

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

Special Meeting Minutes

3:30 PM, March 2, 2022
Virtual Meeting

REGULAR MEETING/OPEN SESSION

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Commissioner Baird 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

3. APPROVAL OF THE AGENDA FOR THE March 2, 2022, PERSONNEL COMMISSION SPECIAL MEETING.

Public Comments-None

It was moved by JUSTIN CUNNINGHAM, seconded by JEFF CHARLES, to approve the agenda for the March 2, 2022, Personnel Commission Special Meeting with the amendment to pull Item 7A.

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

4. APPROVAL OF THE MINUTES OF THE February 8, 2022, PERSONNEL COMMISSION REGULAR MEETING.

Public Comments-None

It was moved by JEFF CHARLES, seconded by JUSTIN CUNNINGHAM, to approve the minutes of the February 8, 2022, Personnel Commission Regular Meeting.

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

ACTION ITEMS-(See Supplements)

5. ELIGIBILITY LISTS TO BE RATIFIED/APPROVED

Public Comments-None

- A. It was moved by JUSTIN CUNNINGHAM, seconded by JEFF CHARLES, to approve an Eligibility List for Registrar, SR 40, Open/Promotional, effective 2/10/22, eligibility valid for six months.
John Baird-Aye
Jeff Charles-Aye
Justin Cunningham-Aye
Passed with three Ayes
- B. It was moved by JEFF CHARLES, seconded by JUSTIN CUNNINGHAM, to approve an Eligibility List for Athletic Trainer, SR 42, Open/Promotional-Dual Certification, effective 2/14/22, 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 JEFF CHARLES, to approve a Continuous Filing Eligibility List for Custodian, SR 32, Open/Promotional-Dual Certification, updated 2/23/22, individual eligibility valid for six months.
John Baird-Aye
Jeff Charles-Aye
Justin Cunningham-Aye
Passed with three Ayes
- D. It was moved by JEFF CHARLES, seconded by JUSTIN CUNNINGHAM, to approve a Continuous Filing Eligibility List for Instructional Assistant Special Education – Behavior Intervention, SR 36, Open/Promotional, updated 2/23/22, 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 JEFF CHARLES, to approve an Eligibility List for HVAC Technician, SR 49, Open/Promotional-Dual Certification, effective 2/23/22, eligibility valid for six months.
John Baird-Aye
Jeff Charles-Aye
Justin Cunningham-Aye
Passed with three Ayes
- F. It was moved by JEFF CHARLES, seconded by JUSTIN CUNNINGHAM, to approve an Eligibility List for Construction Project Manager II, SR M3, Open/Promotional effective 2/23/22, eligibility valid for six months.
John Baird-Aye
Jeff Charles-Aye
Justin Cunningham-Aye
Passed with three Ayes

G. It was moved by JUSTIN CUNNINGHAM, seconded by JEFF CHARLES, to approve an Eligibility List for Theater Technician, SR 41, Open/Promotional-Dual Certification, effective 2/23/22, eligibility valid for six months.
John Baird-Aye
Jeff Charles-Aye
Justin Cunningham-Aye
Passed with three Ayes

H. It was moved by JEFF CHARLES, seconded by JUSTIN CUNNINGHAM, to approve a Continuous Filing Eligibility List for Student Support Facilitator, SR 39, Open/Promotional-Dual Certification, updated 2/23/22, individual eligibility valid for six months.
John Baird-Aye
Jeff Charles-Aye
Justin Cunningham-Aye
Passed with three Ayes

6. ELIGIBITLY LISTS TO BE ESTABLISHED/RECRUITMENTS POSTED

Public Comments-None

A. It was moved by JUSTIN CUNNINGHAM, seconded by JEFF CHARLES, to establish a six month Eligibility List for Lead Vehicle and Equipment Mechanic, SR52, Open/Promotional.
John Baird-Aye
Jeff Charles-Aye
Justin Cunningham-Aye
Passed with three Ayes

7. CLASSIFICATION REVIEW – This item was pulled during agenda approval.

Public Comments- NA

A. Licensed Mental Health Technician

At the February 8, 2022, Personnel Commission meeting, the commission took action to approve the establishment of the classification and job description as presented. A decision was made to table the salary allocation portion of the agenda item to allow time for the Classification Advisory Committee to hear more information regarding funding sources. Motion by _____, second by _____, to recommend to the SDUHSD Board of Education allocating the classification of Licensed Mental Health Clinician to Range 62 of the Classified Salary Schedule.

8. ASSEMBLY BILL 361/SPECIAL MEETING DATE SCHEDULED

Public Comments - None

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 JEFF CHARLES, seconded by JUSTIN CUNNINGHAM, to hold the March 15, 2022, Regular Personnel Commission meeting and any other meetings scheduled in the next 30 days, virtually.

At their next meeting, the commissioners will discuss how to proceed with future meetings.

John Baird-Aye

Jeff Charles-Aye

Justin Cunningham-Aye

Passed with three Ayes

DISCUSSION/INFORMATION ITEMS (See Supplements)

9. RULE REVISION – FIRST READING

14.3 Initial Salary Placement

Public Comments – See below

Carmen Blum – Ms. Blum read the proposed rule revision for clarity and for the record. She also read Rule 14.3 as currently written. She stated the rule as written is appropriate for the merit system. The rule as proposed is not and Ms. Blum stated it is upsetting that the director would propose the revision. Ms. Blum then read the definition of a merit system.

Wayne Baldwin – CSEA supports keeping the current rule. He believes it's working well.

Commissioner Cunningham requested hearing the district's reason for a rule change.

Director Dixon explained the district preferred the model rule provided by the CSPCA.

Dr. West stated the "leveling up" part of the rule and placing people with one year of experience at the same step as someone with seven years is an issue and that we have people declining positions when only offered Step 1.

Commissioner Cunningham stated that being able to start employees at a rate higher than Step 1 helps to fill assignments with qualified people.

Commissioner Charles believes even if the rule is revised a system of checks and balances is still important to maintain and that the rule shouldn't be changed just for transient reasons. He provided some scenarios to illustrate concerns with the current rule. Commissioner Charles said the reason for the rule may have been to ensure those with connections weren't favored in step placement but at some point we have to trust that the rule of three ranks and testing and vetting process and the goal of the PC ensures cronyism doesn't occur. Commissioner Charles also said other points to consider are that only one other merit system in San Diego (Oceanside) has this rule and the model rules don't include it. He stated he is not saying would support the rule as written, it doesn't have enough specificity in it. The district may not be filling jobs because of incurring the cost that comes with this rule and filling as many jobs as possible is a benefit. Additionally, the CSEA contract and current rule don't clearly define "normally".

Mr. Baldwin then presented a counterpoint in terms of resentment of employees if someone starts at a higher step than they did. He stated that CSEA understands the problem of being able to hire people but that the solution is to increase the base pay.

Commissioner Charles acknowledged Mr. Baldwin's point about a new hire starting at a higher rate.

Mr. Baldwin asked if advancing people had occurred and Dixon stated she could not think of an instance. She explained that when someone asks for advanced step placement, she calculates what the fiscal impact will be and provided the example of a custodian asking for Step 3 and what the cost would be to increase salaries of custodians not currently at Step 3. The fiscal impact has not been in the district's favor.

Mr. Baldwin stated that he did not recall conversations about employees starting at a higher rate.

Director Dixon explained that the bargaining unit agreement states that the step placement shall normally be Step 1 but if the position isn't able to be filled at Step 1 that's when an alternate step is considered. Dr. West (staffing) and Tina Douglas (budget) review the requests to determine if they are approved.

Ms. Blum then mentioned the overtime hours worked by custodians and the related worker's comp from injuries. She also expressed concern about how custodians compete for overtime and that the change in the rule will cause further morale problems and difficulties among the employees in working as a team. She further stated that SDUHSD has the best paid teachers not the best paid classified and that internal alignment is crucial. There are other ways or solutions to what can be done.

Commissioner Baird stated the rule revision would be an absolute disaster and not worth the money. Districts that have a two-tier system causes trouble, dissent and animosity between the employees; it's not worth changing the rule. He could not support the revision, it's divisive. If there is a problem attracting people, maybe we should move from the 50th percentile to the 75th percentile. He further stated that since it is in the CSEA bargaining unit agreement, the district should go to CSEA and negotiate it. He reiterated he could not support a revision that did not move existing employees to the step of a new hire. Hiring is a problem now but may not be in the future.

Commissioner Charles spoke to the cause and effect and how the fiscal impact is what is keeping the district from considering starting new hires at higher than Step 1. The ambiguity is a problem. It should be either it is possible to start at a higher step and the circumstances to do it are clearly spelled out or it's not possible ever. He mentioned again the morale issue of starting a new hire at a higher step without considering existing employees. He also understands the point of view of not being able to hire the most qualified at a higher step. Leaving the ambiguity for a future commission isn't reasonable and he agreed with Commissioner Baird that if the contract says "normally" that can be negotiated. Maybe the district should get together with the union to define normally.

Dr. West stated the CBA allows for placement, it's the commission rules that move everyone up to the same step. Most districts she's been in and CSEA contracts state Step 1 through Step 3 placement depending on salary and experience. We pay people on experience and education all the time, this one doesn't allow us to pay people based on experience and education.

Director Dixon stated she was appreciative of all the different perspectives shared during the discussion; people are making very good points. It's a touchy subject and nobody wants to impact the morale of employees. When balancing the concerns with need to fill positions, it's a hard one.

Ms. Blum stated that another solution would be increasing hours for part time employees by training to work in other assignments. Dixon shared that she had emailed a limited-term custodial assignment for about three months while an employee is on leave but no part-time employees expressed interest. Ms. Blum responded that it could be because they have another job outside of the district so limited-term would not work.

Commissioner Baird requested that the director gather information before the next meeting regarding how often a job has been declined because they wanted a higher salary and the district didn't want to spend the money.

Dr. West stated that the director presents requests monthly but that it is not brought to the commission's attention because the employees are not hired.

Dixon said historically it hasn't been a problem because we've had more candidates but it's becoming a more visible problem as it gets harder to fill positions.

Commissioner Baird said he would hate to see a rule changed now because of COVID because the rule won't get changed back when it's no longer a problem.

Commissioner Cunningham stated that you are cutting your ability to recruit when you can't start at a higher step to credit for experience.

Mr. Baldwin responded and said he sees everyone's point and it's a difficult decision.

Ms. Blum said then the right thing to do is go ahead and pay a higher step and then move all current employees in the class. She referenced the high rates paid to teachers.

Based on a question from Commissioner Cunningham, Dixon explained the benefits structure and how it varies considerably depending upon your family situation and who you are covering.

Commissioner Charles explained his understanding of how years ago the teachers negotiated a clause that parodies the highest paid district.

Dr. West responded that the benefit structure is different from the classified and that was part of the negotiations.

10. NEXT PERSONNEL COMMISSION MEETING

The next regular meeting of the Personnel Commission is scheduled for Tuesday, March 15, 2022, at 3:30 P.M. Please note, this meeting will be held virtually.

11. ADJOURNMENT – 5:01 P.M.