

MINUTES
BASSETT UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION MEETING
PERSONNEL COMMISSION OFFICE – ROOM 7 – FLANNER
FEBRUARY 6, 2007

1. The meeting was called to order by Chairperson Wallery at 5:06 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
Marina Mihalevsky, Personnel Analyst

4. PRELIMINARY

A. Flag Salute

5. STAFF REPORTS

A. Personnel Director

Mr. Maher reported that the CSPCA conference was coming up, and so far 250 people are registered, with 130 for Staff Development. Ten BUSD Classified employees had registered for the Staff Development program and the PC will pay for their registration and parking.

B. Personnel Commission

Mrs. Alvarado stated that it was great to see such a great turn out at the PC meeting. Mrs. Hartley thanked the 10 individuals scheduled to attend the CSPCA conference for taking the time to attend, and encouraging others to attend as well. Mrs. Wallery thanked everyone present for their attendance.

6. 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 February 6, 2007 as submitted.

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7. APPROVAL OF MINUTES

On the motion of Mrs. Alvarado, and seconded by Mrs. Hartley, and unanimously carried, the Commission approved the minutes of the regular meeting of January 17, 2007 as submitted.

8. REQUESTS TO SPEAK

Mrs. Wallery acknowledged that there may be a number of individuals wanting to speak regarding proposed rule changes (agenda items 11a and b), as such she asked that the speakers address the Commission when the item is reached on the agenda and limit their comments to 3 minutes. Mrs. Wallery reiterated that the proposed rule changes were only subject to a first reading, and that the interested parties may continue to work together to come to a consensus prior to a second reading, if one is to take place.

Robert Watanabe, Superintendent, stated that it was a privilege to be given an opportunity to participate in the performance evaluation process for the Personnel Director. Mr. Watanabe referred to the last PC meeting, where the Union had expressed their wish for the Personnel Commission and the District to improve their working relationship, stating that that is also the wish of the District. Mr. Watanabe shared with the public that Mrs. Wallery had suggested that she, Mr. Watanabe and the new Board President, Bob Fuentes, meet to discuss issues of common interest. Mr. Watanabe asked the Commission to listen to the people who would like to speak with regard to the proposed rule changes and make a decision accordingly. Mr. Watanabe stated that he feels that a lot of people are present not because of the content of the proposed rule changes, but the way the rules were brought about to the District administrators.

Phil Saavedra, CSEA Labor Representative, spoke on behalf of Irma Quesada, CSEA President. Mr. Saavedra stated that the Union supports the PC because it not only serves the classified employees, but the classified management, and serves as a resource for the District. Mr. Saavedra stated that it is the Unions' position that the proposed rules support the mission of the District with regard to recruiting and retaining successful employees. Mr. Saavedra further stated that CSEA feels that the rules are beneficial to all parties, as it is the Districts responsibility to make sure the Districts employees are successful. Mr. Saavedra asked that the rules be looked at pragmatically to gain an understanding of why the rules are being proposed. Mr. Saavedra reiterated CSEA support for the Merit System in the District and that everyone needs to work within the rules/regulations set forth by such a system.

9. DISCUSSION AND ACTION ON SUBSTITUTE EMPLOYESS

The Personnel Director reported to the Commission on his research on the use of classified substitutes. The Commission will consider and discuss his report, and take action as it deems appropriate.

Mr. Maher reported that his rationale covered his findings and report on the substitute issue. He stated that Mr. Watanabe, Dr. Byrd and he met over this issue,

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and that he felt that the meeting and outcome was very productive. They had come to agreement on several issues and would be following-up over the next few months.

However, Mr. Maher expressed concern about on-going problems with internal controls over limited-term relief assignments. He planned on working with the district to more closely monitor these types of assignments and to institute early intervention in cases in which limited-term relief was not being properly assigned or controlled. He believed that this aspect of limited term assignments was the one that mostly need monitoring.

Mrs. Wallery requested this item to be place on the agenda in several months for follow-up.

10. REVISIONS TO PERSONNEL COMMISSION RULES

- A. On the motion of Mrs. Hartley, and seconded by Mrs. Wallery, with 2 ayes and 1 nay, Mrs. Alvarado in opposition, the Commission moved to revise Chapter 12 (Performance Evaluations) of the Personnel Commission Rules as submitted (first reading).
- B. On the motion of Mrs. Hartley, and seconded by Mrs. Wallery, with 2 ayes and 1 nay, Mrs. Alvarado in opposition, the Commission moved to revise Rule 11.6.1 (Discipline of Probationary Employee) of the Personnel Commission Rules as submitted (first reading).

General Public Comments

Jim Ballard, Assistant Superintendent, Business Services, stated that in the past there had been a great schism between the Board, the PC, and the District, making it difficult to be a productive organization. Mr. Ballard expressed his believe that the proposed ruled changes are causing the schism to get bigger and tearing the District apart. He feels that the administrators take to heart the responsibility for new and probationary employees, and provide employees opportunities to succeed on the job. Mr. Ballard considers the rule changes to be counterproductive and questions the intent of the rule changes in general. Mr. Ballard stated that there should be management support when new rules are to be adopted, but the proposed rules changes cannot be supported by management.

Matthew Smith, Director, Adult School, thanked the Commission for the opportunity to speak. Mr. Smith stated that the Bassett management has spent an extensive amount of time discussing the proposed rule changes both formally and informally. Mr. Smith expressed to the Commission his belief that the administrators want and take action on the basis of what is best for the students, and in totality have over 400 years of supervisory experience among them, and are capable and competent. Mr. Smith stated that he disagrees with the proposed rule changes, as such rules provide for additional rights to probationary employees to which they are not entitled to by law or contract. Mr. Smith requested the current rules be unchanged, suggesting that the management

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team work together with the PC to make any changes for the best interest of the students and the employees.

Jorge Seccia, Principal, Adult School, expressed his disappointment with the proposed changes, as he feels that the management team was not given the opportunity for input on the development of the rule changes. Mr. Seccia recommended that the Commission allow more time for administrators to work with the Personnel Director to develop rule changes.

Joe Medina, Principal, Torch Middle School, thanked the Commission for the opportunity to speak. Mr. Medina stated that he had the opportunity to listen to the rationale behind the proposed rule changes at the Total Management meeting, and feels that the rationale was not sufficiently persuasive to sustain the need for the proposed rule changes.

Cyndy Byrd, Assistant Superintendent-Human Resources, stated her concern about extending additional rights to probationary employee. Dr. Byrd stated that an administrative review takes care of the due process granted to probationary employees. Dr. Byrd acknowledged that she has made mistakes in the past, but the mistakes were corrected and she will continue to correct any mistakes if such were to happen and protect District employees. Dr. Byrd stated that the rules currently in place satisfy the provisions of the Education Code, and provide sufficient protection to employees. Dr. Byrd also expressed her believe that management needs time for additional training and to possibly consider implementing a process similar to an expulsion process for students when terminating probationary employees, as such the decision to uphold/deny termination of probationary employees should remain under the jurisdiction of the Superintendent.

Clara Updegraff, Principal, Erwin Elementary, stated her believe that the proposed rules take away authority and power from an administrator. Ms. Updegraff feels that there is no need for any additional rules and that what is currently in place is sufficient. Ms. Updegraff made a request that the proposed rule changes be tabled.

Ken Singleton, Director of Food Services, stated that he supports Mr. Watanabe's vision for the District, and requests that the administration be given additional opportunity to work collaboratively to develop rule changes.

Mark Newell, Principal, Edgewood Academy, stated that he does not support the rule changes as they are.

Bob Faraca, Director, Special Education, thanked the Commission for the opportunity to speak. Mr. Faraca stated that he understands workers rights and the need for due process. Mr. Faraca asked for the proposed changes to be tabled as he believes them to be unnecessary, and beyond what the Education Code requires to be granted to probationary employees. Mr. Faraca requested that the administrative staff be given the opportunity to develop administrative procedures instead of the rules, stating that "a vote for the rule changes is a vote of no confidence for the management team".

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Dominic Adamo, Director of Fiscal Services (Adult School) stated that he finds nothing in the content of the proposed rule changes that would inhibit him as a manager, and that the rules represent sound personnel management. Mr. Adamo stated that he recognizes that a significant number of the managers may apply the rules whether or not they are codified, but yet rules are necessary to protect employees from those instances where rules are broken.

Jeanne Gooch, classified employee, stated that the rules are regarding probationary employees and these individuals are not present to have their position heard; she feels that the rules provide for common courtesy and employee due process.

Gale Ard, classified employee, stated that she believes that the rules exist to protect both the employees and the administration. Ms. Ard encouraged everyone involved to work together to achieve mutual benefits.

Judy Mason, Coordinator of Health Services, stated that the District's management has had sufficient training to handle the needs of the employees, and believes that more time should be granted to work out the issues with regard to the proposed rule changes; she requested the agenda items be tabled.

Brad Lantz, ACSA representative/professional standards advocate, stated that no other merit system district where he has worked have similar rules to the ones being proposed. Mr. Lantz stated that it is his position that the rules as proposed, from an outsider point of view, call into question the independence that is inherent in the merit system and the Personnel Commission.

Carolyn Pruitt, Principal Bassett HS, requested that the Commission table the proposed rules and that the management team gets together to work out issues to benefit both sides.

Albert Michel, Principal, Van Wig Elementary, stated that the vast majority of BMCA opposes the proposed rule changes. Mr. Michel asked that the Commission table the proposed changes until both sides can get together and work out the differences on the impending issues and come to an agreement.

Martha Arceo, Coordinator of English Learner Program, asked the Commission to table agenda item 10, and allow the managers to work together to improve, to receive more training and come up with some administrative procedures in place of the Commission rules on the matter.

In response to the objections raised with regard to the proposed rule changes, Mr. Saavedra stated that CSEA has been forced to get involved at least once a year in resolving issues with probationary employees, trampling on the due process, and disregard for the contract provisions, and thus the need exists for such rules. Mr. Saavedra stated that in most Districts that he works with the relationships between the administration, the Board, the PC, and the employees is such that the need doesn't exist for similar rules, but given the frequency of occasions on which the CSEA has had to intervene at Bassett indicates a need.

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Mr. Saavedra stated that like it or not, the District has a Merit System, which follows a process of selecting the most qualified candidates, and thus it is unfair to arbitrarily terminate employees.

Commissioner Discussion

Mrs. Alvarado stated that she would like to see the situation resolved as to having the District administration continue to oversee the termination of probationary employees. Mrs. Alvarado stated that she has been informed that the Personnel Director has made every effort to communicate with the District administration, but she supports extending the opportunity for the Commission staff to continue to work with the District to resolve the issues at hand, and encouraged the administrators to be active in giving their input.

Mrs. Hartley referred to numerous emails dating two months back between the Personnel Director and the management team as indicative of the effort put forth by the Personnel Director to solicit feedback and participation with regard to the proposed rule changes. Mrs. Hartley stated that in reviewing the proposed rules, she doesn't find anything wrong with the rules given that significant public funds have already been invested in hiring the individual and arbitrary termination has long-term negative consequences on one's livelihood. Mrs. Hartley referenced several recent incidents that reflected poor practices in terminating probationary employees, suggesting that this may be a good time to implement the new rules. Mrs. Hartley expressed her believe that the proposed rules do nothing more than give District employees the consideration and respect that sometimes have been trampled over when it comes to the classified employees at the District.

Mrs. Wallery stated that over the past several weeks she has been receiving numerous phone calls from classified employees supporting the rules, and referencing incidents when probationary employee rights had been violated. Mrs. Wallery stated that the impact of terminating an employee for cause impacts one's livelihood long-term and should be taken very seriously. Mrs. Wallery pointed out that this is only the first reading and that in the next month the District, CSEA and the Commission staff should proceed to work together to resolve the issues at hand and come to an agreement.

11. APPROVAL OF TRAVEL EXPENDITURES

On the motion of Mrs. Hartley, and seconded by Mrs. Alvarado, and unanimously carried, the Commission approved the travel expenses in the amount of \$175.00 for the Personnel Director to serve on the interview panel for the Desert Sands Unified School District.

12. ELIGIBILITY LISTS

On the motion of Mrs. Alvarado, and seconded by Mrs. Hartley, and unanimously carried, the Commission approved the following eligibility lists:

School Office Assistant
Instructional Assistant

Exam #06-042
Exam #06-044

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13. EXAMINATIONS

The Commission received the following examination bulletins:

School Community Relations Assistant	06-045
Instructional Assistant –Special Education	06-046

14. NEXT COMMISSION MEETING

The next regular Personnel Commission meeting will be held on March 6, 2007 at 5:00 p.m. in the Personnel Commission office.

15. ADJOURNMENT

On the motion of Mrs. Alvarado, and seconded by Mrs. Hartley, and unanimously carried, the Commission moved to adjourn the meeting at 6:33 p.m.