

**San Dieguito Union High School District
PERSONNEL COMMISSION**

Regular Meeting Agenda

3:30 P.M., April 9, 2019

710 Encinitas Blvd., Encinitas CA 92024

San Dieguito Union High School District Office – Large Board Room

REGULAR MEETING/OPEN SESSION

1. Call to Order Commission Chair
2. Pledge of Allegiance
3. Approval of the Agenda for the April 9, 2019, Personnel Commission Regular Meeting.
Motion by _____, second by _____, to approve the agenda for the April 9, 2019 Personnel Commission Regular Meeting.
4. Approval of the Minutes for the March 12, 2019, Personnel Commission Regular Meeting.
Motion by _____, second by _____, to approve the minutes for the March 12, 2019 Personnel Commission Regular Meeting.

ACTION ITEMS (See Supplements)

5. ELIGIBILITY LISTS TO BE APPROVED
 - A. Motion by _____, second by _____, to approve an Eligibility List for RECEPTIONIST, SR-32, Open/Promotional-Dual Certification, eligibility from 3/28/19.
 - B. Motion by _____, second by _____, to approve an Eligibility List for INSTRUCTIONAL ASSISTANT SP ED SEVERE, SR-36, Open/Promotional-Dual Certification, eligibility from 4/3/19.
6. RULE REVISIONS (Second Reading)
 - A. Motion by _____, second by _____, to approve revisions to Rule 4.8 of the Rules and Regulations for the Classified service.
 - B. Motion by _____, second by _____, to approve revisions to Rule 4.9 of the Rules and Regulations for the Classified service.
 - C. Motion by _____, second by _____, to approve revisions to Rule 13.1 of the Rules and Regulations for the Classified service.

DISCUSSION/INFORMATION ITEMS (See Supplements)

7. PROPOSED 2019-2020 BUDGET REVIEW (First Read)
8. STAFF COMMENTS ON PERSONNEL ACTIVITIES
 - A. Vacancy Report
 - B. Personnel List Report
 - C. Other
9. CORRESPONDENCE

10. PUBLIC COMMENTS

The Public Comments Section of the meeting provides the opportunity for individuals to address items that are not on the agenda. In accordance with the Brown Act, Personnel Commissioners may not engage in a discussion of non-agenda items or issues raised during public comments except to 1) acknowledge receipt of the information, 2) refer to staff for further study, or 3) refer the matter to the next agenda.

- A. California School Employees Association
- B. San Dieguito Union High School District
- C. Public

11. NEXT PERSONNEL COMMISSION MEETING

The next regular meeting of the Personnel Commission is scheduled for Tuesday, May 14, 2019, at 3:30 P.M. in the San Dieguito UHSD Board Room, 710 Encinitas Blvd., Encinitas, CA 92024.

12. ADJOURNMENT

**San Dieguito Union High School District
PERSONNEL COMMISSION**

Regular Meeting Minutes

3:30 P.M., March 12, 2019
710 Encinitas Blvd., Encinitas, CA 92024
San Dieguito Union High School District Office - Board Room

REGULAR MEETING/OPEN SESSION

1. CALL TO ORDER

The meeting was called to order at 3:35 p.m. by JOHN BAIRD.

2. PLEDGE OF ALLEGIANCE

Commissioner Baird led the pledge of allegiance.

INTRODUCTION

Director Dixon introduced Diane Herrera, new Confidential Executive Assistant in Human Resources.

Members in Attendance

John Baird
Jeff Charles
Justin Cunningham

Staff in Attendance

Susan Dixon, Director
Barbara Bass, Human Resources Analyst
Kathy Potter, Human Resources Technician

Guests

Laura August
Carmen Blum
Sheila Graciano
Diane Herrera
Debbie Johnson
Tina Peterson

3. APPROVAL OF THE AGENDA FOR THE MARCH 12, 2019, PERSONNEL COMMISSION REGULAR MEETING.

It was moved by JUSTIN CUNNINGHAM, seconded by JEFF CHARLES, to approve the agenda for the March 12, 2019, Personnel Commission Regular Meeting.

Passed unanimously with 3 Ayes

4. APPROVAL OF THE MINUTES FOR THE FEBRUARY 12, 2019, PERSONNEL COMMISSION REGULAR MEETING.

It was moved by JEFF CHARLES, seconded by JUSTIN CUNNINGHAM, to approve the minutes for the February 12, 2019, Personnel Commission Regular Meeting.

Commissioner Baird requested a modification to Item #7 to more accurately summarize comments he made.

Passed unanimously with 3 Ayes

ACTION ITEMS

5. ELIGIBILITY LISTS TO BE ESTABLISHED

- A. It was moved by JUSTIN CUNNINGHAM, seconded by JEFF CHARLES, to establish an Eligibility List for RECEPTIONIST, SR-32, Open/Promotional-Dual Certification, six months eligibility.
Passed unanimously with 3 Ayes

6. ELIGIBILITY LISTS TO BE APPROVED

- A. It was moved by JEFF CHARLES, seconded by JUSTIN CUNNINGHAM, to approve an Eligibility List for HEALTH TECHNICIAN, SR-35, Open/Promotional, eligibility from 2/11/19.
Passed unanimously with 3 Ayes
- B. It was moved by JUSTIN CUNNINGHAM, seconded by JEFF CHARLES, to approve an Eligibility List for CUSTODIAN, SR-32, Open/Promotional-Dual Certification, eligibility from 2/25/19.
Passed unanimously with 3 Ayes

DISCUSSION/INFORMATION ITEMS (See Supplements)

7. PROPOSED RULE REVISIONS 4.8, 4.9 13.1 (FIRST READ)

Director Dixon highlighted the reasons for the proposed revisions and explained that CSEA and District leadership were in support of the proposed changes as presented. A lengthy discussion among the commissioners and PC staff ensued. Commissioner Baird expressed multiple concerns throughout the discussion including: existing language in 4.8 G. H. and J. and the proposed change to 4.9 B. All the commissioners inquired as to why the proposed changes to 13.1 did not include a breakdown of 1.a. The commissioners were in agreement that 4.8 P.; 4.9 C. and D.2.a. were acceptable as proposed. Director Dixon said she would discuss 13.1 further with CSEA and District leadership and report back at the next regular meeting during a second reading of the proposed rule revision.

8. STAFF COMMENTS ON PERSONNEL ACTIVITIES

- A. Vacancy Report –
- B. Personnel List Report
- C. Other – Director Dixon announced that Debbie Johnson had been selected as the District Classified School Employee of the Year and that her candidacy has been forwarded to the SDCOE for county-wide consideration. The celebration event has been confirmed for May 21, starting at 2:30PM, separate from the monthly Personnel Commission meeting, and will run until all employees who would like to attend have had a chance to participate in the festivities.

9. CORRESPONDENCE- None

10. PUBLIC COMMENTS

The Public Comments Section of the meeting provides the opportunity for individuals to address items that are not on the agenda. In accordance with the Brown Act, Personnel Commissioners may not engage in a discussion of non-agenda items or issues raised during public comments except to 1) acknowledge receipt of the information, 2) refer to staff for further study, or 3) refer the matter to the next agenda.

- A. California School Employees Association –Matt Colwell had prepared a statement to be read in his absence thanking Director Dixon and PC staff for their efforts with the Classified School Employee of the Year Program.
- B. San Dieguito Union High School District - None
- C. Public – Carmen Blum expressed disappointment that proposed rule revisions did not include separating 13.1 1.a as suggested in the California School Personnel Commissioners Association (CSPCA) model rules. She requested that the revision be reconsidered.

11. NEXT PERSONNEL COMMISSION MEETING

The next regular meeting of the Personnel Commission is scheduled for Tuesday, April 9, 2019, at 3:30 P.M. at San Dieguito UHSD office, 710 Encinitas Boulevard, Encinitas, CA 92024.

12. ADJOURNED – 6:45 PM

San Dieguito Union High School District
Personnel Commission

Eligibility List

Receptionist

Open/Promotional - Dual Certification

Effective: 3-28-19

Expiration: 9-28-19

Applicant ID	Rank
2947032	1
1152626	2
2671623	2
733946	3
2936114	4
3664737	4
3587994	5
3897345	5
4421010	6
2657960	7
3775817	7
4323604	7
4422446	8
4423547	9
2902419	10
369506	11
2765313	12
1180796	13
3685683	13

S. Dixon

**San Dieguito Union High School District
Personnel Commission
Eligibility List
Open/Promotional**

Instructional Assistant SpEd Severe

**Effective: 4/3/19
Expiration:10/3/19**

Promo None	Rank	Applicant ID

Open	1	3925178
	2	4378644
	2	3919157
	3	3908810

S. Dixon

Second Reading, Revision to Rules & Regulations for the Classified Service – 4.8, 4.9, 13.1

The proposed rule revisions outlined below have been modified from the first reading based on input provided at the first reading as well as a review of other merit system agencies and the model rules provided by the California School Personnel Commissioners Association. Changes from the first reading are further highlighted in yellow.

4.8 Disqualifications of Unfit Applicants, Candidates, and Eligibles

An applicant or candidate may be refused an entrance examination, and an eligible may be refused certification or appointment for any of the following reasons:

- A. Failure to meet the general qualifications of rule 4.7;
- B. Failure to execute the oath of allegiance required by the State of California;
- C. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means;
- D. Conviction of or pleading guilty in court to a narcotics offense or a conviction of a crime involving moral turpitude, or any sex offense, or mistreatment of children, various felonies and misdemeanors of a serious nature (EC 45122.1, 45123, 45124);
- E. Making a false statement or omitting a statement as to any material fact on the application form;
- F. Practicing any deception or fraud in connection with an examination or to secure employment;
- ~~G. Abuse of intoxicating beverages or drugs;~~
- HG. Behaving in a manner during any phase of the recruitment or selection process which could pose a threat to the safety of the individual, others, or property or is disruptive or inappropriate;**
- H. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District;
- I. Previous dismissal for cause from the District unless the District waives this subsection;
- J. Unsatisfactory health conditions — a physical examination may be required Physical or mental health condition which cannot be reasonably accommodated in a manner which would enable the individual to perform the essential functions of the classification (EC 45122);**

- K. Discharge other than honorable from the armed forces of the United States;
- L. Failure to report for duty after a previous assignment had been offered and accepted;
- M. Failure, after due notice, to report promptly for review of any of the above bases for rejection;
- N. Refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Board of Trustees; ~~or~~
- O. Unsuccessfully competed in the same examination within the past three months;
- P. Unprofessional conduct, unacceptable attendance, or any other reason outlined in Rule 13.1, while working as a limited-term or substitute employee with the District unless the District waives this subsection. ~~(EC 45122, 45122.1, 45123, 45124)~~

4.9 Rejection and Appeal of Rejection

A. Applicants, candidates, and eligibles who are rejected for any of the reasons enumerated in Rule 4.8 shall be notified in writing by the Personnel Director. The notification shall state:

1. The reason(s) for rejection;
2. The length of time the person shall be ineligible to be considered for an examination or appointment to a position in the District; and
3. That, within seven calendar days, the individual may appeal (through the Personnel Director) for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.

B. ~~Anyone~~ Applicants who ~~has~~ have appealed the disqualification shall conditionally provisionally be permitted to take the examination pending the final decision **except in cases in which the Director has determined that the disqualification is based on factors which would preclude employment in either the classification or the District or when the disqualification is due to a concern for the safety of the applicant, other individuals, or property.**

C. Upon receipt of the appeal, the Director shall ~~set a date for a hearing and~~ hear all of the evidence **as presented by the applicant. Evidence may be presented by email, over the phone or in person.** The ~~person~~ applicant making the appeal shall be notified of the Director's decision not more than 30 days after filing the appeal.

D. If there has been an administrative review, as provided above, and the rejection is sustained, the individual shall be:

1. Given a written notice outlining the reason(s) for sustaining the rejection;
2. Informed of the right to make a written appeal of the rejection and/or period of disqualification, within seven calendar days, to the Personnel Commission. The appeal may be based on any of the following reasons:
 - a. Discrimination ~~because of~~ **based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, immigration status, religious beliefs or customs, sexual orientation, parental, pregnancy, family or marital status, military status or association with a person or a group with one or more of these actual or perceived characteristics** ~~political acts, religious opinions or affiliations, race, color, sex, age, marital status, national origin or ancestry;~~
 - b. Abuse of discretion; or

- c. Inconsistency of the reasons given for the rejection and the facts.
- E. Upon receipt of the appeal, the Commission shall set a date for hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final. **(EC 45274)**

13.1 Causes For Suspension, Demotion, Dismissal

A. Persons employed in the classified service may be suspended, demoted, or dismissed for any of the following causes listed below provided that specific instances must be set forth as to any of the causes enumerated under this heading (EC45302, 45303):
In addition, the District will follow specifications of Education Code 45304.

1. a. Incompetency, inefficiency, insubordination, inattention to or dereliction of duty;

b. Inefficiency.

c. Unsatisfactory performance.

d. Insubordination.

e. Inattention to duty.

f. Dereliction of duty.

g. Persistent discourteous treatment of the public or of fellow employees;

h. Any other failure of good conduct tending to injure the public service;

i. Any persistent violation of the provisions of the Education Code or of policies, rules, regulations, or procedures adopted by the Board of Trustees or the Personnel Commission pursuant to it.

2. a. Dishonesty.

b. Theft.

c. Unauthorized use of District or student body assets or property.

d. Immoral conduct.

3. a. Use of, or being under the influence of, alcoholic beverages on District property.

b. Use of, or possession of, an illegal controlled substance pursuant to State and/or Federal laws.

4. p. Political activities engaged in by an employee during his/her assigned hours of employment.

5. a. q. Conviction of a serious crime by a court of law; a record of one or more criminal convictions which indicates that the person is a poor employment risk; failure to disclose material facts regarding criminal records; and other false or misleading

information on application forms or examination and employment records concerning material matters.

- b. Conviction of a sex offense as defined in Education Code Section 44010. Conviction of such offense shall result in dismissal.
- es. Conviction of a narcotics offense as defined in Education Code Section 44011. Conviction of such offense shall result in dismissal.
- et. Conviction of a crime involving moral turpitude. A plea, verdict, or finding of guilt, or a conviction following a plea of nolo contendere, deemed to be a conviction.
- u. Violation of local, state, or federal law which results in cancellation or suspension of a license required for the performance of assigned duties.
- 6v. Excessive absence or tardiness or abuse of leave.
- 7w. Continuing illness or injury of a disabling nature, after the exhaustion of illness leave and leave of absence privileges, resulting in physical or mental inability to perform the tasks and/or functions of the employee's classification, with or without reasonable accommodation and after an interactive process with the employee to determine if a reasonable accommodation can be made, which would allow the employee to perform the essential functions of his/her usual and customary position or an alternate position.
- 8x. Refusal to report for review of criminal records or for health examination after due notice.
- 9y. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- 10z. Membership in the Communist Party. (EC45303)
- 11aa. The discovery or development during an initial probationary period of any physical, emotional, and/or mental condition which would have precluded acceptance as a candidate for assignment.
- 12bb. Abandonment of position, which is defined as absence for a period of more than five three consecutive working days without notification complying with the established absence reporting and/or documentation procedure.

Applicable California Education Codes

45122

Whenever a governing board of a school district requires a physical examination to be taken by a classified employee or employees, either by rule or by its direction or the direction of its authorized district administrator; or when classified employees are required by law to submit to a physical examination for continuance in employment, the board shall either provide the required examination, cause it to be provided, or provide the employee with reasonable reimbursement for the required examination.

If the governing board requires a physical examination or an examination is required by law as a condition of preemployment, it may cause the required examination to be given. It may, if an applicant is required to take a preemployment physical examination, provide for reasonable reimbursement if the applicant is subsequently employed by the district.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

45122.1

(a) In addition to any other prohibition or provision, no person who has been convicted of a violent or serious felony shall be employed by a school district pursuant to this chapter. A school district shall not retain in employment a current classified employee who has been convicted of a violent or serious felony, and who is a temporary, substitute, or a probationary employee who has not attained permanent status.

(b) This section applies to any violent or serious offense which, if committed in this state, would have been punishable as a violent or serious felony.

(c)(1) For purposes of this section, a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code .

(2) For purposes of this section, the term "school district" has the same meaning as defined in Section 41302.5 .

(d) When the Department of Justice ascertains that an individual who is an applicant for employment by a school district has been convicted of a violent or serious felony, the department shall notify the school district of the criminal information pertaining to the applicant. The notification shall be delivered by telephone and shall be confirmed in writing and delivered to the school district by first-class mail.

(e) Notwithstanding subdivision (a), a person shall not be denied employment or terminated from employment solely on the basis that the person has been convicted of a violent or serious felony if the person has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code .

(f) Notwithstanding subdivision (e), a person shall not be denied employment or terminated from employment solely on the basis that the person has been convicted of a serious felony that is not also a violent felony if that person can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he or she has been rehabilitated for the purposes of school employment for at least one year. If the offense in question occurred outside this state, then the person may seek a finding of rehabilitation from the court in the school district in which he or she is a resident.

(g) Notwithstanding any other provision of law, when the Department of Justice notifies a school district by telephone that a current temporary, substitute, or probationary employee who has not attained permanent status, has been convicted of a violent or serious felony, that employee shall immediately be placed on leave without pay. When the school district receives written notification of the fact of conviction from the Department of Justice, the employee shall be terminated automatically and without regard to any other procedure for termination specified in this code or school district procedures unless the employee challenges the record of the Department of Justice and the Department of Justice withdraws in writing its notification to the school district. Upon receipt of written withdrawal of notification from

the Department of Justice, the employee shall immediately be reinstated with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement.

(h) Notwithstanding Section 47610, this section applies to a charter school.

45123

(a) No person shall be employed or retained in employment by a school district who has been convicted of any sex offense as defined in Section 44010 . A plea or verdict of guilty, a finding of guilt by a court in a trial without jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction within the meaning of this subdivision.

(b) No person shall be employed or retained in employment by a school district, who has been convicted of a controlled substance offense as defined in Section 44011.

(c) If, however, a conviction is reversed and the person is acquitted of the offense in a new trial or the charges against him or her are dismissed, this section does not prohibit his or her employment thereafter.

(d) The governing board of a school district may employ a person convicted of a controlled substance offense if the governing board of the school district determines, from the evidence presented, that the person has been rehabilitated for at least five years.

The governing board shall determine the type and manner of presentation of the evidence, and the determination of the governing board as to whether or not the person has been rehabilitated is final.

45124

No person shall be employed or retained in employment by a school district who has been determined to be a sexual psychopath under the provisions of Article 1 (commencing with Section 6300), Chapter 2, Part 2, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state. If, however, such determination is reversed and the person is determined not to be a sexual psychopath in a new proceeding or the proceeding to determine whether he is a sexual psychopath is dismissed, this section does not prohibit his employment thereafter.

45274

Examination records, including any recordings and the rating sheet of each member of the oral board for each candidate, shall be retained by the personnel commission for a period of not less than 90 days after promulgation of an eligibility list. The commission shall prescribe procedures whereby candidates may review and protest any part of an examination. In promotional examinations for classes for which continuous examination procedures have not been authorized, the review and protest period shall be held prior to regular appointment from the eligibility list. Examination records shall not be available to the public or to any person for any purpose not directly connected with the examination and shall be considered confidential but shall, within reasonable time limits, be made available to a candidate or his or her representative.

45302

No person in the permanent classified service shall be demoted or removed except for reasonable cause designated by rule of the commission as detrimental to the efficiency of the service. This section shall not be construed to prevent layoffs for lack of work or lack of funds.

45303

In addition to any causes for suspension or dismissal which are designated by rule of the commission, employees in the classified service shall be suspended and dismissed in the manner provided by law for any one or more of the following causes:

- (a) Knowing membership by the employee in the Communist Party.
- (b) Conduct specified in Section 1028 of the Government Code. California Code 1028: It shall be sufficient cause for the dismissal of any public employee when such public employee advocates or is knowingly a member of the Communist Party or of an organization which during the time of his membership he knows advocates overthrow of the Government of the United States or of any state by force or violence.

45304

- a) For reasonable causes, an employee may be suspended without pay for not more than 30 days, except as provided in this section, or may be demoted or dismissed. In this case, the school district shall, within 10 days of the suspension, demotion, or dismissal, file written charges with the commission. The personnel director shall give to the employee or deposit in the United States registered mail with postage prepaid, addressed to the employee at his or her last known place of address, a copy of the charges and inform the employee of his or her appeal rights.
- (b) Whenever an employee of a school district or county office of education is charged with a mandatory leave of absence offense, as defined in subdivision (a) of Section 44940, the governing board of the school district shall immediately place the employee upon a compulsory leave of absence for a period of time extending for not more than 10 days after the date of entry of the judgment in the proceedings. Once the employee is placed on leave of absence, he or she is subject to the provisions of Section 44940.5.
- (c) Whenever an employee of a school district or county office of education is charged with an optional leave of absence offense, as defined in subdivision (b) of Section 44940, the governing board of the school district may immediately place the employee upon a compulsory leave of absence in accordance with the provisions of Section 44940.5.

44940

- (a) For purposes of this section, "charged with a mandatory leave of absence offense" is defined to mean charged by complaint, information, or indictment filed in a court of competent jurisdiction with the commission of any sex offense as defined in Section 44010, with a violation or attempted violation of Section 187 of the Penal Code, or with the commission of any offense involving aiding or abetting the unlawful sale, use, or exchange to minors of controlled substances listed in Schedule I, II, or III, as contained in Sections 11054, 11055, and 11056 of the Health and Safety Code.
- (b) For purposes of this section, "charged with an optional leave of absence offense" is defined to mean a charge by complaint, information, or indictment filed in a court of competent jurisdiction with the commission of any controlled substance offense as defined in Section 44011 or 87011 of this code, or Sections 11357 to 11361, inclusive, or Section 11363, 11364, or 11370.1 of the Health and Safety Code, insofar as these sections relate to any controlled substances except marijuana, mescaline, peyote, or tetrahydrocannabinols.

44940.5

A certificated employee placed on compulsory leave of absence pursuant to Section 44940, and a classified employee placed on compulsory leave of absence pursuant to Section 45304 shall be subject to the following procedures:

- (a) The governing board of the school district may extend the compulsory leave of absence of the employee beyond the initial period specified in Section 44940 or 45304, whichever is applicable, by giving notice to the employee within 10 days after the entry of judgment in the proceedings that the employee will be dismissed at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing as provided in this article.

(b) An employee placed upon compulsory leave of absence pursuant to this section shall continue to be paid his or her regular salary during the period of his or her compulsory leave of absence if and during that time he or she furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him or her during the period of the compulsory leave of absence in case the employee is convicted of the charges, or fails or refuses to return to service following an acquittal of the offense or dismissal of the charges. If the employee is acquitted of the offense, or the charges against the employee are dismissed, the school district shall reimburse the employee for the cost of the bond upon his or her return to service in the school district.

(c) If the employee does not elect to furnish bond, or other security acceptable to the governing board of the district, and if the employee is acquitted of the offense, or the charges against him or her are dismissed without his or her guilt being established, the school district shall pay to the employee his or her full compensation for the period of the compulsory leave of absence upon his or her return to service in the school district. If the charges against the employee are dismissed as a result of the employee's successful completion of a drug diversion program, upon the employee's return to service in the school district, the school district, at the employee's election, shall pay to the employee any accrued leave, and differential pay pursuant to Sections 44977 , 45195 , and 45196 , for up to the length of the employee's compulsory leave of absence.

(d) An action taken pursuant to this section by a governing board shall be reported immediately to the Commission on Teacher Credentialing. The commission shall give priority to the investigation and resolution of these cases.

44010

“Sex offense,” as used in Sections 44020, 44237, 44346, 44425, 44436, 44836, and 45123, means any one or more of the offenses listed below:

(a) An offense defined in Section 220, 261, 261.5, 262, or 288.2, subdivision (c) of Section 290, Section 311.2, 313.1, or 647b, or subdivision (a) or (d) of Section 647, of the Penal Code.

(b) An offense defined in former subdivision (5) of former Section 647 of the Penal Code repealed by Chapter 560 of the Statutes of 1961, or any offense defined in former subdivision (2) of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961, if the offense defined in those sections was committed before September 15, 1961, to the same extent that an offense committed before that date was a sex offense for the purposes of this section before September 15, 1961.

(c) An offense defined in Section 314 of the Penal Code committed on or after September 15, 1961.

(d) An offense defined in former subdivision (1) of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 committed on or after September 7, 1955, and before September 15, 1961.

(e) An offense involving lewd and lascivious conduct under Section 272 of the Penal Code committed on or after September 15, 1961.

(f) An offense involving lewd and lascivious conduct under former Section 702 of the Welfare and Institutions Code repealed by Chapter 1616 of the Statutes of 1961, if that offense was committed before September 15, 1961, to the same extent that an offense committed before that date was a sex offense for the purposes of this section before September 15, 1961.

(g) An offense defined in Section 286 or 288a of the Penal Code before the effective date of the amendment of either section enacted at the 1975–76 Regular Session of the Legislature committed before the effective date of the amendment.

(h) An attempt to commit any of the offenses specified in this section.

(i) An offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this state, would have been punishable as one or more of the offenses specified in this section.

(j) A conviction for an offense resulting in the requirement to register as a sex offender pursuant to Section 290 of the Penal Code.

(k) Commitment as a mentally disordered sex offender under former Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, as repealed by Chapter 928 of the Statutes of 1981.

(Amended by Stats. 2018, Ch. 92, Sec. 50. (SB 1289) Effective January 1, 2019.)

44011

“Controlled substance offense” as used in Sections 44346, 44425, 44436, 44836, and 45123 means any one or more of the following offenses:

(a) Any offense in Sections 11350 to 11355, inclusive, 11361, 11366, 11368, 11377 to 11382, inclusive, and 11550 of the Health and Safety Code.

(b) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of the above-mentioned offenses.

(c) Any offense committed under former Sections 11500 to 11503, inclusive, 11557, 11715, and 11721 of the Health and Safety Code.

(d) Any attempt to commit any of the above-mentioned offenses.

(Amended by Stats. 1992, Ch. 272, Sec. 2. Effective January 1, 1993.)

April 9, 2019

TO: Personnel Commission
FROM: Susan Dixon
Director of Classified Personnel
SUBJECT: Agenda Item #7, Proposed Personnel Commission Budget for 2019-20

Education Code 45253 and the Rules and Regulations for the Classified Service provide that the Personnel Commission shall prepare and adopt an annual budget for the Commission operations. The budget must be prepared for a public hearing prior to May 30 of each year. The Personnel Commission cannot take action to adopt its budget prior to a public hearing of the budget. The public hearing for the 2019-20 Personnel Commission budget shall be set for May 14, 2019 at the regularly scheduled Personnel Commission meeting.

Two spreadsheets of the proposed budget are included in this packet. Both spreadsheets contain the same data; however, the first has been reformatted from what was received from Finance for ease of readability.

The Director of Classified Personnel will meet with Finance staff to review each budget line item prior to the public hearing.

Each line of the proposed Personnel Commission budget is explained below:

"Cert Board Members Salary" is the line to be used for a commissioner's meeting stipend if the commissioner is a certificated employee. This line will be used to compensate Commissioner Cunningham. Based on our experience this year, I am proposing increasing the number of anticipated meetings from 16 to 18; 12 regular meetings and six special meetings to fund hearings if necessary.

"Benefits" is automatically calculated with an Excel formula provided by the Finance Department. This item line appears twice; once for certificated and again for all classified.

"Class Superv & Admin Salaries" is the line for the Director's salary. As noted previously, the Management Salary Schedule now includes the District Credit for benefits.

"Class Board Members Salary" is the line to be used for a commissioner's meeting stipend if the commissioner is a classified employee (anyone who did not retire from STRS). This line will be used to compensate Commissioners Baird and Charles. As noted above, I am proposing increasing the number of

anticipated meetings from 16 to 18; 12 regular meetings and six special meetings to fund hearings if necessary.

“Clerical and Office Salaries” is the line for the Human Resources Analyst’s and Technician’s salary. This year’s proposed amount accounts for a mid-year step increase to the Analyst’s salary.

“Clerical Overtime Wages” is funded in the event commission-based work exceeds normal work hours. We have not had a need to utilize these funds this year, as staff has opted for compensatory time when testing or commission meetings run past the normal workday. Overtime should be maintained in the event this changes. The proposed amount is the same as last year’s budget.

“Clerical-Extra Help” is sometimes used to compensate District employees who serve as subject matter experts on Qualifying Appraisal Interviews during school breaks. We have not utilized it for extra help in the traditional sense for the last several years. The proposed amount is the same as last year’s budget.

“Benefits” is displayed again to show the total for all classified staff. As referenced earlier, the cost for benefits is based on a formula provided by Finance. The cost for previous years’ benefits expense does not display on the budget worksheets. As such, when comparing the “Personnel Commission Total” displayed on the bottom right corner of the spreadsheet with the 2018-19 Budget total, it appears to be considerably higher although it is not.

“Materials and Supplies” remains the same as last year. In some years, this budget has been higher because we have had known costs such as ipads and keyboards for test administration.

“Refreshments” has been used to provide our Qualifications Appraisal Interview (QAI) panel members with lunch. We project the same volume of recruiting to occur in the coming fiscal year as we experienced this current year. However, this year we learned that the refreshment budget may also need to be utilized to purchase lunch for those providing services at a hearing. As such, the proposed budget has been increased by \$100. Leucadia Pizza in Encinitas is utilized for lunch service as they offer delivery and have a variety of items at reasonable prices.

“Classified Employee Recognition” is utilized for the May celebration event. The proposed budget is the same as this current year.

“Non-Capitalized Tech Equipment” - we have no anticipated expenses this year.

“Conference, Workshops, and Seminars” - the primary expense for this budget line is attendance at the California School Personnel Commission Association (CSPCA) annual conference. This coming year the conference will be in Northern California. While the dollar amount for attendance at this conference fluctuates each year depending on location and the associated cost of transportation and accommodations, each year we budget the maximum amount which may be necessary in any given year that would allow the commissioners and director to attend this event to ensure it remains properly funded. In addition to the conference, these funds can be used for staff members and commissioners to attend the Merit Academy and for commission staff to attend test development and classification trainings sponsored by professional organizations such as WRIPAC.

“Mileage” is proposed to remain at \$500, the amount consistent with previous years.

“Dues and Memberships” is budgeted the same as last year. Agencies to which we belong include the Cooperative Organization for the Development of Employee Selection Procedures (CODESP, testing materials, \$2,200), California School Personnel Commissioners Association (CSPCA, \$800), and CSPCA-San Diego (our local chapter, \$50). CODESP has informed us that their fee increased by \$150 from last year. Fifty excess dollars above known costs is budgeted in the event of a fee increase with CSPCA.

“Rents & Leases” and “Copy Charges” are directly related as they cover our copier machine lease and the associated cost of each copy/scan. In 2016-17 we saw an increase due to the lease of a new copier. The Personnel Commission contributes 1/3 the cost of the machine used by the Human Resources Department (1/3 is paid by Certificated Personnel, 1/3 is paid by HR Operations). We anticipate this expense for the coming year will be consistent with the current year. The Personnel Commission staff continues to move towards paperless processes whenever possible including increased use of Ipads for panel interviews.

“Professional/Consult Services” has not been budgeted in previous years. We have since learned that costs for services associated with appeal hearings are paid out of this budget (e.g. court reporter, translator). The 2019-20 proposed budget takes into account the possibility of hearings with associated costs. Based on expenses incurred this year, approximately \$3,200 per day for court reporting/interpreting, the request is to budget \$10,000.

“Legal Expenses” has once again been budgeted based on the highest year’s expense from recent history. While the amount spent each year fluctuates considerably, the practice is to allocate funding which would allow for legal services for several issues should the need arise. At the start of the fiscal year, the total amount budgeted has typically been encumbered in a purchase order. As services are provided, money is moved from the encumbered column to the expense column. With our experience this year of utilizing a hearing officer from a law firm, half the budget will be left unencumbered so as to allow for flexibility in selecting a hearing officer if necessary.

“Computer Licensing” has been utilized in the past for an online testing service. At this time, we do not have a need for this service but we keep it as a line item in case we modify our testing process.

“Advertising” - approximately half of this expense (\$915) is for the use of Edjoin as our online application system. We anticipate the cost for the use of Edjoin next fiscal year to be similar but have not yet been billed. The remaining amount is used each year as needed depending upon recruiting needs. We regularly post ads on Craigslist as well as in local publications or with specific trade publications. We have also purchased an advertising package with Government Jobs in past years and may do so again. The proposed budget for 2019-20 is the same as the current year.

“Communications-Postage” has been used to send certified or registered mail. The proposed amount is consistent with past years.

Personnel Commission Budget
Fiscal Year 2019-20

Object Description	2017-18 Actuals	2018-19 Budget	2018-19 Actuals	2018-19 Encumbrances	2018-19 Pre- Encumbrances	2018-19 Remaining Balance	2019-20 Budget
Cert Board Members Salary	300	800	550	200		50	900
Benefits							191
Class Superv & Admin Salaries	129,395	129,395	86,263	43,132		0	143,772
Class Board Members Salary	1,411	1,600	1,087	400		113	1,800
Clerical And Office Salaries	131,085	134,462	91,390	45,942		(2,870)	136,684
Clerical Overtime Wages		1,500				1,500	1,500
Clerical-Extra Help		500	95			405	500
Benefits							89,370
Materials And Supplies	942	1,200	107	193		900	1,200
Refreshments	454	850	276	551		23	950
Classif.Empl.Recognition	151	150				150	150
Non-Capitalized Tech Equipment						0	0
Conference,Workshop,Sem.	1,661	5,400	1,423			3,977	5,400
Mileage		500				500	500
Dues And Memberships	3,100	3,100	2,900			200	3,100
Rents & Leases	2,460	3,000	1,304	1,169		527	3,000
Copy Charges	1,117	2,000	542	476		983	2,000
Professional/Consult Svs			3,273		13,227	(16,499)	10,000
Legal Expense	720	14,275		6,080	5,073	3,122	14,275
Computer Licensing						0	0
Advertising	2,000	2,100	930			1,170	2,100
Communications-Postage		25				25	25
	274,796	300,857	190,139	98,142	18,300	(5,724)	417,417
Personnel Commission Total	274,796	300,857	190,139	98,142	18,300	(5,724)	417,417

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT

VACANCY REPORT 4/04/19

Classified Personnel

7 current/pending vacancies in 5 different job classifications

SITE	SLOT	JOB TITLE	Hrs/Wk	FTE	STATUS
LCC	AA083	Receptionist	40	1.00	Selection interview early April 2019
TRANS	AI895	School Bus Driver	20	0.50	Continuous recruitment
TRANS	AA498	School Bus Driver	20	0.50	Continuous recruitment
SDA	AA417	Instructional Assistant SpEd Non-Severe	19.5	0.49	Selection interview April 2019
ATP	AJ180	Instructional Assistant SpEd Severe	27.5	0.69	Selection interview April 8, 2019
CV	AF717	Instructional Assistant SpEd Non-Severe	19.5	0.49	Selection interview April 2019
SDA	AA139	Custodian	40	1.00	Continuous recruitment

PERSONNEL LIST

CLASSIFIED PERSONNEL

Employment

1. **Classified Artist in Residence**, employment for the 2018-19 school year per attached supplement through 06/30/19.
2. **Classified Substitutes**, per attached supplement.
3. **Classified A.V.I.D. Tutors**, employment for the 2018-19 school year per attached supplement through 06/30/19.
4. **Gallison, Paula**, Administrative Assistant II, SR40, 100.00% FTE, Facilities Department, effective 02/11/19.
5. **Herrera, Diane**, Confidential Executive Assistant, G8,R1, 100.00% FTE, District Office-Human Resources, effective 03/04/19.
6. **Martinez, Shannon**, Confidential Executive Assistant, G8,R1, 100.00% FTE, District Office-Administrative Services, effective 03/01/19.
7. **Williams, Alin**, Maintenance Worker II, R40, 100.00% FTE, Facilities Department, effective 02/26/19.

Change in Assignment

1. **Gutierrez, Guadalupe**, from Instructional Assistant-SpEd (S), SR36, 75.00% FTE, Torrey Pines High School to unpaid status and 39 month re-employment list, effective 01/25/19.
2. **Serrano, Norma**, from Instructional Assistant-SpEd (S), SR36, 68.75% FTE, La Costa Canyon High School-ATP to unpaid status and 39 month re-employment list, effective 01/25/19.
3. **Larson, Amy**, from Accounting Assistant, R40, 100.00% FTE, District Office-Finance Department, to Accounting Technician, R42, 100.00% FTE, effective 01/25/19.
4. **Liu, Min**, from Nutrition Services Assistant I, R25, 25.00% FTE, Oak Crest Middle School to Accounting Assistant, R40, 100.00% FTE, District Office-Finance Department, effective 02/19/19.

Release of Probationary Employee

1. **Employee Number 614-454**, School Bus Driver, SR38, 59.37% FTE, Transportation Department, effective 02/20/19.

Resignation

1. **Ayres, Christine**, Instructional Assistant-SpEd (NS), SR34, 48.75% FTE, La Costa Canyon High School, effective 03/04/19.
2. **Burnham, Cathy**, Nutrition Services Supervisor, SR4, 100.00% FTE, San Dieguito High School Academy and Oak Crest Middle School, resignation for the purpose of retirement, effective 04/30/19.

Classified Personnel Supplement, March 7, 2019

Avid Tutor

Bugarin Varela, Ioannina, effective 2/6/2019
Gutierrez-Hernandez, Israel, effective 1/30/2019

Classified Artist in Residence

Trumbore, Rachel, San Dieguito High School Academy, Music with Jeremy Wuertz,
effective 2/19/2019

Classified Substitutes

Berry-Blum, Anthony, effective 2/12/2019
Mohan, Debra, effective 2/05/2019