

## November 15, 2012 Meeting Minutes

### **Call to Order**

The meeting was called to order at 4:07pm and a quorum was established.

### **Public Comment**

No public comments were made.

### **Approval & Adoption of Agenda**

Dan Lee, Commission Chair, requested to move Old Business after Consent Items.

### **Consent Items**

Chairperson Lee motioned to ratify the following eligibility lists:

- a) Administrative Coordinator
- b) Instructional Technician
- c) Program Assistant
- d) Senior Food Service Assistant

Paula Phillips, President BCCE, stated that BCCE unit members that took the exam for the Administrative Coordinator were not notified of their test scores. Secretary Perez responded that he had not yet sent the eligibility list to the hiring authorities. Secretary Perez also stated that he would have staff notify the candidates that took the exam of their results prior to sending the top three ranks on the eligibility list to the hiring manager.

Approved: 3-0

### **Old Business**

#### *Investigation into contract with Playworks at LeConte and the impact on Miles Valentino*

Chairperson Lee clarified that the District has the authority to hire consultants to carry out the work it deems necessary. The issue at hand is whether or not the contracting of Playworks supplanted some work of Mr. Valentino, causing a reduction in work hours. Katherine Singh, Principal of LeConte, was invited to explain the work being performed by Playworks and the rationale for contracting with them. Principal Singh explained that the impetus for contracting with Playworks stemmed from conflicts occurring among students during recess periods, rainy weather and the afterschool program. The goal of contracting with Playworks is to change the school climate and culture on the playground versus coordinating and teaching physical education. The primary focus is safety and conflict resolution for students, as well as teaching staff ways to implement strategies on helping students resolve conflicts on the playground. Principal Singh also explained that Mr. Valentino has 7 hours of instructional time with students from kindergarten through 4<sup>th</sup> grade. Any physical education beyond what Mr. Valentino performs is done by the classroom teacher. Chairperson Lee expressed that he does not believe the District is contracting out bargaining unit work through Playworks. Delia Ruiz, Assistant Superintendent of Human Resources, stated that, in the early stages of contracting with Sports for Kids-- as Playworks was formerly called, legal counsel reviewed the contract and opined that the contract did not violate any Education Code law. Commissioner Carter expressed that he was not convinced that the contract with Playworks did not take away work from Mr. Valentino. Ann Aoyagi, Commission Vice-Chair, explained that the school site council (SGC) is given a lot of authority to decide how certain funding, such as BSEP monies, is spent, and stated that she does not feel comfortable second-guessing a decision made by the SGC.

*Investigation into leave exhaustion and termination date of Ms. Wanda McAfee*

Secretary Perez said that after reviewing documents and recalculating Ms. McAfee's leave in light of new information received, Ms. McAfee exhausted all leaves as of May 17, 2012. He also stated that a revised letter was sent to Ms. McAfee indicating the corrected exhaustion date. Finally, Secretary Perez stated that weekly meetings are held between Human Resources and Risk Management to improve systems and better track employee leaves as they relate to Workers' Comp claims.

*Investigation into the District's past practice of dealing with probationary employees during layoff*

Ms. Lois Pyle, Instructional Assistant, Special Education, Attendant, addressed the Commission and recounted her employment history as it relates to the matter of her probationary status. She was hired into probationary status on two different occasions, and is concerned that her time spent in the first probationary period has not been counted toward permanent status with her recent rehire.

Since the meeting room needed to be vacated at 6:00 p.m., Chairperson Lee asked that the meeting be adjourned and that the rest of the agenda be resumed on November 20, 2012. Chairperson Lee adjourned the meeting at 6:02pm.

**Next Meeting**

November 20: continue with discussion related to Ms. Pyle's probationary status and seniority.

Respectfully Submitted:

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Randy Perez  
Secretary, Personnel Commission

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Date

Approved:

\_\_\_\_\_  
Dan F. Lee  
Chairperson, Personnel Commission

\_\_\_\_\_  
Date