

MINUTES
BASSETT UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION MEETING
PERSONNEL COMMISSION OFFICE – ROOM 12 – FLANNER
MARCH 4, 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 reported that staff had updated the Commission web page to provide the public and employees with more specific information on the Brown Act and how to bring matters before the Commission so that they could be discussed or acted on. He stated that there was some information already on the page, but that it was minimal and that the additions were more complete and easier to locate.

Mr. Maher also reported that Mrs. Wallery had been designated as the proxy for the PCASC President on the CSPCA executive board, and that he had been elected to the board as the Director of Training.

B. Personnel Commission

Mrs. Alvarado asked to know what the acronyms PCASC and CSPCA represented.

Mr. Maher clarified that the PCASC is the regional Personnel Commissioners Association of Southern California and that CSPCA represents the larger state based California School Personnel Commissioners Association.

Mrs. Wallery reported that she had been asked by both the State President and Local President of the PCASC to be the Proxy. She also noted that she attended many workshops at the CSPCA Conference in San Francisco.

Mrs. Alvarado and Mrs. Hartley congratulated both Mrs. Wallery and Mr. Maher on their appointments.

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 March 4, 2008 as 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 February 6, 2008 as submitted.

8. REQUESTS TO SPEAK

A. Communications

B.

1. Board/Superintendent

Mr. Maher reported that the Superintendent had an appointment and asked the he convey the following:

- Edgewood had qualified to be considered as a distinguished school; the on-site visit to determine if it would be awarded in the next few weeks.
- The Principal for the Day luncheon was rescheduled for March 12 at 11:30am at the Expo Center. The Commissioners and director were invited to attend.
- There is a town hall meeting on March 15 at 9:00am to discuss the budget and possible closing of a school.
- Mr. Watanabe wished everyone a happy Easter and hoped that they enjoyed their vacation.

2. CSEA

Mrs. Irma Quesada, former CSEA President stated that Ruben Castañeda, current CSEA President, was unable to attend the meeting due to a funeral. She noted that she sat on a Budget Reduction committee consisting of personnel, management, and union representatives, which was facilitated by Dr. Cyndy Byrd, Assistant Superintendent Human Resources. She noted that she could not speak about what occurred in the meeting, but hopes to be able to report soon.

Mrs. Alvarado asked if any community members were represented at the meeting.

Mrs. Quesada replied that there was including both a PTA and community representative.

9. REVISIONS TO PERSONNEL COMMISSION RULES

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

10. REQUEST OF LIMITED TERM EMPLOYEE FOR APPOINTMENT

On the motion of Mrs. Alvarado, seconded by Mrs. Hartley and unanimously carried, the Commission found that Carmen Mejia's removal from a limited term appointment was done in accord with the Rules and procedures of the Commission and in accord with Education Code Section 45286, and that Ms. Mejia's request for an unspecified amount of compensation for hours not actually worked is denied.

Mrs. Wallery read the following statement:

Under California Law, anyone may speak on any matter that is before the Commission for action. However, the Commission may limit the amount of time to speak by any one person and may also limit the total time that may be spent on hearing public comments on any one matter.

Information or discussion of issues that are not relevant to the matter being discussed may be restricted by the Commission. The following are not relevant to the matter before the Commission:

1. Ms. Mejia's job performance is not at issue and not relevant to this agenda item.
2. Rules of personnel commissions other than those of the Bassett Unified School District do not apply to this Commission and are not relevant.

3. Whether or not the examination procedure adequately measures ability to perform successfully on the job is not relevant.

The only relevant issue before the Commission is whether or not the California Education Code and/or the Rules of the Bassett Unified School District Personnel Commission were violated when the Assistant Superintendent Human Resources removed Ms. Mejia from her limited term appointment as a Clerical Assistant II while filling a provisional appointment for a Secretary II at Sunkist.

Should anyone have specific complaints or charges against Commission staff, they should address those with the Commission during the closed session.

Mrs. Mejia stated that she understands the rules and the law but disagrees with the Commission's decision because the person who was offered the job after she refused to take the assignment and therefore the job sat in the Subfinder for two and a half days. She asked whether substitutes should be expected to wait for people higher in rank to decide whether they want to work and when they do if they have the right to walk in and take any position from anyone. She noted that she has been home since January 16 "because of this" and that there is still not a permanent employee in the position. She stated that she had picked up the position fairly and should not have been taken from the position.

Mrs. Hartley confirmed with Mr. Maher that the decision to remove Ms. Mejia from the assignment was based on the rules.

Mrs. Hartley asked if whether the position was filled or not is for the Commission to discuss.

Mr. Maher replied that it would be an issue for the Commission if Mrs. Mejia was able to establish that the person who replaced her was below her in rank, but that is not the case in this situation.

Mrs. Mejia noted that although the person who was put in the assignment after her was above her in rank, she did not respond to four (4) phone calls over two and half days and only decided then to take the assignment. Mrs. Mejia stated that she was then taken out of the assignment, which is unfair.

Mrs. Hartley noted that the rules state that the other person had the right so long as she came forward.

Mrs. Alvarado said that she feels the same and noted that the Commission had no way of knowing the situation and was only following the rules.

Mrs. Mejia asked if the next person who decides they want to come in and work can come in and pull someone out of an assignment, because that is what happened.

Mrs. Hartley responded that the other person had the qualifications and Mrs. Mejia did not.

Mrs. Mejia asked why she was able to pick up the assignment if she did not have the qualifications.

Mrs. Harley responded, "Yes, why?"

Mrs. Mejia stated that, qualified or not, she was doing the job quite well.

Mrs. Alvarado noted to Mrs. Mejia that her performance is not an issue.

Mrs. Mejia stated that it is not fair that anyone with a higher rank "can go and take someone" with a lower rank out of an assignment whenever they want.

Mrs. Hartley responded that that is not the way it is, but rather in this case the job title of Secretary II was different than Mrs. Mejia's designation as a Clerical Assistant II.

Mrs. Mejia said that she understands that and asked why you would put clerical people in a clerical Subfinder if they are not qualified to do clerical work. She suggested that the District have separate Subfinder systems for clerical and secretarial positions.

Mr. Maher stated that there is a long standing rule that work should be equally distributed among the various types of employees. He noted that for different reasons, the District is finding out that since starting the Subfinder system, most of the work is not going to the highest ranked people on a list nor is it being equally distributed. He explained that in response to the problems, procedure to better follow the rules in the Education Code had been implemented. He noted that it was in this implementation that Mrs. Mejia was removed from her assignment and someone higher on the list was contacted and asked to take the job. He clarified that it was not a situation of someone turning the job down and later deciding to take it or a situation of someone being bumped. He stated that after hearing of disturbances regarding rank order and equal distribution of work in the Subfinder system, he had sent out a notice explaining the proper procedure in an attempt to implement procedures according to the rules. Mr. Maher noted that as a consequence of the implementation, the Human Resources Department was given an eligibility list of the top ranked candidates to contact for the position in question, which Mrs. Mejia was not on. He noted that Mrs. Mejia was not on the list of top ranks given and was consequently removed from the position, while someone higher on the list was contacted and placed into the assignment. Mr. Maher emphasized that limited term employees, such as Mrs. Mejia, may be terminated at any time with or without notice and with or without cause. He further noted that limited term employees are at-will-

employees with no rights, which is stated in the rules. He noted that according to the rules the highest person on an eligibility list has a "first right of refusal," or specifically, the right to have the first opportunity to be offered an assignment and the first to be able to turn it down. Mr. Maher emphasized that since implementing the new procedures, those people with higher scores are now getting long term assignments that for various reasons they were not before, which now provides more equity and compliance with the rules. He further noted that the rules being referred to have been in there for twenty years and existed when he arrived at the District.

Mrs. Mejia stated that when she was removed from Sunkist, she only heard it was due to "a rule implemented on the fourteenth." She noted that the person who replaced her said she received the assignment after going into the Human Resources office only to update her phone number. She expressed frustration over the possibility of the same situation repeating again in the future.

Mrs. Alvarado asked Mr. Maher if the Personnel Commission staff monitors the Subfinder system.

Mr. Maher stated that due to only getting information reports on a quarterly basis there is a large delay and difficulty in taking corrective measures. He noted that when information or complaints about the system are referred to the Personnel Commission, they have no way of knowing what is going on.

Mrs. Alvarado asked who set the three-month schedule.

Mr. Maher stated that it was initially agreed to in a meeting with Mr. Watanabe, but he intends on requesting a more frequent schedule. He stated that he was hoping to find no problems with the upcoming quarterly report to show that issues had been solved and a quarterly reporting system is adequate.

11. EXPENDITURES TO ATTEND TRAINING

On the motion of Mrs. Alvarado, seconded by Mrs. Hartley and unanimously carried, the Commission approved the attendance at conferences, actual and necessary expenditures in the amount of \$845.00 incurred by such attendance to be paid by the Commission unless otherwise specified, as attached, and in accordance with Education Code Section 45255.

12. ELIGIBILITY LISTS

Mr. Maher noted that a new form had been created to list the information for eligibility lists in a summarization table format on one page, rather than listing out information for each list on separate pages.

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

Clerical Assistant I (Substitute)	#08-001
Custodian I (Substitute)	#08-002
Food Services Assistant I	#08-003

13. EXAMINATIONS

The Commission received the following examination bulletins:

Health Assistant	Exam #08-011
District Security Officer	Exam #08-012

14. NEXT COMMISSION MEETING

The next regular Personnel Commission meeting will be held on April 1, 2008 at 5:00 p.m. in the Personnel Commission office.

15. CLOSED SESSION

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

PUBLIC EMPLOYEE DISCIPLINE, DISMISSAL, RELEASE

The Commission reconvened into open session at 6:45 p.m. and reported that no action was taken in closed session:

16. ADJOURNMENT

On the motion of Mrs. Alvarado, seconded by Mrs. Hartley and unanimously carried, the Commission adjourned the meeting at 6:46 p.m.