



Personnel Commission
AGENDA OF REGULAR MEETING
Wednesday, May 23, 2018 - 5:30 P.M.
Site 18, Room 125
37230 37th Street East, Palmdale, CA 93550

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: Mrs. Kathleen Duren, Chairperson
Mr. Don Wilson, Vice Chairperson
Mrs. Deneese Thompson, Commissioner
Ms. Mary Theus, Interim Director, Personnel Commission

I. PRELIMINARY BUSINESS

ACTION

A. Approval of Meeting Minutes – May 09, 2018

75-17/18

II. PUBLIC COMMENTS

- A. Comments Concerning Items on the Agenda
- B. Comments from Members of the General Public Regarding Non-Agenda Items

III. CONSENT AGENDA

Actions proposed for the Consent Agenda are items consistent with adopted rules and regulations of the Personnel Commission and are deemed routine in nature. They will be acted upon in one motion, without discussion, unless members of the Personnel Commission, staff, or a member in the audience requests an items removal. The item will be removed from the motion to approve and will be discussed immediately following the Consent Agenda.

ACTION

- A. Approval of Consent Agenda
 - 1. Ratification of Transfers

76-17/18

IV. UNFINISHED BUSINESS

None

V. NEW BUSINESS

ACTION

- A. Approval of Agreement for Services – Hearing Officer

77-17/18

VI. INFORMATION/REPORTS

Info Only

- A. First Reading – Revision to Personnel Commission Rules and Regulations Chapter 9, Section 1, Item 9.3.G
- B. Classified Update
- C. Interim Director, Personnel Commission
- D. Comments from Commissioners

VII. RECESS TO CLOSED SESSION

- A. With respect to every item of business to be discussed in closed session, pursuant to Government Code, Section 54957
 - 1. Public Employee: Discipline/Dismissal/Release

VIII. RECONVENE TO OPEN SESSION

IX. REPORT OUT ACTIONS TAKEN (if any) IN CLOSED SESSION

- A. With respect to every item of business to be discussed in closed session, pursuant to Government Code, Section 54957
 - 1. Public Employee: Discipline/Dismissal/Release

X. DATE/TIME OF NEXT PERSONNEL COMMISSION MEETING: June 13, 2018 at 5:30 P.M.

OPEN SESSION ADJOURNMENT _____ P.M.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Personnel Commission office at 661 285 2902. Notification 48 hours prior to the meeting will enable to the Commission to make reasonable arrangements to ensure accessibility to this meeting.

As of July 1, 2008, the District is required to make documents (revised or otherwise) distributed to the Personnel Commission within 72 hours of a meeting, simultaneously available for public review, provided such documents are not otherwise exempt from public disclosure. Such documents will be available for public review in the Personnel Commission office.

Personnel Commission Meeting
of the
Palmdale School District

Minutes of May 09, 2018 Regular Meeting

CALL TO ORDER	Chairperson Kathleen Duren called the meeting to order at 5:30 p.m., followed by the Pledge of Allegiance led by Don Wilson.
MEMBERS PRESENT	Mrs. Kathleen Duren, Chairperson Mr. Don Wilson, Vice Chairperson Mrs. Deneese Thompson, Commissioner A quorum was present
STAFF PRESENT	Ms. Mary Theus, Interim Director, Personnel Commission Mrs. Susan McCormick, Administrative Secretary
PRELIMINARY BUSINESS	Mrs. Thompson moved to approve the minutes of the April 25, 2018 meeting, with Mr. Wilson providing a second, and discussion was called for. Hearing none, Mrs. Duren called for the vote, and the motion passed unanimously.
PUBLIC COMMENTS CONCERNING AGENDA ITEMS	None.
PUBLIC COMMENTS CONCERNING NON-AGENDA ITEMS	No comments from the public. Mrs. Duren noted that CSEA Chapter President, Ms. Astrid Cante, will not attend the meeting due to her work schedule.
CONSENT AGENDA	Mrs. Thompson moved to approve the Consent Agenda as presented, with Mr. Wilson providing a second, and discussion was called for. Hearing none, Mrs. Duren called for the vote, and the motion passed unanimously.
UNFINISHED BUSINESS	None.
NEW BUSINESS	A. Monthly Expenses Review The Commissioners reviewed the expenses for the month of March. Ms. Theus clarified the new line items pertaining to custodial costs. B. Approval of 2018-2019 Membership Renewal: 1) California School Personnel Commissioners Association (CSPCA) Mrs. Thompson moved to approve the CSPCA renewal, with Mr. Wilson providing a second, and discussion was called for. Hearing none, Mrs. Duren called for the vote, and the motion passed unanimously.

2) CODESP

Mrs. Thompson moved to approve the CODESP renewal, with Mr. Wilson providing a second, and discussion was called for. After brief clarification of the functions and uses of the CODESP, Mrs. Duren called for the vote, and the motion passed unanimously.

3) NEOGOV Onboard Software License

Mr. Wilson moved to approve the NEOGOV Onboard license renewal, with Mrs. Thompson providing a second, and discussion was called for. Hearing none, Mrs. Duren called for the vote, and the motion passed unanimously.

C. Approval of Eligibility List with Less Than Three Ranks:

Director of Accounting

Mrs. Thompson moved to approve the Eligibility List with Less Than Three Ranks, with Mr. Wilson providing a second, and discussion was called for. Hearing none, Mrs. Duren called for the vote, and the motion passed unanimously.

D. Approval to Appoint a Hearing Officer for Appeal of Disciplinary Action

Mrs. Duren called the item and read the following statement: "The Personnel Commission is informed the school board has recently approved dismissal charges against an employee. The PC rules provide the Personnel Commission can appoint a hearing officer to conduct the appeal hearing and make a recommendation to the Personnel Commission following the hearing. This item is to approve the Personnel Commission contracting with a hearing officer to conduct the appeal hearing. Ms. Theus will work with legal counsel to prepare and retain a hearing officer for the appeal hearing."

Mr. Wilson moved to approve the appointment of a hearing officer, with Mrs. Thompson providing a second, and discussion was called for. In response to Commissioner inquiry, Ms. Theus reported that recommendations for hearing officers were solicited from legal counsel for the Commission's consideration. Mrs. Duren called for the vote, and the motion passed unanimously.

INFORMATION / REPORTS

Classified Update

Ms. Theus distributed the Classified Update, and mentioned that eligibility lists are being established in preparation for the 2018-2019 school year.

Interim Director, Personnel Commission

Ms. Theus noted that interviews had been completed for the Fiscal Services Administrator position, and the selected candidate is currently in the pre-employment process.

Comments from Commissioners

Mrs. Thompson stated that the department is heading in the right direction for the start of the upcoming school year, and she is pleased with the progress.

Mrs. Duren echoed Mrs. Thompson's sentiments, congratulating the department staff for their preparedness.

RECESS TO CLOSED SESSION

Recess to closed session at 5:59 P.M.

RECONVENE TO OPEN SESSION

Reconvened to open session at 6:56 P.M.

REPORT OUT OF CLOSED SESSION

With no action taken, there is no report.

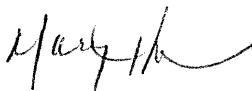
NEXT MEETING

The next regular meeting of the Personnel Commission is scheduled for May 23, 2018 at 5:30 P.M. in Room 125 at Site 18.

ADJOURNMENT

Mr. Wilson moved to adjourn the meeting, with Mrs. Thompson providing a second. Meeting was adjourned at 6:57 P.M.

Respectfully submitted,



Mary Theus
Interim Director, Personnel Commission

APPROVED:

Kathleen Duren, Chairperson

Don Wilson, Vice Chairperson

Deneese Thompson, Commissioner



Classified Update for May 9, 2018

1. Testing Status:

Administrative Clerk I	Performance/written 05/15/18 and 05/16/18
Bilingual Typist Clerk	Performance/written 05/15/18 and 05/16/18
Campus Security Assistant	Written exam 05/17/18
Maintenance Worker II	Written exam 05/22/18

2. Postings:

Bilingual ECE Teacher Assistant	Continuous
Campus Security Assistant	Closes 05/09/18
Crossing Guard	Closes 05/22/18
ECE Teacher Assistant	Continuous
Health Technician-LVN	Closes 05/09/18
Maintenance Worker II	Closes 05/11/18
Occupational Therapist	Continuous
Paraeducator Certified Interpreter	Continuous
Paraeducator Certified Interpreter II	Continuous
Personnel Analyst	Closes 05/22/18

PALMDALE SCHOOL DISTRICT

PERSONNEL COMMISSION

AGENDA ITEM

DATE May 23, 2018 _____ REPORT

TO: Personnel Commission X ACTION

FROM: Mary Theus
Interim Director, Personnel Commission

RE: RATIFICATION OF TRANSFER(S)

STATUS

As provided for in the Personnel Commission Rules and Regulations Section 4, Item 6.18B and in the collective bargaining agreement Article 7.1, the Personnel Commission shall ratify transfers.

RECOMMENDATION

It is recommended that the Personnel Commission ratify the transfer(s) included as "Change of Status" from the Board Agenda.

TRANSFERS AND REASSIGNMENTS

<u>Employee Name</u>	<u>Effective Date</u>	<u>Classification(s)</u>	<u>Comments</u>
a. Gonzalez, Stacy	4/30/2018	Instructional Assistant I from (YU) to (CM), 5.75 hours/182 days	Voluntary Transfer Replacement for Karen Nunez Cipriano
b. Lawson, Amy Jo	5/1/2018	From Special Education Instructional Assistant I to Special Education Instructional Assistant II	Completion of Coursework
c. Powell, Stephanie	4/27/2018	Child Nutrition Manager from (MQ) to (GP), 8.0 hours/10 month	Voluntary Transfer Replacement for Valerie Economu

PALMDALE SCHOOL DISTRICT

PERSONNEL COMMISSION

AGENDA ITEM

DATE May 23, 2018 _____ REPORT
TO: Personnel Commission _____ X ACTION
FROM: Mary Theus
Interim Director, Personnel Commission
RE: APPROVAL OF AGREEMENT FOR SERVICES – HEARING OFFICER

BACKGROUND

The Personnel Commission approved the appointment of a hearing officer at its meeting of May 9, 2018. Mr. David G. Miller, recommended by legal counsel, will serve as the hearing officer to conduct a hearing of appeal for a disciplinary (dismissal) action.

STATUS

The proposed agreement between Mr. David G. Miller and the Personnel Commission is presented for approval, including a summary of rates for services plus reimbursement for overnight lodging. An itemized summary of fees and associated expenses will be submitted upon conclusion of the hearing or intervals as necessary.

RECOMMENDATION

It is recommended that the Personnel Commission consider approval of the agreement for services provided by the selected hearing officer, as presented.

AGREEMENT

Pursuant to Education Code section 45312 and Personnel Commission Regulation 9.3, this Agreement is made and entered into as of May 23, 2018 by and between the Personnel Commission of Palmdale School District (hereafter Commission) and David G. Miller (hereafter Miller or Hearing Officer).

In consideration of the promises and mutual agreements hereinafter contained, Commission and Miller agree as follows:

Commission appoints and Miller hereby accepts appointment as Hearing Officer for a classified employee disciplinary hearing. Miller agrees to participate in scheduling the hearing, meeting and/or consulting with the parties about any preliminary matters, to conduct the hearing, review the evidence and testimony, and render a timely written proposed decision and to perform such other related matters which are necessarily part of the overall hearing process.

Commission shall pay Hearing Officer one thousand dollars (\$1000) per full day, five hundred dollars (\$500) per half day of four (4) hours or less. Such payments to cover hearing day(s), study day(s) and opinion writing day(s).

Additionally Commission shall reimburse Miller for overnight lodging.

Miller will not charge a cancellation fee unless expenses have already been incurred which will require reimbursement.

Hearing Officer shall send Commission a statement for fees and costs upon conclusion of the matter or, if the matter extends over a long period of time, then at such intervals as are appropriate. The statement shall clearly state the basis thereof, including the amount, rate and basis for calculations.

Commission shall pay Hearing Officer's statement within thirty (30) days of receipt.

It is expressly understood and agreed to by both parties that Hearing Officer, while carrying out and complying with any of the terms and conditions of this Agreement, is an independent contractor and is not an employee of the Commission.

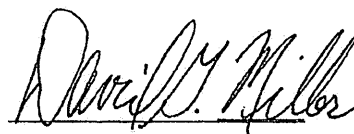
This Agreement shall run through May 23, 2019 and may be extended by mutual agreement. Notwithstanding the foregoing, Commission or Hearing Officer may terminate this Agreement by giving thirty (30) days' written notice of termination to the other party.

Approved this 23d day of May, 2018 by the Personnel Commission of Palmdale School District.

Signed:

PERSONNEL COMMISSION OF
PALMDALE SCHOOL DISTRICT

DAVID G. MILLER

A handwritten signature in dark ink, appearing to read "David G. Miller", written over a horizontal line.

HEARING OFFICER

TITLE:

PALMDALE SCHOOL DISTRICT

PERSONNEL COMMISSION

AGENDA ITEM

DATE May 23, 2018 X REPORT
TO: Personnel Commission ACTION
FROM: Mary Theus
Interim Director, Personnel Commission
RE: FIRST READING – PROPOSED REVISION TO PERSONNEL COMMISSION RULES
AND REGULATIONS: ITEM 9.3 HEARING PROCEDURE

BACKGROUND

An update of the Personnel Commission Rules and Regulations is presented to assure it is compliant with the Education Code. The proposed revision clarifies the role of a hearing officer.

STATUS

Item 9.3.G of the Personnel Commission Rules and Regulations requires revision in order to clearly specify the authority of a hearing officer authorized by the Personnel Commission to conduct hearings of appeals. The proposed amendment, as suggested by legal counsel and in compliance with the Education Code, is presented for a first reading. A copy will also be provided to the District and CSEA for review. This amendment will be brought back for a second reading and/or approval at the next regular meeting.

ITEM 9.3 HEARING PROCEDURE

- A. The Personnel Commission may conduct hearings of appeals or may appoint a hearing officer to conduct the hearing and report findings and recommendations to the Commission. If the Personnel Commission orders a hearing, said hearing shall be held in closed session. The employee shall be given written notice of the right to have the complaints or charges heard in an open session rather than closed session pursuant to Government Code section 54957. The notice shall be delivered to the employee personally or by mail at least twenty-four (24) hours before the time for holding the closed session.
- B. Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the Commission nor its hearing officer shall be bound by technical rules of evidence. Decisions made by the Commission shall not be invalidated by any informality in the proceedings.
- C. The Personnel Commission or its hearing officer shall determine the relevancy, weight, and credibility of testimony and evidence. It shall base its findings on the preponderance of evidence.
- D. Each side will be permitted an opening statement (District first) and closing arguments (employee first). The District shall first present witnesses and evidence to sustain the charges and the employee will then present witnesses and evidence in defense.
- E. Each side will be allowed to examine and cross-examine witnesses.
- F. Both the District and the employee must present their appeal case. The employee may provide their own legal counsel or any other designated person (at their own expense), and/or be provided Union representation. If Union representation is accepted by the employee, the Union must notify the Personnel Commission Director of the Union representatives representing the employee within 14 calendar days of the appeal hearing to assure that Union representatives are released from their District duties to attend the appeal hearing. The maximum number of persons representing each side is three. The employee must attend the appeal hearing, even if the employee's representatives appear on their behalf. If the employee fails to appear, the employee will be deemed to have forfeited all rights to further appeal and the Personnel Commission shall sustain the Board's disciplinary action.
- ➡ G. The Commission **or the appointed hearing officer** may, (and shall, if requested by the District or the employee) subpoena witnesses, **require attendance of witnesses, and/or** require the production of records or other material evidence, **and cause depositions of witnesses to be taken**. Witness lists must be provided to the Personnel Commission Director two (2) calendar weeks prior to the appeal hearing.
- H. The Commission may, prior to or during a hearing, grant a continuance for any reason it believes to be important to reaching a fair and proper decision.

- I. Whether the hearing is held in a public or Executive Session, the Commission, after it concludes the hearing, may deliberate in Executive Session. Only Commissioners, appointed counsel, and the Director of the Personnel Commission shall be permitted to participate in the deliberations. The Personnel Commission Director or any Personnel Commission staff shall be barred from the Commission's final deliberations if served in the proceedings as a substantial witness.
- J. The Commission shall render its judgment in an open session at the next month's regularly scheduled Personnel Commission meeting.
- K. The Commission may sustain or reject any or all of the charges filed against the employee. It may sustain, reject, or modify the disciplinary action invoked against the employee. It may not provide for discipline more stringent than that invoked by the Board.
- L. The Commission order of judgment will be filed with the Governing Board and the charged employee and shall set forth its findings and decision. If a dismissal is not sustained, its order shall set forth the effective date the employee is to be reinstated which may be any time on or after the date of disciplinary action.