

**VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION
February 17, 2000
MINUTES**

**THREE HUNDRED AND
TWENTIETH MEETING**

The three hundred and nineteenth meeting of the Ventura County Community College District Personnel Commission was held on Thursday, February 17, 2000.

1. CALL TO ORDER

Ms. Harison called the meeting to order.

2. ROLL CALL

Commissioners Barbara Harison, Tony Grey, and Robert Saynay were present. Patricia Parham, Director of Human Resources and Secretary of the Personnel Commission, was also present.

3. APPROVAL OF MINUTES

On motion by Mr. Grey, seconded by Mr. Saynay, the commissioners unanimously approved the minutes of the January 20, 2000 Personnel Commission meeting. (3-106)

4. CORRESPONDENCE

None

5. REPORTS

a. Board of Trustees Meeting

Dr. Marion Boenheim reported that all personnel actions were pulled from the board agenda. In order to ensure there are funds for a position, a new process is now in place wherein there is a financial review before an action goes to the board.

b. Department Restructuring

Ms. Parham explained there has been a restructuring of the Human Resources Department under the direction of Dr. Boenheim. Ms. Parham has been directed to dedicate her time to the implementation of the Human Resources module of the new Banner computer system. She reported the department structure and reporting relationships have been changed, which impacts the rules and authority of the commission. Ms. Parham said she has been advised that she will only retain the function of secretary to the Personnel Commission, and not that of Personnel Director reporting to the commission. Dr. Boenheim has directed that the staff

members who perform commission work will now report directly to her, and to Ms. Parham only insofar as it specifically relates to Banner implementation functions. Patricia Olson, Administrative Assistant, will report to Ms. Parham only for commission functions and Wendy Olson will report to her for Banner implementation purposes. Ms. Parham stated that the commission should be aware of the changes in the structure and reporting relationship and the impact it may have on the Personnel Commission, as well as the impact in direct correlation with the Education Code.

Ms. Harison asked if the commissioners were free to have a discussion, given the item was on the agenda as a report and Ms. Parham said they were free to ask questions. Mr. Grey asked if Dr. Boenheim will now be responsible for Personnel Commission matters. Ms. Parham said that is the directive she has been given although Ms. Parham has raised the concern that she will be unable to perform the work of the commission given this directive. She said her concern has not yet been addressed. In addition, Ms. Parham was told her office will be moving to the second floor, while her current support staff remains on the first floor. Ms. Harison expressed concern over the lack of staff to perform the functions for which the commission is responsible, as well as the bifurcation of the Personnel Director.

Dr. Boenheim said that none of the functions currently being performed in terms of support classified staff are being eliminated, and there are still people performing those functions. Mr. Saynay argued that the commission is losing their director, but Dr. Boenheim countered that they are gaining another. She advised the Banner program is extremely important and time intensive, that Ms. Parham has a lot of skills and a lot of talents and this is something Ms. Parham can do very well, and she feels she has no one else who can oversee the implementation. Mr. Grey asked Ms. Parham how much of her time will be expended for the implementation and she said she cannot predict, but it will take a long time and much of her time and effort. While she looks forward to the challenge and responsibility, she is concerned about the commission functions and feels she can do them both.

The commissioners questioned Ms. Parham's role as Director reporting to the Personnel Commission. Dr. Boenheim stressed that Ms. Parham's salary, vacation, etc. will remain the same, and she will continue to answer questions and provide input but she has been given this important assignment and cannot be expected to function full-time in both positions. Ms. Harison asked if legal counsel had been consulted prior to the restructuring, since the code is very specific in terms of the commission and the director's reporting role. She expressed her concern that the rules and codes under which the commission is governed had been breached. It is her understanding that the role of secretary to the commission is an ancillary duty, but more important is the role of Human Resources Director and the people supervised in managing the classification system and merit system. To lose that link would jeopardize the commission's ability to keep the merit system in place and take care of its many responsibilities. Ms. Harrison also expressed concern that

this is the first the commissioners have heard of this restructuring, especially in light of the fact that time has been spent trying to improve communication in the hope that the commissioners would be "in the loop" on things that will have a significant impact on the commission. She believes this restructuring has a significant impact on the functions of the Personnel Commission and the merit system, yet has already taken place. Dr. Boenheim said the official date is February 25, 2000. In response to further questioning by Mr. Grey, Ms. Parham advised that the restructuring was effective February 14 and the physical move is to take place February 25. Ms. Harison rhetorically asked if the commissioners ought not to have been involved in the decision to take away their Personnel Director. Dr. Boenheim said the intent was not to take Ms. Parham away, but Banner *will* be implemented. It is an entire system and will require an individual who can analyze at what point and how the system will be impacted, what needs to be considered, what the concerns should be, and how this can best be done; these are management decisions. Dr. Boenheim advised that Ms. Parham is in charge and has put together a "flow chart" of what must be done to implement the module in a timely manner.

Mr. Gregory Cross of SEIU Local 535 addressed the commissioners and explained that Banner is so complicated because it is an all-encompassing, integrated computer system and every aspect of the district's operation is to be integrated into this one system. Mr. Cross explained that the union has enjoyed a good working relationship with Dr. Boenheim, as well as with Ms. Parham, and had been previously apprised by her of some of the changes in the department structure. He agreed with the commissioners' concern that the issue is not just one of the secretary's responsibility to the commission or to the commission's business, but rather the responsibility to administer the rules of the commission, or administration of the merit system, which is the entire process which affects the classified employees. While he had earlier expressed his willingness to assist Dr. Boenheim, he feels she also has a "full plate" and administering the classified service is a full-time job, if not more. He said he and the people he represents are concerned about what the impact of this will be on them and on the functioning of the District. While it is a practical issue, it is also an issue in terms of the Education Code which is very specific about who is appointed to do what. He believes the structure specified by the District may be inconsistent with that. He said serious questions have been raised that need to be answered.

After further consideration of the issues, Ms. Harison asked if anyone knew what the commissioners' options were at this point. Mr. Cross said the commission is an independent body and suggested they could perhaps retain their own counsel. He suggested the commission should look at the Code. Ms. Harison read from Section 88132 of the Code, which states the commission may employ its own attorney if the counsel of the governing board refuses to represent the commission in legal matters. Mr. Grey again questioned whether the restructuring could be delayed until the commission could have a hearing on the matter, as the commission may

want to take legal action or file a complaint. Mr. Cross said the Education Code provides for writs through the superior court.

Mr. Saynay quoted from the Merit System, "the Personnel Commission is independent from the Board and its decisions are binding on the Board. The Personnel Commission's independence is guaranteed by the assurance that the Board has no power over the commissions budget or its staff. The Personnel Commission has absolute authority in stipulated areas of classified personnel administration...." He said the commissioners are upset and made the demand that the commission "keep its house in order." The commissioners voiced their concern that they had not previously known of the action before them, especially in light of the fact that the union knew, and they agreed they should challenge the action.

Ms. Harison stated her belief that she could place an item on the agenda because of an emergency. Ms. Parham said such an action would require a two-thirds vote of the commission, and must be deemed an emergency due to a stoppage of work, with the need for immediate action arising after the posting of the agenda. Dr. Boenheim said she did not believe the issue was an emergency. The commissioners disagreed and asked Dr. Boenheim once again if she could delay her action. She replied that her instructions were that Banner is the A#1 priority, but she would be more than happy to talk to the chancellor or legal counsel regarding the issue. She said she felt she had a responsibility to talk to Mr. Cross but did not know the commissioners believed she should talk to them. She said they have Ms. Parham, who has known what has been going on, to keep them informed. After further discussion, Ms. Harison said an option is to place an emergency item to consider legal counsel on the agenda.

Mr. Grey made a motion to place an action item on the agenda due to an emergency resulting from the restructuring of the Human Resources Department and the reassignment of the Director. Mr. Saynay seconded the motion and it was unanimously carried.

The commissioners questioned whether they could stop the action of the District and insist the Director remain. Ms. Parham said that, as she understood the jurisdiction and the code, the commission can direct her to continue her reporting relationship to the Personnel Commission, and can direct that the staff that performs the functions of the commission continue those functions and continue to report to the director and to the commission. Dr. Boenheim asked for confirmation that the commission is allotted 50% of Ms. Parham's time. She asked which staff and how much time is granted to the commission. Ms. Parham said almost 100% of Connie Vidana's time, 100% of Lupe Corral's time, 100% of Sharon Newman's time, and a portion of Karen Bulger's time—currently amounting to about 25% with a goal of 50%, is spent performing functions for the Personnel Commission. Patricia Olson also devotes 50% of her time to the Personnel Commission

Mr. Cross suggested there should be dialogue included in terms of, perhaps, a representative of the commission who would be authorized to meet with the Vice Chancellor, perhaps the Chancellor or someone at the right level of responsibility, along with the Personnel Director. While Ms. Parham may be clear on what is involved as far as responsibilities to the commission and how time-consuming they are, he said he is not--and doesn't believe the commissioners are. He understands the Banner system is in the best interests of the classified employees and management has the prerogative to determine who will manage the implementation, but there is also the Education Code and the prerogatives of the commission and the work of the commission to be managed. There seem to be many aspects and pieces which need to be worked out. Dr. Boenheim questioned whether the concern was that the work get done or that Ms. Parham's work, specifically, get done. She said no one has suggested, or ever thought, the functions would not continue. If that is a concern of the commission, she said she could promise it was not an issue. Mr. Grey said his concern is the commission itself and the way this issue was handled. Now he wants what has happened to be corrected and for the commissioners to be able to meet with the appropriate people to discuss the situation. Ms. Harison said the primary consideration should be that the human resources function of the Personnel Commission remain whole. She personally wants the same person to be administering, supervising and directing all the functions; the Human Resources Director function is Patricia Parham's and it should stay that way until there is further legal review and/or further discussion.

Tony Grey made a motion that the Human Resources Director function remain Patricia Parham's, as she is the one appointed by the commission, and that the people that currently report to her continue to report to her and carry out the functions of the Personnel Commission, and that a legal review of the restructuring action be requested. Mr. Saynay seconded the motion and it was unanimously carried.

The commissioners directed Ms. Parham to arrange a meeting between a representative of the commission, Dr. Boenheim, the Chancellor or a representative of the board, a Banner representative, and legal counsel for the commission.

6. OLD BUSINESS

None

7. REQUEST FOR LONG-TERM LEAVE

None

8. APPROVAL OF NEW PROPOSED CLASSIFICATION SPECIFICATIONS

None

9. APPROVAL OF PROPOSED REVISIONS OF JOB SPECIFICATIONS

None

10. RECLASSIFICATION

None

11. APPROVAL OF PROPOSED REVISIONS OF PERSONNEL COMMISSION RULES

None

12. ABOLISHMENT OF CLASSIFICATIONS

None

13. INTERPRETATION OF MINIMUM QUALIFICATIONS

None

14. APPROVAL OF PROPOSED SALARY RANGE

- a. Contracts & Grants Salary Schedule Proposal / Dr. Marion Boenheim
Professional Exempt Staff (14-6)

Dr. Boenheim explained the District receives monies based on contracts and grants and, in the current lengthy hiring process, by the time the District is ready to hire someone the money is already gone. She has put together a point system, a scheme, a classification, a justification, salary surveys, etc. which she believes will help in the process of hiring people in Grants and Contracts. Dr. Boenheim said she has taken this proposal to every group and committee she could think of and it has been positively received. She handed out a correction to Page 10.

She said her proposal is based on a point factor, and is within the classification system and is something which will help ensure employees are appropriately placed in salaries. She believes it will help the District move more expeditiously and can be used by people at the campuses; committees could be convened quickly and could use the data element dictionary to participate in the process of classifying people.

Ms. Harison remarked that her review of the material indicated it was heavy on methodology and short on specifics. She asked if this proposal had been through legal review in terms of the impact it has on existing salary structure, classifications, job descriptions, and personnel. Dr. Boenheim said she had worked closely with Dr. Lipton, Chief Legal Counsel for the District, he has not raised any red flags and they have looked at the Education Code and Title V. She said that when she first came to the District, she had an idea for an entirely different classification that was not classified and not faculty, but she soon found out that could not be done here. Ms. Harison voiced concern that this will affect current employees in Grants & Contracts. Dr. Boenheim said it could affect them but is setting up a category within the classified position and as people are hired for Grants & Contracts the proposal will be utilized.

Mr. Cross said the proposal impacts people in existing classifications being paid based on existing salary schedules. Ms. Harison said the concern is that in order to fix the problem you need to change the rules, but the rules must be changed according to the process which is in place and in compliance with the Education Code. The commissioners disagreed with Dr. Boenheim's statement that the proposal does not compromise that process. Ms. Harison said it sounds like a nice concept but she noted many changes and that in order for the commission to act, she wants to see what they're changing. She wants to know if this is changing a rule, creating a new classification, what the job description is, what the responsibilities and duties are, what the salary ranges are. Dr. Boenheim reiterated that this is a point system and she has the data element dictionary and how that equates. It is based on evaluation factors.

Ms. Harison asked if this shouldn't be approved as a conceptual item, and brought back with more specifics. She said she understands the specifics of a point system and an evaluation system, but that isn't what the Personnel Commission addresses. Rather, they deal with the merit system. Mr. Cross raised two issues. He said almost everything being talked about is negotiable, and subject to discussion between the District and SEIU. In addition, the essence of the merit system for classified service is that you have classifications that are clearly defined and they are in a salary schedule. It does not allow for the flexibility he sees in the proposal from Dr. Boenheim. The merit system removes some of the flexibility, for good or for ill. Classifications are created and then linked to pay scales, etc. There is no case by case application, instead of general rules, which then determines where employees go as opposed to the classification scheme. Dr. Boenheim suggested she should perhaps be meeting with the union rather than the commission. Mr. Cross said the source of the money for the grant has nothing to do with those employees in classified service. Those employees are subject to the commission rules, the Education Code, the negotiation process, and evaluations. Ms. Harison observed that anything that has to do with commission rules comes before the commission and if the rules are going to be changed, they will have to be changed by the commission.

The commissioners agreed this was merely a proposal and should be for discussion rather than action. They agreed they did not feel prepared to approve a salary range. Ms. Parham noted that everything in the proposal is in the past tense, which raised a lot of flags for her and she was confused as to how all of this had happened—without the involvement of the commission, especially because of the recently implemented classification study. The proposal states that “unneeded titles will be abolished or consolidated” and Ms. Harison questioned who would do that, as that is the responsibility of the commission. “Suitable position titles were prepared for new and modified jobs,” and Ms. Harison asked what those titles are.

Dr. Boenheim further explained the proposal, and its background and purpose, and identified the committees having reviewed it. Mr. Cross received no answer to his question of whether the Shared Governance Committee had reviewed it. There was a discussion of the employees who work in Grants & Contracts—those whose job it is to seek grants and those who are doing the work of the grants. If they are classified employees, they have been hired and are regular employees and permanent after six months. Ms. Parham said she believes the underlying issue is to create a way to fill a position in a timely manner when it is grant funded. Dr. Boenheim added that another issue is to have a salary that is comparable and reasonable across the district for the job to be done. Ms. Parham said those are two separate issues. The issue of reasonable, equitable, competitive salaries is defining the job, placing it on a salary range that will be competitive in order to recruit in the labor market. The other is the issue of time of recruitment of people to fill those jobs when the grant money comes in—to actually get them on board so we don't have to return grant money. She said there are ways to do all these things within the scope of the commission rules and it is unfortunate that a person responsible for the commission functions was not a part of any of what has been presented, as that might have been helpful in addressing some of the issues and the process. There is always a concern of a person becoming permanent and the bumping process between grant-funded and non-grant-funded positions. However, unique classifications within the merit system can be created and placed on appropriate ranges. Another component is adequate planning and creating positions within grants in advance of the grant being approved. Ms. Parham explained that the District can recruit and create eligibility lists in advance. Dr. Boenheim said the unfortunate thing is that individuals working on these grants are extremely frustrated and the attempt is to try to do something that is fair, that is reasonable, and that is a win-win for everyone.

Mr. Cross said he also sees the issue as two different things, one being how you hire people in and the second being the classification scheme and salary scheme. That's a completely different issue. He understands the frustration of those obtaining the grants, but it takes planning, and he believes each college sees itself as an independent entity and is not necessarily thinking ahead. Dr. Boenheim emphasized this is the first time that involved individuals from the colleges have agreed on a system.

Mr. Grey made a motion to table the proposal until more information is obtained. Mr. Saynay seconded the motion, which was unanimously approved. The commissioners asked that Dr. Boenheim respond to a memo from Patricia Parham, dated February 14, requesting information necessary in order to take action on the proposal in the future.

15.-18. Listed as appropriate.

19. OTHER

- a. Election of Officers/Traditional Rotation-Robert Saynay (19-113)

On motion by Mr. Grey, seconded by Ms. Harison, Robert Saynay was unanimously elected as Chairperson of the Personnel Commission.

- b. Budget Preparation – FY 2000-2001

Ms. Parham advised that budget time is approaching. The budget must be adopted by the commission and approved by the County Superintendent of Schools by the end of May. As required for public notice, the commission should begin preparing the budget for an April review. She said the commission could request the item be placed on the March agenda and special meetings can also be called. She distributed budget information from the current and past fiscal years. Mr. Saynay requested a breakdown of all expenses for the past two years and the areas to which they were charged.

20. PUBLIC COMMENTS

None

21. DATE AND TIME OF NEXT PERSONNEL COMMISSION MEETING

The next regularly scheduled meeting is Thursday, March 16, 2000 at 7:00 p.m. in the District Office Conference Room. Ms. Harison will be unable to attend but it was determined to leave the meeting on the 16th unless there is a special item requiring her presence. It was agreed to place the budget preparation on the March agenda and the formal budget presentation in April, with the public hearing and adoption in May.

22. ADJOURNMENT TO CLOSED SESSION

At 9:12 p.m., Ms. Harison adjourned the meeting to closed session. At 9:38 p.m. the commission reconvened in open session. There were no reports resulting from the closed session.

23. ADJOURNMENT

Barbara Harison said it had been an interesting year and she had enjoyed serving as Chairperson of the Personnel Commission. She wished Robert Saynay, the new Chair, good luck next year. She thanked Patricia Parham for her support and that of her staff during the past year. The meeting was adjourned at 9:40 p.m.