



## PERSONNEL COMMISSION

PLEASE POST

### PERSONNEL COMMISSION MEETING June 28, 2007 MINUTES

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

Chairperson Chuck Acosta 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

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

Ramon Curiel, Executive Officer  
Maria Lynn Braunstein, Acting Sr. Admin. Secretary  
Alison Maitlen, Personnel Analyst  
Marilyn Doss, Personnel Analyst  
Paula Wiesenhutter, Certification Services Supervisor  
Mary Cates, Human Resources Supervisor  
Susan Brister, Human Resources Technician  
Maria Villalobos, Human Resources Technician  
Judy Marshall, Human Resources Assistant  
Adriana Araujo-Honorio, Staff Secretary (C)

#### PRELIMINARY

Guests: None.

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

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None.

#### REPORT FROM THE EXECUTIVE OFFICER

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Ramon Curiel updated the Commission on Personnel Commission staffing and the status of the recruiting and testing for the Administrative

Coordinator – Personnel Commission and Senior Personnel Analyst.

Mr. Curiel asked the Personnel Commission Division heads to give a brief update of their departments' activities. Each manager/supervisor present gave a brief report on the current activities of their units.

Mr. Curiel presented to the Commission a letter that was received from a parent regarding a teacher which included some remarks made by a classified employee. The Commission instructed Mr. Curiel to send a letter of acknowledgement to the parent.

#### PERSONNEL COMMISSION MINUTES

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The minutes of the June 14, 2007 Personnel Commission Meeting were approved.

#### CLASSIFICATION RESTRUCTURE RECOMMENDATIONS

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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:

#### REVISE A CLASSIFICATION

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Library Services Assistant

#### CREATE A NEW POSITION

#### CREATE A NEW POSITION

| <u>SITE</u>                            | <u>POSITION</u>               | <u>ASSIGNMENT</u> |
|--|-------------------------------|-------------------|
| Burcham                                | Campus Security Officer       | 100% 217 Day      |
| Gompers                                | Campus Security Officer       | 100% 217 Day      |
| Information Svcs                       | Computer Support Technician   | 100% 12 Month     |
| Information Svcs                       | Computer Support Technician   | 100% 12 Month     |
| Information Svcs                       | Computer Support Technician   | 100% 12 Month     |
| Information Svcs                       | Computer Support Technician   | 100% 12 Month     |
| Coordinated Student<br>Svcs-Hughes Way | Inst Aide-Alternative Schools | 47.5% 204 Day     |
| Coordinated Student<br>Svcs-Hughes Way | Inst Aide-Alternative Schools | 47.5% 204 Day     |
| Bancroft                               | Inst Aide-Special             | 47.5% 202 Day     |
| Bancroft                               | Inst Aide-Special             | 47.5% 202 Day     |
| Hill                                   | Inst Aide-Special             | 47.5% 202 Day     |
| Hill                                   | Inst Aide-Special             | 47.5% 202 Day     |

DeMille                      Nutrition Svcs Worker                      37.5% 204 Day

RESTRUCTURE AN EXISTING POSITION

RESTRUCTURE AN EXISTING POSITION

| <u>NAME</u> | <u>POSITION</u>               | <u>ASSIGNMENT</u> |
|-------------|-------------------------------|-------------------|
| Vacant      | Inst Aide ADD-V/V Read Clinic | From: 75% 202 Day |
|             | Webster                       | To: 100% 202 Day  |

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.13. The individual was not present. The Commission acted to remove Lawanda Grissam from current eligibility lists.

REVISION OF RULES AND REGULATIONS

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Ramon Curiel recommended revisions to Personnel Commission Rule 11.6. The revision was found to be appropriate to provide further due process to appellants in disciplinary hearings. The Commission acted to approve the rule revision adding section 11.6 D. Personnel Commission Rule 11.6 now reads as follows:

**11.6 APPEAL FROM DISCIPLINARY ACTION**

*EDUCATION CODE 45305 APPEAL BY EMPLOYEE FROM SUSPENSION, DEMOTION OR DISMISSAL. Any employee in the permanent classified service who has been suspended, demoted, or dismissed may appeal to the Commission within 14 days after receipt of a copy of the written charges by filing a written answer to the charges. Such an appeal is not available to an employee who is not in the permanent classified service except as provided by rules of the commission. An employee in the permanent classified service who has not served the time designated by the Commission as probationary for the class may be demoted to the class from which promoted without recourse to an appeal or hearing by the Commission, except as otherwise provided by rules of the Commission; and provided, that such demotion does not result in the separation of the employee from the permanent classified service. Nothing in this section shall operate to alter the protections guaranteed under Section 45309.*

A. *An appeal under Education Code Section 45305 can only be made on the following grounds:*

- 1. That the procedures set forth in these rules have not been followed.*
- 2. That the removal was made because of affiliations, political or religious beliefs or opinions, race, color, or marital status.*

3. *That the charges made do not constitute sufficient cause for the action taken.*
4. *That the action taken was not in accord with the facts.*
5. *That there has been an abuse of discretion.*

*EDUCATION CODE 45306 INVESTIGATION AND HEARING ON APPEAL. The Commission shall investigate the matter on appeal and may require further evidence from either party, and may, and upon request of an accused employee shall, order a hearing. The accused employee shall have the right to appear in person or with counsel and to be heard in his own defense. The decision shall not be subject to review by the governing board.*

*EDUCATION CODE 45311 POWERS OF PERSONNEL COMMISSION IN CONDUCTING HEARINGS, INSPECTING BOARD RECORDS. The Commission may conduct hearings, subpoena witnesses, require the production of records or information pertinent to investigation, and may administer oaths. It may, at will, inspect any records of the governing board that may be necessary to satisfy itself that the procedures prescribed by the Commission have been complied with. Hearings may be held by the Commission on any subject to which its authority may extend as described in this article (commencing with Section 45240.)*

*EDUCATION CODE 45312 HEARINGS OR INVESTIGATION BY HEARING OFFICER. The Commission may authorize a hearing officer or other representative to conduct any hearing or investigation which the Commission itself is authorized by this article (commencing with Section 45240) to conduct. Any such authorized person conducting such hearing or investigation may administer oaths, subpoena and require the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses to be taken in the manner prescribed by law for like depositions in civil cases in the superior court of this State. The Commission may instruct such authorized representative to present finding or recommendations. The Commission may accept, reject or amend any of the findings or recommendations of the said authorized representative. Any rejection or amendment of findings or recommendations shall be based either on a review of the transcript of the hearing or investigation or upon the results of such supplementary hearing of investigation as the Commission may order.*

*The Commission may employ by contract or as professional experts or otherwise any such hearing officers or other representative and may adopt and amend such rules and procedures as may be necessary to effectuate this section.*

- B. TIME AND CONDUCT OF HEARING. The Commission shall fix the time and place of the hearing of said charges which will be within a reasonable length of*

*time from the receipt of the appeal. The investigation and hearing shall be confined to the reasons for action as charged by the Appointing Power and the relevant defenses set forth in the appeal and answer. The representatives of the Appointing Power shall first present evidence in support of the charges to the Commission. The appealing employee shall then have the right to present his evidence. Witnesses desired by either side shall be subpoenaed by the Commission as provided in the Act, but requests for subpoenas must be filed with the Commission at least 72 hours prior to the date of the hearing. A list of witnesses shall be submitted to the Commission at least 24 hours prior to the date of the hearing. At the conclusion of the hearing, the matter shall be given consideration, either in open or executive session after which a decision shall be made. The accused employee may waive his rights to a public hearing.*

*Testimony of all witnesses shall be presented orally at the hearing. If, in the opinion of the Commission, a witness had good and sufficient reason for being unable to be present, written testimony will be accepted under the following conditions:*

- 1. Such evidence must be submitted by sworn affidavit of the witness. The affidavit shall be confined to a statement of facts bearing on the case and within the knowledge of the witness, and shall not contain any conclusions of the witness, except that a witness who qualifies as an expert may express his opinion based upon the facts which he has recited.*
  - 2. Copies of all such affidavits must be filed with the Commission at least three days prior to the date of the hearing, and may be inspected by the other party to the hearing, who shall be notified of the filing of such affidavits.*
  - 3. The Commission may reject any such affidavit submitted which fails to comply with any of the foregoing conditions.*
- C. TECHNICAL RULES OF EVIDENCE NOT FOLLOWED.** *All hearings before the Commission shall be governed by the above procedure, and in the conduct thereof neither the Commission nor any Commissioner, nor the Personnel Director nor other authorized agent of the Commission shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the Commission or any Commissioner, or the Personnel Director or any authorized agent of the Board shall invalidate any order, division or rule or regulation made, approved, or confirmed by the Commission.*
- D. HEARING OFFICER'S REPORT.** *Whenever the Commission appoints a hearing officer to conduct an appeal hearing, the hearing officer shall submit a written report of findings and recommendations to the Commission within a reasonable period of time after the hearing is completed. Soon after the receipt and review of the hearing officer's report*

**of findings and recommendations, the Commission shall provide a copy of such hearing officer's report to the appealing employee and to the representative of the Appointing Power. Before making a final decision regarding the hearing officer's recommendations, the Commission shall provide both parties an opportunity to address the Commission in open or closed session regarding the hearing officer's recommendations.**

- E. FINDINGS AND JUDGMENT OF THE COMMISSION. The findings and judgment of the Commission, arrived at by majority action, shall be rendered in written form within thirty days after the hearing is completed. Copies shall be sent to the Appointing Power and the employee concerned.*
- F. FAILURE TO APPEAL OR ANSWER. If the accused employee fails to appeal within the time provided herein, or if the accused employee files written notice of appeal, but does not file his written answer as herein provided, the order of disciplinary action shall be final without any action of the Commission.*

#### BULLETINS

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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:

|   |      |              |
|---|------|--------------|
| Food Production Equipment Technician                    | Dual | 07-0231-0476 |
| Instructional Aide – Bilingual Khmer                    | Dual | 08-0002-0440 |
| Intermediate Nutrition Services Worker @ Avalon         | Dual | 08-0005-5058 |
| Nutrition Services Worker @ Avalon                      | Dual | 08-0004-5068 |
| Speech-Language Pathology Assistant                     | Dual | 08-0001-5024 |
| Substitute Intermediate Office Assistant – Sch – Avalon | Dual | 07-0238-3354 |

#### ELIGIBILITY LISTS

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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:

|   |           |              |
|---|-----------|--------------|
| Administrative Coordinator Facilities,            |           |              |
| Development and Planning                          | Dual      | 07-0199-5097 |
| Campus Security Officer                           | Open/Cont | 07-0226-5011 |
| Campus Security Officer (Limited Term/Substitute) | Open/Cont | 07-LTES-5011 |

|  |           |              |
|--|-----------|--------------|
| Custodian  | Open/Cont | 07-0205-0139 |
| Custodian (Limited Term/Substitute)                    | Open/Cont | 07-LTES-0139 |
| Custodian – Avalon                                     | Open/Cont | 07-0109-0139 |
| Custodian – Avalon (Limited Term/Substitute)           | Open/Cont | 07-LTES-0139 |
| Facilities Planner                                     | Dual      | 07-MC50-5098 |
| Heavy Truck Driver                                     | Dual      | 07-0174-0187 |
| Instructional Aide – Special                           | Open/Cont | 07-0224-0448 |
| Instructional Aide – Special (Limited Term/Substitute) | Open/Cont | 07-LTES-0448 |
| Instructional Aide – Special                           | Open/Cont | 07-0227-0448 |
| Instructional Aide – Special (Limited Term/Substitute) | Open/Cont | 07-LTES-0448 |
| Intermediate Nutrition Services Worker                 | Dual      | 07-0206-5058 |
| Nutrition Services Worker                              | Dual      | 07-0228-5068 |
| Pool Attendant   | Open/Cont | 07-0191-0245 |
| Research Office Technician                             | Dual      | 07-0216-0433 |
| Senior Nutrition Services Worker                       | Dual      | 07-0207-5071 |
| Senior Research Office Technician                      | Dual      | 07-0217-3369 |
| Truck Driver   | Dual      | 07-MC49-0392 |

#### Extend Eligibility Lists

|   |      |              |
|---|------|--------------|
| School Community Worker - Bilingual Spanish       | Dual | 06-0124-0474 |
| Student Evaluation Technician - Bilingual Spanish | Dual | 06-0147-0483 |
| Transportation Scheduler                          | Dual | 06-0112-5040 |
| Truck Driver                                      | Prom | 06-0052-0392 |

#### OTHER ITEMS

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None.

#### NEXT MEETING

NEXT MEETING

The next regular meeting of the Personnel Commission will be held on Thursday, July 12, 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.

#### ADJOURNMENT

ADJOURNMENT

There being no further business, the Personnel Commission adjourned at 9:00 a.m.

Respectfully submitted,

Ramon Curiel  
Executive Officer

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