

**MINUTE RECORD OF MUSD Personnel Commission Meeting
REGULAR MEETING HELD ON MARCH 25, 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 Thursday, March 25, 2010 at 6:00 p.m.

ROLL CALL

William Colston, Personnel Commission Chairperson
Robert Blazer, Personnel Commission Vice- Chair
Al Galvez, Personnel Commissioner

Henry Perea, Classified Personnel Director
Mary Siegl, Human Resources Technician II, Personnel Commission
Alice Rios, Administrative Assistant III, Personnel Commission

Kelly Porterfield, Associate Superintendent of Business and Operations

Kevin Dale, Esq., Atkinson, Andelson, Loya, Ruud & Romo
David A. Soldani, Esq., Atkinson, Andelson, Loya, Ruud & Romo
Hilda Cantú Montoy, Esq.

John Moseley, CSEA Labor Representative
Ron Zaragosa, CSEA President

There were approximately 3 visitors/district employees in attendance.
.....

**1. CALL TO ORDER OF PUBLIC MEETING –CLOSED SESSION
IMMEDIATELY CONVENED**

Commission Chairperson, William Colston, called the Public Session of the Personnel Commission Meeting to order at 6:00 p.m. and immediately adjourned to Closed Session.

2. RECONVENE PUBLIC SESSION/CALL TO ORDER REGULAR MEETING

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

Commissioner Colston adjourned the Closed Session at 7:05 p.m and reconvened the Regular Meeting by calling the Public Session to order at 7:15 p.m. Commissioner Colston welcomed the visitors and Commissioner Blazer led the flag salute.

4. CLOSED SESSION REPORTABLE ACTIONS

Commissioner Colston announced there were no reportable Closed Session actions.

5. ADOPTION OF AGENDA –MOTION NO. 34-2009/10. It was moved by Personnel Commissioner, Al Galvez, seconded by Commissioner, Bill Colston, and unanimously carried to adopt the Agenda.

**MINUTE RECORD OF MUSD Personnel Commission Meeting
REGULAR MEETING HELD ON MARCH 25, 2010**

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

6. COMMUNICATIONS

There were no public comments.

7. APPROVAL OF CONSENT AGENDA –MOTION NO. 35-2009/10

It was moved by Personnel Commissioner, Al Galvez, seconded by Commissioner, Bill Colston, and unanimously carried to adopt the Consent Agenda.

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

8. OLD BUSINESS

A. It was moved by Personnel Commissioner, Robert Blazer, seconded by Commissioner Al Galvez, and unanimously carried to adopt and approve Chapter 18 – Complaint Procedure Rule, Chapter 3- Position Classification plan, Chapter 21- Resignation, Chapter 17- Compensation and Pay Practices into the Personnel Commission Rules.- MOTION NO. 36- 2009/10. DOCUMENT NO. 06-2009/10

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

9. NEW BUSINESS

A. Discuss and take action regarding Personnel Commission filing a complaint for Declaratory Relief.

Hilda Cantú Montoy, attorney for the Personnel Commission, stated that it would be premature at this time to file for Declaratory Relief. Ms. Montoy also recommended that this issue be discussed during Closed session. It was agreed by all Personnel Commissioners that based upon the recommendation of counsel this issue will be tabled for a later date.

B. Discuss and take action regarding Personnel Commission regarding CSEA complaint of violations of Personnel Commission Rule 6-4(a)1- Types of Eligibility/Reemployment, Personnel Commission Rule 20 – Layoff and Reemployment Procedures and Education Code sections 45298 and 45308.

Mr. Perea introduced Sandra Edwards to the Commissioners. Ms. Edwards was laid off from the district due to lack of funds on March 15, 2010. Ms. Edwards applied for a vacant Human

**MINUTE RECORD OF MUSD Personnel Commission Meeting
REGULAR MEETING HELD ON MARCH 25, 2010**

Resources Technician II position. Ms. Edwards scored within the top 3 ranks and was not selected for the position. Mr. Perea met with Ms. Edwards, and the issue of discrimination was brought up. The Personnel Commission rules 5-14 and 7-3 deal with the issue of discrimination. One of the questions before the Commission today is does the Commission want to exercise its rules and authority to have a hearing regarding the issue of discrimination.

The other issue Ms. Edwards has raised is does she under Rule 20 have a right to be placed in the position because of her layoff status. Mr. Perea stated that in his opinion preference would mean Ms. Edwards has preference over outside and internal candidates.

Commissioner Colston stated that a Hearing could not be held regarding this matter as there has been no formal complaint filed. Mr. Moseley stated that the complaint had been addressed in an email and the Hearing today would be regarding enforcement of the Personnel Commission rules.

Mr. Dale addressed the Commission and stated that the District's position regarding Ms. Edwards was that Ms. Edwards is a CSEA member and that there are grievance procedures defined in the CBA for Ms. Edwards to follow. The District believes that the Personnel Commission has no jurisdiction over Ms. Edwards' issues.

After much discussion between CSEA, Mr. Dale and the Commissioners it was decided that a hearing regarding the violations of the Personnel Commission rules would be scheduled for Tuesday, March 30, 2010 at 1:00pm at the Madera Unified District Office.

It was moved by Personnel Commissioner, Al Galvez, seconded by Commissioner Robert Blazer, and unanimously carried to conduct a hearing on Tuesday, March 30, 2010 at 1:00 pm at the Madera Unified School District Office, to make a determination regarding the facts of Ms. Edwards' case and to make a judgment to determine whether the actions taken are appropriate – MOTION NO. 37-2009/10

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

Commissioner Colston recommended that Ms. Edwards file a formal complaint with the Personnel Commission regarding these matters.

9. INFORMATION AND REPORTS

Mr. Perea stated that the Seniority List is being updated by Human Resources and the Personnel Commission is receiving copies of the updated list. If another layoff situation occurs, Mr. Perea will bring the most current Layoff List to the Commission for the Commission to approve.

10. ANNOUNCEMENTS

The Personnel Commissioners Association of Northern California will be offering a luncheon

**MINUTE RECORD OF MUSD Personnel Commission Meeting
REGULAR MEETING HELD ON MARCH 25, 2010**

and workshop on Saturday, April 24, 2010 in Castroville.

11. MISCELLANEOUS

No items were presented.

12. ADVANCED PLANNING

Next Personnel Commission Regular Meeting:

**Thursday, April 15, 2010 at 5:00pm
Madera Unified School District Board Room
1902 Howard Road
Madera, CA**

13. SUGGESTED FUTURE AGENDA ITEMS

Commissioner Colston indicated that he would like to discuss formalizing the procedure for filing appeals or grievances with the Personnel Commission.

Commissioner Colston also would like to formalize the reporting process for people speaking during the public session. Commissioner Colston would like a report to be presented on the Consent agenda indicating what was the status regarding the comments.

Commissioner Colston reminded Mr. Perea that May 30th is the budget deadline and suggested the budget be discussed on the next agenda.

14. ADJOURNMENT – MOTION NO. 38 – 2009/10

Commissioner Colston adjourned the Public Session at 8:40 p.m. Motion made by Robert Blazer and seconded by Al Galvez Blazer.

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

Dated: March 30, 2010

Mary Siegl
Human Resources Technician II

Henry Perea
Director of Classified Personnel

**MINUTE RECORD OF MUSD Personnel Commission Meeting
REGULAR MEETING HELD ON MARCH 25, 2010**

[Empty rectangular box for meeting minutes]

**MINUTE RECORD OF MUSD Personnel Commission Meeting
REGULAR MEETING HELD ON MARCH 25, 2010**

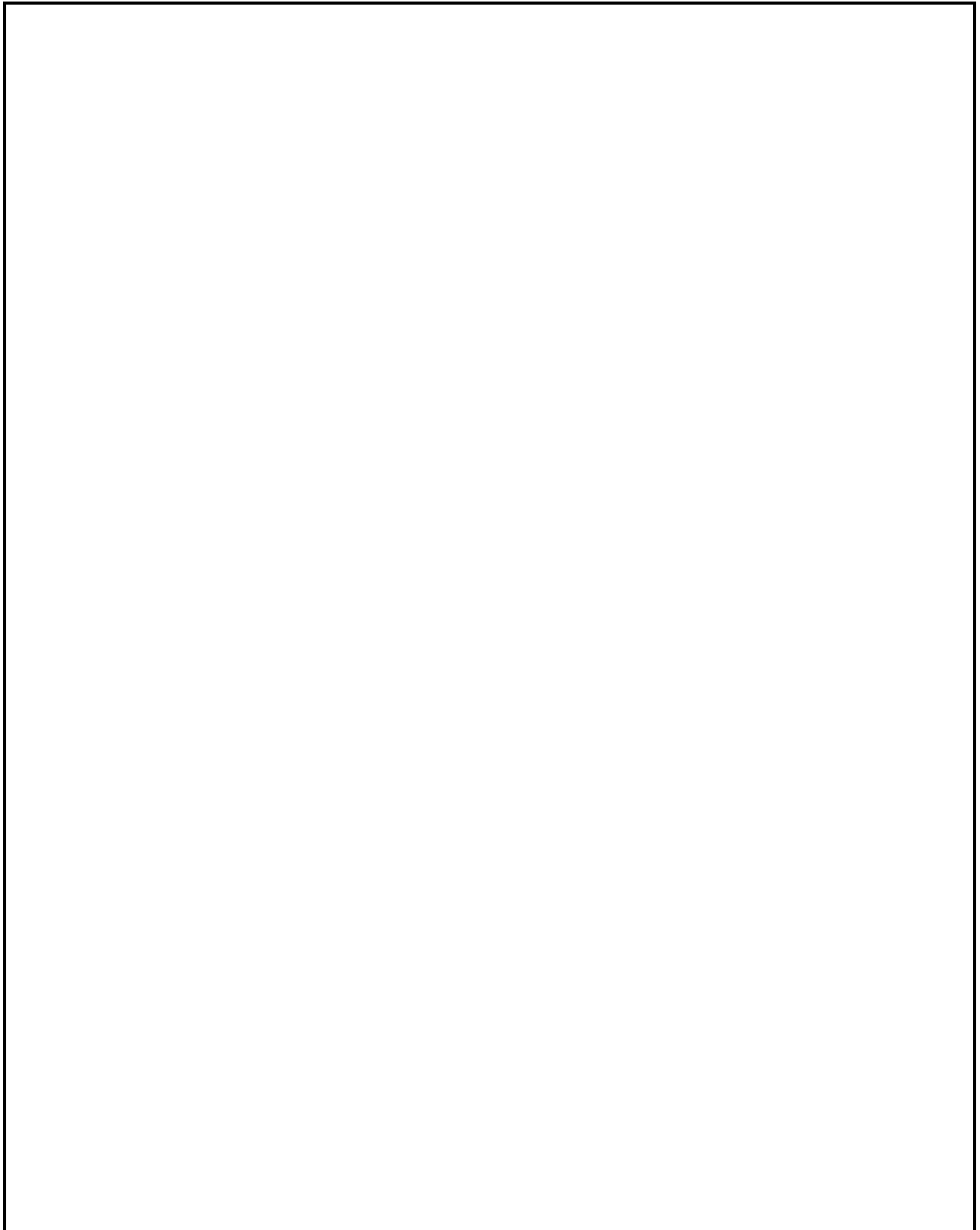
[Empty rectangular box for meeting minutes]

**MINUTE RECORD OF MUSD Personnel Commission Meeting
REGULAR MEETING HELD ON MARCH 25, 2010**

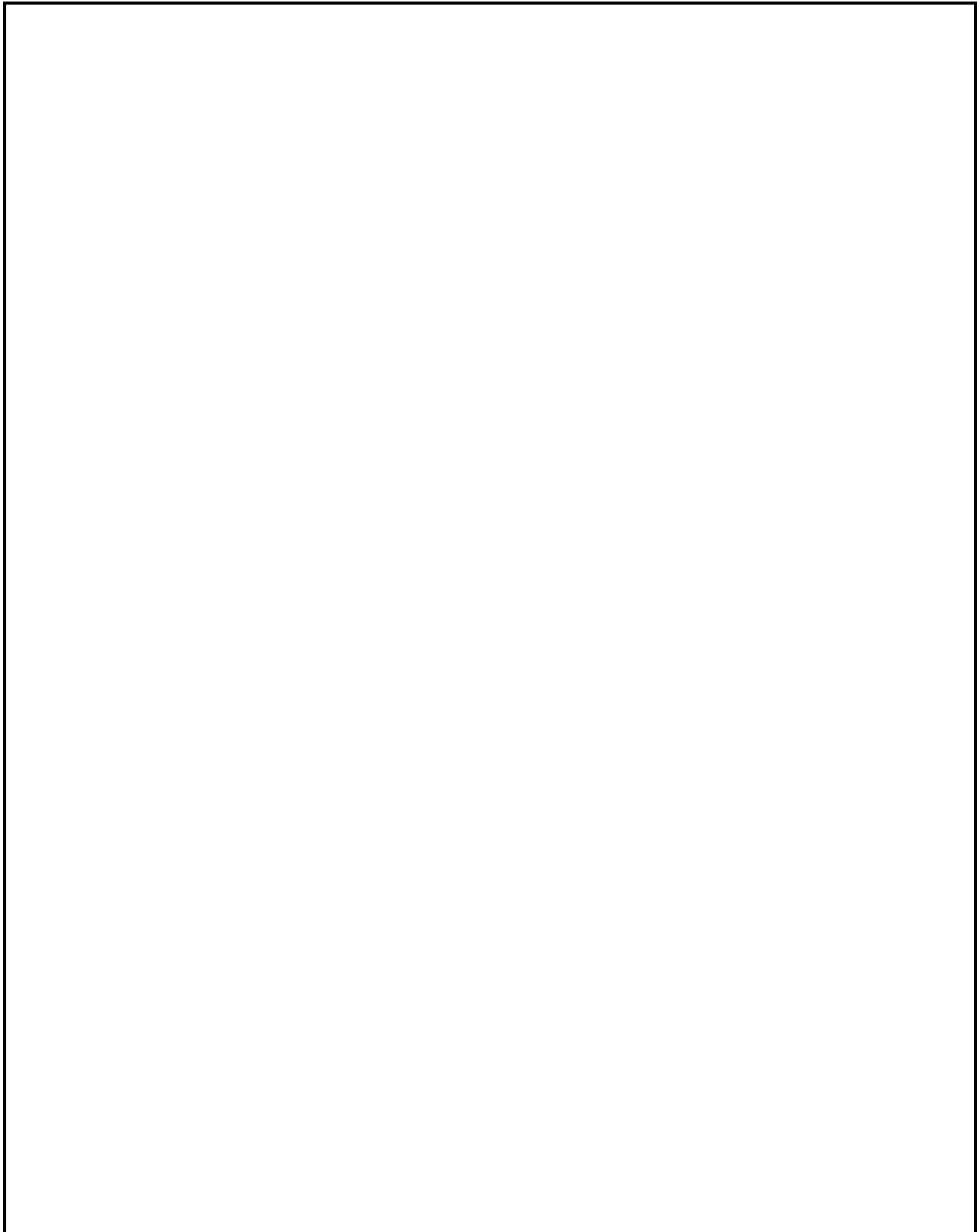
**MINUTE RECORD OF MUSD Personnel Commission Meeting
REGULAR MEETING HELD ON MARCH 25, 2010**

**MINUTE RECORD OF MUSD Personnel Commission Meeting
REGULAR MEETING HELD ON MARCH 25, 2010**

**MINUTE RECORD OF MUSD Personnel Commission Meeting
REGULAR MEETING HELD ON MARCH 25, 2010**



**MINUTE RECORD OF MUSD Personnel Commission Meeting
REGULAR MEETING HELD ON MARCH 25, 2010**



**MINUTE RECORD OF MUSD Personnel Commission Meeting
REGULAR MEETING HELD ON MARCH 25, 2010**