

MINUTE RECORD OF: MUSD Personnel Commission Meeting

REGULAR BOARD MEETING HELD ON February 16, 2010

The Personnel Commission of the Madera Unified School District convened in a Regular Board Meeting in the Madera Unified School District Boardroom, 1902 Howard Road, Madera, California on Tuesday, February 16, 2010 at 5:00 p.m.

ROLL CALL

Robert Blazer, Personnel Commissioner
William Colston, Personnel Commissioner
Al Galvez, Personnel Commissioner

Henry Perea, Classified Personnel Director
David A. Soldani, Atkinson, Andelson, Loya, Ruud & Room
Mary Siegl, Human Resources Technician II, Personnel Commission
Alice Rios, Administrative Assistant III, Personnel Commission

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Ron Zaragosa, CSEA President

There were approximately 8 visitors/district employees in attendance.

1. CALL TO ORDER OF PUBLIC MEETING –

Commissioner Robert Blazer called the Public Session of the Personnel Commission Meeting to order at 5:01 p.m.

2. RECONVENE PUBLIC SESSION/CALL TO ORDER REGULAR MEETING

There were no closed session items.

3. PLEDGE OF ALLEGIANCE, OPENING, AND ACKNOWLEDGEMENT OF VISITORS AND MEDIA, SWEARING IN OF PERSONNEL COMMISSIONERS

Commissioner Blazer led the flag salute. Commissioner Blazer welcomed the new CSEA president, Ron Zaragoza and the Personnel Commission’s attorney, Hilda Cantú Montoy to the meeting. There were no members of the media present.

4. COMMUNICATIONS

There were no public comments.

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5. CONSENT AGENDA

It was moved by Personnel Commissioner, Bill Colston, seconded by Commissioner, Al Galvez, to approve the consent agenda. – MOTION NO. 29-2009/10.

Ayes: Commissioners William Colston, Robert Blazer, Al Galvez
Noes: None
Absent: None
Abstained: None

7. OLD BUSINESS

A. It was moved by Personnel Commissioner, Al Galvez, seconded by Bill Colston, to appoint William Colston to Personnel Commission Chairperson and Robert Blazer to Personnel Commission Vice-Chairperson. - MOTION NO. 29-2009/10.

Ayes: Commissioners William Colston, Robert Blazer, Al Galvez
Noes: None
Absent: None
Abstained: None

Hilda Cantú Montoy, Esq. introduced herself to the Commission. She discussed the procedures for the upcoming Disciplinary Hearing. It was agreed that Ms. Montoy would meet with the Commissioners prior to the hearing to go over the rules and procedures. A court reporter will be retained for the Disciplinary Hearing.

B. Update of Layoff Process

Mr. Perea reported that the layoff notices have been sent. Ron Zaragosa stated that everything at this point is going through Human Resources and the bumping rights are being worked out. Some people are choosing not to exercise their bumping rights and are taking the layoff. The layoffs will take effect on March 12, 2010.

8. NEW BUSINESS

A. Certification of Eligibility Lists

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It was moved by Personnel Commissioner, Bill Colston, seconded by Commissioner Al Galvez, to certify Eligibility List for Administrative Assistant III, Child Nutrition Food Handler/Delivery Truck Driver 8hrs/day, Child Nutrition Food Handler/Delivery Truck Driver 3 hrs/day, Child Nutrition Assistant- MOTION NO. 30- 2009/10.

Ayes: Commissioners William Colston, Robert Blazer, Al Galvez
Noes: None
Absent: None
Abstained: None

B. 1. First reading Ch 18 – Complaint Procedure rule.

Commissioner Colston suggested a disclaimer should be put at the beginning of every chapter of the Personnel Commission rules that the following chapter does not apply to CSEA members if the subject matter is covered in the CBA. Another possibility would be the place this in the beginning of the rule book.

In section 18.1.1.2, Commissioner Colston questioned that if a complaint doesn't fit in one of the definitions in 18.1.1.2, then it can not be heard, for example, if an employee wants to file a complaint about the way the employee is being treated by their supervisor, it can not be heard. Commissioner Colston stated that he is uncomfortable with this definition. Mr. Perea stated that Mr. Saldani would work on the language of section 18.1.1.2.

Commissioner Colston stated that Sections 18.1.2.4 and 18.1.2.5 are redundant of section 18.1.1.2. Commissioner Colston suggested removal of these sections.

Regarding Section 18.1.10, Commissioner Colston suggested adding that, "unless it is knowingly false or manufactured." What if an employee admits they had lied in their complaint?

Mr. Saldani stated that the intent of the rule is for individuals filing legitimate complaints. Dishonest conduct would be covered in disciplinary rules. Commissioner Colston was ok with leaving the Section as is.

Regarding Section 18.1.13, Commissioner Colston stated that the Personnel Commission should not be dictating what a supervisor must do, that should be left to the District.

Alice Rios, Personnel Commission, stated there is a district board policy for filing

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complaints and these procedures fall in place with that policy. Commissioner Colston wants to see the district policy and make sure it is in sync with this section.

2. First reading Ch. 3 – Position Classification Plan

Commissioner Colston questioned Section 3.1.5. Mr. Perea stated that the purpose of this section is to make sure that the District is not creating Independent Contractor positions that are usurping the Classified Service.

In Section 3.2.1., Commissioner Colston asked if “The Board” was referring to the School Board. Mr. Perea confirmed this.

Section 3.2.3.9, Commissioner Colston stated that the section states that credentials or work experience may not be required. Mr. Perea stated that the work experience was referring to the teaching credential. The commissioners agreed this section should be re-worded.

Regarding Section 3.2.4.5, Commissioner Colston questioned the legality of this section, especially regarding freedom of communicable diseases. Is the section in compliance with the American with Disabilities Act? Mr. Perea stated that he would review this section.

It was agreed by all Commissioners to remove the sentence in Section 3.2.10, “There can be only one special requirement for a position.”

Commissioner Colston questioned Section 3.3.5.1.3, regarding that an employee who has been reclassified shall not be eligible for a subsequent reclassification until a period of two years has passed. Mr. Perea stated that this section is based on the California Education code.

Alice Rios, Personnel Commission, pointed out in Section 3.3.1.1 that the current CBA, which would affect CSEA members, has a deadline of November 1st to apply for a reclassification and an answer must be made by March 15th.

3. First reading Ch. 21 – Resignation

Commissioner Colston commented on Section 21.1.3, he felt that exit interviews should be mandatory.

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Commissioner Colston questioned 21.1.7, if the information was correct. Mr. Perea confirmed that it was.

Commissioner Colston suggested adding, "the costs of C.O.B.R.A. would be at the employee's expense under section 21.2.1,

Commissioner Blazer asked if there was anything in the CBA that covered revoking someone's resignation. Mr. Saldani stated that once an employee has submitted a resignation, the district is under no obligation to take that employee back. Commissioner Galvez stated that it is possible for an employee to take back his resignation if it has not yet been approved by the School Board.

4. First reading Ch. 17 – Compensation and Pay Practices

Commissioner Colston asked on section 17.1.6, where is Appendix A. Mr. Perea stated that Appendix A will be added when the Classification study is complete.

Under section 17.2.2., Commissioner Colston suggested adding emergency and provisional employees to the first sentence.

Under section 17.2.3., Commissioner Colston questioned whether the information was correct regarding Anniversary Date. He thought that Anniversary Date was your first date of employment. That information is section 17.2.3. states that the date of the first salary adjustment after employment is known as the Anniversary Date.

Mr. Soldani suggested calling the Anniversary Date something else such as Salary date. Mr. Perea stated he would look into this.

Commissioner Colston suggested that for Section 17.2.3.2. a sentence should be added for employees who are denied a step increase that would state see section 18.2 – Complaint procedures.

Regarding section 17.2.6.1, Commissioner Colston felt that sentence was confusing.

This section refers to anniversary date. Mr. Soldani stated that the section is just making sure that the employee is placed in the appropriate step after being on leave. It was suggested that the section be reworded.

Under Section 17.3.2, Commissioner Colston questioned that shouldn't the policy

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be 5 working days or more and not less as written. Ms. Rios stated that the CBA indicates it is 5 working days or more and not less. Commissioner Colston recommended that the Personnel Commission policy should be consistent with CSEA whenever possible.

In Section 17.3.3, Commissioner Colston asked if the Board policy 626.1 is the actual Madera Board policy. Ms. Rios will be checking into this.

Under section 17.3.4.2, Commissioner Colston asked what about other items being added to the base besides longevity, are there education requirements or bilingual requirements that should be added to the base or any other credits that people are eligible for?

C. Limit Number of Candidates for Custodian to Oral Panel

Personnel staff members, Mary Siegl and Alice Rios, requested that due to large number of applicants, at this point at least 90, that the oral examination be limited to the top 15 scores.

It was moved by Personnel Commissioner, Bill Colston, seconded by Commissioner Al Galvez, to restrict the number of candidates to the top 15 scores, including ties for the Custodian position. - MOTION NO. 31- 2009/10.

Ayes: Commissioners William Colston, Robert Blazer, Al Galvez
Noes: None
Absent: None
Abstained: None

9. INFORMATION AND REPORTS

A. Classification Study Update

Mr. Perea stated that in the next few weeks, Mr. Perea should be receiving the final draft job descriptions. At that time, Mr. Perea will be distributing them for management for their review.

B. Disciplinary Hearing Update

Mr. Perea reported that Ms. Montoy is prepared for the hearing. At this time, there have been no requests for witness subpoenas by either party. Commissioner Colston requested that the Commission find suitable waiting areas for the witnesses, so that witnesses will not sit together.

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10. ANNOUNCEMENTS

There were no announcements.

11. MISCELLANEOUS

A. Commission information Reports

Alice Rios, Personnel Commission staff, provided the Commissioners with information regarding the Tucker case and suggested discussion of the case be placed on the next meeting agenda. Mr. Perea indicated that he would work with Mr. Soldani to come up with a procedure to incorporate the Tucker decision appropriately into the Personnel Commission rules. Mr. Soldani stated that the courts have not determined if the Tucker case applies to Merit districts.

Commissioner Colston stated that he would like to be informed at the next meeting of what system has been implemented or changes have been made to ensure a timely and accurate seniority list can be produced. It took from March 2009 to December 2009 for the district to produce a seniority list.

Commissioner Colston also requested that when someone appears during the public comment session, he would like a short written report to be submitted to the Commission at the next Personnel Commission meeting, this report could be added to the consent agenda.

12. ADVANCED PLANNING

Next Personnel Commission Regular Meeting:

**Thursday, March 25, 2010 at 6:00 p.m.
Madera Unified School District Board Room
1902 Howard Road
Madera, CA**

Commissioner Blazer questioned if the meeting times could be changed to 5:00, as it is more convenient for the staff. It was agreed by all to have the next Personnel Commission meeting begin at 5:00pm.

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13. SUGGESTED FUTURE AGENDA ITEMS

14. ADJOURNMENT – MOTION NO. 28 – 2009/10

Robert Blazer adjourned the Public Session at 7:07 p.m. Motion made by Bill Colston and seconded by Robert Blazer.

**Ayes: Commissioners William Colston, Al Galvez, Robert Blazer
Noes: None
Absent: None
Abstained: None**

Dated: March 1, 2010

Mary Siegl
Human Resources Technician II

Henry Perea, Classified Personnel Director

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Empty rectangular box for meeting minutes.

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