

MINUTES  
BASSETT UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION MEETING  
PERSONNEL COMMISSION OFFICE – ROOM 12 – FLANNER  
AUGUST 11, 2009  
5:00 P.M.

In Memory of Sue Hartley, Personnel Commissioner, 1998 - 2009

1. The meeting was called to order by Vice-Chairperson Wallery at 5:00 p.m.

2. MEMBERS PRESENT

Vern Wallery, Vice-Chairperson  
Fred Lujan, 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 noted that the agenda item rationales included in the agenda package contained comments specific to each item. He stated that he would prefer to provide his thoughts later in the meeting as the agenda items are individually discussed.

Mr. Maher noted the sadness the Personnel Commission is feeling after the loss of longtime Bassett employee and Commissioner, Sue Hartley. He stated that she was very supportive of the District employees and “she will be missed.”

B. Personnel Commission

Ms. Wallery offered her condolences to the family of Mrs. Hartley and noted that the Personnel Commission staff were present at the funeral.

6. APPROVAL OF AGENDA

On the motion of Mr. Lujan, seconded by Mrs. Wallery and unanimously carried, the Commission approved the agenda for the regular meeting of August 11, 2009 as submitted/amended.

7. APPROVAL OF MINUTES

On the motion of Mr. Lujan, seconded by Mrs. Wallery and unanimously carried, the Commission approved the minutes for the regular meeting of July 7, 2009 as submitted/amended.

8. REQUESTS TO SPEAK

A. Communications (Request to Speak Card not required)

1. Board/Superintendent

Cecilia Ornelas, Director of Student Services, stated on behalf of Jim Ballard, Bassett USD Superintendent, that he could not be present due to a prior commitment. Mrs. Ornelas noted the upcoming Welcome Back breakfast and the updated budget deficit of 5.15 million dollars for the year.

2. CSEA

Barbara Silva, CSEA 1<sup>st</sup> Vice-President, introduced Joe Ahlert, CSEA Labor Representative.

Mr. Ahlert stated that CSEA had comments to make regarding items 12, 13, and 14.

B. General Public

9. ANNOUNCEMENT OF JOINT-APPOINTEE

Fred Lujan, governing board appointee, did not announce an appointee as the joint-appointee to the Commission for December 1, 2009 through December 1, 2012.

Vern Wallery, classified employees appointee, announced Lori Workman as her intended appointee as the joint-appointee to the Commission December 1, 2009 through December 1, 2012.

10. ANNOUNCEMENT OF INTERIM JOINT-APPOINTEE

Fred Lujan, governing board appointee, did not announce an intended interim appointee as the joint-appointee to the Commission to serve the remainder of the term for Susan Hartley.

Vern Wallery, classified employees appointee, announced Lori Workman as her intended appointee as the joint-appointee to the Commission to serve the remainder of the term for Susan Hartley.

11. DISCIPLINARY APPEAL

It is moved that the Commission authorize an administrative law judge to serve as a hearing officer pursuant to Personnel Commission Rule 11.7.4 to hear the administrative appeal of disciplinary action requested by Michael Gonzales with the hearing officer being directed to conduct the hearing, render an opinion, and take other actions related to the appeal in accord with Chapter 11 of the Personnel Commission Rules.

Dr. Cyndy Byrd, Assistant Superintendent of Human Resources, noted that hearing disciplinary appeals is a function of the Personnel Commission. She stated that administrative law judges cost \$187 an hour and that a previous daylong hearing cost the District \$4,208. She noted that the Gonzales case was "straight forward" and suggested that it might be time to save that money.

Mrs. Wallery noted that she understands the financial concerns, but disagrees.

Mr. Maher stated that he was appalled at the suggestion to deny due process rights because it is too expensive. He noted that even if the Commissioners chose to devote their personal time to investigate and research the case, they would still need legal advise from an attorney, who would charge over \$200 an hour and possibly lead to greater long-term expenses than an administrative law judge.

Mrs. Wallery noted that she might need to excuse herself from involvement in the case due to prior involvement with a union labor representative.

On the motion of Mr. Lujan, seconded by Mrs. Wallery and unanimously carried, the Commission approved to authorize an administrative law judge to serve as a hearing officer pursuant to Personnel Commission Rule 11.7.4 to hear the administrative appeal of disciplinary action requested by Michael Gonzales with the hearing officer being directed to conduct the hearing, render an opinion, and take other actions related to the appeal in accord with Chapter 11 of the Personnel Commission Rules.

## 12. APPROVAL OF CLASSIFICATION SPECIFICATIONS

Mr. Ahlert stated that CSEA is currently in negotiations with the District to bring the Child Development Tutors and Campus Aides into the bargaining unit. He noted that any action taken by the Personnel Commission could become problematic. He stated his concern about modifying class descriptions without union consent becoming the basis for an unfair labor practice. He noted that any results of a classification study were previously asked to be brought back to the union leadership for review, and that the local CSEA president, Ruben Castaneda informed him that this has not occurred yet as of fifteen minutes prior to the meeting. Mr. Ahlert requested for any items concerning the Campus Aides or Child Development Tutors to be tabled.

Mr. Maher stated that he had met with Mr. Castaneda and another union representative in June to discuss the classification studies regarding the Campus Aides and Child Development Tutors, but could not recall the exact date. He stated that he asked Mr. Castaneda to contact him regarding a follow up meeting in the future, if he wanted to meet again. He noted that Mr. Castaneda was emailed drafts of the classification reports, and new classification specifications around the time of the meeting.

Mr. Maher noted that subsequent to the meeting in June with Mr. Castaneda, he sent an email notifying Mr. Castaneda and the District representative, Dr. Byrd, that the Personnel Commission is proceeding forward with the classification process. He stated that the classification study information and specifications were sent along with a request to meet if further discussion was wanted from the District or CSEA. He noted that he never received a response from Mr. Castaneda or Dr. Byrd. regarding the request to meet if necessary. He summarized that at least two separate notices had been given to Mr. Castaneda regarding the matter and he could produce email documentation if necessary.

Mr. Maher stated that he has met with Dr. Byrd and Delia Castaneda regarding mostly procedural issues with the Tutor classification studies, and has not received any objections from the District. He noted that a separate Child Development Assistant - Head Start classification was created to distinguish the higher education requirement based on federal law from the other state-funded Child Development Assistant.

Mr. Maher stated that extensive observation and validation studies were conducted by the Personnel Analyst and Personnel Analyst Intern as part of the classification studies. He noted that the majority of employees that could be contacted were contacted, to acquire comprehensive and reliable information. He noted that Mr. Castaneda himself performed in the classification study by providing ratings to the Analysts. Mr. Maher stated that it seemed strange for CSEA to say they were uninformed about the classification studies as of fifteen minutes before the meeting when their

president was so informed during and after the classification study. He also noted that CSEA had been critical of the Personnel Commission in the past for not acting sooner to classify these particular positions, but is now being critical for trying to move forward with the process. Mr. Maher noted that the Personnel Commission is mandated by statute to classify positions, and negotiations should occur after the classification process.

Mr. Ahlert stated that it is his responsibility to speak for members and their requests, which tonight was to table the items regarding the Campus Aides and Tutors.

Mrs. Wallery stated that as a formal labor representative, she understands CSEA's procedures and rights, but thought enough notice had been given to be informed of the pending classification actions. She stated that she felt it was fair to table the items. She confirmed with Mr. Lujan that agenda items 12, 13, and 14 will be rescinded from the agenda.

### 13. CLASSIFICATION ACTIONS

Rescinded.

### 14. RECOMMENDATION ON SALARY RANGES

Rescinded.

### 15. DISCUSSION OF REDUCTION IN BUDGET

At the request of the Board of Education, the Commission discussed reducing its budget.

Mrs. Wallery noted that the Commission has not increased its budget or asked for an increase since 2002. She noted that the Personnel Commissioners moved last year to remove their health benefits in order to save money. She stated that Mr. Maher has brought a large amount of additional revenue into the District by also working at Inglewood USD. She concluded that the Commission has made great efforts to save money and generate revenue.

### 16. EXAMINATIONS

The Commission received the following examination bulletins:

Instructional Assistant - Special Education  
Personnel Analyst Intern

#09-001  
#09-002

17. ELIGIBILITY LISTS

On the motion of Mr. Lujan, seconded by Mrs. Wallery and unanimously carried, the Commission moved to approve the following eligibility lists:

Instructional Assistant - Special Education

#09-001

18. NEXT COMMISSION MEETING

The next regular Personnel Commission meeting will be held on Tuesday, September 15, 2009 at 5:00 p.m. in the Personnel Commission office.

19. ADJOURNMENT

On the motion of Mr. Lujan, seconded by Mrs. Wallery and unanimously carried, the Commission moved to adjourn the meeting at 5:39 p.m.