

PERSONNEL COMMISSION
MINUTES

February 20, 2013
9:00 AM, Room 508

1. OPENING PROVISIONS

A. CALL TO ORDER AND ROLL CALL

Members Present: Mary Beall, Commissioner
Miriam Rothman, Commissioner
Bert Seal, Commissioner

Present: Susan Dixon, Elva Uribe; Tom Sarmiento, Danny Sarmiento,
Wendy Lamb, Mike Reese, Tony DeMarco

Secretary: Michele Fort-Merrill

Recording Secretary: Beran Young

B. APPROVAL OF AGENDA

MSC (Beall/Seal) to approve the agenda as presented.

2. APPROVAL OF MINUTES

1. Regular Meeting – January 16, 2013

MSC (Seal/Beall) to approve the minutes.

3. RATIFICATION OF ACTIONS BY DIRECTOR

A. Reclassification

1. Classification Analysis for Purchasing/Contracts Supervisor

Under the direction of a Director, review, approve and process purchasing, contract, leases including real property leases, and insurance documents for the County Office; assure compliance with laws, procedural guidelines and regulations; train, supervise and evaluate the performance of assigned staff.

2. Office Assistant II – Early Education

This position provides clerical and general office support to both the Early Education and Special Education departments. The duties to be performed are more consistent with the classification of Office Assistant II rather than Office Assistant I. Namely, the incumbent will prepare comprehensive reports to maintain compliance with a number of mandates and will have considerable public contact when explaining laws, policies and procedures related to compliance. Additionally, this position follows general policies rather than specific routines and has less immediate supervision than an Office Assistant I. As such, the appropriate classification is Office Assistant II.

MSC (Rothman/Beal) ratify the actions by the director.

4. CLASSIFICATION/SALARY RECOMMENDATION

A. Classification of New Positions

1. Tutor

The need exists in SDCOE educational programs, such as Migrant Education and Monarch School, to hire staff to support students through after-school tutoring. In order to provide continuity to the educational programs as well as avoid utilizing limited-term staff beyond the acceptable six-month period, the recommendation is to create the classification of Tutor. SDCOE educational programs can then use approved funding to hire permanent, part-time staff for their ongoing tutorial needs. The position description is generic and may be used for tutors in any program that may need to recruit for this position.

2. Special Education Classroom Behavior Intervention Aide

The North Coastal Academy has received funding to staff an additional classified support position to work with a teacher in a classroom serving students with social and emotional needs. The incumbent will assist the teacher through behavioral interventions and academic support. Additionally, the incumbent will perform duties related to student records and classroom maintenance. The recommendation to create a new classification is in light of the K:\WP\ClassAnalysisReports\Spec Ed Classroom Behavior Intervention Aide 2013.doc fact that existing classifications, such as Special Education Aide, do not sufficiently describe the unique nature of the duties involved in working with socially and emotionally challenged students and the minimum requirements necessary to be able to work with this student population. The recommendation for salary allocation is in light of this position's comparability to other classroom support positions that have a specialized knowledge requirement.

B. Reclassifications/Reallocations

1. None

C. Job Description Update

1. Web Artist

MSC (Rothman/Beal) to approve the updated job description.

5. POSITION ANNOUNCEMENTS

TITLE

Account Clerk III
Web Artist

TYPE

Promo
Open/Lateral

The above listed position announcements were presented for information only.

6. ELIGIBILITY LISTS

TITLE

Account Clerk II
Migrant Education Support Services Technician

TYPE

Cont
Open

Eligible

3
4

EXPIRES

7/18/13
7/28/13

MSC (Seal/Beall) to approve the eligibility list as presented.

7. INFORMATION ITEMS

- Personnel Actions
 - January 2013

- Presentation – None

9. COMMUNICATIONS

- None.

10. DIRECTORS REPORT

- None.

11. OTHER ACTIONS

1. Superintendent Appeal of Personnel Commission Out-of-Class pay decision

Michele Fort-Merrill welcomed Mr. Tony DeMarco to present to the Commission the Superintendent's appeal on the decision to award Mr. Tom Sarmiento Out-of-Class pay.

Mr. DeMarco explained to the Commission that the decision was a profound departure from the normal avenues of reviewing. That with the evidence that was presented to him was more of a difference of opinion rather than based on facts. Mr. DeMarco referenced the Ed Code, Chapter 11, Subsection 5 that defines the term "working out of class". There is no proof in the evidence that Mr. Sarmiento was performing "higher level duties" and that he was not "evaluating other unit members".

Mr. DeMarco discussed overtime pay compared to out of class pay, there is a clear difference and if Mr. Sarmiento was working overtime then he should be entitled to overtime pay but not out of class pay. If Mr. Sarmiento was working more than 5 days within a 15 day time period this may be a basis to warrant out of class pay but this was not the case.

It is requested that a hearing be calendared so that the Superintendent can obtain all of the facts in this case, just not the opinions of others. Also, it was recommended that the job duties that Mr. Sarmiento was performing be removed from his job description.

Wendy Lamb, CSEA Representative added that the reclassification pay was approved by the Commission and Mr. Sarmiento should be entitled to the out of class pay, that all evidence was presented and approved by the Commission at the previous meeting.

12. DATE OF NEXT MEETING

- A. Regular Meeting – February 20, 2013; 9:00 AM, Room 508.

13. ADJOURNMENT

Meeting adjourned at 10:06 AM

MSC (Seal/Beall) to adjourn the meeting at 10:27am

Approved: Personnel Commission

By:  Date: 3-20-13

E L I G I B I L I T Y L I S T
UNRANKED LIST

Classification:
Account Clerk III

EXAM: OPEN
EXPIRES: 08/19/13

Etcheverry, Karina

Patton, Tatiana

Reinstatements:

APPROVED BY PERSONNEL COMMISSION

Name: Miriam Rothman Date: 3-20-13

Hired: