

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

Special Meeting Minutes

4:00 P.M., January 6, 2015
District Office Board Room 101

REGULAR MEETING/OPEN SESSION

1. CALL TO ORDER

The meeting was called to order at 4:00 p.m. by David Holmerud, Commission Chair.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Holmerud.

Members in Attendance

John Baird
David Holmerud
Terry King

Staff in Attendance

Corrie Amador, Director
Barbara Bass, Human Resources Analyst
Kathy Potter, Human Resources Technician

Guests

Trudi Abdipour, Employee	Scott Hendries, Labor Relations Representative
BethAnn Arko, Visitor	Shirley Janssen, Employee
Laura August, Employee	Debbie Johnson, Employee
Carmen Blum, Employee	April Llamas, Employee
Adan Cervantes, Employee	Agustin Lopez, Employee
Chris Clausen, Employee	Tina Peterson, Director of Human Resources
Kelene Clausen, Employee	Debbie Rowe, Employee
Matt Colwell, CSEA President	Leah Ryan Sonnich, Employee
Aurelia Correa	Bridget Sabin, Employee
Teresa Correa, Employee	Kelvin Tanaka, Employee
Amador DelVal, Employee	Julian Telesnikov, Employee
Cathie Fields, Attorney	Pete Trejo, Employee
Alex Guerrero, CSEA Grievance Chair	Bruce Wilkinson, Employee

3. APPROVAL OF THE AGENDA

Motion by TERRY KING, second by DAVID HOLMERUD, to approve the agenda for the January 6, 2015 Personnel Commission Special Meeting.

There was discussion regarding the agenda. Commissioner Baird objected to Action Item 4, stating that Chapter 13 should have been included for discussion as well as to address the Director's involvement in investigations and discipline. The following motion was made to include these references.

Motion by JOHN BAIRD, seconded by TERRY KING, to amend Action Item 4 as follows:

Motion by JOHN BAIRD, seconded by TERRY KING to amend Action Item 4 to state “uphold the Director’s application of **Chapter 8 and Chapter 13** in the dismissal of a classified probationary employee as meeting the requirements of the Personnel Commission Rules.”

Vote: Passed unanimously

ACTION ITEMS

4. APPEAL OF RULE APPLICATION BY DIRECTOR OF CLASSIFIED PERSONNEL (RULE 2.15.C.)

This motion was changed in the approval of the agenda.

Motion by _____, seconded by _____, to uphold the Director’s application of Rule 8.2.B in the dismissal of a classified probationary employee as meeting the requirements of the Personnel Commission Rules.

Revised motion made in the approval of the agenda:

Motion by JOHN BAIRD, seconded by TERRY KING to uphold the Director’s application of **Chapter 8 and Chapter 13** in the dismissal of a classified probationary employee as meeting the requirements of the Personnel Commission Rules.

Commissioner Holmerud, having a motion and a second opened the item for discussion.

Director Amador reported to the Commission regarding the actions taken, the past practice in probation dismissal, and gave a recommendation to the Commission to uphold the Director’s application of Rule 8.2.B as the guiding Rule in this process.

Ms. Tina Peterson, Director of Human Resources, introduced Attorney Cathie Fields, of AALRR, legal representation for the District. In addition to Ms. Fields’ comments, a written legal opinion was provided to the Commission.

Mr. Scott Hendries submitted a letter to the Personnel Commission dated January 6, 2015, stating CSEA’s opinion that the Director of Classified Personnel should not be involved in investigations or discipline as that is the role of the Director of Human Resources. He reiterated the position that probationary employees under Chapter 13 of the Personnel Commission Rules are entitled to the rights afforded in 13.1 and 13.2 due to the term “regular employee.”

Mr. Alex Guerrero, Grievance Chairperson stated the employee never had an opportunity for union representation in the meeting held with her supervisor. He stated she was not instructed on District policies. He believed she deserved a second chance based on past performance.

Ms. Teresa Correa, employee of the District, questioned the process. She believed Ms. Aurelia Correa was not supported during her probationary period.

Ms. Aurelia Correa addressed the Commission. She believed there was not a proper investigation conducted, and requested a new investigation be conducted so that she could return to her job.

After discussion by the Commissioners regarding the motion, Commissioners King and Holmerud agreed to withdraw the motion. Commissioner Baird proposed a new motion.

Motion by JOHN BAIRD, seconded by TERRY KING to find that the District in the dismissal of a classified probationary employee violated Chapters 8 and 13 of the Personnel Commission Rules and Regulations requirements.

Votes:

Ayes – Baird

Noes – Holmerud, King

Motion failed

Commissioner Holmerud called for a secondary motion.

Motion by TERRY KING, seconded by DAVID HOLMERUD to uphold the Director's application of Rule 8.2 and Chapter 13 in the dismissal of a classified probationary employee as meeting the requirements of the Personnel Commission Rules.

Commissioner Baird objected to the motion as violating the rights of the employee.

Votes:

Ayes – Holmerud, King

Noes – Baird

Motion carried

DISCUSSION/INFORMATION ITEMS (See Supplements)

5. CORRESPONDENCE

There was no correspondence.

6. 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 - None

B. San Dieguito Union High School District – Ms. Tina Peterson thanked the Personnel Commission for listening.

C. Public Comments - None

7. NEXT PERSONNEL COMMISSION MEETING

The next regular meeting of the Personnel Commission is scheduled for Tuesday, January 13, 2015, at 4:00 PM in the District Office Large Board Room 101, 710 Encinitas Boulevard, Encinitas, CA 92024.

8. CLOSED SESSION (As Required)

Closed session to consider personnel issues pursuant to Government Code Sections 11126 and 54957 (for consideration of litigation, the appointment, employment,

evaluation for performance, discipline/release, dismissal of a public employee or to hear complaints or charges brought against such employee by another person or session).

Adjourned to Closed Session at 5:58 P.M.

9. REPORT FROM CLOSED SESSION (As Necessary)

There was no action to report from Closed Session.

10. ADJOURNMENT

Meeting adjourned at 6:10 P.M.