

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

Special Meeting Minutes

3:30 PM, December 7, 2021
Virtual Meeting

REGULAR MEETING/OPEN SESSION

1. CALL TO ORDER

The meeting was called to order at 3:31 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 December 7, 2021, PERSONNEL COMMISSION SPECIAL MEETING.

Public Comments-None

It was moved by JOHN BAIRD, seconded by JUSTIN CUNNINGHAM, to approve the amended agenda for the December 7, 2021, Personnel Commission Special Meeting with a change to Item 13 "may".

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

4. APPROVAL OF THE MINUTES OF THE November 9, 2021, PERSONNEL COMMISSION REGULAR MEETING.

Public Comments-None

It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve the minutes of the November 9, 2021, 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 JOHN BAIRD, seconded by JUSTIN CUNNINGHAM, 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 JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve an Eligibility List for Nutrition Services Supervisor, SR 4 Supervisory, Open/Promotional-Dual Certification, effective 11/04/21, eligibility for six months.
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 approve an Eligibility List for Nutrition Services Production Assistant, SR33, Open/Promotional – Dual Certification, effective 11/08/21, eligibility for six months.
John Baird-Aye
Jeff Charles-Aye
Justin Cunningham-Aye
Passed with three Ayes
- D. It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve a Continuous Filing Eligibility List for Instructional Assistant Special Education Behavior Intervention, SR36, Open/Promotional, updated 11/17/21, individual eligibility valid for six months.
John Baird-Aye
Jeff Charles-Aye
Justin Cunningham-Aye
Passed with three Ayes
- E. It was moved by JOHN BAIRD, seconded by JUSTIN CUNNINGHAM, to approve an Eligibility List for Custodian, SR32, Open/Promotional-Dual Certification, effective 11/30/21, eligibility for six months.
John Baird-Aye
Jeff Charles-Aye
Justin Cunningham-Aye
Passed with three Ayes
- F. It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to approve a Continuous Filing Eligibility List for School Bus Driver, SR 38, Open/Promotional-Dual Certification, updated 11/30/21, individual eligibility valid for six months.
John Baird-Aye
Jeff Charles-Aye
Justin Cunningham-Aye
Passed with three Ayes

- G. It was moved by JOHN BAIRD, seconded by JUSTIN CUNNINGHAM, to approve a Continuous Filing Eligibility List for Student Support Facilitator, SR 39, Open/Promotional-Dual Certification, updated 11/30/21, 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 JOHN BAIRD, to establish a six month Eligibility List for Administrative Assistant II, SR40, Open/Promotional-Dual Certification.

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 establish a Continuous Filing Eligibility List for Custodian, SR 32, Open/Promotional-Dual Certification.

John Baird-Aye

Jeff Charles-Aye

Justin Cunningham-Aye

Passed with three Ayes

7. CLASSIFICATION REVIEWS

Public Comments, if any

Job Description Update: Continuation of Instructional/Personal Care Assistant (formerly titled as Instructional Assistant Special Education – (Severe)).

Items A&B have been discussed at multiple Personnel Commission meetings starting in August of 2021. A job description revision was approved on 9/14/21 based on a recommendation from the Director of Classified Personnel. A decision on salary allocation was tabled multiple times pending additional information. The Associate Superintendent of Human Resources is proposing additional revisions which she has shared with the board of education and CSEA.

- A. It was moved by JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to revise the class description for Instructional/Personal Care Assistant-Special Education as modified by the Associate Superintendent of Human Resources.

John Baird-Aye

Jeff Charles-Aye

Justin Cunningham-Aye

Passed with three Ayes

Commissioner Baird acknowledged the long history of discussion on this item and he was glad to see it moved in the right direction and he hoped it had been discussed in negotiations. He expressed appreciation to all parties for the time spent on this. In response to Commissioner Baird's comment, Director Dixon explained that Olga did share this recommendation with CSEA and the Board and that she herself wasn't involved in the

discussion. Carlos Magana asked to speak on behalf of CSEA (he had spoken with Wayne, who could not attend, earlier in the day). He thanked the district, Susan Dixon, and the Personnel Commission for adjusting the job class and pay scale. They are very satisfied and happy to see the right pay.

- B. It was moved by JOHN BAIRD, seconded by JUSTIN CUNNINGHAM, to recommend to the Board of Education reallocation of the classification of Instructional/Personal Care Assistant-Special Education from Range 36 to Range 37 of the Classified Salary Schedule based on the revised job description.

John Baird-Aye

Jeff Charles-Abstain

Justin Cunningham-Aye

Passed with two Ayes

Commissioner Charles shared his experience back when he worked with the district on IT matters and he had occasion to interact with special needs students related to technology needs. He commended the work of the IAs particularly in terms of serving their personal care needs. He thinks it's excellent and appropriate that the salary change take place. He believes all three commissioners agree that these jobs are serious business and they should be compensated accordingly. He thinks it made sense for the two parties (district and CSEA) to work through the issue in a way that will be palatable to the school board.

Commissioner Charles then stated that as the commission moves to a vote, he has reflected on how it was stated at last month's meeting that this was tied to the reappointment of the commissioner item. Although he is in support of this compensation change, it was very clearly enunciated last time by Commissioner Baird that he was directed not to move ahead with the appointment until we see how this vote goes. Later in the discussion, it was stated again by Commissioner Baird, in terms of the 30 day hearing regarding the reappointment, that we would see how the vote goes. From an integrity of the commission, integrity of the merit system and a personal integrity point of view, that linkage of those two things together puts it in an awkward position because now if he votes in favor of the change there will be no way to know if he did that because he wants to be reappointed or if he did it because he truly believes the change needs to take place. He described the similar ambiguity if he were to vote against it. Making a vote a litmus test whether it's his or somebody else's is not a good thing specifically for these reasons. After careful consideration, he stated he is going to probably abstain from the vote to take that ambiguity off the table. He concluded by saying he fully supports this change in the compensation and fully supports those people who do this job. He hopes that whether he is on the commission again or not that this doesn't happen again.

Commissioner Baird asked for clarification after the vote asking if it still carried since it was 2-0. He then stated that since Commissioner Charles made a number of comments he felt compelled to reply stating that it's part of the process and if it hurt his feelings he is sorry for that but he gets his directions from the people who appoint him and it wasn't anything malicious but they do feel that it was important to have gotten this finished and that was their point of view and he supported that point of view. Commissioner Charles replied that he took no personal offense. Commissioner Cunningham told Commissioner Charles that we could see that by looking at the minutes of the previous meeting.

8. APPOINTMENT OF PERSONNEL COMMISSIONER (Commissioner Charles asked Commissioner Baird, as Vice-Chair, to take over as chair for this portion)

The term for the “Joint Appointee” commissioner, Jeff Charles, expired 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 JOHN BAIRD, to publicly announce Jeff Charles as the “Intended Appointee” of the Appointee of the Classified Employees and the Appointee of the Governing Board.

John Baird-Aye

Jeff Charles-Abstain

Justin Cunningham-Aye

Passed with two Ayes

Commissioner Baird asked if the term would be retroactive since December 1 had passed.

Commissioner Cunningham replied that it would be since there is a 90 day window.

Public Comments-Mr. Magana spoke on behalf of CSEA saying they were excited and happy for the reappointment of Jeff Charles and they support the motion.

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. It was moved by JOHN BAIRD, seconded by JUSTIN CUNNINGHAM, to set an open public hearing date on January 11, 2022.

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 JUSTIN CUNNINGHAM, seconded by JOHN BAIRD, to hold the December 14, 2021 Personnel Commission meeting and any other meetings scheduled in the next 30 days, virtually.

John Baird-Aye

Jeff Charles-Aye

Justin Cunningham-Aye
Passed with three Ayes

DISCUSSION/INFORMATION ITEMS (See Supplements)

11. STAFF COMMENTS ON PERSONNEL ACTIVITIES

Public Comments-Mr. Magana informed the commission that he would be filing a complaint on behalf of Matilde Cortes that the QAI was done improperly. Commissioner Baird stated he talked to Carlos about this issue and was concerned and confused because the QAI is usually done in person by a panel and this was done by computer and her computer was freezing and there was a slight language problem as well. He was also concerned that candidates were told to contact Susan Dixon if they were having problems since that would be hard to do while taking the test and he looks forward to hearing the complaint that is going to be filed and seeing what they can do to correct those issues.

A. Other: Commissioner Baird asked about the two working out-of-class issues. He asked Mr. Magana if grievances had been filed and Mr. Magana replied they had on both of those issues. Commissioner Baird expressed concern about violating Ed Code 45110 and PC rules. Baird also expressed concern about a situation he was made aware of where an employee is assigned 3.5 hours but regularly working 7 hours. He referenced Ed Codes which speak to the intent about employees being credited for benefits. Baird asked Mr. Magana if a grievance had been filed, Magana stated that it had kind of been brought up in a meeting with Susan Dixon and that the District is aware of it. They want to make sure her PERS, benefits and time schedule are adjusted properly. He said he thinks they will file a grievance. Commissioner Baird said he had one more item he was very concerned about because he has heard concerns about intimidation and retaliation against employees for bringing forth complaints and/or grievances. He mentioned that Ed Code 45113, it's illegal and criminal. He wants to make sure there is no intimidation against employees. He will be pursuing this if he finds out there is.

12. CORRESPONDENCE-

Public Comments- None

Director Dixon mentioned the email about the San Diego chapter of CSPCA meeting on December 15. Commissioner and Baird touched on the agenda. Commissioner Baird spoke about the annual CSPCA conference in Monterey. Dixon and the commissioners said they would discuss it again as it got closer in terms of attending while considering Covid. Baird also shared that the merit academy would be starting again soon.

13. NEXT PERSONNEL COMMISSION MEETING

The next regular meeting of the Personnel Commission is scheduled for Tuesday, December 14, 2021, at 3:30 P.M.. Commissioner Charles noted this meeting will be held virtually per the vote earlier in the meeting.

14. ADJOURNMENT – 4:42 P.M.