

**MINUTE RECORD OF MUSD Personnel Commission Meeting
SPECIAL MEETING HELD ON AUGUST 23, 2010**

The Personnel Commission of the Madera Unified School District convened in a Special Board Meeting in the Madera Unified School District Boardroom, 1902 Howard Road, Madera, California on Monday, August 23, 2010 at 5:00 p.m.

ROLL CALL

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

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

David Soldani, Esq., Atkinson, Andelson, Loya, Ruud & Romo

Mike Lennemann, Director of Human Resources

Rachel Cam, CSEA President

Bill Coate, Madera Tribune

There were approximately 21 visitors/district employees in attendance which included the following who introduced themselves to the Commission for the record:

Yolanda Cota
Cheri Giddens
Rosalinda Lopez
Enrique Lopez
Renee Marshall
Dana Petty
Janet Pavlovich
Vicky Robertson
Fran Wheat
Josie Zaragosa
Ron Zaragosa

.....

1. CALL TO ORDER OF PUBLIC MEETING

Commission Chairperson William Colston, called the Public Session of the Personnel Commission Meeting to order at 5:00 p.m.

2. PLEDGE OF ALLEGIANCE, OPENING, AND ACKNOWLEDGEMENT OF VISITORS AND MEDIA,

Commissioner Galvez led the flag salute and Commissioner Colston welcomed Mr. Bill Coate from the Madera Tribune and acknowledged the Personnel Commission staff.

**MINUTE RECORD OF MUSD Personnel Commission Meeting
SPECIAL MEETING HELD ON AUGUST 23, 2010**

3. ADOPTION OF AGENDA MOTION NO. 08- 2010/11

It was moved by Personnel Commissioner, Robert Blazer, seconded by Commissioner, Al Galvez, and unanimously carried to adopt the Agenda.

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

4. COMMUNICATIONS

Janet Pavlovich, 2800 Monocott Drive, Madera, CA 93637 addressed the Commission regarding Confidential employees. It is her understanding that Confidential employees are considered Classified employees according to Education code section 45103 and 45104. According to School Services of California, furlough days are voluntary, they must be agreed upon with the District and the employee in order for them to be enforced. This is according to an interpretation of California Education Code 45298. The Confidential Classified employees are being told they have no choice but to take furlough days. Ms. Pavlovich would like the Commission to research if Ed. Code 45298 applies to Confidential Classified employees.

Mr. Perea stated that he would work with Mr. Lennemann and also ask Mr. Soldani to render a legal opinion regarding the matter.

Ms. Pavlovich stated that she was already informed that the Madera Unified School District's attorneys have stated that the Confidential employees have no choice regarding agreeing to take the furlough days. Ms. Pavlovich would like to see a written copy of this decision. Ms. Pavlovich does not believe that this is true and she will be pursuing this matter further.

5. OLD BUSINESS

A. Approval of amended Job Description- Spanish Translator- Interpreter

Mr. Perea requested the Commission approve a change in the typing speed requirement in the previously approved job description, Spanish Translator- Interpreter from 65 wpm to 45 wpm.

It was moved by Personnel Commissioner, Robert Blazer, seconded by Commissioner, Al Galvez, and unanimously carried to adopt the job description with a caveat to add information in an addendum regarding the type and nature of testing that will be administered. MOTION NO. 09-2010/2011, DOCUMENT NO. 02-2010/2011

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

**MINUTE RECORD OF MUSD Personnel Commission Meeting
SPECIAL MEETING HELD ON AUGUST 23, 2010**

Abstained: None

B. Certification of District Seniority List

It was moved by Personnel Commissioner, Robert Blazer, seconded by Commissioner, Al Galvez, and unanimously carried to adopt the District Seniority List. MOTION NO. 10-2010/2011, DOCUMENT NO. 04-2010/2011

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

6. NEW BUSINESS

A. Per Personnel Commission Rule 18- Complaint Procedure, conduct a Complaint Hearing as requested by Rosalinda Lopez regarding rescission of employment offer by the district after completing the reemployment process from the 39 month reemployment list for the Administrative Assistant III position at Millview Elementary.

Mr. Perea addressed the Commission and informed them that Ms. Lopez's case was handled properly by the Personnel Commission office. The Personnel Commission office received a request to fill a position. Ms. Lopez was contacted from the Reemployment List and tested for the vacant Administrative Assistant III position. Ms. Lopez passed the required examination and her name was certified to the Hiring Authority. The Hiring Authority offered Ms. Lopez the position and she accepted. This occurred on June 25, 2010. Ms. Lopez was then contacted during the summer to come in and work as a substitute pending her Board approval. Between June 25th and July 30th, there were communications within the District that Ms. Lopez' hiring was going to be rescinded, due to the layoffs and that someone would be bumping into the position. From the Commission's perspective, the Personnel Commission office handled everything properly. When the District notified the Personnel Commission office that they wanted to rescind their request to fill their position, the Personnel Commission office notified Ms. Lopez that the position was being rescinded.

Commissioner Colson stated that he has questions whether the Personnel Commission as a body has any jurisdiction over this matter.

Commissioner Blazer questioned why CSEA refused to represent Ms. Lopez. If Ms. Lopez has not exhausted the steps in the grievance procedure, it may be premature to bring this before the Commission at this time.

Mr. David Soldani, Esq. stated that within the Personnel Commission rules, rule 18.1.2., states that there are certain subject matters excluded from the complaint procedure. Rule 18.1.2.6 states examinations of or appointments to positions are excluded from the Commission's Complaint procedure. Mr. Soldani stated that his advice to the Commission is that the Commission does not have jurisdiction over this matter. If the

**MINUTE RECORD OF MUSD Personnel Commission Meeting
SPECIAL MEETING HELD ON AUGUST 23, 2010**

Commission does believe that they do have jurisdiction over that matter, then Mr. Soldani would have to declare a conflict of interest.

Commissioner Colston stated that before hearing all of the facts of this case the Commission needs to decide if they have jurisdiction over this matter.

Fran Wheat, Treasurer of CSEA, informed the Commission that the CSEA Board had not been informed of the situation and that they CSEA Board would be willing to meet with Ms. Lopez and discuss her situation. Commissioner Colston asked Ms. Wheat to see to it that there is a full board meeting with Mr. and Mrs. Lopez to discuss what CSEA's role in the situation will or will not be.

Commissioner Colston asked Mr. Soldani to prepare the Commissioners a formal legal opinion over the matter of whether or not the Personnel Commission has jurisdiction over this matter, or if Mr. Soldani feels there is a conflict the Commission will then contact Ms. Hilda Cantu.

Mr. Enrique Lopez addressed the Commission and stated that the Commission is not following Ed Code 45298, 45308, as well as Personnel Commission Rules 20.1.5.6, 20.1.6.1, 20.1.7.1, 20.1.10. The recent Tucker V. Grossmont Union High School District would also apply to Ms. Lopez' situation.

Mike Lennemann, Director of Human Resources, stated that he has met with Mr. and Mrs. Lopez and is currently doing some research on the matter and will be responding to Mr. and Mrs. Lopez within 10 days.

Commissioner Galvez suggested that the Commission accept the formal complaint tonight and at least the Commission will have something to move forward on if it is decided the Commission has jurisdiction over this matter.

Commissioner Galvez motioned to accept Ms. Lopez' complaint and keep the complaint until further discussion and clarification is made by the Personnel Commission's attorney. This was seconded by Commissioner Blazer. MOTION NO. 11-2010/2011, DOCUMENT 5-2010/2011

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

8. ANNOUNCEMENTS

Commissioner Colston announced that his term as Commissioner will be expiring on December 1, 2010 and that he will not be serving another term as Personnel Commissioner. The Board of Education will publicly announce who they intend to appoint by September 30, 2010.

9. MISCELLANOUS

**MINUTE RECORD OF MUSD Personnel Commission Meeting
SPECIAL MEETING HELD ON AUGUST 23, 2010**

No items were presented.

10. ADVANCED PLANNING

Next Personnel Commission Regular Meeting:

**Thursday, September 23, 2010 at 5:00pm
Madera Unified School District Board Room
1902 Howard Road
Madera, CA 93637**

13. SUGGESTED FUTURE AGENDA ITEMS

None were suggested

14. ADJOURNMENT – MOTION NO. 12– 2010/2011

Commissioner Colston adjourned the Public Session at 6:52 p.m. Motion made by Commissioner Galvez and seconded by Commissioner Blazer.

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

Dated: September 1, 2010

Mary Siegl
Human Resources Technician II

Henry Perea
Director of Classified Personnel