

**MINUTE RECORD OF MUSD Personnel Commission Meeting  
REGULAR MEETING HELD ON Wednesday, April 18, 2012**

The Personnel Commission of the Madera Unified School District convened in a Regular Board Meeting in the Madera Unified District office Boardroom, 1902 Howard Road, Madera, California on Wednesday, April 18, 2012 at 5:35 p.m.

**ROLL CALL**

Al Galvez, Personnel Commission Chair  
Philip Janzen, Personnel Commission Vice -Chair  
Herman Mitchell, Personnel Commissioner

Henry Perea, Director of Classified Human Resources  
Mary Siegl, Human Resources Technician II, Personnel Commission  
Sandra Edwards, Human Resources Technician II, Personnel Commission

Mike Lennemann, Director of Human Resources and Labor Relations

There were approximately 5 visitors/district employees in attendance  
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**1. CALL TO ORDER OF PUBLIC MEETING**

Commission Chairperson, Al Galvez, called the Public Session of the Personnel Commission Meeting to order at 5:35 p.m.

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

Commissioner Philip Janzen led the pledge of allegiance. There were no members of the media present.

**3. ADOPTION OF AGENDA - MOTION NO. 52-2011/12**

**It was moved by Personnel Commissioner Philip Janzen, seconded by Commissioner Al Galvez to adopt the agenda.**

|            |  |
|------------|--|
| Ayes:      | Commissioners Al Galvez, Philip Janzen |
| Noes:      | None                                   |
| Absent:    | Herman Mitchell                        |
| Abstained: | None                                   |

**4. COMMUNICATIONS**

**Mike Lennemann, Director of Human Resources**, stated that there is nothing on the agenda regarding the level 5 complaint that was discussed at the last meeting. He wanted to explain the district's position regarding Lizette Ybarra. Ms. Lizette Ybarra was first employed in 2008, prior to the Personnel Commission rules on salary placement that were approved in March 2010. In

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early fall, the District came across some information that made them think that Ms. Ybarra's initial placement on the salary schedule was incorrect. The District feels that Ms. Ybarra should have initially been placed on step 5 instead of step 3. I wanted to bring this up and see if the Commission had made a ruling regarding this matter. I have concerns regarding the Commission's jurisdiction on this matter because at the time this occurred the Commission's rules regarding this matter were not in effect. I can tell you now, after having gone through this we are following that everyone is on the same page regarding knowing the Commission guidelines of initial salary placement and we know that we can go up to level 3 and that is approved by Henry.

**Henry Perea, Director of Classified Human Resources**, stated the complaint would be discussed under Information and Reports.

**5. ADOPTION OF CONSENT AGENDA - MOTION NO. 53-2011/12  
It was moved by Personnel Commissioner Philip Janzen, seconded by Commissioner Al Galvez to adopt the consent agenda.**

Ayes: Commissioners Al Galvez, Philip Janzen  
Noes: None  
Absent: Herman Mitchell  
Abstained: None

**Commissioner Herman Mitchell arrived at the start of New Business.**

**6. NEW BUSINESS**

**A. Approve new position and job descriptions: S3 Project Coordinator, Family Liaison**

**Sandra Edwards, Human Resources Technician II** presented the new job descriptions S3 Project Coordinator and Family Liaison to the Commission.

**It was moved by Personnel Commissioner Philip Janzen, seconded by Commissioner Herman Mitchell to approve the new position and job descriptions for S3 Project Coordinator and Family Liaison MOTION NO. 54-55 2011/12, DOCUMENTS NO. 84-2011/12, 85-2011/12**

Ayes: Commissioners Al Galvez, Herman Mitchell, Philip Janzen  
Noes: None  
Absent: None  
Abstained: None

**Sandra Edwards, Human Resources Technician II**, presented the new job descriptions Administrative Assistant IV- Confidential, Buyer and Information Systems Analyst I.

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It was agreed to that on the Administrative Assistant IV – Confidential job description, the sections that state reports to Superintendent should be changed to reports to designated Administrator.

Commissioner Galvez stated he thought the language that stated Spanish may be required was too vague on the Administrative Assistant IV- Confidential job description. It was decided to remove the vague language regarding bilingual skills on the job description and leave the decision regarding bilingual skills up to the Hiring Authority who could then designate if bilingual skills would be required or preferred.

**B. Approval of job descriptions: Administrative Assistant IV – Confidential, Buyer, Information Systems Analyst I**

**It was moved by Personnel Commissioner Philip Janzen, seconded by Commissioner Herman Mitchell to approve the job descriptions for Administrative Assistant IV – Confidential with changes discussed, Buyer, Information Systems Analyst I. MOTION NO. 56-2011/12, DOCUMENTS NO.( 86- 88)2011/12**

Ayes: Commissioners Al Galvez, Herman Mitchell, Philip Janzen  
Noes: None  
Absent: None  
Abstained: None

**9. INFORMATION AND REPORTS**

**Henry Perea, Director of Classified Human Resources**, discussed the need for legal counsel at the Personnel Commission meetings. It was agreed that most Personnel Commission meeting do not require legal counsel and that in the future the agenda could be reviewed and then it would be determined if legal counsel would be necessary to attend the Personnel Commission meeting. This matter will be placed on the agenda for the next Personnel Commission meeting. The 2012/13 Personnel Commission budget will also be discussed at the next Personnel Commission meeting.

**Henry Perea, Director of Classified Human Resources**, presented up an update on the complaint heard at the last Personnel Commission meeting.

Regarding Ms. Ybarra 's matter, Commission Janzen asked if the Personnel Commission had jurisdiction at the last meeting. Ms. Cantú Montoy stated the Commission could determine which rule they wanted to follow regarding Ms Ybarra's salary placement, the Personnel Commission rules or the old salary

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placement schedule. In the motion made by Commissioner Mitchell, he stated that the District should follow PC rule 8.2.1. regarding salary placement. We reviewed Ms. Ybarra's education and experience and found that using PC rule 8.2.1, Ms Ybarra should have been initially placed on step 3 of the salary schedule. The District had no policy or practice for salary placement as stated by the District at the last meeting. The district is stating based on the way they used to handle things they believe that Ms. Ybarra should have been placed on step 5. I spoke to HR staff last week about how the placement was done in the past. Previously the District would add total years of experience and education and once someone was hired, they would take the number of years and apply it the Salary placement document.

The current rule used by the Personnel Commission office, would subtract out the experience and qualifications required for the position. That is why the Personnel Commission recommends Ms. Ybarra be placed on Step 3. When applying PC rule 8.2.1 to Ms. Rutledge, Ms. Rutledge should have been placed no higher than step 4. If the district's previous practice was used Ms. Rutledge should have been placed on salary step 5. The previous director negotiated a step 7 for Ms. Rutledge. I do not believe a mistake was made in Ms. Rutledge's placement because the District was not working off policy. A mistake cannot be made when there is not a policy in place and things are handled differently all the time. In addition, Ms. Rutledge is now leaving her position at Madera Unified.

**Henry Perea, Director of Classified Human Resources**, recommends that if the Commission agrees with his position he will forward a letter to the District stating the Commission's opinion on the matter.

**Mike Lennemann, Director of Human Resources**, stated that regarding the salary placement document can be interpreted many ways but based on previous practice he feels Ms. Ybarra should have been placed on step 5 of the salary schedule. Due to a mistake made by the District, he does not want the individual employee to suffer. Since the rules were not in effect with the Commission until 2010 , he feels Ms. Ybarra should be retroactively placed on step 5.

At the time of Ms. Rutledge's hiring, Mr. Lennemann stated he was not aware of the Personnel Commission rules. He does not blame anyone because he did not review the Commission rules prior to his taking the position. We want to do things right and at this point on, we know the rules crystal clear. If there is an employee that we feel we need to place higher on the salary step placement, we will bring it before the Commission and ask the Commission to make that decision. Whenever I leave, I will make sure the new Human Resources director knows this. I would like the Commission to make a decision or leave it up to the District regarding Ms. Ybarra's initial salary step placement.

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Mr. Perea stated that is difficult to make the argument that this compliant falls under the overpayment mode as the District had no policy or practice in place regarding salary placement.

**Commissioner Galvez** stated the overpayment/underpayment issue would be determined by the School board. The Commission has the jurisdiction to state the salary step placement.

**Janet Pavlovich, Position Control**, stated there have been mistakes made in the past and there are employees currently paying back the overpayment. This year there was a certificated employee who had an overpayment issue The Human Resources department stated that the employee had completed more college units than she actually had completed. This year, the employee is paying back the overpayment. Even though it is a mistake on the District's part, you cannot give gifts of public funds.

**Commissioner Galvez** stated that the Board of Trustees will decide if there is an overpayment and if they want to collect that overpayment.

**Sharon Gutierrez, HR Technician II**, stated that Ms. Ybarra was hired in 2008 and brought her salary placement issue to Human Resources last summer. It was an honest mistake that Human Resources was trying to fix. In her opinion, Ms. Ybarra's salary step should be adjusted because there were no Merit rules at that time.

**Henry Perea, Director of Classified Human Resources**, stated he does not believe a mistake was made. A mistake cannot be made when there was no policy to work from. There was no consistency in how the District salary document was applied.

**Sharon Gutierrez, HR Technician II**, said a mistake was made by Human Resources in that they did not ask Ms. Ybarra for a copy of her transcripts when she was hired.

**Melinda Rodriguez, HR Technician III**, stated there was a policy that was followed, it was not a board policy but a policy was in existence. I was gone when this occurred. We followed the steps or our policy, it was not inconsistent and we had that policy in place for 12-13 years.

**Henry Perea, Director of Classified Human Resources**, stated that he did not agree with Ms. Rodriguez's statement, but moving forward an Administrative policy and procedure will be developed and given to the District. In the past, there was an expectation that step 1 was not really where employees began. Many people were placed on salary steps that they should not have been placed

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on. When you bring someone in on a higher salary step, it is because they are bringing something unique to the position or in cases where recruitments were difficult to fill. I am not as a practice going to try to place a new employee on the highest step possible and the Superintendent is in agreement with this.

**Commissioner Galvez** asked Mr. Perea to place the salary step placement recommendations for Ms. Ybarra and Ms. Rutledge on the agenda so that can be discussed at the next Personnel Commission meeting.

**10. ANNOUNCEMENTS**

None were made.

**11. ADVANCED PLANNING**

**Next Personnel Commission Regular Meeting:  
Thursday, May 24, 2012 at 5:30 p.m.  
Madera Unified School District Board Room  
1902 Howard Road  
Madera, CA 93637**

**12. SUGGESTED FUTURE AGENDA ITEMS**

The need for legal counsel at the Personnel Commission meeting and the salary placement recommendations for Ms. Ybarra and Ms. Rutledge were suggested.

**13. ADJOURNMENT – MOTION NO. 57 – 2011/ 2012**

**Commissioner Galvez adjourned the Public Session at 6:11 p.m. Motion made by Commissioner Janzen and seconded by Commissioner Mitchell.**

Ayes: Commissioners Al Galvez, Philip Janzen, Herman Mitchell  
Noes: None  
Absent: None  
Abstained: None

Dated: April 24, 2012

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Mary Siegl  
Human Resources Technician II

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Henry Perea  
Director of Classified Human Resources