

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

**Regular Meeting Minutes**

3:30 PM, November 9, 2021  
Virtual Meeting

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**REGULAR MEETING/OPEN SESSION**

1. CALL TO ORDER

The meeting was called to order at 3:30 p.m. by Commission Chair JEFF CHARLES

2. PLEDGE OF ALLEGIANCE

Commissioner Charles led the pledge of allegiance.

Personnel Commissioners in Attendance

John Baird  
Jeff Charles  
Justin Cunningham

Personnel Commission Staff in Attendance

Susan Dixon, Director  
Barbara Bass, Human Resources Analyst  
Jennifer Laity, Human Resources Technician (pending)

3. APPROVAL OF THE AGENDA FOR THE November 9, 2021, PERSONNEL COMMISSION REGULAR MEETING.

*Public Comments-None*

It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve the agenda (with amendments for numbering) for the November 9, 2021, Personnel Commission Regular Meeting.

John Baird-Aye  
Jeff Charles-Aye  
Justin Cunningham-Aye  
*Passed with three Ayes*

4. APPROVAL OF THE MINUTES OF THE October 12, 2021, PERSONNEL COMMISSION REGULAR MEETING.

*Public Comments-None*

It was moved by JOHN BAIRD, seconded by JUSTIN CUNNINGHAM, to approve the minutes of the October 12, 2021, Personnel Commission Regular Meeting.

John Baird-Aye  
Jeff Charles-Aye  
Justin Cunningham-Aye  
*Passed with three Ayes*

5. PUBLIC COMMENTS ON NON-AGENDA ITEMS

No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of the commission or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Government Code

§54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of the commission or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of the commission, or the body itself, subject to rules or procedures of the commission, may provide a reference to staff or other resources for factual information, request staff to report back to the commission at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda. Public comments shall be limited to three minutes per individual. A total of fifteen minutes shall be allotted per item.

- A. California School Employees Association-Wayne Baldwin, CSEA President, did not have a comment.
- B. San Dieguito Union High School District-Dr. Olga West, the Associate Superintendent of Human Resources, did not join the meeting until after Public Comments.
- C. Public –Carlos Magana spoke on several items:

- a) requesting the personnel commission meetings be posted mirroring the school board meetings.

- b) concerns over custodians being asked to change and/or clean the air filters that the district is utilizing to mitigate the spread of COVID. He believes this to be out-of-class work and that custodians are not trained or qualified to perform this duty. He asked the Personnel Commission to get involved stating that he initiated a complaint on 9/29/21 and has not seen a resolution.

Commissioner Baird indicated he believes this concern to be under the jurisdiction of the PC and that the Director could be asked to investigate in conjunction with a grievance. Commissioner Charles asked for clarification as to whether a grievance had been officially filed. Mr. Magana explained that he met with the M&O Director and both he and the Labor Rep contacted the Associate Superintendent of Business Services who said she would be referring it to the Associate Superintendent of Human Resources. Commissioner Charles asked for clarification regarding the type of air filter. Mr. Magana provided some descriptions and Mr. Baldwin said he believes there are over 1500. Commissioner Baird expressed his concern that it is also a workload issue and that since the district is not responding and he believes it to be a clear violation of the PC Rules, the PC has jurisdiction to direct the director to have them receive pay for working out-of-class.

Commissioner Cunningham asked how often the filters need to be replaced. Mr. Baldwin stated that some are every 4 to 6 months and some are every 12 months. Mr. Magana stated that the district has asked the custodians to check the lights on the units and further stated that most of the employees who work in this job class have a language barrier and he provided an example of how this creates a safety concern. Mr. Magana stated that he and Mr. Baldwin presented a plan to the district to accomplish the work. Commissioner Cunningham suggested that the district isn't necessarily refusing to discuss the issue, it could be due to the change in leadership or the extra work everyone is doing. He isn't sure that it's time for the PC to jump in before the district leadership has time to review. Mr. Baldwin stated that the change in leadership including new M&O Director and Associate Superintendent of HR has been taken into consideration and they (CSEA) believe they are bringing good solutions. Commissioner Charles asked Director Dixon if she could get more information on the district's perspective. Dixon stated she could find out from Dr. West if the district intended to continue to have the custodians perform these duties and if so, she could examine it. Commissioner Baird stated he believes the PC should direct Director Dixon to pay the custodians out-of-class. Commissioner Charles suggested Dixon find out

from the district the status and communicate to the commissioners. Commissioner Cunningham wondered if as a result of the pandemic, classifications would need to change to possibly include something like this and the commissioners agreed that might be a possibility.

c) Marilyn Garcia, a custodian at Sunset, performing 70-80% of the job of a School Plant Supervisor. Mr. Magana stated he referred this matter to Dixon on 9/1 and that Ms. Garcia has yet to hear from the district regarding this matter. Director Dixon stated that she met with the Director of M&O and the custodial supervisors regarding the matter. In the meeting she shared statements from a letter Carlos provided which outline duties Carlos/Marilyn believed to be out-of-class and compared those statements to the custodian job description. During the meeting, they discussed consideration of a separate classification which at this time Dixon was not ready to report to the commission because it was still under consideration. Mr. Magana stated that Ms. Garcia has not been asked to stop performing any of the tasks and has been doing so since summer which is an unfair labor practice. Commissioner Charles asked if a grievance had been filed. Mr. Magana explained that due to consideration of changes and extra work due to COVID and the district's treatment of the grievance for the custodians cleaning air filters, a grievance had not been filed. Commissioner Charles said if a grievance had been filed that had not been addressed by the district, it rises to a higher level of an actionable item for the PC. Mr. Magana stated that now that the PC is aware of the practice, they are obligated to take action and responsibility. Commissioner Charles asked for clarification from Dixon as to the status of the review. Dixon explained that the district was reviewing options including whether or not duties inconsistent with custodian were needed and, if so, which assignment would have that responsibility. She explained that this was not a gradual accretion of duties over a two year period so if a higher-level classification was established she believes it would need to be open to all employees. Mr. Magana asked the commission to direct the director to take action on this. The discussion continued regarding the type of work being performed and where it may fit into a classification or if it would be a hybrid position. Mr. Magana shared duties Ms. Garcia is performing that he sees as out-of-class: helping the custodian who works with her to use his email and access the mandated trainings he gets from the district, orders the supplies for the sports complex and for the site, prioritizes work for herself and the night custodian, serves as the contact point for vendors, writes a daily report each day, and provides direction when there is a substitute. Commissioner Cunningham suggested the correct course of action would be to place the item on a future agenda and there was agreement that this would be appropriate. Mr. Baldwin requested that any type of communication in situations like this be shared with CSEA and the employee in the future as communication goes a long way.

Commissioner Baird shared that the CSPCA annual conference will be held March 6-8, 2022, in Monterey.

### **ACTION ITEMS-(See Supplements)**

#### **6. ELIGIBILITY LISTS TO BE RATIFIED/APPROVED**

*Public Comments-None*

- A. It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve an Eligibility List for Student Support Facilitator, SR 39, Open/Promotional-Dual certification,

effective 10/8/21, eligibility for six months.

John Baird-Aye

Jeff Charles-Aye

Justin Cunningham-Aye

*Passed with three Ayes*

- B. It was moved by JOHN BAIRD, seconded by JUSTIN CUNNINGHAM, to approve a Continuous Filing Eligibility List for Instructional Assistant - Bilingual, SR 31, Open/Promotional-Dual Certification, updated 10/15/21, individual eligibility valid for six months.

John Baird-Aye

Jeff Charles-Aye

Justin Cunningham-Aye

*Passed with three Ayes*

- C. It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve a Continuous Filing Eligibility List for Instructional Assistant Special Education, SR34, Open/Promotional – Dual Certification, updated 10/20/21, individual eligibility valid for six months.

John Baird-Aye

Jeff Charles-Aye

Justin Cunningham-Aye

*Passed with three Ayes*

- D. It was moved by JOHN BAIRD, seconded by JUSTIN CUNNINGHAM, to approve a Continuous Filing Eligibility List for Instructional Assistant Special Education, SR34, Open/Promotional-Dual Certification, updated 10/26/21, individual eligibility valid for six months.

John Baird-Aye

Jeff Charles-Aye

Justin Cunningham-Aye

*Passed with three Ayes*

- E. It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve an Eligibility List for Nutrition Services Assistant I, SR25, Open/Promotional-Dual Certification, updated 10/27/21, individual eligibility valid for six months.

John Baird-Aye

Jeff Charles-Aye

Justin Cunningham-Aye

*Passed with three Ayes*

## 7. ELIGIBITLY LISTS TO BE ESTABLISHED/RECRUITMENTS POSTED

*Public Comments-None*

- A. It was moved by JOHN BAIRD, seconded by JUSTIN CUNNINGHAM, to establish a six month Eligibility List for Student Health Care Specialist, SR40, Open/Promotional-Dual Certification. This posting is “open until filled”.

John Baird-Aye

Jeff Charles-Aye

Justin Cunningham-Aye  
*Passed with three Ayes*

- B. It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to establish a six month Eligibility List for Custodian, SR 32, Open/Promotional-Dual Certification. Fewer than three ranks remain on the current list.

John Baird-Aye  
Jeff Charles-Aye  
Justin Cunningham-Aye  
*Passed with three Ayes*

- C. It was moved by JOHN BAIRD, seconded by JUSTIN CUNNINGHAM, to establish a six-month Eligibility List for Learning Commons Technician I, SR 40, Open/Promotional-Dual Certification.

John Baird-Aye  
Jeff Charles-Aye  
Justin Cunningham-Aye  
*Passed with three Ayes*

#### 8. APPOINTMENT OF PERSONNEL COMMISSIONER

*Public Comments-None*

The term for the “Joint Appointee” commissioner, Jeff Charles, will expire on December 1, 2021. The Appointee of the Classified Employees (John Baird) and the Appointee of the Governing Board (Justin Cunningham) will need to determine whether or not to announce Jeff Charles as their “Intended Appointee” for the December 1, 2021 – December 1, 2024 term. If this determination is not made, next steps for filling the “joint appointee” commissioner position will need to be discussed and determined.

- A. It was moved by JUSTIN CUNNINGHAM, seconded by \_\_\_\_\_, to publicly announce Jeff Charles as the “Intended Appointee” of the Appointee of the Classified Employees and the Appointee of the Governing Board.

*Commissioner Baird stated he could not second the motion. He further stated that he was directed to wait until the issue regarding the Instructional Assistant Severe is resolved to see how that vote goes, if they will be given extra compensation. Based on what he has heard, there has been nothing done in negotiations on that so at this time he declined to appoint Commissioner Charles for the term. Commissioner Charles asked Director Dixon if there were issues with the timing, she believes he could continue to serve an extra 90 days. Commissioner Baird said he believes it could extend beyond 90 days based on best past experience. Dixon recited Ed Code 45246g which limits extra service to 90 calendar days. Commissioner Charles emphasized the importance of following the Ed Code. Commissioner Cunningham expressed his disappointment that such a highly functioning personnel commission is being hamstrung in this fashion. He urged everyone to come together. Commissioner Charles said if this is contingent on a vote regarding instructional assistants, then whether there is a gap in filling the seat would depend on the timeline of that issue. Commissioner Baird said the other option is we vote on the IA today and asked if it was on the agenda. Director Dixon explained that it is not on the agenda and that the agreement was to bring it back in December once a number of negotiations sessions had occurred. Baird requested putting it on the December agenda and if it's voted on then we'll know and then we*

can revisit the appointment of the personnel commissioner. Commissioner Baird made a motion to table 8.A.. The motion died for lack of a second.

9. PUBLIC HEARING DATE

*Public Comments-None*

Upon announcing their “Joint Appointee”, the Appointee of the Classified Employees and the Appointee of the Governing Board will set a date for an open public hearing (after 30 days) on the qualifications of the “Intended Appointee”.

A. Motion by \_\_\_\_\_, second by \_\_\_\_\_, to set an open public hearing date after November 11, 2021.

Commissioner Baird made an alternate motion

Motion by JOHN BAIRD, second by JUSTIN CUNNINGHAM to table 9.A.

John Baird-Aye

Jeff Charles-Abstain

Justin Cunningham-Aye

*Passed with two Ayes*

10. ASSEMBLY BILL 361

AB 361 provides an option to potentially extend the ability to conduct virtual public meetings. The bill specifies that if a legislative body would like to meet remotely, it must determine, by majority vote, whether as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees. The extension is in effect until January 1, 2024. If a legislative body votes to continue virtual meetings, it can only do so as long as the state of emergency remains active or state or local officials continue to impose or recommend measures to promote social distancing. Furthermore, the legislative body is required to place an item on their agenda each month to vote to continue holding meetings virtually.

A. It was moved by JOHN BAIRD, seconded by JUSTIN CUNNINGHAM, to hold the December 14, 2021 Personnel Commission meeting virtually.

The motion was amended as follows:

It was moved by JOHN BAIRD, seconded by JUSTIN CUNNINGHAM, to hold a virtual special meeting on December 7, 2021 at our regular 3:30pm time.

*Director Dixon explained that there is a 30 day requirement so whether the meetings are four or five weeks apart makes a difference. Some options people have discussed include: holding a special meeting to declare the next meeting is virtual; have the first item on the agenda be to declare it is a virtual meeting; some are waiting for legislation to change, or hold the meeting in person. She clarified that since the next meeting is five weeks it is 35 days which exceeds the parameters. Commissioner Baird asked if the date could be changed to December 7. Director Dixon asked Dr. West if she had any insight and she stated if the meeting date was changed that would be considered a special meeting.*

*Commissioner Charles stated he didn't think placing the item at the start of the agenda was a good option. Commissioner Baird agreed but thought the regular meeting date could be changed. Dixon asked the commissioners if they were in agreement that the next meeting would be virtual. Commissioner Charles stated that it seemed it was better for employees to have the meeting be virtual. Mr. Baldwin agreed that virtual was better, he mentioned a hybrid in the future. The group discussed having most meetings virtually with an occasional in-person. Commissioner Cunningham mentioned Item 8 as an item for the special meeting and Commissioner Charles stated that items discussed during public comment may also be*

*included depending upon what comes of those two topics. Dr. West clarified that any item could be included in a special meeting as long as it was on the agenda.*

John Baird-Aye

Jeff Charles-Aye

Justin Cunningham-Aye

*Passed with three Ayes*

#### 11. APPROVAL OF THE 2020-21 ANNUAL REPORT

- A. Motion by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve the 2020-21 Annual Report of the Personnel Commission for submission to the Board of Trustees. *Director Dixon thanked Barbara Bass for all her efforts completing the work involved in the recruitments as well as gathering and maintaining the data needed to prepare the report.*

John Baird-Aye

Jeff Charles-Aye

Justin Cunningham-Aye

*Passed with three Ayes*

### **DISCUSSION/INFORMATION ITEMS (See Supplements)**

#### 12. STAFF COMMENTS ON PERSONNEL ACTIVITIES

*Public Comments-None*

A. Vacancy Report

B. Personnel List Report

C. Other: *Director Dixon asked the commissioners to let her know if they would be attending the CSPCA conference so she could make arrangements.*

*Commissioner Baird spoke about the legislation for conducting hearings for classified layoffs.*

#### 13. CORRESPONDENCE-

*Public Comments- None*

*Dr. West informed the commissioners that the Board approved a position called Assistant to the Board and Superintendent using Ed Code 45112 to fill the position. It will be a confidential exempt position.*

#### 14. NEXT PERSONNEL COMMISSION MEETING

The next regular meeting of the Personnel Commission is scheduled for Tuesday, December 14, 2021, at 3:30 P.M.. Please note, this meeting will be held virtually.

*Commissioner Charles added that there would be a special meeting held virtually on Tuesday, December 7, 2021.*

#### 15. CLOSED SESSION

A. Negotiations update provided by Associate Superintendent of Human Resources

B. Potential Hearings related to pending disciplinary action

C. Personnel Commission Staff Administrative Matter

D. Performance Evaluation, Director of Classified Personnel

*Public Comments, if any*

*Mr. Magana spoke as the grievance chair on Item 15.D. He stated that his comments are not out of malice, they are constructive criticism. His concerns are: lack of follow through and*

*communication; acting as a biased person in favor of the district; needs to communicate issues (such as the ones discussed in this meeting) to the commission and the district; delayed responses to emails (and responding in general).*

*Ms. Blum also addressed Item 15.D. She stated that it has been wonderful to work with her (easy-going, cheerful); however, she is disappointed when she hears comments such as “there’s no follow through”. Dixon has an important and delicate position being impartial. Ms. Blum wondered why she is attending the cabinet meetings for the district. Ms. Blum does not see anything specific to that effect in the job description. What is the benefit of her attending those meetings? She learns information about the district but doesn’t have that opportunity to be at meetings with classified employees so Ms. Blum questions the validity of her attending those meetings. She would appreciate Dixon to be more responsive to the needs of the classified and making sure there is internal alignment in the classifications when they get reclassified. Ms. Blum spoke to her experience serving on the CAC stating that she did not see the internal alignment that corresponds to our district.*

16. RECONVENE TO OPEN SESSION

A. Report out of closed session – 7:06P.M..

*Commissioner Charles shared that no action was taken in closed session*

17. ADJOURNMENT – 7:06P.M.