-time Human Resources Technician.

10. CLOSED SESSION:

Pursuant to Government Code 54957, the Personnel Commission recessed to closed session at 6:27 p.m. and reconvened to open session at 7:18 p.m. regarding the following personnel and employee performance issues:

- A. Update of performance and Board action on Classified Employee.

11. ADJOURNMENT:

On the motion of Mrs. Hartley, seconded by Mrs. Alvarado, and unanimously carried, the Commission adjourned the meeting at 7:19 p.m.