

October 12, 2012 Meeting Minutes

Call to Order

The meeting was called to order at 4:11pm and a quorum was established.

Public Comment

Lisa Cullen, Instructional Technician at Malcolm X, expressed concern that upon her layoff of the School Service Assistant position, she was supposed to be placed in the Aesop sub system but was not. Paula Phillips, president BCCE, read a letter from Lois Pyle, Instructional Assistant, Special Education, regarding her probationary status.

Approval & Adoption of Agenda

Chairperson Lee motioned to approve the agenda.

Approved: 3-0

Consent Items

Chairperson Lee motioned to ratify the following eligibility lists:

- a) Accountant
- b) Instructional Assistant
- c) School Campus Monitor
- d) Senior Food Service Assistant
- e) Instructional Assistant, Early Childhood Education

Approved: 3-0

Approval of Minutes

Chairperson Lee motioned to approve the September 6, 2012 meeting minutes.

Approved: 3-0

Information Items

Randy Perez, Secretary to the Personnel Commission, stated that there was an error on the meeting agenda regarding the Examinations and New Hires processed in September. The information in the packet correctly listed September's new hires and examinations, but the agenda incorrectly listed that the information was from August.

Conference Items

Regarding Agenda Item Request – Record of Policy/Procedures Change

President Phillips stated that there is a lack of communication when changes occur in policies and procedures. She provided the example that the Commission staff is requiring applicants to submit in the application process a resume, a cover letter and letters of recommendation. President Phillips also stated that there isn't enough information provided in postings regarding the type of tests to be administered for any given position. Chairperson Lee asked for clarification from Secretary Perez what the Commission staff is doing regarding these items brought up by the union. Secretary Perez explained that a resume, cover letter and letter(s) of recommendation are not required documents for the application process. Commissioner Carter asked if requesting these documents from applicants after making the eligibility list would streamline the process. Secretary Perez replied that requesting a resume up front allows for better screening because the resume provides more information about the applicant's skills and work experiences than the application document. He also explained that requiring application documents like a resume, a letter of recommendation and a cover letter is standard practice in the Human Resources field. President Phillips stated that our job announcements state that these

application documents are a requirement for applying. Secretary Perez stated that he would change the language in the posting to state that submitting a resume, cover letter and any other supplemental application requirements is encouraged rather than required.

President Phillips requested that we list in the posting what specific types of examinations will be administered. Secretary Perez stated that when the posting is published, he is not aware of what specific exams will be administered. During the time the position is open, Secretary Perez is working with the subject matter expert on the examination approach.

Regarding Agenda Item Request – Reemployment Rights of BCCE members

President Phillips stated that laid off BCCE unit members are not being placed in part-time assignments. Ms. Cullen expressed frustration that she was not put in the Aesop sub system until two months after she was laid off. She has had to visit HR on numerous occasions to get her name entered in the Aesop sub calling system. Secretary Perez said he directed staff the same day Ms. Cullen was laid off to place Ms. Cullen's name in Aesop. Mary Buttler, Director, Personnel Services, stated that she has been in Aesop, has been called by Aesop on numerous occasions and is not answering her telephone or is answering and hanging up.

President Phillips stated that the Merit Rules state that when a position is deemed temporary instead of permanent and an employee is laid off of said position due to lack of work or lack of funds, then the person should have all seniority for hours worked in the assignment credited to them and their name shall be placed back on the eligibility list. Secretary Perez stated that the District established in past practice the release of probationary employees in the event of lay off to provide bumping opportunities for permanent employees. Secretary Perez also explained that he addressed prior the issue President Phillips brought up regarding the referenced Merit Rule. He stated that the assignment was not temporary as evidence in the fact that the assignment has been given to a permanent unit member, and Ms. Pyle was not laid off, but rather probationary released. As such, the referenced Merit Rule cannot be applied in this situation. Secretary Perez stated he would look into the District's past practice regarding the handling of probationary employees in time of layoff.

President Phillips stated that Secretary Perez allowed the District to violate Ms. Cullen's rehire rights for the Site Coordinator, Family Engagement position for which she is on the promotional eligibility list. She presented information from the California Public Employee Relations publication that states laid off employees have preferential rights over external candidates to any position for which they qualify. Secretary Perez responded by saying that there were two vacancies in the Site Coordinator, Family Engagement classification. He administered the exam for the position, Lisa Cullen made the third rank on the promotional eligibility list and he forwarded to the hiring authorities her name along with the other two ranks on the promotional eligibility list. He said that the administrator chose someone else the promotional list for one of the vacancies and for the other, the hiring authorities chose a candidate on the open eligibility list. Secretary Perez explained that while it is true that a laid off employee has preferential rights over an external candidate to positions for which he/she qualifies, it is also true that the District is only obligated to provide that FTE he/she was laid off from that would make the employee "whole". He stated that Ms. Cullen was laid off 0.3 FTE of the Student Service Assistant position; however, there is no 0.3 FTE Site Coordinator, Family Engagement position available.

Regarding Agenda Item Request – Classified Vacancies

President Phillips expressed concern that most of the classified vacancies were open from last year are taking too long to be filled. Secretary Perez clarified that many of the vacancies opened up during the summer. With regard to the Instructional Assistant, Special Education, Attendant vacancies, the District purposely withheld from filling them to provide permanent employees that were being laid off with the opportunity to bump into them.

Regarding Follow up investigation into claim from BCCE that the District is contracting out bargaining unit work at LeConte Elementary

Secretary Perez stated that an investigation was done to determine whether Mr. Valentino was inappropriately laid off and whether LeConte contracted his work out to Playworks. Secretary Perez stated that staff development is the main difference between what Playworks is contracted to do versus what Mr. Valentino does as an Instructional Specialist, Physical Education (PE). He stated that due to the rising conflict and violence on the yard at LeConte, the School's Governance Council decided to address the fighting among students. Playworks was also tasked with changing the overall culture of the school. An Instructional Specialist, PE supports academic instruction to students. The Commission requested that this matter be brought back to the next meeting with more information on why Playworks was contracted and why Mr. Valentino was laid off.

Discussion Item

Regarding Agenda Item Request – Request by Wanda McAfee to be reinstated for medical benefits Secretary Perez explained that when an employee is on a Worker's Comp Claim, the employee is entitled only to 60 days of Industrial Leave. After Industrial Leave is exhausted, the employee utilizes sick leave, then vacation leave and finally extended illness leave. Once all leave is exhausted and the employee is not able to return to duty, the employee is terminated and placed on the reemployment list. This transaction also ends the employee's medical benefits. Secretary Perez stated that he would follow up with the Risk Management Office to verify Ms. McAfee's leave and termination date.

Reports

President Phillips stated that she requested of Javetta Cleveland, Acting Superintendent, an administrative review of a performance evaluation conducted by Secretary Perez for a non-Commission employee. President Phillips said that she hopes to improve the relationship between classified employees and the Human Resources department and Commission staff. She also stated that she is not receiving paper copies of the Personnel Commission meeting agendas.

Next Meeting

- Follow up on issue regarding how probationary employees are handled during layoff
- Follow up on issue regarding Wanda McAfee's leave
- Follow up on contract with Playworks at LeConte and Mr. Valentino's layoff

Respectfully Submitted:

Randy Perez
Secretary, Personnel Commission

Date

Approved:

Dan F. Lee
Chairperson, Personnel Commission

Date