



SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

**PERSONNEL COMMISSION MEETING  
MINUTES**

Electronically Recorded (AUDIO ONLY)

**August 11, 2020**

**PERSONNEL COMMISSIONERS:**

Mrs. Lauren Robinson, Mrs. Maria Stewart, and Mr. Phillip Tate

A regular meeting of the Santa Monica-Malibu Unified School District Personnel Commission was held on **Tuesday, August 11, 2020**, at **4:34 p.m.**, via Zoom.

❖ **Instructions on Public Comments:**

Persons wishing to address the Personnel Commission must submit a request to make a public comment by e-mail to [jhatch@smmusd.org](mailto:jhatch@smmusd.org) no later than 5:00 p.m. on Monday, August 10, 2020. Please include your full name and the specific agenda item you wish to speak to or if you would like to address a non-agenda item if the subject matter is not scheduled on this meeting's 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 4:34 p.m.**

**G.02 Roll Call: Commissioners Robinson, Stewart, and Tate were present.**

Commissioner	M	S	Yes	No	Abstain	ABSENT
Lauren Robinson			✓			
Maria Stewart		✓	✓			
Phillip Tate	✓		✓			

**G.03 Pledge of Allegiance: Commissioner Stewart led all in attendance in the Pledge of Allegiance.**

**G.04 Report from Closed Session:**

- None

**G.05 Motion to Approve Agenda: August 11, 2020**  
**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
Lauren Robinson			✓			
Maria Stewart		✓	✓			
Phillip Tate	✓		✓			

**G.06 Motion to Approve Minutes: July 8, 2020**

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

Commissioner	M	S	Yes	No	Abstain	ABSENT
Lauren Robinson			✓			
Maria Stewart	✓		✓			
Phillip Tate		✓	✓			

**G.08 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 and Updates
  - Director Kahn updated the Personnel Commission on the Personnel Commission Office daily operation as staff continues to perform their duties remotely recruiting for the new school year.
  - Director Kahn informed the Personnel Commission about recruiting for certain key positions such as Director of Purchasing, Paraeducators, and Health Office Specialists in anticipation of returning to in-person instruction. Following the Physical Therapist pilot, staff continues with remote testing for Paraeducator-1,2-3, Director of Purchasing, and a bilingual fluency in Spanish across classifications.
  - Exam materials are being converted for remote testing for Administrative Assistant, Elementary Library Coordinator, Buyer, Health Office Specialist, and Translator/Interpreter to name a few. The remote testing is being successfully accomplished by using Zoom, Google Drive, Google Docs and Sheets, and Survey Monkey.
  - Director Kahn updated the Personnel Commission on the layoff process in the Child Development Services. He, together with Dr. Kelly, Mr. Mock, and Mrs. Johnston conducted several meetings with impacted employees to discuss possible employment options, especially as it relates to Tucker eligibility, which affords employees on Re-employment List certain advantages when applying to select classifications, even if they never held seniority in them before.
  - The layoff situation is being considered when opening new recruitments so that promotional employees, including the ones on the Re-employment List, have preference over outside candidates.

**G.09 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 Robinson extended her gratitude to the District for Family Resources to Support Anti-racism webpage and implementing an anti-racist curriculum.**

#### **G.10 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**
  - **Mr. Mock, the Chief Steward, reported to the Personnel Commission on the classified employees' layoffs in the Child Development Services.**
  - **Mr. Mock informed the Personnel Commission about the Union's initiative to delay the start of the new school year by two (2) days so that Paraeducators and other classified employees can receive additional training for distance learning.**
  - **Mr. Mock informed the Personnel Commission about the Union's meeting with labor management team in Special Education to discuss Paraeducators' roles in distance learning.**

#### **Board of Education Report**

- **Dr. Kelly reported on the District's activities and initiatives in preparation for the new school year in distance learning.**
- **Dr. Kelly informed the Personnel Commission about the negotiated Memorandum of Understanding with the teachers' union. The Tentative Agreement will be presented to the Board of Education at their regular meeting on August 13, 2020.**
- **Dr. Kelly stated that the anti-racism resources have been created by the Educational Services staff. A document regarding the District's anti-racist efforts and activities will be presented to the Board of Education at a special meeting on August 25, 2020.**
- **Commissioner Stewart inquired about in-person learning requirements.**
- **Dr. Kelly stated that the Los Angeles County Department of Public Health has released protocols for school re-opening. It is a set of primarily safety requirements school districts have to fulfill in order to resume in-person instruction. A second requirement is that the California Department of Public Health indicated that schools may only re-open after the county is off the Governor's watch list for period of fourteen (14) consecutive days. The district can consider applying for a waiver, which would allow only elementary schools to open for in-person learning. However, the Los Angeles County Public Health Director has indicated that there will be no waivers granted at this time.**
- **Commissioner Stewart inquired about the financial impact of distance learning as it relates to enrollment and student attendance, for instance.**
- **Dr. Kelly explained that there is no significant financial impact since Santa Monica-Malibu is a Basic Aid School District, and its revenue is based on property tax value, which exceeds the funding that the District would receive as State Aid School District.**
- **Commissioner Stewart inquired about parents' alternative education options.**

- Dr. Kelly stated that there are parents seeking more structured distance learning via camp programs and homeschooling.
- Dr. Kelly stated that the start date of the new school year was moved from August 20 to August 24, 2020 in order to provide staff with additional planning and professional development.

**G.11 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>
Paraeducator-1	11
Paraeducator-2	2
Paraeducator-3	6

**It was moved and seconded to approve the Consent Calendar as submitted for the Agenda Items C.01. The motion passed.**

<b>Commissioner</b>	<b>M</b>	<b>S</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>ABSENT</b>
Lauren Robinson			✓			
Maria Stewart	✓		✓			
Phillip Tate		✓	✓			

**REPORT AND DISCUSSION**

- None

C.02 Advanced Step Placement:

- None

**III. ACTION ITEMS:**

These items are presented for ACTION at this time.

- A.01 Second Reading of Changes to Merit Rule:  
*Chapter XIII: Seniority, Layoff, Displacement and Reemployment*

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

Commissioner	M	S	Yes	No	Abstain	ABSENT
Lauren Robinson			✓			
Maria Stewart		✓	✓			
Phillip Tate	✓		✓			

**REPORT AND DISCUSSION**

- Commissioner Robinson presented information regarding the proposed changes to chapter XIII: *Seniority, Layoff, Displacement and Reemployment, Rule 13.2.1: Procedure of Employee Layoff*. This rule contains details about layoff notices that must be given for no less than sixty (60) days.

**IV. COMMISSIONER TRAINING/BRIEFING:**

These items are to keep the Commissioners up-to-date with relevant information regarding Personnel Commission procedures and practices.

- None

**V. 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 First Reading of Changes to Merit Rules:  
*Chapter IV: Application for Employment*  
*Chapter VI: Eligibility Lists*  
*Chapter VIII: Employee Clearances*

**REPORT AND DISCUSSION**

- Commissioner Robinson summarized the above noted rules addressing specific steps that must be taken if a candidate is disqualified from employment due to the results of their Department of Justice and/or Federal Bureau of Investigation reports. These steps include notifying the candidate (Chapter VIII), removal from the eligibility list (Chapter VI) and providing an opportunity for appeal (Chapter IV).
- Director Kahn stated that the revisions were initiated in a review of disqualification from employment letters sent to disqualified candidates in order to remove discrepancies and correct inconsistencies in the interrelated sections.

- Director Kahn pointed out that the appeal period has been extended from five (5) days to ten (10) working days to provide a more reasonable window of time.
- Commissioner Tate inquired about the postmark date that triggers an appeal period.
- Director Kahn clarified that the start of an appeal period based on the postmark date mirrors the internal consistencies in Chapter VIII. The appeal period has been extended to ten (10) working days to make it more reasonable for the candidate but also for the Personnel Commission department being able to move forward with filling the particular position the disqualified candidate was supposed to assume.
- Commissioner Robinson inquired about a discretion on the appeal given that the post office did not deliver the letter in a timely manner.
- Director Kahn stated that based on the rules, there is no ability to provide any additional time for the sake of consistency. The candidate has an opportunity to appeal via e-mail. The request does not have to be received by regular mail. However, the original notification is not sent via e-mail as it contains a confidential document.
- Commissioner Tate proposed researching a technological solution that would compliment notifying the candidate via regular mail without compromising the confidentiality in the future rule revisions.

**VI. INFORMATION ITEMS:**

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

- I.01 Open Personnel Requisitions Status Report
- I.02 Filled Personnel Requisitions Status Report
  - None
- I.03 Classified Personnel - Merit Report No. 4.ii. (for SMMUSD School Board Agenda)
  - July 16, 2020
- I.04 Classified Personnel - Non-Merit Report - No. 4.iii (for SMMUSD School Board Agenda)
  - None
- I.05 Personnel Commission’s Twelve-Month Calendar of Events
  - 2019 - 2020
- I.06 Board of Education Meeting Schedule
  - 2019 – 2020

**VII. PERSONNEL COMMISSION BUSINESS:**

B.01 Future Items:

Subject	Action Steps	Tentative Date
Commissioner Training/Briefing: TBD	Commissioner Training	TBD

**VIII. NEXT REGULAR PERSONNEL COMMISSION MEETING:**

Wednesday, September 9, 2020, at 4:30 p.m. - *via Zoom*

**IX. 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**

**X. CLOSED SESSION:**

The Commission adjourned to closed session at **5:05 p.m.** pursuant to Government Code Section 54954.5 and 54957 to discuss:

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: Director of Classified Personnel

The Commission reconvened into open session at **5:47 p.m.** and reported on the following action taken in closed session:

**The Commissioners completed the Director of Classified Personnel's performance evaluation and recommended that he passed probation.**

**XI. 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.**

<b>Commissioner</b>	<b>M</b>	<b>S</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>ABSENT</b>
Lauren Robinson			✓			
Maria Stewart	✓		✓			
Phillip Tate		✓	✓			

**TIME ADJOURNED: 5:47 p.m.**

Submitted by:

\_\_\_\_\_  
Joshua Kahn  
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.