

MINUTES
BASSETT UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION MEETING
PERSONNEL COMMISSION OFFICE – ROOM 12 – FLANNER
FEBRUARY 6, 2008
5:00 P.M.

1. The meeting was called to order by Chairperson Wallery at 5:00 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
Brandon Tietze, Personnel Analyst

4. PRELIMINARY

A. Flag Salute

5. STAFF REPORTS

A. Personnel Director

Mr. Maher stated that the Certificate of Copyright Registration for the Competency Dictionary had been received from the Copyright Office. He indicated that while some other districts in the state were starting to work competencies, Bassett was the only one that had published a full dictionary that was copyrighted. He felt that Bassett was setting not only a state standard, but a national standard.

Mr. Maher reported that the Southern California chapter of School Personnel Commissioners Association had decided to proceed with the spring conference scheduled for April 25-26 in Irvine. There had been some consideration about canceling it because a number of districts were facing budget issues, but after feedback from several districts, a decision had been made to go ahead with it.

He also reported on a recent case decision from the appellate courts that required that when a classified employee was being reinstated by order of

a personnel commission after a finding that termination was excessive, the employee not only must receive his former title and salary, but also his former responsibilities and duties. As a result of this decision and mandate from the appellate court, he would be drafting additional language for the “make whole” section of the rules on administrative disciplinary appeals and would be submitting those to the Commission at a later time.

B. Personnel Commission

Mrs. Alvarado welcomed all those in attendance and noted that it was nice to have a full room.

Mrs. Hartley welcomed everyone.

Mrs. Wallery welcomed those in attendance and offered thanks to CSEA for inviting her to their installation ceremony.

6. APPROVAL OF AGENDA

On the motion of Mrs. Alvarado, seconded by Mrs. Hartley and unanimously carried, the Commission approved the agenda for the regular meeting of February 6, 2008 as submitted/amended.

7. APPROVAL OF MINUTES

On the motion of Mrs. Alvarado, seconded by Mrs. Hartley and unanimously carried, the Commission approved the minutes of the regular meeting of January 15, 2008 as submitted/amended.

8. REQUESTS TO SPEAK

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

Robert Watanabe, Superintendent, welcomed everyone back from vacation. He noted the the ongoing celebration for Torch Middle School achieving a “Schools to Watch” distinction. He also highlighted the recent Education Summit and work being done to resolve teaching issues. Mr. Watanabe discussed the current state budgetary problems and what the District expects to happen. He explained that if a school closing takes place, the adult school will possibly relocate to that school, leaving the Flanner Campus available to sell. Mr. Watanabe announced that there will be a town hall meeting on March 15, 2008 to address what

the District should do. He stated that he hopes to get help from the Personnel Commission on looking for where cuts can be made.

2. CSEA

Ruben Castaneda, CSEA President, thanked the Personnel Commission and the PC Director for attending the CSEA installation ceremony. He expressed his concern about not receiving a District response for the proposed revisions to the PC Rules even though a response was provided to the Personnel Commission. Mr. Castaneda noted that the Union was unable to work on addressing the District's concerns because they had no notice of the District's opinion. He stated that the Union sees no faults with the current proposed rule changes.

B. General Public

Carmen Mejia, a limited term classified employee, stated that her initial understanding of the Sub Finder process did not include information about rank order. She noted that on January 14, 2008 she received notice from Dr. Cynthia Medeiros, Principal Sunkist Elementary, of a form sent from Mr. Maher that explained the role of rank ordering in the substitute selection process. Ms. Mejia explained that Dr. Medeiros had to release her from the position after receiving the notice. Ms. Mejia stated that the position she was released from remained available for two and a half (2.5) days even though people above her in rank were able to take the assignment. She noted that it is her understanding that rank order should not be based only on written tests, but also performance on the job. Ms. Mejia stated that she was wrongfully removed from her position, especially since it was subsequently filled by another substitute. She further noted that it was wrong for Mr. Maher to suggest that she was given the position because her daughter works in Human Resources. Ms. Mejia stated that she should be put back into the position until it is filled by a permanent employee and should also be paid for the time spent at home with no assignment.

Maryellen Daners, Teachers Association President, spoke on behalf of Sunkist Elementary Staff about the number of secretary's that have been out recently. She expressed concern over the inconvenience of teacher's not getting supplies. Ms. Daners commented that some employees who score high on tests turn out to be inadequate workers, while some substitute workers, such as Carmen Mejia go "above and beyond." She expressed the need to have a permanent employee or greater continuity with substitute employees as they experienced with Ms. Mejia.

Ms. Wallery inquired as to when Sunkist Elementary will receive a permanent secretary and whether there is currently a freeze on the position.

Cyndy Byrd, Assistant Superintendent-Human Resources, stated that she believed the District had to go out again to recruit for the position.

Mr. Maher confirmed that the recruitment for Secretary II was reopened due to an insufficient number of applicants in the previous recruitment.

Mrs. Alvarado asked Mr. Maher if had heard of the problems being presented before today.

Mr. Maher replied that a series of emails were sent to Mr. Watanabe and Dr. Byrd, which he was copied on. Mr. Maher stated that he was never asked to act on it, nor was he approached about any kind of appeal process. Furthermore, he noted that he had not received some of the letters presented in Ms. Mejia's packet submitted to the Commission. Mr. Maher stated that according to the law, the District is required to use rank ordering and that in order to not use it, the law would need to be changed. He noted that Ms. Mejia was removed according to the rules to comply with the law.

Mrs. Alvarado asked Mr. Maher if had met with Ms. Mejia or Dr. Medeiros prior to today.

Mr. Maher stated that an effort had been made to connect, but had been strained by not reaching each other after numerous attempts. He noted that he did have a brief discussion with Dr. Medeiros, but has not been called back since leaving the last message for Dr. Medeiros.

Mrs. Alvarado asked to hear from Dr. Medeiros.

Dr. Medeiros stated that in her conversation with Mr. Maher she said that it has been hard for the staff to deal with the number of secretary substitutes. She noted that she asked if they could allow the substitute to finish out their assignment until someone was hired to which Mr. Maher replied "no."

Mr. Maher noted that after the discussion with Dr. Medeiros, he left a message returning her call. He asked Dr. Medeiros to confirm that she had not called him back.

Dr. Medeiros answered, "that's correct."

Idolina Nava, a limited term custodian, stated that she had the same problem as Carmen Mejia. She expressed frustration over having her substitute work assignments taken away from her. She stated that she feels she is being harassed, discriminated against, and treated unfairly and that she would initiate legal action if it did not stop. She stated that

she was always ranked low on the list due to her low scores, and has failed the test in the past, but felt that she should be given a permanent job because she had been on the list for so long.

9. APPROVAL OF REVISIONS TO PERSONNEL COMMISSION RULES

On the motion of Mrs. Alvarado, seconded by Mrs. Hartley and unanimously carried, the Commission approved the first draft of revisions to Chapter 11 (Disciplinary Action and Appeals) of the Personnel Commission Rules as submitted (first reading).

General Public Comments

Dominic Adamo, Director of Fiscal Services Adult Education, presented a prepared statement in support of the rule revisions. He noted that although the rules somewhat limit the authority of the Board of Education and Administrators, they protect an employee's Due Process rights and disrupt abusive behavior towards them. He stated that the current administration has spent the last three (3) years correcting the abusive actions of past administrations. Mr. Adamo stated that two previous administrations had cost the District a million dollars defending illegal actions, which could have been spent on educating students instead. Mr. Adamo explained that in his case, he had not been accurately informed of a closed session that addressed charges relevant to his case. He noted that requiring the recording of such meetings will stop that "unfair practice." Mr. Adamo concluded his statement saying that it is clear that the rule changes intend to insure the fair treatment of all classified employees and that he urges the Commission to accept the rules as written.

Commissioner Discussion

Mrs. Hartley thanked the PC Director for the time he put in to the rule revisions. She also thanked CSEA for taking the time to go over the revisions. She noted that the District agreed with most of the revisions. She asked Dr. Byrd whether the District statements were made based on a legal position or the District's opinion.

Dr. Byrd replied that "some of them are a legal position and some of them are an opinion."

Mrs. Hartley stated that she feels she is here for the classified people, and that since they agreed with the revisions and the District was so late in returning their feedback, she would like to accept the entire package of revisions and allow the District to come back to the PC on the issues they had. Mrs. Hartley noted that she took offense to a statement made by the

District at the end of their response, which suggested that the PC go to the District for them to respond to and cure any problems the PC perceives before publishing proposed changes.

10. APPROVAL OF EVALUATION FORM

On the motion of Mrs. Hartley, seconded by Mrs. Alvarado and unanimously carried, the Commission approved the adoption of the evaluation form to be used for the performance evaluation of the Personnel Director, as submitted.

11. EXAMINATIONS

The Commission received the following examination bulletins:

Maintenance Worker	Exam #08-006
Grounds Maintenance Worker	Exam #08-007
Food Services Assistant II	Exam #08-008
Secretary II	Exam #08-009
Clerical Assistant II	Exam #08-010

12. NEXT COMMISSION MEETING

The next regular Personnel Commission meeting will be held on March 4, 2008 at 5:00 p.m. in the Personnel Commission office.

13. ADJOURNMENT

Before adjourning, Mrs. Wallery noted that it is not the intention of the Commission to ignore or avoid the concerns of those who wish to speak at the meeting. She clarified that the Personnel Commission is not able to address concerns of attendees that are not listed on the meeting agenda. She noted that if the Commission did address issues not on the agenda, it would be in violation of the Brown Act. Mrs. Wallery noted that attendees can provide information prior to the Commission meeting in order for the Commission to assess whether the issue should be placed on the agenda.

On the motion of Mrs. Hartley, seconded by Mrs. Alvarado and unanimously carried, the Commission moved to adjourn the meeting at 5:50 p.m.