
The meeting was called to order at 4:06pm and a quorum was established. Chairperson Lee was absent from the meeting.

Aneesha Broom, Food Service substitute, commented about her recent performance exam for the position of Food Service Assistant. She stated she was not forewarned about the dress code and expectations for a food service performance exam. She took the exam and said that she did not pass the exam because she was docked points for her attire and jewelry. She does not feel she was scored on her actual performance. She also stated that the test was scored by an employee with which she has had conflict. She requested that she be given the opportunity to take the exam again. Randy Perez, Director, Classified Personnel, will be investigating the test for Ms. Broom and0.0024d13(n)2e2i2e2i2e2 .002eter a. (th)5

Vice-Chair Aoyagi asked if any of the consent items needed to be pulled from consent.

President Phillips asked if the test for Senior Records Clerk tested candidates that were not bilingual in addition to those that were. Director Perez stated that while the posting indicated Senior Records Clerk Bilingual Spanish required, the test included candidates that were not bilingual. The bilingual exam was administered in addition to the exams taken by candidates to be on the eligibility list.

President Phillips stated that Rafael Adames, who is on the rehire list, should have been provided an opportunity to work as a limited term employee in the Senior Records Clerk classification as well as other classifications. Human Resources is not offering jobs to Mr. Adames in accordance with his Reassignment Form.

Assistant Superintendent Ruiz clarified that a PERB charge was filed by BCCE on behalf of Mr. Adames, and PERB dismissed the charge. She also stated that at a prior meeting, Vice-Chair Aoyagi explained that paper postings go out to all sites and via district email, and anyone that knows Mr. Adames and his qualifications, including the union, could notify Mr. Adames of opportunities. Assistant Superintendent Ruiz further clarified that the District's legal responsibility is to recall an employee off the rehire list when a vacancy occurs in the classification from which the employee was laid off. She said the best approach would be for Mr. Adames to apply and test for vacancies in classifications for which he believes he is qualified. Mildred Scherr, BCCE representative, said that an investigation was never completed by Commission staff to determine whether the District was justified in the layoff Mr. Adames. She explained that the funding that paid for his position is still in the Adult School budget and has increased. Assistant Superintendent Ruiz explained that BCCE has followed two procedures on behalf of Mr. Adames: BCCE filed with PERB alleging that the District did not act appropriately during the layoff and PERB dismissed the charge stating that no evidence substantiates the claim, and BCCE has filed a grievance that is now at the arbitration level. The arbitrator will look at whether the District did anything inappropriately with regard to the layoff of Mr. Adames. There will be an objective arbitrator that will consider the sides of both the District and the union. Assistant Superintendent Ruiz recommended that we allow the arbitration process to handle the issue with Mr. Adames rather than have Commission staff spend time looking into the matter.

Vice-Chair Aoyagi motioned to ratify the eligibility list for Senior Records Clerk.

Approved: 2-0

President Phillips asked for clarity with regard to the FTE for the Site Coordinator, Family Engagement positions that were posted as six 0.5 FTE positions. T

He explained that she is a BFT unit member on a temporary leave of absence, and Zachary Pless, Program Supervisor for Early Childhood Education, has assigned her appropriately off the eligibility list as a limited term employee. President Phillips expressed concern over filling vacancies with limited term assignments. Vice-Chair Aoyagi motioned to approve the Instructional Assistant, Early Childhood Education eligibility list.

Not approved:

Vice-Chair Aoyagi voted for and Commissioner Carter voted against

President Phillips asked for clarification on whether the Instructional Technician eligibility list was Open and Promotional or just Open, and if the title of the classification was Instructional Technician, Extended Day Program. Director Perez confirmed that the list was Open and the classification was in fact Instructional Technician, Extended Day Program.

Vice-Chair Aoyagi motioned to ratify the eligibility list for the Instructional Technician, Extended Day Program.

Approved: 2-0

Director Perez explained that Article 14.5.3 of the BCCE contract allows employees to demote in lieu of layoff to classifications not previously held and for which they qualify with the approval of the Personnel Commission.

President Phillips expressed concern over the contracting of . She stated that has taken the work of Mr. Valentino.

Vice-Chair Aoyagi motioned to approve assigning Miles Valentino to the Instructional Technician classification effective August 27, 2012.

Approved: 2-0

Director Perez explained the differences in pay ranges and responsibilities within the Instructional Assistant, Special Education classifications. Ms. Hanson and Mr. Marin are currently at the lowest range (range 312) at the Ph) - rez e

Respectfully Submitted:

Randy Perez
Secretary, Personnel Commission

Date

Approved:

Dan F. Lee
Chairperson, Personnel Commission

Date