

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

Regular Meeting Minutes

3:30 P.M., April 9, 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 3:33 p.m. by JOHN BAIRD.

2. PLEDGE OF ALLEGIANCE

Commissioner Baird led the pledge of allegiance.

Members in Attendance

John Baird

Justin Cunningham

Staff in Attendance

Susan Dixon, Director

Kathy Potter, Human Resources Technician

Guests

Carmen Blum

Matt Colwell

Jesus Ferrar

Alex Guerrero

Debbie Johnson

Agustin Lopez Clemente

Daniel Love

Lori Nelson

Julian Telesnikov

3. APPROVAL OF THE AGENDA FOR THE APRIL 9, 2019, PERSONNEL COMMISSION REGULAR MEETING.

It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve the agenda for the April 9, 2019, Personnel Commission Regular Meeting with modification to move Item 6C from an Action Item to a Discussion Item.

Passed unanimously with 2 Ayes

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

It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve the minutes for the March 12, 2019, Personnel Commission Regular Meeting.

Passed unanimously with 2 Ayes

ACTION ITEMS

5. ELIGIBILITY LISTS TO BE APPROVED

A. It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve an Eligibility List for RECEPTIONIST, SR-32, Open/Promotional-Dual Certification, eligibility from 3/28/19.

Passed unanimously with 2 Ayes

B. It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve an Eligibility List for INSTRUCTIONAL ASSISTANT SP ED SEVERE, SR-36, Open/Promotional (corrected), eligibility from 4/03/19.

Passed unanimously with 2 Ayes

6. RULE REVISIONS (Second Reading)

- A. It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve revisions to Rule 4.8 of the Rules and Regulations for the Classified Service.

Commissioner Baird requested that the wording related to “property” in “G” be rephrased; the proposed wording was awkward. Director Dixon provided clarification for “L”. Commissioner Baird expressed concern for “M” in that it seemed to abrogate the appeal process outlined in 4.9; however, after discussing the application of “M” and hearing Mr. Colwell’s interpretation, no changes were made to the proposed language.

- B. It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve revisions to Rule 4.9 of the Rules and Regulations for the Classified Service.

Commissioner Baird expressed strong concern with “B” due to qualitative changes. Director Dixon explained that the rewording was based on her attempt to find language that achieved the desired outcome of disqualifying individuals in specific circumstances without giving her an inappropriate level of leeway. The proposed rule revision will be rewritten and a reference to 4.8 D will replace the broader-stated language.

Both passed unanimously with 2 Ayes

DISCUSSION/INFORMATION ITEMS (See Supplements)

- C. There was discussion on Rule 13.1. (This item was moved from action item to discussion item)

Public Comment: Carmen Blum stated that the reason she first suggested revising 13.1 in January was due to her experience with helping employees with disciplinary issues. She believes 13.1 A. should be separated so that if an employee is charged with one offense, the charge should state just the one offense and not all those contained in 13.1 A. It would also be clearer to have a definition with each offense. These suggestions are from the model rules for CSPCA (handout provided). Ms. Blum provided examples of how the current wording causes confusion. She also believes the current language can make the offense appear more serious which is unfair and unjust.

Public Comment: Matt Colwell stated that he wanted to point out several issues: the CSPCA rules are a template, it is not mandated anywhere that the model rules must be followed; this version of the proposed revision expands the current rules to include new offenses (e.g. “I” and “u”) which is a concern; CSEA chapter leadership wasn’t keen on opening 13.1 to this level of revision having felt that the rule is effective the way it is currently and that progressive discipline would detail the specifics of the charges; the CSEA field and state level offices say it doesn’t matter if the rules are broken down because employees will get disciplined and go through the process no matter how the rule is stated; the method for the rule revision bucks the process that the Director has adopted, specifically, the direction came from the commission without CSEA and District leadership agreeing to revisions before being brought to the commission; and the laundry list of potential offenses to levy against employees has a lot of redundancy.

Commissioner Baird asked for clarification regarding the process for rule revisions. Director Dixon explained the process and shared that the expanded language for 13.1 came as a result of reviewing the model rules from CSPCA. Commissioner Baird noted that although the additions came from the model rules, the revision did not follow the model in terms of providing definitions for terms such as “inefficiency”. He further stated that discipline is a negotiable item with CSEA and that under the Healdsburg and Anaheim rulings from PERB (132 &177), CSEA has a right to negotiate discipline so there is a concern that since Matt met with management and agreed to leave it as is, it could be construed as bargaining in bad faith. Commissioner Cunningham stated that it looks like in the commission’s eagerness to help they got ahead of things. Director Dixon stated she would read the PERB decisions to become knowledgeable about how discipline factors into the negotiation process and how that might impact the rule revision since she is not familiar with that body of information. Commissioner Cunningham suggested bringing the item back next month as a discussion item and Commissioner Baird concurred. Commissioner Baird expressed concern with

several other parts of 13.1 including: “m” – interpreting immoral conduct, “i” defining Ed Code provisions so employees have sufficient knowledge, “v” – subjectivity of abuse of leave, “w” - concern with adding the word “injury” especially if it’s due to industrial accident, and the language has seemingly contradictory terms when describing the interactive process. Commissioner Baird asked Director Dixon to make edits; however, Commissioner Cunningham suggested that the item be brought back for discussion when Commissioner Charles is present so he can be updated on this discussion before Commissioner’s Baird’s suggestion is taken into consideration for edits. Director Dixon can separate the two items for discussion: the reporting on PERB rulings and the edits proposed by Commissioner Baird.

7. PROPOSED 2019-2020 BUDGET REVIEW (First Read)

May 14, 2019 has been set as the date for the public hearing for the budget. There are not many changes from last year; each line item is explained in the budget attachment. John Baird inquired if the CSPCA Conference budget was adequate. Director Dixon explained that the cost for travel to Northern California for the 2020 conference was included in budget planning.

8. STAFF COMMENTS ON PERSONNEL ACTIVITIES

A. Vacancy Report

B. Personnel List Report

C. Other – Director Dixon suggested that next steps for the current disciplinary appeal hearing be listed as an item on the May PC meeting agenda.

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 – Mr. Colwell stated they are looking forward to the classified employee recognition event.

B. San Dieguito Union High School District - None

C. Public –Lori Nelson: Ms. Nelson introduced herself as the Administrative Assistant for the Maintenance Supervisor and described the M&O responsibilities. She stated that her job is currently compared to a middle school’s principal assistant but the skill set and level of responsibility for the two is like night and day, they oversee one site, M&O oversees 15. Ms. Nelson does not believe the revisions to the administrative assistant job description accurately describes her role. She has consistently requested that M&O be its own entity like the FPC Department. Ms. Nelson believes she meets three of the four conditions under 3.12 of the Rules & Regulations for Classified Service for review of a position. She believes there needs to be an Administrative Assistant V – Maintenance classification.

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. at San Dieguito UHSD office, 710 Encinitas Boulevard, Encinitas, CA 92024.

12. ADJOURNED – 5:05 PM