



## **PERSONNEL COMMISSION MEETING MINUTES**

Electronically Recorded (AUDIO ONLY)

**September 13, 2016**

**PERSONNEL COMMISSIONERS:** Mrs. Barbara Inatsugu, Mr. Joseph Pertel and Mr. Peter Lippman

A regular meeting of the Santa Monica-Malibu Unified School District Personnel Commission was held on **Tuesday, September 13, 2016**, in the **District Administrative Offices**: 1651 16<sup>th</sup> Street, Santa Monica, CA.

- ❖ **Instructions on Public Comments:** Persons wishing to address the Personnel Commission regarding an item scheduled for this meeting must submit the "Request to Address" card before consideration of that item. Persons wishing to address the Personnel Commission regarding an item within the Commissions subject matter jurisdiction but not scheduled on this meeting's agenda may speak during the Public Comments section by submitting the "Request to Address" card before the Commission reaches that section of the agenda.

### **OPEN SESSION**

#### **I. GENERAL FUNCTIONS:**

- G.01 Call to Order:** The Open Session of the Regular Meeting of the Personnel Commission was called to order at 4:07 p.m.
- G.02 Roll Call:** Commissioners Inatsugu, Lippman, and Pertel were present.
- G.03 Pledge of Allegiance:** Ms. Cindy Johnston, Human Resources Technician, led all in attendance in the Pledge of Allegiance.
- G.04 Motion to Approve Agenda:** September 13, 2016

**It was moved and seconded to approve the agenda as submitted. The motion passed.**

If you will require an accommodation to participate in the Commission meeting, please notify the Personnel Commission Office at least 48 hours prior to the meeting.

Commissioner	M	S		Yes	No	Abstain	ABSENT
Barbara Inatsugu				✓			
Peter Lippman		✓		✓			
Joseph Pertel	✓			✓			

**G.05 Motion to Approve Minutes:** August 9, 2016

It was moved and seconded to approve the minutes as submitted. The motion passed.

Commissioner	M	S		Yes	No	Abstain	ABSENT
Barbara Inatsugu		✓		✓			
Peter Lippman	✓			✓			
Joseph Pertel						✓	

**G.06 Report from the Director of Classified Personnel:**

This is an opportunity for the Director of Classified Personnel to report on items relevant to Personnel Commission.

- General Comments
  - Director Cool reported on the beginning of the new school year 2016-2017. The Personnel Commission staff is recruiting for various positions throughout the District as well as securing substitutes for clerical, security, and Special Education assignments on a daily basis.
  - Director Cool shared his observations from the District's convocation on August 17, 2016. Dr. Pedro Noguera presented an action plan to assist the District in closing the achievement gap.
  - Director Cool informed the Personnel Commission about his visit to McKinley Elementary School on the first day of school, August 22, 2016. He also participated at the Back-to-School night at Grant Elementary School on September 6, 2016.
  - Director Cool reported on Ms. Clare Caldera's attendance at the Personnel Testing Council seminar where the role of social media in recruitments was discussed. Presenters were City of Los Angeles and Riverside County.
- New Personnel Commissioner Recruitment Update
  - Director Cool informed the Personnel Commission about the new Personnel Commissioner recruitment. It opened on September 12, 2016, for approximately six (6) weeks.
  - Director Cool has been collaborating with Ms. Gail Pinsker, the District's Community and Public Relations Officer, on a press release about the position on the District website and in social media, an advertisement in local newspapers, and a distribution in both Santa Monica and Malibu communities.
  - Director Cool is invited to attend the PTA Council meeting on September 20, 2016, to present the criteria for this recruitment.

#### **G.07 Personnel Commissioner Comments/Reports:**

This is a time during which a Personnel Commissioner may make a brief announcement or report on his/her own activities relative to Commission business. This is not a time for discussion.

- **Commissioner Inatsugu expressed her regret for not being able to attend the District's convocation due to fulfilling her jury duty.**
- **Commissioner Inatsugu reported on the PTA Council's initiative to conduct the Board of Trustees Candidates Forum and the Board of Education Forum at the District on October 7, 2016.**
- **Commissioner Inatsugu stated that the Board of Education election was cancelled due to having only three (3) candidates for three (3) openings. Hence, all the candidates were automatically elected. They will participate at the Board of Education Forum so that the community can get to know them.**
- **Commissioner Inatsugu is collecting questions from all District employee groups for both forums.**

#### **G.08 Communications:**

The Communications section provides an opportunity for the Personnel Commission to hear from the individuals or representatives listed below. All reports are limited to five (5) minutes or less.

- SEIU Report
  - **Ms. Cartee-McNeely, Chief Steward, shared with the Personnel Commission about the SEIU's initiatives supporting Proposition 55 to continue funding for education.**
- Board of Education Report
  - **Dr. Mark Kelly, Interim Deputy Superintendent, extended his welcome to the new Interim Co-Superintendent, Dr. Christopher King, who was in the audience.**
  - **Dr. Kelly reported on the successful start of the new school year 2016-2017. He recognized the Maintenance and Operations department staff for their dedication and hard work preparing all the facilities for our students. Dr. Kelly attended the Back-to-School night at Webster Elementary School and commented that it was so clean and well decorated by teachers for both students and parents.**
  - **Dr. Kelly updated the Personnel Commission on certificated hiring for the new school year. Human Resources department hired Dr. Antonio Shelton, as the principal of Santa Monica High School, and Dr. Cheli Nye, the principal of Malibu High School.**
  - **Dr. Kelly also informed the Personnel Commission about the Board of Education joining the Board of Trustees at Santa Monica College to discuss a partnership with the District regarding enrollment and facilities on September 20, 2016.**
  - **Dr. Kelly informed the Personnel Commission about the District's initiatives to achieve educational access and equity for all students.**

**G.09 Public Comments:**

Public Comments is the time when members of the audience may address the Personnel Commission on items not scheduled on the meeting’s agenda. All speakers are limited to five (5) minutes. When there is a large number of speakers, the Personnel Commission may reduce the allotted time to three (3) minutes per speaker. The Brown Act (Government Code) states that Personnel Commission members may not engage in discussion of issues raised during “Public Comments” except to ask clarifying questions, make a brief announcement, make a brief report on his or her own activities, or to refer the matter to staff.

- **None**

**II. CONSENT CALENDAR:**

Items are considered routine, require no discussion, and are normally approved all at once by the Personnel Commission. However, members of the Personnel Commission, staff, or the public may request an item be clarified and/or discussed.

C.01 Approval of Classified Personnel Eligibility List(s):

<u>Classification</u>	<u># Eligibles</u>
Instructional Assistant - Classroom	19
Paraeducator-1	13
Paraeducator-3	7

**It was moved and seconded to approve the Consent Calendar – II.C.01 Approval of Classified Personnel Eligibility List(s). The motion passed.**

Commissioner	M	S	Yes	No	Abstain	ABSENT
Barbara Inatsugu			✓			
Peter Lippman		✓	✓			
Joseph Pertel	✓		✓			

**REPORT AND DISCUSSION**

- **None**

C.02 Advanced Step Placement:

Approval of the Advanced Step Placement for new employee Clare Caldera in the classification of Personnel Analyst at Range: M-46 Step: B

**It was moved and seconded to approve the Consent Calendar – II.C.02 Advanced Step Placements as submitted. The motion passed.**

Commissioner	M	S	Yes	No	Abstain	ABSENT
Barbara Inatsugu			✓			
Peter Lippman	✓		✓			
Joseph Pertel		✓	✓			

- C.03 Advanced Step Placement:  
Approval of the Advanced Step Placement for new employee Galit Gottlieb in the classification of Paraeducator-3 at Range: 26 Step: D

**It was moved and seconded to approve the Consent Calendar – II.C.03 *Advanced Step Placements* as submitted. The motion passed.**

Commissioner	M	S	Yes	No	Abstain	ABSENT
Barbara Inatsugu		✓	✓			
Peter Lippman					✓	
Joseph Pertel	✓		✓			

- C.04 Advanced Step Placement:  
Approval of the Advanced Step Placement for new employee Katherine Huss in the classification of Occupational Therapist at Range: 61 Step: C

**It was moved and seconded to approve the Consent Calendar – II.C.04 *Advanced Step Placements* as submitted. The motion passed.**

Commissioner	M	S	Yes	No	Abstain	ABSENT
Barbara Inatsugu			✓			
Peter Lippman		✓			✓	
Joseph Pertel	✓		✓			

- C.05 Advanced Step Placement:  
Approval of the Advanced Step Placement for new employee Cynthia Igne in the classification of Paraeducator-3 at Range: 26 Step: D

**It was moved and seconded to approve the Consent Calendar – II.C.05 *Advanced Step Placements* as submitted. The motion passed.**

Commissioner	M	S	Yes	No	Abstain	ABSENT
Barbara Inatsugu		✓	✓			
Peter Lippman					✓	
Joseph Pertel	✓		✓			

- C.06 Advanced Step Placement:  
Approval of the Advanced Step Placement for new employee Yvonne Kyle in the classification of Senior Administrative Assistant at Range: 36 Step: B

**It was moved and seconded to approve the Consent Calendar – II.C.06 *Advanced Step Placements* as submitted. The motion passed.**

Commissioner	M	S	Yes	No	Abstain	ABSENT
Barbara Inatsugu		✓	✓			
Peter Lippman					✓	
Joseph Pertel	✓		✓			

- C.07 Advanced Step Placement:  
Approval of the Advanced Step Placement for new employee Alicia Villagomez in the classification of Instructional Assistant - Classroom at Range: 18 Step: B

**It was moved and seconded to approve the Consent Calendar – II.C.07 *Advanced Step Placements* as submitted. The motion passed.**

Commissioner	M	S	Yes	No	Abstain	ABSENT
Barbara Inatsugu		✓	✓			
Peter Lippman					✓	
Joseph Pertel	✓		✓			

- C.08 Advanced Step Placement:  
Approval of the Advanced Step Placement for new employee Darren Watters in the classification of Athletic Trainer at Range: 35 Step: C

**It was moved and seconded to approve the Consent Calendar – II.C.08 *Advanced Step Placements* as submitted. The motion passed.**

Commissioner	M	S	Yes	No	Abstain	ABSENT
Barbara Inatsugu			✓			
Peter Lippman		✓			✓	
Joseph Pertel	✓		✓			

### **III. ACTION ITEMS:**

- A.01 New Classification:  
Approval of the new classification Communications Specialist within the Community and Public Relations job family

**It was moved and seconded to approve the Director’s recommendations for item III.A.01 as submitted. The motion passed.**

Commissioner	M	S	Yes	No	Abstain	ABSENT
Barbara Inatsugu			✓			
Peter Lippman	✓		✓			
Joseph Pertel		✓	✓			

### **REPORT AND DISCUSSION**

- **Director Cool provided a brief background to the establishment of this classification. Before hiring the current Community and Public Relations Officer, Ms. Gail Pinsker, the District enlisted the services of a public relations agency to assist with communication efforts. After Ms. Pinsker joined the District in 2015, the Executive Cabinet and the Board of Education approved the work duties of a position that would specifically support the Public Relations Officer.**

- Commissioner Lippman inquired about minimum qualifications regarding education. He asked about the inclusion of a comment that says that a Bachelor's degree in Creative Writing does not meet the education requirement.
- Director Cool explained that it was a recommendation from Ms. Pinsker who felt that, based on experience, creative writing is far from the scope of required skills.

A.02 Reclassification:

Approval of the reclassification for Mr. Carey Upton from Director of Operations and Facility Permits to Chief Operations Officer

**It was moved and seconded to approve the Director's recommendations for item III.A.02 as submitted. The motion passed.**

Commissioner	M	S	Yes	No	Abstain	ABSENT
Barbara Inatsugu			✓			
Peter Lippman		✓	✓			
Joseph Pertel	✓		✓			

**REPORT AND DISCUSSION**

- Director Cool provided an extensive background and analysis that led to the reclassification study's recommendation including timelines and the nature of the gradually increased significant duties and responsibilities.
- Director Cool also thoroughly explained the methodology applied in the study.
- For his recommendation, Director Cool did not take into account the interim assignments during the working-out-of-class periods.
- Director Cool concluded that Mr. Upton's scope of work extends beyond theater operations and facility permits because it involves management and coordination among Maintenance and Operations, Facility Use, and Facility Improvement Projects departments for the period from 2010 to 2015.
- Dr. Kelly expressed the Senior Cabinet's support for approval of the reclassification.
- Dr. Kelly explained the District's past and present needs regarding an increasing set of maintenance, operations, construction, and facilities improvement issues. These issues often emerged unexpectedly and, once known, became immediately urgent. They often required adjustments and redirection of department work.
- Dr. Kelly clarified that the District management has been seeking to put in an organizational structure providing leadership and direction to facilities departments and programs.
- Dr. Kelly stated that the proposed reclassification provides the District the ability to secure leadership and to stabilize the Maintenance and Operations, Facilities Use, and Facility Improvement Projects departments that need to work cooperatively. It is critical to have leadership that can ensure these departments effectively meet the District's needs.

- **Dr. Kelly acknowledged director Cool's analysis and thanked him for his thoroughness in preparing the recommendation.**
- **Ms. Jan Maez, Associate Superintendent, Chief Financial Officer, also supported the recommendation.**
- **Ms. Maez considered the analysis to be thorough and adhering to the Merit System rules and procedures.**
- **Ms. Maez recalled the District's needs from 2010 to 2014 when Mr. Upton was coordinating most of the activities related to facilities, maintenance, operations, and construction.**
- **Dr. Christopher King, the Interim Co-Superintendent, voiced his support of the recommendation.**
- **Dr. King expressed his appreciation for director Cool's thorough and fair analysis.**
- **On behalf of Ms. Cartee-McNeely, Ms. Cindy Johnston, SEIU Steward, presented the Union's concerns regarding the reclassification. SEIU requested to pull this agenda item in order to ensure compliance with all governing processes and procedures of the California Education Code and SMMUSD Merit Rules.**
- **Ms. Johnston stated that SEIU fully supports the needs described through the establishment of the senior management position. SEIU believes this goal can be reached if the governing Code and Merit Rules are adhered to.**
- **Ms. Johnston cited Merit Rule 3.3.1.C regarding reclassification of positions that are occupied at the time of reclassification. If reclassification occurs to a vacant position, the position shall be filled through normal selection procedures.**
- **Ms. Johnston stated concern with regard to reclassification requests from administrative assistants that were pulled from the Personnel Commission agenda a few months ago when the District expressed concerns. Value was given to the concerns, and full examination of the process by the Personnel Commission was agreed upon. SEIU supports this process and requests equity for all reclassifications that come before the Personnel Commission.**
- **Director Cool replied that in regard to the other reclassifications mentioned, it is an ongoing issue that he will handle separately. Work is still pending on those reclassifications.**
- **Director Cool stated that Mr. Upton's reclassification is unique, not fitting into the standard protocol; however, Director Cool has examined the facts to ensure that any rule would not have been violated. Mr. Upton was required by the District to take on separate interim assignments. There were additional variables to take into consideration that do not normally affect the reclassification process. The Merit Rules cannot possibly account for every unique situation; therefore, Director Cool used judgment in deciding what is best for the District, and what is appropriate for the employee in question. No rules must be violated.**
- **Director Cool provided his interpretation of Merit Rule 3.3.1.C. Mr. Upton has worked in an interim capacity, yet his permanent position remains Director of Theater Operations and Facility Permits. At the same time, he has worked at a higher capacity. It is a point within the Merit Rules that is not clearly defined. Director Cool restated that he did not take into**



consideration Mr. Upton's working out of class or his interim assignments. There is enough justification for reclassification when analyzing the assignments between 2010 and 2015.

Director Cool defined the position in question as Director of Theater Operations and Facility Permits, not Chief Operations Officer.

- Director Cool addressed Merit Rule 3.3.3.F stating that no sudden reorganization took place. Mr. Upton gradually assumed more complex duties over the period of five (5) years. Even though the classification of Chief Operations Office did come about rather abruptly, it captures duties that Mr. Upton has gradually assumed over five (5) years.
- Director Cool also spoke on Merit Rule 3.3.3.A.2 explaining the scenario when a group of employees in one classification is being reclassified, and some of the employees have yet to hold permanency for less than two (2) years. These employees cannot be automatically reclassified without a competitive process. Two years of gradual increased duties must occur. Director Cool stated that this scenario does not apply to Mr. Upton's situation.
- Ms. Johnston conveyed Ms. Cartee-McNeely's request to the Personnel Commission to ensure that the Merit Rules are applied consistently and fairly to all employees and all classifications.
- Commissioner Pertel expressed his appreciation for Director Cool's analysis and thorough and professional examination in this process. He voiced his support for the recommendation.
- Commissioner Pertel stated that he found the pressure Director Cool was subjected to be inappropriate.
- Commissioner Lippman inquired about the process for making sure it is clear that the Personnel Commission's action does not set a precedent.
- Director Cool stated that if an employee meets the reclassification threshold of two (2) years of gradual increased duties, the employee should be reclassified even if there was a gap in his/her assignment.
- Commissioner Inatsugu stated that since the Personnel Commission in agreement that this situation does not set a precedent, and their statement to this effect is recorded in the minutes of the meeting, the position of the Personnel Commission becomes a matter of public record.
- Commissioner Inatsugu presented a statement for the record with a request that it be included in the minutes in whole:

*"I also need to say up front that my comments are about the process not the candidate for the position.*

*In our democracy, we have an expectation that governmental processes will be conducted in a fair, efficient, and open manner, and that public institutions will be accountable for representing the public interest.*

*As stated on the California School Personnel Commissioners Association (CSPCA) website, Merit System principles emphasize these values and provide a personnel selection system that is to be open to all and free from political interference. As school districts continue to experience systemic change resulting from social, financial, and political pressures, it becomes increasingly important*

***that school administrators incorporate Merit System principles into every decision they make concerning classified employees.***

***Furthermore, the CSPCA states that the merit system is a method of personnel management which is designed to promote the efficiency and economy of the workforce and the good of the public by providing for the selection and retention of employees, promotional opportunities, in-service training, and other related matters on the basis of merit.***

***The Merit system is designed to protect against arbitrary action, personal favoritism, and political coercion.***

***This process since the beginning has been a difficult one – that has not been a secret. I am not telling you anything most of you don't already know.***

***At all times during this lengthy process, it was our commitment, indeed our job, to make sure there was adherence to the merit rules. We recognize that there were some gray areas to deal with as the process became more complex, and there were areas of the process that were outside our authority, that were within the purview of the district.***

***The first Merit System law in the nation for school districts was passed by our state legislature in 1936 and made part of the California Education Code. The Santa Monica-Malibu Unified School District voted in the Merit System in 1938. -- we became a merit district by choice. Therefore, it has been our expectation, and continues to be our expectation that going forward***

- all parties will respect the Merit System;***
- all parties will work within the Merit System; and***
- all classified employees will be treated with respect and fairness, whether they are management, rank and file, or confidential and regardless of what department they work in.***

***There is no doubt that Merit is more difficult and takes longer than old style patronage, but done well it will serve us, our district, our employees, and our communities well.***

***REQUEST 9/13/16: That the Merit Rules Advisory Committee review Merit Rules chapter 3 related to Classification and that their recommendations be brought to the Personnel Commission for discussion. I know we approved updates as recently as December of 2015, but clearly there are provisions that appeared clear and concise at the time, but under these conditions have not provided us with clear guidance. There are times when flexibility and options are a good thing, but only if the terminology and guidance is clear."***

### A.03 Advanced Step Placement Fiscal Impact Report

**It was moved and seconded to approve the Director's recommendations for item III.A.03 as submitted. The motion passed.**

<b>Commissioner</b>	<b>M</b>	<b>S</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>ABSENT</b>
Barbara Inatsugu			✓			
Peter Lippman	✓		✓			
Joseph Pertel		✓	✓			

### **REPORT AND DISCUSSION**

- **Director Cool provided a brief background to the development of the Advanced Step Placement Fiscal Impact Report on a monthly basis. Certain components of this report are completely inaccurate. Even though there may be some value to getting a “guess-estimate,” Director Cool does not feel comfortable presenting the data, not if they are just for the Personnel Commissioners’ information. Adding up all the salaries since 2011 is inaccurate, since it is not known what has been happening to the employees who were awarded the advanced step placement. There is no way to track if they passed probation, or transferred to positions with more or less hours, or separated, for example.**
- **Director Cool proposed to continue logging the classification title, the salary range, the step to which they are being advanced, and the percentage of their employment. The hourly, monthly and yearly difference will still be captured as well.**
- **Commissioner Lippman expressed his understanding of the difficulties with the data; however, he would like to see some control factors, for example, the percentage of newly hired employees who are awarded the advanced step placement, the number of education and experience increments have been given, and the difficulty filling the position.**
- **Commissioner Lippman would like to keep monitoring the advanced step placement awards.**
- **Director Cool proposed to compile six (6) months summary starting with this fiscal year in the new revised form.**

### **IV. DISCUSSION ITEMS:**

These items are submitted for discussion only. Any action that might be required will generally be scheduled for the next regularly scheduled meeting of the Commission.

### D.01 Questions Regarding Malibu Unification

### **REPORT AND DISCUSSION**

- **Commissioner Inatsugu shared her research regarding the fiscal focus of the Malibu Unification Negotiations Committee.**
- **Commissioner Inatsugu also addressed the issue with the president of School Services of California, Mr. Ronald Bennett. School Services of**

California is contracted by the committee to consult on issues related to separation from the District. In Mr. Bennett's opinion, it is premature to deal with issues related to the Merit System and Personnel Commission at this time.

- Director Cool stated that if Malibu forms its own district, the employees would have the option to vote in the Merit System. It is not clear if the specifics of how the Personnel Commission would divide, how the employees would be allocated between Santa Monica and Malibu, and what would happen to sitting commissioners are covered in the Education Code.

Director Cool will deal with these questions if the unification takes place. At this point, it is a bit too early to fully investigate.

- Commissioner Inatsugu stated that Commissioner Lippman would no longer be able to serve on this Personnel Commission since he lives in Malibu.

**V. INFORMATION ITEMS:**

These items are placed on the agenda as information and do not require discussion.

- I.01 Advanced Step Placement Status Report
- I.02 Open Personnel Requisitions Status Report
- I.03 Filled Personnel Requisitions Status Report
- I.04 Classified Personnel – Merit Report - No. A.18 (for SMMUSD School Board Agenda)
  - August 10, 2016
- Classified Personnel – Merit Report - No. A. 29
  - September 1, 2016
- I.05 Classified Personnel – Non-Merit Report - No. A. 19
  - August 10, 2016
- Classified Personnel – Non-Merit Report – No. A. 30
  - September 1, 2016
- I.06 Personnel Commission's Twelve-Month Calendar of Events
  - 2015 – 2016
- I.07 Board of Education Meeting Schedule
  - 2015 – 2016

**VI. PERSONNEL COMMISSION BUSINESS:**

B.01 Future Items:

<b>Subject</b>	<b>Action Steps</b>	<b>Tentative Date</b>
Merit Rules Revisions	- First Reading of Changes to Merit Rule: <i>Chapter XII: Salaries, Overtime Pay, and Benefits</i>	November 2016

**VII. NEXT REGULAR PERSONNEL COMMISSION MEETING:**  
Tuesday, October 11, 2016, at 4:00 p.m. – *District Office Board Room*

**VIII. PUBLIC COMMENTS FOR CLOSED SESSION ITEMS ONLY:**  
Persons wishing to address the Personnel Commission regarding an item scheduled for closed session must submit the “Request to Address” card prior to the start of the closed session.

- **None**

**IX. CLOSED SESSION:**

The Commission adjourned to closed session at **5:31 p.m.** pursuant to Government Code Section 54957 to discuss:

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: Director of Classified Personnel

The Commission reconvened into open session at **6:00 p.m.** and reported on the following action taken in closed session:

**The Santa Monica-Malibu Unified School District Personnel Commission met in closed session to evaluate the Director of Classified Personnel - no report.**

**X. ADJOURNMENT:**

There being no further business to come before the Personnel Commission, it is recommended that the meeting be adjourned.

**It was moved and seconded to adjourn the meeting.**

Commissioner	M	S	Yes	No	Abstain	ABSENT
Barbara Inatsugu		✓	✓			
Peter Lippman	✓		✓			
Joseph Pertel						✓

**TIME ADJOURNED: 6:02 p.m.**

Submitted by:

\_\_\_\_\_  
Michael Cool  
Secretary to the Personnel Commission  
Director, Classified Personnel

If you wish to receive a full copy of the Personnel Commission Agenda Packet, please contact the Personnel Commission Office at (310) 450-8338, ext. 70-279.