

GARDEN GROVE UNIFIED SCHOOL DISTRICT

PERSONNEL COMMISSION MEETING

10331 Stanford Avenue

Garden Grove, CA

MINUTES

of the Meeting of

March 30, 2016

CALL TO ORDER

Commissioner Tortolano called the meeting of March 30, 2016 to order at 5:10 p.m. Commissioner Flatebo 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 that preparations are in full swing for summer school. Applications for summer job opportunities have been sent to school sites and students have received invitations to summer school as well. Staff is working on processing applications, which includes researching seniority dates, coordinating placements and making job offers. Some Special Education positions are contingent on student enrollment which delays summer job offers until the very end of the school year.

Director Seymour stated that she and Analyst Smith have met with Mr. Underdown and Mr. Ritchie to discuss their Grounds Equipment Mechanic job duties and related changes over time. Director of Maintenance, Operations and Transportation, Mr. Rodriguez, and Assistant Director of Maintenance, Operations and Transportation, Mr. Bessey, were also in attendance. The meeting proved to be informative for all parties, especially for Mr. Rodriguez and Mr. Bessey as they are fairly new to the district and are still getting acquainted to all department staff and their duties. Mr. Underdown and Mr. Ritchie presented a detailed summary of their job duties and how those duties have changed over time. As a result of this meeting, it was discovered that there were certain duties that staff did not know they were performing as well as those duties that they shouldn't be performing, such as golf cart repairs. The meeting allowed for a discussion of the specific duties that fall under Mr. Underdown's and Mr. Ritchie's responsibility. Both Mr. Underdown and Mr. Ritchie were forthright about stepping in to help on certain duties that they were not asked to perform. Both employees were instructed to refer to their immediate supervisor for clarification as needed. Mr. Rodriguez and Mr. Bessey will be looking into questions regarding tools and their workspace as well as the intended move to Chapman Education Center. All parties involved seemed to be satisfied at the conclusion of the meeting.

Commissioner Tortolano inquired as to whether Mr. Underdown and Mr. Ritchie are still requesting a classification study. Director Seymour stated they are no longer requesting a classification study, but would like Mr. Rodriguez to look into available training opportunities.

Commissioner Franks inquired as to the golf carts and whether they are being phased out or if their servicing will be contracted to an outside vendor. Director Seymour referred to the current golf cart policy which states that elementary schools were to phase them out and high schools would be responsible for using their site funds to maintain the golf carts. This policy is being communicated to all schools as a reminder. However, there might still be instances where district staff may need to assist with the golf carts, such as during maintenance emergencies.

Analyst Smith and Director Seymour have been reviewing classification studies. Associate Personnel Analyst Henderson and Analyst Smith have looked at recently revised class descriptions and those which have been reviewed but no revisions were deemed necessary. There are about 190 job classifications

which include classified, supervisory and classified administrative positions. Of those classifications, there are about 63 classifications that need to be studied as they have not been reviewed in at least five years. Director Seymour added that even if staff were to catch up, forty classification studies would be necessary on a yearly basis in order to stay on a five year cycle. All classifications require upkeep and staffing is being analyzed to determine whether an additional staff member is needed. Director Seymour estimates that staff can get the 63 classifications needing studies caught up in the next two years. As staff prepares recruitments they are also looking at which classifications are the oldest and updating them outside of the cycle as necessary. Director Seymour proposed that the 63 classifications needing studies be prioritized in order of most outdated. Once the order has been determined Director Seymour will consult with CSEA with a results summary to the Personnel Commissioners.

3.2 Disciplinary Appeal Hearing process and scheduling

Director Seymour provided the commissioners with disciplinary appeal hearing process information. At the time of a pending 2011 disciplinary appeal hearing, Director Seymour spoke with OCDE general counsel attorney, Ron Wenkart, regarding the pros and cons of the Personnel Commission holding the appeal hearing themselves or hiring a hearing officer. If the commissioners decide to run the hearing themselves, they can get Mr. Wenkart or another OCDE attorney to sit with them and assist them with procedural or legal questions that may come up during the hearing. The commissioners would then deliberate with the assistance of the attorney who would provide the service of writing the decision at no cost to the district. In 2011, the commission decided to defer the hearing to a hearing officer. Director Seymour suggested the commissioners consider factors such as job constraints, technicality of issue, and whether they will all be able to sit in on the hearing when deciding upon how they would like to hold this hearing. It is recommended that all three commissioners hear the information together and at the same time in order to avoid any legal questions. Any related recordings and transcripts should also be reviewed by the commissioners as a body, if they so choose. Director Seymour also suggested that the commissioners may want to get input from other commissioners to get their ideas and suggestions on disciplinary appeal hearings.

Commissioner Tortolano inquired of Director Seymour if she could give them information as to the base issue or issues of the hearing.

Director Seymour stated that the appeal hearing is regarding the suspension of an employee and the employee's ability to get along with co-workers. This hearing is not highly technical in nature but will require a significant amount of witness testimonies, many of whom are district employees.

Commissioner Tortolano inquired as to whether the goal of the hearing is to have the employee improve in getting along with co-workers. Director Seymour stated that this hearing may not result in the employee establishing better working relationships with co-workers if he or she lacks the skills or abilities. Director Seymour added that this appeal hearing is the result of progressive discipline on the district's part. Director Seymour provided the commissioners with the Personnel Commission discipline rules in their entirety. By the time this hearing request is taken to the Personnel Commission, all intermediary steps have been taken. Director Seymour added that there are instances where the progressive discipline steps are skipped such as when the action on the employee's part is highly egregious, for example an intentional injury on a supervisor. Additionally, if the Personnel Commissioner conducts the hearing they would be getting any information presented by both the district and the employee.

Commissioner Flatebo requested confirmation from Director Seymour that this appeal hearing is being requested by the employee after progressive discipline has been attempted and the board's decision to suspend has been imposed and deemed appropriate.

Director Seymour stated that as the employer, the district is imposing the discipline which in this case is an unpaid suspension. The employee is entitled to two levels of appeals, a pre-disciplinary Skelly hearing and a hearing before the Personnel Commission. The Skelly hearing process applies to any California public employee. As the employer, the district writes charges and the employee can appeal before the discipline is imposed if he/she disagrees with the facts or believes the punishment is too excessive. A Skelly hearing serves as a safeguard for the employer to hear any evidence that hadn't been previously heard. The Skelly hearing officer is another district administrator who has authority to mitigate any discipline. Since Director Seymour has been involved in this employee's progressive discipline, the

district uses another neutral administrator to hear the information and issues a non-biased decision. The Skelly hearing officer can uphold the proposed discipline, mitigate or lessen the punishment or throw it out completely. The punishment, however, can not be more severe. After the hearing officer has made his or her decision, the Board of Education ratifies the action and the discipline is imposed. In this case, if the employee were to prevail at the disciplinary appeal hearing before the Personnel Commission, he or she could get paid back for the days for which he/she was suspended.

Commissioner Tortolano confirmed that the issue at hand is whether the Personnel Commissioners should handle and conduct the hearing themselves, conduct the hearing with the assistance of a hearing officer, or hand the entire hearing process over to a hearing officer. Director Seymour confirmed the decision to be made and recommended against the option of the Personnel Commissioner conducting the hearing themselves. An advantage of getting assistance from a hearing officer is that the officer will write up the final decision. Director Seymour pointed out that Commissioner Franks has experience with disciplinary appeal hearings.

Commissioner Franks' recommendation was to hire a hearing officer and have the commissioners attend the hearing as a learning opportunity. Additionally, if Commissioner Franks knows the employee in question or has history he may need to recuse himself which would leave the other two commissioners to conduct the hearing.

Director Seymour recommended that the commissioners budget two full days due to the number of witnesses and for the introduction of documents. The district's attorney currently has 12 witnesses. CSEA would be representing the employee and may have different witnesses.

Commissioner Tortolano inquired if the commissioners can still ask questions if they decide to hire a hearing officer. Director Seymour referred the commissioners to the paperwork she supplied to them regarding one attorney's suggested use of hearing officers. Director Seymour recommended the commissioners ask the hearing officer what his/her parameters are in terms of the hearing information that may or may not be divulged to the commissioners.

Commissioner Flatebo inquired as to whether the commissioners would be entitled to a transcript of the hearing proceedings. Director Seymour stated that for an additional cost the district can hire a court reporter to provide a transcript.

Commissioner Tortolano inquired as to the date(s) of the hearing. Director Seymour stated that the hearing has tentatively been scheduled for the beginning of May. The district's attorney is available May 2-6, 2016 or May 9-11, 2016. However, the availability of other parties involved such as CSEA, the Personnel Commissioners, and Assistant Superintendent Armitage need to be taken into consideration. Director Seymour added that while the hearing will not be held within 30 days, as per the personnel commission rules, the hearing can't be pushed beyond May.

Director Seymour cautioned the personnel commissioners on attending only a portion of the hearing as they won't get the information in its entirety which may cause a disagreement with the hearing officer's ruling.

Commissioner Tortolano asked if Director Seymour will attend the hearing. Director Seymour will attend the hearing serving as a secretary. She will assist with all aspects of the hearing but will not go into deliberations due to her background knowledge regarding the employee.

Commissioner Tortolano summarized the discussion by stating that a hearing officer should be hired to conduct the hearing. If all of the commissioners can attend they will do so; if not they will follow up with the hearing officer at the conclusion of the hearing.

Director Seymour asked the commissioners if they would like for her to check if Mr. Wenkart or someone else from OCDE can conduct the hearing and also inquire on how much of a role the commissioners can play. The commissioners requested Director Seymour proceed as recommended.

It was moved by Commissioner Franks, seconded by Commissioner Flatebo to hire a hearing officer to conduct the disciplinary appeal hearing to be scheduled in May 2016. The motion passed 3-0.

APPROVAL OF MINUTES

It was moved by Commissioner Franks, seconded by Commissioner Flatebo to approve the minutes of the March 2, 2016 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 – 03/15/16

APPROVAL OF CLASSIFICATION ACTIONS

7.1 Classification Description Revision and Title Change – Bus Driver Trainer

Director Seymour stated that the Bus Driver Trainer title is being changed to School Bus Delegated Trainer to match how the state labels these positions.

It was moved by Commissioner Franks, seconded by Commissioner Flatebo to approve the revised classification description for Bus Driver Trainer and title change to School Bus Delegated Trainer, effective March 30, 2016. The motion passed 3-0.

7.2 New Classification and New Position – School Bus Driver Instructor

Director Seymour stated that the new proposed classification of School Bus Driver Instructor will work under the state certified bus trainer and the supervisor of the training program who will help train drivers. The district's transportation department is currently understaffed in terms of the number of trainers per bus drivers. Coincidentally, the district's current state certified training supervisor recently announced his retirement. In the interim, Assistant Director of Transportation, Joy Crow, who is a state certified trainer can step in and assume the training supervisor's training duties. The district's bus driver training program that allows for the public to train with the district will be starting next month. The district will continue to have bus driver delegates who primarily drive but help in training other drivers as well. The new School Bus Driver Instructor will work full time and will train and work with delegates on how to train drivers. Staff anticipates to bring an updated job description for the supervisor position at the next Personnel Commission meeting. The new instructor needs to already possess a valid trainer's certificate. While the district would like to promote current employees, the School Bus Driver Instructor position needs to be filled immediately and will be run as an open recruitment with the hopes that current employees will apply if they meet the required years of experience.

Commissioner Franks commented that salary range 30 seemed low for the level of responsibility. Director Seymour stated this person will be working under a supervisor and will not be evaluating employees. This person will be responsible for supervising a program. The district's bus driver program is rather large and will continue to require a supervisor, a full time instructor and 4 delegates.

It was moved by Commissioner Franks, seconded by Commissioner Flatebo to approve the new classification of School Bus Driver Instructor (salary range 30), effective March 30, 2016. The motion passed 3-0.

- 7.3 New Positions – General Maintenance Worker (4 positions – Facilities)
- 7.4 New Position – Custodian – Swing (Monroe Language Academy)
- 7.5 New Position – Elementary School Secretary (Monroe Language Academy)
- 7.6 New Position – Head Custodian I (Monroe Language Academy)
- 7.7 New Positions – Health Assistant
(2 positions – Monroe Language Academy and Pacifica High School)

- 7.8 New Positions – Instructional Aide II – Special Education
(3 positions – Cook Elementary, Heritage Elementary and Russell Elementary)
- 7.9 New Position – School Office Clerk I (Monroe Language Academy)
- 7.10 New Position – Special Education Assistant (Jordan Intermediate)

Commissioner Franks inquired about the opening of a whole new campus at Monroe Elementary.

Director Seymour stated that Monroe Elementary is currently being used for modernization. The Monroe Language Academy will open for the 2016/2017 school year. The positions being brought up at this month's meetings are only a few of the new positions intended for this program. Another wave of school site funded positions will come to the commission at a later time.

Commissioner Flatebo complimented Analyst Smith and the thorough report on the new General Maintenance Worker positions. Director Seymour commented that the report was derived from the collaboration of staff, incumbents, CSEA and supervisors.

Commissioner Franks inquired as to whether the General Maintenance Worker positions are being worked out of class by custodians from the Facilities department. Director Seymour stated that three of the custodians were hired off of the Custodian eligibility list and one custodian transferred from the maintenance department to facilities. If these custodians are not interested or are not successful in the General Maintenance Worker recruitment they will remain as permanent custodians and be transferred to an eight hour position to another district site.

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

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| 8.1 Custodian | Open |
| 8.2 Food Service Worker I | Open |
| 8.3 General Maintenance Worker | Promotional |
| 8.4 Head Custodian I | Promotional |
| 8.5 Technology Assistant | Open |

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

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| 9.1 Credentials Technician | Promotional |
| 9.2 Instructional Aide II – Special Education | Open |
| 9.3 Intensive Behavioral Instruction Assistant | Open |
| 9.4 Tree Trimmer | Promotional |

Commissioner Franks inquired as to the status of the employee who has been working out of class as the Tree Trimmer. Director Seymour stated that Mr. Ruiz is the sole candidate on the Tree Trimmer eligibility list, has interviewed and was selected for the position.

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 attended the 56th Annual OC School Bus Safety ROADEO on March 12, 2016. He expressed his gratitude towards all the employees in attendance.

Commissioner Flatebo commented that she recently received the latest edition of the CSPCA newsletter. Commissioner Flatebo stated that CSPCA has a scholarship available that may be of interest to employees. Commissioner Flatebo brought the scholarship information for CSEA President Leon to review. Additionally, the CSPCA newsletter contained information on hiring for Special Education positions and suggestions on recruitments which may be of special interest to Analyst Smith.

10.2 Next Personnel Commission Meeting

The date of the next regular meeting of the Personnel Commission will be held on Wednesday, May 4, 2016 at 5:10 p.m. in the 5th floor Board Room of the Education Center.

ADJOURNMENT

The meeting was adjourned at 5:53 p.m.

Accepted by: Marilyn Tortolano, Chairperson

Minutes Recorded by: M. Cantoran