



PERSONNEL COMMISSION

PLEASE POST

PERSONNEL COMMISSION MEETING May 03, 2007 MINUTES

Testing Room
Personnel Commission Office
999 Atlantic Avenue
Long Beach, CA 90813

Chairperson Terry Ulaszewski called the meeting of the Personnel Commission to order at 8:15 a.m. at which time he led the pledge of allegiance to the flag.

COMMISSION MEMBERS PRESENT STAFF MEMBERS PRESENT

Terry Ulaszewski, Chairperson
Chuck Acosta, Vice-Chairperson
Vera Mulkey, Member

Ramon Curiel, Executive Officer
Susan Leaming, Acting Administrative Coordinator
Marilyn Doss, Personnel Analyst
Alison Maitlen, Personnel Analyst
Dale Culton, Certification Services Manager
Vanessa Martinez, Associate Personnel Analyst
Paula Wiesenhutter, Certification Services Supervisor
Mary Cates, Human Resources Supervisor
Susan Brister, Human Resources Technician
Jan Medford, Human Resources Technician
Maria Villalobos, Human Resources Technician
Judy Marshall, Human Resources Assistant
Adriana Araujo-Honorio, Staff Secretary (C)
Maria Lynn Braunstein, Human Resources Technician

PRELIMINARY

Guests: d'Ann Madore, CSEA Labor Relations Representative; Vickie West, CSEA Job Steward

HEARING OF PUBLIC TESTIMONY AND QUESTIONS FROM THE FLOOR ON ITEMS NOT LISTED ON THE AGENDA

None.

HEARING OF PUBLIC TESTIMONY AND QUESTIONS FROM THE FLOOR ON ITEMS NOT LISTED ON THE AGENDA

REPORT FROM THE EXECUTIVE OFFICER

REPORT FROM THE EXECUTIVE OFFICER

Mr. Curiel reported on items of interest from the last Board of Education meeting. The Board clarified the new name for Sutter Middle School will be Perry Lindsay Academy. The Board also passed a resolution that May 9, 2007 will be known as the Day of the Teacher.

Mr. Curiel reported Superintendent Steinhauser signed off on the Personnel Commission budget and it has now been sent to the County Office for approval.

Mr. Curiel informed the Commission that the State has reappointed Commissioner Vera Mulkey to the Commission for another three years. Mr. Curiel updated the Commission on current vacancies in the department and announced the Administrative Coordinator and Senior Personnel Analyst positions are now open.

Mr. Curiel reported to the Commission that staff has been instructed to move forward with the Information Services job family study. Mr. Curiel asked staff to update the Commission on the status of summer school and Instructional Aide Specials. Staff gave a report on the status of summer school assignments and the recruiting efforts for Instructional Aide Specials.

PERSONNEL COMMISSION MINUTES

PERSONNEL COMMISSION MINUTES

The minutes of the April 19, 2007 Personnel Commission Meeting were approved.

CLASSIFICATION RESTRUCTURE
RECOMMENDATIONS

CLASSIFICATION RESTRUCTURE
RECOMMENDATIONS

The Personnel Commission acted to approve the following classification recommendations per Education Code 45256 and according to Personnel Commission Rules, and with the proviso that if any of these actions were affected by the hiring freeze they may not be implemented until the freeze is lifted:

none.

REVISION OF PERSONNEL COMMISSION
RULES 10.10, 10.12 AND 12.1G

REVISION OF PERSONNEL COMMISSION
RULE 10.10, 10.12 AND 12.1G

Staff submitted recommended revisions to Personnel Commission Rule 10.10, 10.12 and 12.1G regarding Career Increments, Sick Leave Savings Plan and Illness or Injury Leave for the second reading and adoption. The revisions were due to changes in contract and rules.

The Commission acted to approve the rule revision and Personnel Commission Rules 10.10, 10.12 and 12.1G now read as follows:

- 10.10 CAREER INCREMENT Effective July 1, 2005, Classified employees are eligible for career increments as established by the Board of Education. The following are increments as approved and the guidelines for determining eligibility:
- A. Classified employees are eligible for a \$1,250 career increment compensation if they have completed 14 years of credited service with the Long Beach Unified School District.
 - B. Classified employees are eligible for an additional \$1,250 career increment compensation (totaling \$2,500) if they have completed 19 years of credited service with the Long Beach Unified School District.
 - C. Classified employees are eligible for an additional \$2,000 career increment compensation (totaling \$4,500) if they have completed 24 years of credited service with the Long Beach Unified School District.
 - D. Classified employees are eligible for an additional \$2,500 career increment compensation (totaling \$7,000) if they have completed 29 years of credited service with the Long Beach Unified School District.
 - E. A credited year of service is one in which at least fifty percent (50%) of the pay periods are creditable. A creditable pay period is one in which the employee is compensated for at least seventy-five percent (75%) of the working days in the pay period.
 - F. Payment of a career increment compensation to an employee is on a prorated basis as determined by the number of quadri-weeks in the employee's currently assigned work year, and in accordance with the employee's current percent of assignment.

10.12–SICK LEAVE SERVICE CREDIT PLAN

A.–Effective January 1, 1999, unused sick leave may be converted into service credit at retirement in accordance with CalPERS guidelines. At the time of retirement 2,000 hours of sick leave is one year of CalPERS service credit. This equates to 250 days. The calculation is to multiply the number of unused sick days by .004. To receive sick leave credit, an employee's retirement date must be within 120 days of the date of separation from employment.

12.1 ILLNESS OR INJURY LEAVE

EDUCATION CODE 45199 POWER OF GOVERNING BOARD TO GRANT LEAVE OF ABSENCE AND COMPENSATION FOR ACCIDENT OR ILLNESS. Governing boards of school districts may grant leaves of absence to persons employed in positions not requiring certification qualifications, and at their discretion may pay compensation at such rate as the board prescribes, during the absence, to any such employee whose absence is caused by accident or illness whether or not the absence arises out of or in the course of the employment of the employee, or because of quarantine which results from his *or her* contact with other persons having a contagious disease while performing his *or her* duties.

EDUCATION CODE 45191 LEAVES OF ABSENCE FOR ILLNESS OR INJURY.

Every classified employee employed five days a week by a school district shall be entitled to 12 days leave of absence for illness or injury and such additional days, in addition thereto, as the governing board may allow for illness or injury, exclusive of all days he *or she* is not required to render service to the district, with full pay for a fiscal year of service.

A classified employee, employed five days a week, who is employed for less than a full fiscal year is entitled to that proportion of 12 days leave of absence for illness or injury as the number of months he *or she* is employed bears to 12 and the proportionate amount, consistent with this formula, of such additional days, in addition thereto, authorized by the governing board for classified employees employed five days a week for a full fiscal year of service.

A classified employee employed less than five days per week shall be entitled, for a fiscal year of service, to that proportion of 12 days leave of absence for illness or injury as the number of days he *or she* is employed per week bears to five and is entitled to the proportionate amount, consistent with this formula, of such additional days, in addition thereto, authorized by the governing board for classified employees employed five days a week for a full fiscal year of service. When such persons are employed for less than a full fiscal year of service this and the preceding paragraph shall determine that proportion of leave of absence for illness or injury to which they are entitled.

Pay for any day of such absence shall be the same as the pay which would have been received had the employee served during the day. Credit for leave of absence need not be accrued prior to taking such leave by the employee and such leave of absence may be taken at any time during the year. However, a new employee of a district shall not be eligible to take more than six days, or the proportionate amount to which he *or she* may be entitled under this section, until the first day of the calendar month after completion of six months of active service with the district.

If such employee does not take the full amount of leave allowed in any year under this section the amount not taken shall be accumulated from year to year with such additional days as the governing board may allow.

The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of illness or injury for the purpose of this section. Such rules and regulations shall not discriminate against evidence of treatment and the need therefore by the practice of the religion of any well-recognized religious sect, denomination or organization.

The provisions of this section shall not apply to a school district or districts, governed by the same governing board, in which the combined average daily attendance of all districts is in excess of 400,000, provided such districts maintain sick leave policies not less than those in effect in such districts on January 1, 1961.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

EDUCATION CODE 45195 ADDITIONAL LEAVE FOR NON-INDUSTRIAL ACCIDENT OR ILLNESS: REEMPLOYMENT PREFERENCE. A permanent employee of the classified service who has exhausted all entitlement to sick leave, vacation, compensatory overtime, or other available paid leave and who is absent because of nonindustrial accident or illness may be granted additional leave, paid or unpaid, not to exceed six months. The employee shall be notified, in writing, that available paid leave has been exhausted, and shall be offered an opportunity to request additional leave. The board may renew the leave of absence, paid or unpaid, for two additional six-month periods or lesser leave periods that it may provide but not to exceed a total of 18 months.

An employee, upon ability to resume the duties of a position within the class to which he or she was assigned, may do so at any time during the leaves of absence granted under this section and time lost shall not be considered a break in service. The employee shall be restored to a position within the class to which the employee was assigned and, if at all possible, to his or her position with all the rights, benefits and burdens of a permanent employee.

If at the conclusion of all leaves of absence, paid or unpaid, the employee is still unable to assume the duties of his or her position, the employee shall be placed on a reemployment list for a period of 39 months.

At any time, during the prescribed 39 months, the employee is able to assume the duties of his or her position the employee shall be reemployed in the first vacancy in the classification of his or her previous assignment. The employee's reemployment will take preference over all other applicants except for those laid off for lack of work or funds under Section 45298 in which case the employee shall be ranked according to his or her proper seniority. Upon resumption of his or her duties, the break in service will be disregarded and the employee shall be fully restored as a permanent employee.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

A. **CURRENT SICK LEAVE BALANCE.** Every full time probationary and permanent employee in a paid status shall be allowed full pay for absence caused by personal illness or personal incapacity as follows:

260-day employees	106.49 hours per year
217-day employees	88.54 hours per year
204-day employees	83.23 hours per year
200-day employees	81.60 hours per year

Other eligible employees shall be entitled to a proportionate allowance according to assignment.

1. Each employee who receives an initial appointment after July 1 shall be credited as of the date of his/her appointment with the number of days proportional to the remainder of his/her assigned work year.
2. An employee serving an initial probationary period shall not be eligible to be paid for more than half the days of full pay provided for illness until the first day of the pay period after completion of 130 days of paid service in a regular assignment.
3. Thereafter, as long as he/she remains a regular employee, he/she will be credited annually with the number of full-pay illness days provided for his/her assignment year.
4. The employee who does not complete the year of service after the July 1 yearly grant of sick leave according to his/her assignment shall have the sick leave balance reduced proportionally to the number of days to the date of his/her departure from the district. If this adjustment results in an overpayment, that shall be handled as prescribed.

B. UNLIMITED ACCUMULATION OF LEAVE ALLOWANCE. There shall be no limit to the year-to-year accumulation of unused days for full-pay illness leave. As a sick leave maintenance incentive, an employee with full-pay illness leave accumulation of at least forty (40) days (320 hours) will have available seven (7) days of personal necessity leave per year, a maximum of three (3) of which may be used for compelling personal reasons.

C. CUMULATIVE SICK LEAVE USE SUBJECT TO PROOF. All employees are to report absences to their worksite prior to the beginning of their regularly scheduled workday. When any illness leave is used by an employee, the employee must complete "Certificate of Absence" form. The form is to be completed and signed by the employee upon return from illness leave and submitted to the appropriate manager/supervisor for signature. Upon request, the employee shall receive a copy of the completed "Certificate of Absence" form. The District may require evidence of facts relevant to any illness leave for which there exists the suspicion of possible abuse of such leave.

D. SICK LEAVE RECORDS AND INSPECTION. Complete records for each classified employee shall be maintained showing the number of days sick leave accumulated by each employee and the number of days sick leave annually used by each employee. Each employee's record will be open to his/her inspection.

E. NO SICK LEAVE WHILE ON LEAVE OR LAY-OFF. Lay-off or leave of absence without pay shall not be considered an interruption of continuous service, but no illness leave shall be allowed while an employee is in a non-paid status.

F. REPORTS REQUIRED UPON RETURN AFTER ILLNESS OR ACCIDENT. Each employee absent from duty on account of illness or accident shall submit a health report as follows:

1. ABSENCE LESS THAN FIVE MONTHS

a. The employee on sick leave must report his/her intention to return from absence directly to the worksite prior to the end of the workday before return to service. The deadline for reporting such intent to return from absence will be determined and communicated to employees in writing by each site manager. In incidents in which the employee has not notified the worksite in a timely manner and reports to work when a replacement substitute has been assigned to work, the employee shall be charged with appropriate (sick, vacation, personal, etc.) leave for the day and the substitute shall be paid.

b. Employees who have been absent from duty because of serious illness or a serious accident for a period of less than four weeks, employees who have been absent from duty for a period of four weeks or more, not exceeding five school months, and employees who have suffered serious illness or incurred a serious injury during periods during which they were not normally assigned shall submit a health report for approval before continuing service.

2. ABSENCE EXCEEDING FIVE MONTHS. Employees who have been absent from duty on account of illness for a period of more than five months, or who have been granted a leave of absence in excess of five months, shall submit a health report for approval before reporting for or continuing service.

3. RETURN FROM MILITARY SERVICE. Employees returning from a leave of absence for military service exceeding two calendar months, shall submit a health report before reporting for duty.

4. HEALTH REPORT REQUIRED AT ANY TIME. The Superintendent of Schools or his/her designee may require and direct any employee to obtain a health report at district expense should it appear to be necessary for the best interest of the school district.

5. HEALTH REPORTS MADE. The report of the examining physician shall be made to Human Resource Services on the required form and shall include a reply to all items listed therein.

6. SPECIAL HEALTH EXAMINATION REQUIRED. The Superintendent of Schools or his/her designee may require any employee who has been permitted to return to duty under the terms of this Rule and who is again absent by reason of illness or accident during the same calendar year for a period of one month or more, to report to Human Resource Services for a health examination.

7. ABSENCES - UNAVAILABLE PHYSICIAN. When an employee, required to report to a designated physician as specified, is unable to secure an appointment within a reasonable period of time (i.e., due to vacation or extended illness of the physician, etc.) section F.4 of this Rule shall apply.

G. SICK LEAVE DONATION PROGRAM. All Classified employees are eligible to participate in the District's Sick Leave Donation Program as provided for in California Education Code 44043.5 and collective bargaining contract provisions.

REQUEST FOR HEARING IN
DISCIPLINARY MATTER

REQUEST FOR HEARING IN
DISCIPLINARY MATTER

Per Personnel Commission Rule 11.6, a permanent Heavy Truck Driver requested a hearing regarding his dismissal from the classified service of the District. The Commission moved this item to Closed Session for discussion.

REMOVAL FROM ELIGIBILITY LIST

REMOVAL FROM ELIGIBILITY LIST

Staff submitted a recommendation to remove a name from current eligibility lists per Personnel Commission Rule 4.2.A.7. The individual was not present. The Commission acted to remove Melvin Anderson from current eligibility lists.

REMOVAL FROM ELIGIBILITY LIST

REMOVAL FROM ELIGIBILITY LIST

Staff submitted a recommendation to remove a name from current eligibility lists per Personnel Commission Rule 4.2.A.7. The individual was not present. The Commission acted to remove John Kahler from current eligibility lists.

REMOVAL FROM ELIGIBILITY LIST

REMOVAL FROM ELIGIBILITY LIST

Staff submitted a recommendation to remove a name from current eligibility lists per Personnel Commission Rules 4.2.A.6 and 4.2.A.7. The appellant Antwone Williams was not present. The Commission moved this item to Closed Session.

BULLETINS

BULLETINS

Personnel Commission Rule 4.6.B.1, states that the Personnel Commission Executive Officer shall be responsible for issuing job announcement bulletins to publicize recruitment and examination processes. All job bulletins issued are then to be ratified at the first reasonable opportunity at a Commission meeting. The Commission acted to ratify the following bulletins:

Administrative Coordinator-Facilities,
Development & Planning

Dual 07-0199-5097

ELIGIBILITY LISTS

ELIGIBILITY LISTS

Personnel Commission Rule 5.1.A, states that the Personnel Commission Executive Officer shall be responsible for establishing eligibility lists as a result of examination processes authorized by these rules. All such eligibility lists shall then be certified at the first reasonable opportunity at a Commission meeting following the protest and review period. The Commission acted to certify the following eligibility lists:

Instructional Aide-Special	Open/Cont	07-0201-0448
Instructional Aide – Special (Limited Term & Substitute)	Open/Cont	07-LTES-0448

OTHER ITEMS

OTHER ITEMS

ANNUAL ELECTION

ANNUAL ELECTION

Personnel Commission Rule 2.1.A states that “the Commission shall elect one of its members as Chairperson and another as Vice-chairperson at the first meeting of each May.” In accordance with this rule the Commission elected Chuck Acosta to serve as Chairperson and Vera Mulkey as Vice-Chairperson.

NEXT MEETING

NEXT MEETING

The next regular meeting of the Personnel Commission will be held on Thursday, May 17, 2007. The meeting will be at 8:15 a.m. in the Testing Room of the Personnel Commission Office, 999 Atlantic Avenue, Third Floor, Long Beach, 90813.

CLOSED SESSION

CLOSED SESSION

The Personnel Commission adjourned to Closed Session in honor and memory of U.S. Representative Juanita Millender-McDonald at 8:45 a.m. to discuss the request for a hearing by Steven Chrysler and consider staff’s recommendations to remove Antwone Williams from eligibility list.

RETURN TO OPEN SESSION

RETURN TO OPEN SESSION

The Personnel Commission returned to Open Session at 9:26 a.m.
The following reportable actions were taken during Closed Session:

The Commission acted to authorize a hearing for Steven Chrysler as provided for in the Rules and Regulations. The Commission directed the Personnel Commission Executive Officer to notify all parties involved of this decision and to engage a Hearing Officer to conduct the hearing.

The Commission acted to remove Antwone Williams from current eligibility lists.

ADJOURNMENT

ADJOURNMENT

There being no further business, the Personnel Commission adjourned at 9:27 a.m.

Respectfully submitted,

Ramon Curiel
Executive Officer

mb