

GARDEN GROVE UNIFIED SCHOOL DISTRICT

PERSONNEL COMMISSION MEETING

**10331 Stanford Avenue
Garden Grove, CA**

MINUTES

of the Meeting of
January 6, 2016

CALL TO ORDER

Commissioner Tortolano called the meeting of January 6, 2016 to order at 5:10 p.m. Commissioner Franks led the audience in the Pledge of Allegiance.

COMMISSIONERS PRESENT

Ms. Bernice Flatebo
Mr. Jim Franks
Ms. Marilyn Tortolano

STAFF MEMBERS PRESENT

Ms. Joli Armitage
Mr. Pat Collison
Ms. Suzy Seymour
Ms. Jenni Smith

ADMINISTRATION AND POLICY

3.1 Director's Report

Director Seymour stated she reached out to Ronald Wenkart, Chief Legal Counsel for the Orange County Department of Education, to obtain a legal opinion regarding the employees who have been working out of class for extended periods of time. Director Seymour requested that Mr. Wenkart consider whether an employee can be placed into a position without coming off of an eligibility list and whether the commission or district have the authority to negotiate with the union on this issue.

Director Seymour has forwarded Mr. Wenkart's legal opinion to the Personnel Commissioners. Director Seymour has also spoken with the two employees with extended working out of class assignments to give them a summary of the legal opinion. Director Seymour stated that the legal opinion is that neither the commission or the district can place someone in a regular position without going through testing or coming off of an eligibility list because this is a merit system district.

Director Seymour has spoken with Mr. Ruiz who is working out of class as a Tree Trimmer. He has been notified that staff is working on classification description changes which will then be taken to the commission for approval. Once approved, staff plans on running a promotional recruitment for Tree Trimmer. Some of the proposed classification description changes will require extensive prior experience which will greatly reduce the number of qualified internal applicants.

Director Seymour has also spoken with Mr. Bahena, who was working out of class as a Painter. Unfortunately, there is no immediate solution for Mr. Bahena's situation. A current Painter eligibility list exists and any vacancies must be filled from the list.

CSEA Labor Representative Wyatt McClean stated he has spoken with Director Seymour and Assistant Director Collison. Mr. McClean stated the importance of meeting in a separate setting to understand the information from the legal opinion. Mr. McClean stated it is important for the commission to consider the related Educational Code citations and employee circumstances. Mr. McClean will follow up with Director Seymour to review the legal opinion and to discuss if an employee can be accreted into the position.

CSEA First Vice President Ragusa stated the morale level among maintenance employees is low. Mr. Ragusa's desire is to figure out a fair way to resolve the working out of class concerns. Mr. Ragusa requested to also review the legal opinion obtained by Director Seymour.

Employee Cesar Ruiz stated concerns over his position. His current working out of class assignment expired and he is not sure if he will continue to work out of class as a Tree Trimmer. Director Seymour stated she has seen a personnel requisition to extend his working out of class assignment. While the

district and CSEA do not want to have employees in working out of class assignments for a prolonged period of time, employees should not be abruptly returned to their regular position without considering such factors as compensation and district needs.

CSEA President Chris Leon stated there are many members that are currently working out of class. Mr. Leon has spoken with employees who are frustrated at not passing exams and getting abruptly pulled from working out of class assignments. Mr. Leon suggested that perhaps some exams should be conducted in other languages as there are employees for whom English is not their primary language. Mr. Leon believes all employees should be helped in being successful on the job and moving forward within the district.

Commissioner Tortolano stated that getting a legal opinion was the logical thing to do. Commissioner Tortolano stated her appreciation for everyone's feedback. Commissioner Tortolano stated that the commission must adhere by the legal opinion as to whether there's any obligation or authority for the commission to allow someone to be automatically promoted into an extended working out of class position.

Commissioner Tortolano inquired as to whether any exams are conducted bilingually. Director Seymour stated that there are no exams that are tested bilingually. However, staff ensures that exam reading levels are not higher than what is needed for success on the job. For some exams, such as for custodians, an oral exam is given instead of a written exam since custodians don't need to extensively read on the job. Director Seymour stated that for a Custodian oral exam the candidate must read a cleaning label and room cleaning schedule and be able to answer questions orally. The same process is conducted for Food Service Workers as well. Employees need to be able to understand English well enough to communicate with staff and students. Director Seymour added that the district supports and encourages employees to take classes to improve their English skills.

Commissioner Tortolano inquired as to whether there's a law on working out of class for more than six months. Director Seymour stated that the working out of class provision in the Educational Code does not state a time limit on working out of class assignments. However, there is a section on limited term assignments for which there is a limit of six months, but is meant to address people who are hired outside of the district that were not hired from an eligibility list. Director Seymour presumes there is no time limit addressed in the working out of class provision because employees in these assignments are current employees who are being compensated at the higher level and are already receiving statutory benefits.

Director Seymour stated there is a second Educational Code section on provisional employment which refers to assignments that are 90 days or less. Limited term employees are usually hired for temporary or extra projects. Such employees do not accrue vacation, sick or holiday pay and no time is accrued towards permanency. Director Seymour stated this provision is intended as a safeguard to restrict districts from bypassing the usual recruiting and hiring process.

Commissioner Tortolano clarified that the six month rule does not apply to our own employees. Commissioner Tortolano added there is no easy solution to the working out of class matter. The best solution and ultimate goal is to fill all the vacancies.

Employee Betty Johnston stated there should be more promotional recruitments in order to provide more opportunities for current employees. Commissioner Tortolano added that each recruitment is examined individually. If there are not enough qualified internal candidates to fill the vacancies, staff must open the recruitment to the public.

Employee Cathrin Sargent stated that she has had a working out of class assignment in the past, but always knew the assignment was temporary. It is Ms. Sargent's opinion that long term working out of class employees may have been given the illusion that the position would eventually be theirs.

CSEA President Leon thanked Director Seymour for her assistance with a Pacifica employee's work situation.

Director Seymour provided a follow up to last month's Personnel Commission meeting regarding the number of work hours given to Technology Assistant positions. Director Seymour brought up the matter to the district's cabinet team. The Assistant Superintendents will discuss this matter further along with other pertinent classifications, such as School Community Liaisons and Health Assistants. Director Seymour will keep the Personnel Commission posted as to any updates. Director Seymour has updated employee Linda Elliott with this information as well.

Director Seymour provided an update on the matter brought up by two of the district's Grounds Equipment Mechanics last month. Director Seymour met with the new Director of Maintenance, Operations & Transportation who will be reviewing the job descriptions and will provide feedback to Director Seymour. Director Seymour has also provided an update to the employees who brought up this matter at last month's meeting.

Director Seymour stated that the district will initiate a Dual Language Immersion Program at Monroe Elementary for the 2016/2017 school year. Students will be receiving academic content while learning English and Spanish. Director Seymour added that all school staff will need to speak Spanish. Director Seymour and Analyst Smith will be working on staffing the school which will be named Monroe Language Academy. Director Seymour will be bringing new positions for classification to the Personnel Commission. Director Seymour anticipates that most of the staff will likely be employees who transfer from other sites. Director Seymour and staff will be conducting informational meetings for employees regarding transfer opportunities to Monroe Language Academy.

Commissioner Tortolano added that other time sensitive projects, such as the staffing of Monroe Language Academy, are also a cause for the delay of other recruitments or classification work.

Director Seymour has reached out to counterparts at other school districts to inquire on classification work performed by outside vendors. Director Seymour will continue to research this matter and provide the Personnel Commission with updates.

CSEA President Leon inquired if Monroe Language Academy staff will be receiving a stipend for being bilingual. Director Seymour stated this is a negotiable item to be addressed during bargaining. Currently, the district does not provide a bilingual stipend.

APPROVAL OF MINUTES

It was moved by Commissioner Franks, seconded by Commissioner Flatebo to approve the minutes of the December 9, 2015 Personnel Commission meeting. The motion passed 3-0.

AUDIENCE

The audience was given the opportunity to discuss items not on the agenda. No comments were heard from the audience.

CORRESPONDENCE AND COMMUNICATIONS

- Classified Personnel Report – 12/15/15

APPROVAL OF CLASSIFICATION ACTIONS

- 7.1 New Position – Health Assistant (La Quinta High School)
- 7.2 New Position – Instructional Aide – Bilingual Spanish (Jordan Intermediate)
- 7.3 New Position – Instructional Aide – Bilingual Vietnamese (Cook Elementary)
- 7.4 New Position – School Testing Assistant (Cook Elementary)

It was moved by Commissioner Franks, seconded by Commissioner Flatebo to approve the classification of the new positions listed above. The motion passed 3-0.

ORDERING OF EXAMINATIONS

8.1 Athletic Equipment Attendant – Female	Open
8.2 Credentials Technician	Promotional
8.3 Delivery Truck Driver	Open
8.4 Electrician	Open
8.5 Lead Intensive Behavioral Instruction Assistant	Promotional
8.6 Special Education Assistant	Open
8.7 Translator/Interpreter – Bilingual Vietnamese (Revised)	Open

Director Seymour stated that the job bulletin for Translator/Interpreter – Bilingual Vietnamese was revised to extend the application filing deadline.

Commissioner Franks inquired as to the whether it would have been possible to make the Delivery Truck Driver recruitment promotional. Director Seymour and Analyst Smith both stated that this recruitment was primarily advertised as open in order to replenish the substitute Delivery Truck Driver pool. There are also at least two vacancies to be filled.

It was moved by Commissioner Franks, seconded by Commissioner Flatebo to approve the ordering of the examinations as listed above and the ratification of the resulting eligibility lists. The motion passed 3-0.

RATIFICATION OF ELIGIBILITY LISTS

9.1 Instructional Aide II – Special Education	Open
9.2 Intensive Behavioral Instruction Assistant	Open
9.3 School Community Liaison Worker - Vietnamese	Open

It was moved by Commissioner Franks, seconded by Commissioner Flatebo to ratify the eligibility lists as listed above. The motion passed 3-0.

OTHER BUSINESS

10.1 Commissioners

Commissioner Franks extended his appreciation for all the updates and communication from Director Seymour.

Commissioner Flatebo stated she will be attending and has received the training materials for the first session of the 2016 CSPCA Merit System Academy to be held on Saturday, January 9, 2016.

Commissioner Tortolano confirmed with GGSU President, Mr. Chumley, that the Supervisory Unit dinner will be held on Saturday, January 30, 2016 at On The Rocks Restaurant in Garden Grove.

10.2 Next Personnel Commission Meeting

The date of the next regular meeting of the Personnel Commission will be held on Thursday, February 11, 2016 at 5:10 p.m. in the 5th floor Board Room of the Education Center.

ADJOURNMENT

The meeting was adjourned at 5:49 p.m.

Accepted by: Marilyn Tortolano, Chairperson

Minutes Recorded by: M. Cantoran