

AGENDA  
BASSETT UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION MEETING  
PERSONNEL COMMISSION OFFICE – ROOM 12 – FLANNER  
AUGUST 2, 2005  
5:00 P.M.

1. The meeting was called to order by Chairperson Wallery at 5:03 p.m.

2. MEMBERS PRESENT

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

3. STAFF PRESENT

Patrick Maher, Personnel Director  
Kristin Olson, Personnel Analyst

4. OTHERS PRESENT

See Guest Register

5. PRELIMINARY

Flag Salute

6. STAFF REPORTS

A. Personnel Director

We completed the exam for Security Supervisor. We will be opening three large exams toward the beginning of school: Clerical Assistant I, Clerical Assistant II, and Custodian I. This will help with the substitute lists. We are also continuing on with the regular work here. We have a management retreat coming up on August 18-19 in Palm Springs.

B. Personnel Commission

Mrs. Alvarado indicated her thanks to Mr. Maher for presenting a comprehensive presentation on the role of the Personnel Commission at the School Board-Personnel Commission joint meeting.

Mrs. Hartley also commended Mr. Maher on his well-designed and informative presentation and stated that it would be beneficial to continue the tradition of a yearly joint meeting.

Mrs. Wallery also expressed her thanks to Mr. Maher for his presentation at the joint meeting, and indicated that her knowledge increased as a result of the presentation.

7. APPROVAL OF AGENDA

On the motion of Mrs. Alvarado, and seconded by Mrs. Hartley, and unanimously carried, the Commission approved the agenda for the regular meeting of August 2, 2005 as submitted.

8. APPROVAL OF MINUTES

On the motion of Mrs. Alvarado, and seconded by Mrs. Hartley, and unanimously carried, the Commission approved the minutes for the regular meeting of July 5, 2005 as submitted.

9. REQUESTS TO SPEAK

- A. Communications (Request to Speak Card not required)  
1. Superintendent

Mr. Watanabe reiterated the success of the joint School Board-Personnel Commission Meeting and indicated that Mr. Maher did an excellent job with his presentation. He expressed that the School Board members were happy with the joint meeting.

He commented on the progress of the School Bond, mentioned that the multipurpose facility at Torch is progressing as planned and will take about 2 years for completion. New asphalt and fences, air conditioning, heating, and lighting will be put in at the different school sites. Bassett USD is also looking at another Bond in the near future to address the athletic stadium at the high school, and also develop the land behind Flanner to further improve this district.

The management retreat is set for August 18-19 and is not costing the District any money, as all our business partners are sponsoring this event.

Four new principals have been hired, one at: Edgewood, Don Julian, Nueva Vista, and Sunkist. A new Child Development Director will be hired soon.

On September 1, 2005 the Welcome Back Breakfast will be held, where honor and awards will be given out. We are going to have another goal planning session on October 15, 2005 to go over the goals set last year and formulate goals for this year.

#### 10. ELIGIBILITY LISTS

- A. On the motion of Mrs. Alvarado, and seconded by Mrs. Hartley, and unanimously carried, the Commission ratified the eligibility list for District Security Supervisor Exam # 05-010.

#### 11. ELGIBILITY LIST EXTENSION

On the motion of Mrs. Alvarado, and seconded by Mrs. Hartley, and unanimously carried, the Commission approved the extension of the eligibility list for School Community Relations Assistant from 2/17/05 to 9/1/05.

#### 12. APPROVAL OF EXPENDITURES TO ATTEND TRAINING

On the motion of Mrs. Hartley, and seconded by Mrs. Alvarado, and unanimously carried, the Commission approved attendance at conferences, actual and necessary expenditures in the amount of \$4,008.00 incurred by such attendance to be paid by the Commission unless otherwise specified, as attached, and in accordance with Education Code Section 45255.

Mrs. Alvarado requested to know the topics covered in the Personnel Academy.

Ms. Olson replied that the Personnel Academy is the certificated equivalent to the Merit Academy. The Personnel Academy speaks to similar issues addressed in the Merit Academy, with the emphasis directed toward the relationship between certificated and management issues. A major benefit

of attendance is a better understanding of certificated issues and the resulting dialogue.

13. CLASSIFICATION ACTIONS

- A. On the motion of Mrs. Alvarado, and seconded by Mrs. Hartley, and unanimously carried, the Commission approved the modifications to the classification specification Secretary II as submitted.
- B. On the motion of Mrs. Alvarado, and seconded by Mrs. Hartley, and unanimously carried, the Commission reclassified the following classified employees from the classification of School Office Secretary, Salary Range 29, to the position of Secretary II, Salary Range 29, without benefit of examination and without loss of seniority.

Rose Rodas	Blanca Chinchay	Xochitl Guerrero
Kathleen Aguilar	Lisa Barreto	Tomiko Lee-Nolasco
Gracie Gonzalez		

- C. On the motion of Mrs. Hartley, and seconded by Mrs. Alvarado, and unanimously carried, the Commission deleted the classification of School Office Secretary.

14. EXAMINATIONS

The Commission received the following examination bulletins:

Instructional Assistant-Special Education #05-011

15. RECOMMENDED ORDER

The Commission received the proposed decision styled *Order on Motion to Clarify Issues, etc.* issued by the hearing officer on May 25, 2005.

16. NEXT COMMISSION MEETING

The next regular Personnel Commission meeting will be held on September 6, 2005 at 5:00 p.m. in the Personnel Commission office.

17. CLOSED SESSION

Mr. Adamo addressed the Personnel Commission and indicated that a hearing was held on May 25, 2005 and the Administrative Law Judge (ALJ) said that the matter of his termination had been settled, since the District had dropped all charges and brought Mr. Adamo back to work. The attorneys for the District replied to this ruling and they also agreed with the ALJ. Mr. Adamo and his attorney differ with the District in their opinions on proper jurisdiction, but agree with the District's counsel and the ALJ recommendation in that the ALJ ruling be adopted.

Mr. Vera, School District attorney, indicated that they agree with sustaining the decision of the ALJ.

Mr. Gennaco, Personnel Commission attorney, requested to know if Mr. Adamo and his counsel received the papers that were filed by the District in support of the statement that Mr. Vera just read.

Mr. Adamo indicated that he never, nor his attorney, received papers from the School District. He received the papers from Mr. Maher.

Mr. Gennaco requested to know why the filed papers were never sent to Mr. Adamo from Mr. Vera.

Mr. Nunez indicated that two pieces of correspondence were sent on the 22<sup>nd</sup> to the Personnel Commission. One piece was a letter in response to a request for information and the second was a memorandum in regard to points of authorities. There was a mix-up in the office and only the letter was sent to Mr. Maltin. He came into contact with Mr. Maltin last week and faxed him the memorandum of points of authorities and then emailed the document also.

Mr. Gennaco then requested to know if Mr. Adamo's position was prejudiced by the late arrival of the filed documents by the School District's attorney.

Mr. Adamo indicated that this was not the case, as they were both in basic agreement that the decision of the ALJ should be sustained.

Mr. Maltin indicated that he agrees that the decision of the ALJ should be sustained.

Mr. Gennaco requested to know if the remedies that he sought before the ALJ will now be sought in another form.

Mr. Maltin indicated that the ALJ believes that he did not have jurisdiction to award the damages that they believe that which Mr. Adamo is entitled.

He then indicated that they will agree with the ALJ in the belief that he did not have jurisdiction to award the damages sought, and they will file a separate lawsuit.

The Commission adjourned to closed session at 5:30 p.m. pursuant to Government Code Section 54957 to discuss:

#### DISMISSAL/DISCIPLINE OF PUBLIC EMPLOYEE

Deliberation on accepting, rejecting, or amending any of the findings or recommendations in the hearing officer's proposed decision styled *Order on Motion to Dismiss*.

The Commission reconvened into open session at 5:54 p.m. and reported on the following action taken in closed session:

The Commission first notes that counsel for the School District did not comply with the Executive Director's request to serve a copy of any papers submitted on this motion to Appellant. However, because Appellant did eventually receive a copy of the paper and did not claim prejudice as a result of the failure of the School District, the Commission considered the School District's papers. The Commission notes that it will look unfavorably on any future failure to comply with the requests of its Executive Director in this or any other matter before the Commission.

The commission next notes that the Hearing Officer's Proposal Decision styled Order on Motion to Clarify Issues, Etc., was reviewed de novo and not, as the School District counsel urged in papers submitted to this Commission, under an abuse of discretion standard.

The Commission notes that both the School District and the Appellant have urged this Commission to adopt the Proposed Decision of the Hearing Officer.

Regarding the consideration of the Hearing Officer's Proposed Decision on this matter:

1. The Commission unanimously agreed to adopt the Proposed Finding of Fact 1-5.
2. The commission unanimously agreed to adopt the Proposed Conclusions of Law and Discussion 8-12.
3. The Commission unanimously agreed to adopt the Proposed Order as follows:
  - a. The remaining charges against the Appellant are dismissed.

- b. Appellant's motion for further relief through these proceedings is denied.

18. ADJOURNMENT

On the motion of Mrs. Hartley, and seconded by Mrs. Alvarado, and unanimously carried, the Commission adjourned the meeting at 5:56 p.m.