

PERSONNEL COMMISSION
MINUTES

January 16, 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, Dave Liss, Sue Wybraniec; Tom Sarmiento, Danny Sarmiento, Wendy Lamb, Mike Reese, John Cusack

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 – November 14, 2012

MSC (Seal/Beall) to approve the minutes.

3. RATIFICATION OF ACTIONS BY DIRECTOR

A. Reclassification

1. Foster Youth and Homeless Education Services Grant Specialist – Sue Wybraniec
The Executive Director of the Foster and Homeless Education Manager requested that the class title Foster Youth Services Project Supervisor – Safe Schools be retitled Foster Youth and Homeless Education Services Grant Specialist. After review the job title proposed was approved.
2. Program Secretary, Extended Learning, R41, Student Services, to Administrative Assistant I, R44 – Sue Wybraniec
The SDCOE Human Resources Office has a long-standing practice of classifying administrative support positions according to the level of the manager the employee is reporting to. The Program Manager, Student Support Services was reclassified to a Director position in July 1, 2012. As such, it is recommended that the accompanying support staff position be reclassified.

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

4. CLASSIFICATION/SALARY RECOMMENDATION

- A. Classification of New Positions
 - 1. None

- B. Reclassifications/Reallocations
 - 1. None

- C. Job Description Update
 - 1. Workers' Compensation Technician

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

5. POSITION ANNOUNCEMENTS

<u>TITLE</u>	<u>TYPE</u>
Consultant, Business Advisory Services	Open
Foster Youth and Homeless Education Services Grant Specialist	Open
Health Services Technician	Promotional
Migrant Education Program Support Services Technician	Open
Payroll Services Manager	Open/Deadline Extended
Webmaster	Open/Reposted

The above listed position announcements were presented for information only.

6. ELIGIBILITY LISTS

<u>TITLE</u>	<u>TYPE</u>	<u># Eligible</u>	<u>EXPIRES</u>
Accounting Technician	Promo	3	6/4/13
Cabin Assistant – Male	Open	4	6/8/12
Foster Youth and Homeless Education Services Program Aide	Promo	5	6/4/13
Payroll Technician	Promo	7	5/3/13
Work Readiness Assistant I	Promo	6	5/29/13

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

7. INFORMATION ITEMS

- Personnel Actions
 - November 2012
 - December 2012

- Presentation – None

9. COMMUNICATIONS

- None.

10. DIRECTORS REPORT

- None.

11. OTHER ACTIONS

1. Employee Request for Commission Review of Compensation and Classification

This item was carried over from the November 14, 2012 meeting. As requested by the Personnel Commission, Ms. Fort-Merrill reported on her further investigation of Tom Sarmiento's claim that he has been working out-of-class without compensation since 2009. Mr. Sarmiento was represented by Wendy Lamb, CSEA Labor Relations Representative and Danny Sarmiento.

Ms. Fort-Merrill provided an oral report her review, reporting that she had again analyzed the chronology of events and had additional interviews with Mr. Sarmiento's supervisor, John Cusack and the Chief Technology Officer for the Integrated Technology Division, Steve Clemons. Ms. Fort-Merrill reported that Mr. Sarmiento has not been performing the duties of the management job class of User Support Services Supervisor. The essential function of that job class is to officially manage and supervise the unit with full responsibility for evaluation of assigned employees. The job class was created when Mr. Clemons initiated a reorganization to create a management position to directly manage the computer support services unit. When Mr. Sarmiento declined interest in being promoted to the position Mr. Clemons withdrew his plans to reorganize the unit and management responsibility remained with Mr. Cusack who is a manager. Ms. Fort-Merrill reported that Mr. Sarmiento remained the lead in the unit and did provide input to the manager regarding the performance of employees in the unit. At no time since 2009 did Mr. Sarmiento complete or sign any evaluation documents as a manager would be required to do.

Ms. Fort-Merrill reported that while the volume of work in the unit increased, it was the same type of work assigned to the unit. She further reported that increase in workload is not the basis of reclassification or the basis for out-of-class pay.

Mr. Sarmiento restated his claim that he has been working out of class since 2009, the Personnel Commission asked him what he thought the resolution should be and he responded that he believes he should receive out-of-class pay for the last three years in which he performed duties he believed were out of class.

After further discussion, it was moved by Commissioner Rothman with a second by Commissioner Beall to award Mr. Sarmiento out-of-class pay retroactively to August 2009.

Motion was approved.

Mr. Sarmiento was advised that if he was interested in having his position reviewed for reclassification he would have to submit a request through the annual Classification Review Period that opens in February 2013.

12. DATE OF NEXT MEETING

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

13. ADJOURNMENT
Meeting adjourned at 10:27 AM

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

Approved: Personnel Commission

By: *Kent Seal*

Date: *2-20-2013*