

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION
District Office Board Room
1651 Sixteenth Street, Santa Monica CA 90404

MINUTES

REGULAR MEETING
July 12, 2011 @ 5:00 p.m.
District Office Board Room

Electronically Recorded

PERSONNEL COMMISSIONERS: Mrs. Pam Brady, Ms. Suzanne Kim, and Mr. Shane McLoud

I. General Functions:

- A. Call to Order: The Regular Meeting of the Personnel Commission was called to order at 5:08 p.m.**
- B. Roll Call: Commissioners Brady, Kim and McLoud were present.**
- C. Pledge of Allegiance: Commissioner Brady led all in attendance in the Pledge of Allegiance.**
- D. Motion to Approve Agenda:**

Motion by: **Suzanne Kim**
Seconded by: **Pam Brady**
Vote: **2 – 0**

- E. Motion to Approve Minutes: June 14, 2011– tabled till August 9, 2011**

Motion by:
Seconded by:
Vote:

- F. Public Comments: Public Comments is the time when members of the audience may address the Personnel Commission on items not scheduled on the meeting's agenda. All speakers are limited to three (3) minutes. When there are a large number of speakers, the Personnel Commission may reduce the allotted time to two (2) minutes per speaker. The Brown Act (Government Code) states that Personnel Commission members may not engage in discussion of**

issues raised during “Public Comments” except to ask clarifying questions, make a brief announcement, make a brief report on his or her own activities, or to refer the matter to staff.

Commissioner McLoud joined the meeting.

1. Request to Speak on Agenda Items
None
2. Request to Speak on Non-agenda Items
None

G. Communications: The Communications section provides an opportunity for the Personnel Commission to hear from the individuals or representatives listed below. All reports are limited to 5 minutes or less.

1. SEIU Report
Ms. Keryl Cartee-McNeely, SEIU Steward, acknowledged the new SMMUSD Superintendent, Ms. Sandra Lyon, wishing her the best in this new post.
2. Board of Education Report
Ms. Debra Moore Washington, Assistant Superintendent, Human Resources, welcomed the new Superintendent, Ms. Sandra Lyon. She informed the Personnel Commission about the Board of Education’s approval of the District budget and the planned negotiations with SEIU.
Ms. Washington stated that all the lay-off notices to nurses and elementary school teachers were rescinded. She also announced the appointment of several new school administrators providing a brief description of their professional backgrounds.

II. Report from the Director of Classified Personnel: This is an opportunity for the Director of Classified Personnel to present informational items of interest to the members of the Personnel Commission, which are not action items on the agenda.

A. Acknowledgement of Ms. Sandra Lyon as the new Superintendent of Santa Monica – Malibu Unified School District

Commissioner Brady welcomed Superintendent Lyon. The Personnel Commission looks forward to working with her in order to provide the best services to the District. Superintendent Lyon expressed her gratitude for the warm welcome. She also looks forward to meeting everyone personally and creating communication to find out how the District cooperates with the Personnel Commission.

B. Search for the New Personnel Commissioner

*Personnel
Commissi
o n e r :
Appointm
e n t
Process*

Dr. Young outlined the appointment process for the new Personnel Commissioner. He will be meeting with Ms. Washington providing her with specifics of this process. Commissioner Brady announced her participation on the selection interview since it has been the common practice for the outgoing Commissioner in the past.

C. Annual Budget of Personnel Commission for FY 2011-2012

- **Approval Annual Budget of Personnel Commission**

Dr. Young presented the Personnel Commission with the budget for fiscal year 2011 – 2012 approved by the County Superintendent.

D. Approved Professional Experts Request (less than 90 working days or total of 720 work hours per Personnel Commission Rule §3.1.5.(C): *Professional Expert Program*) by the Director of Classified Personnel

- **Ms. Tiffany Estrada, Technical Specialist II, Reading Specialist, from August 29, 2011 to June 15, 2012, Will Rogers Elementary School**

E. Approved Working Out of Class Request (less than 90 working days per Personnel Commission Rule §3.2.8.(C): *Working Out of Class*) by the Director of Classified Personnel

- **Mr. Stevie Davis, Custodian, in the position of the Equipment Operator from July 1, 2011 to November 8, 2011**
- **Mr. Damon Kratz, Custodian, in the position of the Utility Worker from July 1, 2011 to November 8, 2011**
- **Mr. Jose Lopez, Gardener, in the position of the Sprinkler Repair Technician from July 1, 2011 to November 8, 2011**
- **Mr. Thomas O'Rourke, Custodian, in the position of the Gardener from July 1, 2011 to November 8, 2011**
- **Ms. Leticia Tirado, Cafeteria Worker I, in the position of the Cafeteria Worker II from June 15, 2011 to June 22, 2011**

F. Merit Rules Advisory Committee (A.R.C.) Update

- **Advisory Rules Committee Agenda – June 16, 2011**

Dr. Young drew attention to the A.R.C. agenda and sign-up sheet from June 16, 2011 for the Personnel Commission's review.

G. Disciplinary Hearings

- **Ref. Number: 7003 1680 0002 6368 3401 -**

- Pre-hearing Conference: TBD
- Hearing: TBD

Dr. Young informed the Personnel Commission that his staff was still planning to schedule the pre-hearing conference.

H.SEIU Grievances Received

- Ref. Number: 002/2011 – May 20, 2011
- Ref. Number: 003/2011 – June 8, 2011
- Ref. Number: 004/2011 – June 8, 2011

Dr. Young provided a brief background of these grievances. The first grievance is subject to response by the Union on level one (1). The second grievance is on level one (1) and has been received by the Personnel Commission. It's predicated, in part, upon what will be taking place at this meeting. Last grievance is on level two (2) in the Superintendent office.

III. Consent List: It is recommended that the Personnel Commission consider approving a number of Agenda Items as a Consent List. Consent Items are routine in nature, and can be enacted in one motion without further discussion. This procedure conserves meeting time for a full discussion of significant issues.

A. Approve Classified Personnel – Merit Report - No. A. 23

1. June 30, 2011

B. Approve Classified Personnel – Non-Merit Report - None

C. Approve Classified Personnel Eligibility List(s):

<u>Classification</u>	<u># Eligibles</u>
Glazier	3
Specialized Instructional Assistant	3

Motion by: **Suzanne Kim**
 Seconded by: **Shane McLoud**
 Vote: **3 – 0**

List Extension (Personnel Commission Rule §6.1.3.: *Duration of Eligibility Lists*)

Swimming Instructor/Lifeguard	2
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Motion by: **Suzanne Kim**
Seconded by: **Shane McLoud**
Vote: **3 – 0**

IV. Discussion/Action Items/or Other Information:

A. Action Item(s):

1. Advanced Step Placements:

Director's Recommendation: *Approve*

- a. The Director of Classified Personnel recommends that the Personnel Commission approve Advanced Step Placement for new hire Christina Olague in the classification of Elementary Library Coordinator pursuant to Personnel Commission Rule §12.2.4. (B): *Salary on Employment* based on criteria for the minimum experience and education.

Motion by: **Shane McLoud**
Seconded by: **Suzanne Kim**
Vote: **3 – 0**

2. Classification Revisions:

Director's Recommendation: *Approve*

- a. The Director of Classified Personnel recommends that the Personnel Commission approve the revision to the Cafeteria Worker I classification specification within the Food and Nutrition Services

Motion by: **Suzanne Kim**
Seconded by: **Shane McLoud**
Vote: **3 – 0**

- b. The Director of Classified Personnel recommends that the Personnel Commission approve the revision to the Cafeteria Worker II classification specification within the Food and Nutrition Services

Motion by: **Shane McLoud**
Seconded by: **Suzanne Kim**
Vote: **3 – 0**

c. The Director of Classified Personnel recommends that the Personnel Commission approve the revision to the Health Office Specialist classification specification within the Student Services

Motion by: **Shane McLoud**
Seconded by: **Suzanne Kim**
Vote: **3 – 0**

3. Proposed New Classifications:
Director's Recommendation: *Approve*

a. The Director of Classified Personnel recommends that the Personnel Commission approve the proposed classification Facility Permit Supervisor

Motion by: **Shane McLoud**
Seconded by: **Suzanne Kim**
Vote: **3 – 0**

b. The Director of Classified Personnel recommends that the Personnel Commission approve the proposed classification Sports Facility Attendant

Motion by: **Suzanne Kim**
Seconded by: **Shane McLoud**
Vote: **3 – 0**

B. Discussion Item(s):

1. Personnel Requisition Status Report

Ms. Stephanie Perry, Personnel Analyst, provided a brief overview of the vacancies. There were two (2) vacancies on a certification list (meaning that the Personnel Commission staff has submitted a list of candidates who qualified and ranked in the first three (3) ranks) and twenty-three (23) were currently open (meaning that the hiring authority has not received a certification list because the recruitment is still in process) as of July 6, 2011. The Month-to-Month Comparison Report showed twenty-three (23)

vacancies on file in June 2011. The Personnel Commission received twelve (12) vacancies of which nine (9) positions have been filled and one (1) position was cancelled and/or placed on hold.

In the graphic representation: eight percent (8%) of positions have been certified to managers; ninety-two percent (92%) of positions are open; seventy-six percent (76%) of positions are more than twenty (20) hours a week; forty percent (40%) of positions are new and sixty percent (60%) are vacant; ninety-six percent (96%) positions are located in Santa Monica and four percent (4%) are from Malibu.

Commission Kim inquired about the Senior Office Specialist position in Human Resources department. Dr. Young stated that the position is still on hold.

Ms. Cindy Johnston, Human Resources Technician, provided a detailed report about the substantial number of vacancies within the Child Development Services. Many Children's Center Assistant positions were created as restricted positions when the non-merit eight-hour (8) assignments became three-and-a-half (3.5) hour permanent classified positions. In addition, new positions are being created thanks to the County grant in a couple of centers the Child Development Services are assuming responsibility for. The current staff in these locations will have the opportunity to apply for these positions; they will not be automatically transferred to become permanent District employees.

Commissioner Brady requested Personnel Commission staff to communicate this fact and the timelines to the Assistant Superintendent, Human Resources and the Director of Child Development Services in order to prevent any misunderstandings.

Ms. Johnston also reported on her recruitment for Administrative Assistant position in Santa Monica High School.

Ms. Julie Younan, Human Resources Technician, provided a detailed report about her recruitments for Food and Nutrition Services. She spoke about accommodating the Cafeteria Worker I candidates with testing on the weekend. Sufficient eligibility list is prepared to fill all vacancies as soon as the Personnel Commission receives the Personnel Requisitions.

Commissioner Brady commended Personnel Commission staff for their diligence and advanced planning even under the challenging circumstances.

2. Personnel Commission's Twelve-Month Calendar of Events
 - 2011 – 2012

Progress Review of Strategic Goals of Director, Classified Personnel, is schedule for October 17, 2011.

3. Proposed Human Resources and the Personnel Commission Departments' Reorganization

Commissioner Brady disclosed information from her meeting with Superintendent Cuneo, Assistant Superintendent, Human Resources, Ms. Washington and Dr. Young regarding reorganization and services provided by the Personnel Commission and the Human Resources departments. The group was to look at the efficiencies both departments. The Administration proposed a new organizational chart that needs

further discussions and revision. The reorganization process would be executed in phases.

Commissioner Brady inquired about a substitute working for the Senior Office Specialist in the Human Resources department. Ms. Washington confirmed using a clerical substitute.

Commissioner Brady inquired about staffing solution so that the Personnel Commission responsibilities are fulfilled during this critical period.

Dr. Young informed the Personnel Commission about the fact that the vacant Human Resources Technician is budgeted and approved by the Los Angeles County of Education. He presented several solutions for this staffing issue.

Ms. Cartee-McNeely informed the Personnel Commission that if a limited term position is established, it would be a supplemental temporary position in addition to the vacant permanent position. It would mean increasing the cost to the Personnel Commission, since the current budget is allocated for the permanent position and can't be used for anything else.

Dr. Young explained that in the District there is no clear distinction between a substitute and a limited term position.

Ms. Cartee-McNeely shared the Union's serious concerns about the vacant Human Resources Technician position, a bargaining position, in respect of contractual liability. According to the SEIU Contract, a vacant position shall be filled within sixty (60) days. The Union respects the reorganization process the Personnel Commission and the Human Resources department are trying to engage in, but that does not exclude them from honoring the Contract. SEIU wants the position to be filled in accordance with the Contract.

Assistant Superintendent Washington stated that the substitute in the Human Resources department assists with some of the duties assigned to Senior Office Specialist.

Commissioner Kim emphasized the fact that the substitute is assisting in the Human Resources department while the Personnel Commission office has not been fully staffed since February 2011. The staff has an enormous amount of work that has to be completed and is currently distributed among them, so the additional staff member is absolutely necessary no matter what is his/her status- permanent or temporary. The Human Resources department has the additional employee and the Personnel Commission does not in the most critical time staffing for the new school year. Commissioner Kim shared her concerns about the Personnel Commission staff and the District's staffing needs.

Assistant Superintendent Washington stated that based on her perspective, Dr. Young and she were to continue reviewing the reorganization and the presented format. The new proposal would directly impact the two (2) vacant positions. She inquired about the purpose of this agenda item.

Commissioner Brady explained that she needed to report out from the meeting with former Superintendent Cuneo since it was not a public session. Based on her understanding, development of the organizational chart requires much more complex and broader discussion. It would be placed aside to focus on the analysis of the positions

and their assigned duties. Mr. Cuneo suggested implementing the reorganization in phases.

Dr. Young addressed a couple of issues. Firstly, the reason for the agenda item being placed under “Discussion” is the SEIU Grievance assuring the Union that any debates regarding the reorganization would be conducted in a public, open forum. Also, reaffirming Commissioner Brady’s declaration at the June Personnel Commission meeting, the Personnel Commission is committed to hold any dialogue regarding the reorganization in a public arena. Therefore, any related discussion, action, or decision would be openly discussed as it was the norm in the previous pilot study. This process would be consistent with the District’s practice of developing the Strategic Plan.

Secondly, looking at the vacant Human Resources Technician position, it was budgeted and approved by the Los Angeles County of Education. Dr. Young cited Education Code 45264 regarding appointment of new employees paid with budgeted funds for the Personnel Commission.

Ms. Stephanie Perry, the Personnel Analyst, appreciated Commissioner Kim’s statement about fairness and equity with regarding to staffing of both of the departments. In her opinion, it is quite unfair that one position is being filled and the work done, whereas the Personnel Commission has been understaffed for six (6) months. Ms. Perry inquired about getting another staff member to meet the District’s staffing needs while the reorganization process continues.

Commissioner Brady agreed that the current situation in the Personnel Commission office is rather grave. The District’s positions have to be filled for the next school year, and the Personnel Commission can meet these needs only if the office is properly staffed.

Commissioner McLoud inquired about the desired outcome of the situation. Dr. Young restated that his intent is to fill the vacant Human Resources Technician position while continuing the reorganization discussions. Commissioner McLoud suggested including Superintendent Lyon to learn about her vision in this process.

Commissioner Brady recommended focusing on the District’s staffing needs and also to continue with the dialogue regarding the two (2) departments.

Ms. Julie Younan, Human Resources Technician, expressed her appreciation of the constructive discussion; however, she stressed the severity of the situation in both departments and the need for both vacant positions to be filled in order to be ready for the new school year so that the District can provide appropriate learning environment and adequate support for our students. It is our prime objective.

Ms. Cindy Johnston, Human Resources Technician, shared the challenges with the current work overload. Although she is working full time during this summer, it is impossible to meet the present demands.

Commissioner Brady expressed her faith in resolving the situation in a timely manner. She thanked staff of both departments for their dedication and hard work for the welfare of the District’s students.

C.Information Item(s):

1.Merit Rules Review Tracker

Dr. Young informed the Personnel Commission about Ms. Washington's request to extend the deadline for review of chapters eleven (11): *Vacation, Leaves of Absence and Holidays* and twelve (12): *Salaries, Overtime Pay and Benefits* so that the new Superintendent, Ms. Sandra Lyon, may have an opportunity to provide her feedback. The chapters will be presented to the Personnel Commission for second reading in September 2011.

2. Workforce Organization Development and Strategic District Partnership Tracker

No changes

V. **Personnel Commission Business:**

A. **Personnel Commissioner Comments**

Commissioner Kim drew attention to the tremendous impact on the Personnel Commission staff and appealed to all the involved parties to resolve the situation which produced unfair working environment. She stressed the role of the Personnel Commissioners- supporting their staff, Merit Rules, and the SEIU Contract. For the position to be opened for six (6) months is simply unacceptable. It should not be used as a political device.

B. **Future Items**

Subject	Action Steps	Tentative Date
Merit Rules Revisions	First Reading: Chapter XIV: <i>Disciplinary Action and Appeal</i> Chapter XV: <i>Resignation and Reinstatement</i> Chapter XVI: <i>Grievance Procedure</i>	August 2011
	Second Reading: Chapter XI: <i>Vacation, Leaves of Absence and Holidays</i> Chapter XII: <i>Salaries, Overtime Pay, and Benefits</i>	September 2011 It may be postponed till October 2011
Electronic Version of the Full Personnel Commission Agenda		August 2011
Personnel Commission Annual Report 2010 - 2011		September 2011

Dr. Young provided a brief overview of the future items.

VI. **Closed Session:**

- Public Employee, to consider appointment, employment, performance evaluation, or dismissal of employee pursuant to GC §54957 as cited in the Brown Act

Motion by: **Suzanne Kim**
Seconded by: **Shane McLoud**
Vote: **3 – 0**

TIME ADJOURNED TO CLOSED SESSION: 6:25 p.m.

TIME RETURNED TO OPEN SESSION AT: 7:20 p.m.

The Commission reported out of Closed Session at 7:20 p.m. No action was taken.

VII. Next Regular Personnel Commission Meeting:

Tuesday, August 9, 2011, at 5:00 pm - *District Office Board Room*

VIII. Adjournment: There being no further business to come before the Personnel Commission, it is recommended that the meeting be adjourned.

Motion by: **Suzanne Kim**
Seconded by: **Shane McLoud**
Vote: **3 – 0**

TIME ADJOURNED: 7:22 p.m.

Submitted by:

Wilbert Young, Ph.D.
Secretary to the Personnel Commission
Director, Classified Personnel

If you wish to receive a full copy of the Personnel Commission Agenda Packet, please contact the Personnel Commission Office at (310) 450-8338, ext. 70-279.