Ms. Carlin called the regular session to order at 5:00 p.m. She led the audience in the pledge of allegiance.

Pursuant to Section 54957 of the California Government Code, discussed appointment, employment, discipline or dismissal of public employees. The Commission announced that they took action to reverse the Administrative Hearing Officer’s recommendation of forfeiture of the right to a hearing of an appellant in a disciplinary matter. The Commission decided to grant the appellant his right to a hearing conditional upon the appellant bearing the cost of such continued hearing.

Barbara Ginsberg, District’s Representative, stated she had requested the appellant be required to forfeit his further rights to appeal based upon Personnel Commission Rules and Regulations 12.4.J. She conveyed that the appellant had been given due notice of the hearing, that the appellant’s representatives had not complied with witness list and exhibit deadlines, and contended that the appellant and his representatives were not ready to proceed with the hearing as scheduled. She further contended that the appellant made the decision, to his own peril, to travel during bad weather and schedule his return flight the night before his hearing. She requested that the appellant not only be required to pay the cost of a continued hearing, but that he be precluded from submitting any exhibits or calling any witnesses; that the continued hearing be scheduled with successive dates, and that the District not be liable for further back pay.

Ms. Carlin stated that the matter of exhibits and witness lists should be directed to the hearing officer. She reaffirmed the Commission’s decision to allow the appellant to exercise his right to a hearing contingent upon his payment of the fees related to the continued hearing.

Alta Costa, President of Council of Classified Employees, in defense of the appellant, stated that he had traveled to a rural area, and it was the condition of the roads due to bad weather that precluded him from making his scheduled flight. She expressed that appellant’s representatives had offered to begin the hearing the following day upon the appellant’s return. She stated that it was true that exhibits and witness lists were not submitted by the deadline, but expressed that their attorneys in the past have not complied by these deadlines, as they contend the rules of evidence do not support a two-week deadline.

Peter Hutchings offered to present newspaper articles, internet pages, and
photographs to support the reasons why he was unable to make his scheduled flight and could not be present at the hearing. He stated that due to the diminishment of his income, bearing the cost of the continued hearing would be very onerous. He stated that contrary to Ms. Ginsberg’s statements, he was prepared to go forward with the hearing. He thanked the Commission for their decision to grant a hearing continuance, but stated he was very concerned about the request for his payment to cover the cost of such hearing.

Mr. Gaylord expressed that the appellant took a tremendous risk scheduling his return flight the day before such an important hearing. Ms. Carlin expressed, for the record, that the hearing officer’s report was very thoughtful and that the hearing officer understood a hearing is a substantial right of an appellant. She reiterated that the Commission’s decision for a hearing continuance is contingent upon the appellant being responsible for the expense of the continued hearing. Mr. McManus added that it is typical practice in courts to not take away a substantial right and usually grant the right, but assess some type of cost to be borne by the party who waived their right.

Ms. Ginsberg expressed concern related to the method in which the hearing officer would receive payment for the continued hearing. The Commission directed Ms. Kossick to coordinate fee and payment arrangements in this matter with Ms. Costa.

**ROLL CALL**

Personnel Commissioners Ms. Carlin, Mr. Gaylord, and Mr. McManus were present.

**APPROVAL OF MINUTES**

Motion to approve the minutes of November 20, 2006 made by Mr. Gaylord; seconded by Mr. McManus. *Motion carried 3/0.*

Ms. Kossick stated, that pursuant to Personnel Commission Rules & Regulations 2.1.B 3(a), the continuation of appointment of Commissioner Carlin will begin on December 1, 2006 and end upon notification of Chancellor’s appointment of a neutral personnel commissioner, but for no more than ninety calendar days. It was noted that if the Chancellor’s Office does not make their appointment in ninety calendar days, the position will become vacant.

**ELECTIONS**

Ms. Carlin opened the floor for nominations of Chairperson and Vice Chairperson for Calendar Year 2007.

The nomination of Mr. McManus to serve as Chairperson was made by Mr. Gaylord; seconded by Ms. Carlin. The nomination was put to a vote, and Mr. McManus was elected 2/0.

Ms. Carlin turned the meeting over to Mr. McManus.

The nomination of Mr. Gaylord to serve as Commission Vice Chairperson made by Ms. Carlin; seconded by Mr. McManus. The nomination was put
to a vote, and Mr. Gaylord was elected 2/0.

**OLD BUSINESS**

**Establish a New Classification**

Ms. Kossick submitted for approval the new classification of Health Services Technician, AFT Salary Schedule, Range 21, for second reading and approval. Motion to approve made by Mr. Gaylord; seconded by Ms. Carlin. *Motion carried 3/0.*

**Revised Class Specification**

Ms. Kossick submitted the revised class specification of Custodian for second reading and approval. Motion to approve made by Ms. Carlin; seconded by Mr. Gaylord. *Motion carried 3/0.* There was discussion that in the future class specifications should clarify at what level communication, reading and interpreting skills are required.

**OLD BUSINESS**

**Appeal - Working Out of Class Claim**

There was discussion regarding the scheduling of a public hearing to hear a working out of class claim appeal. It was requested that the backup materials related to the appeal be forwarded to the Commission for review. Motion to set the public hearing for December 19, 2006 made by Mr. Gaylord, seconded by Ms. Carlin. *Motion carried 3/0.*

**Request to Transfer to a Closely Relate Class**

Ms. Kossick submitted for approval a request from an employee to transfer to a closely related class from Senior Clerk to College Center Coordinator. Motion to approve made by Mr. Gaylord, seconded by Ms. Carlin.

There was discussion regarding the similarity of these two classes in respect to testing and duties required. Ms. Kossick stated that based upon her research, her recommendation would be to deny the transfer request due to the difference in testing and qualifications of the two classes. It was noted that the requestor still had time to submit a formal application before the recruitment deadline. As the requestor was not present at the meeting for questions, the Commission decided to table the item to the December 19, 2006 meeting.

**Hierarchy and Salary Placement - Truck Driver**

Ms. Kossick submitted a request for hierarchy and salary placement of the Truck Driver classification. She stated this item had been before the Commission previously to be placed at Salary Range 21 of the Bargaining Unit Salary Schedule and was tabled for review. She stated Salary Range 21 is based upon Reward Strategy Group’s study and additional information submitted by the truck drivers. Motion to approve made by Ms. Carlin; seconded by Mr. Gaylord.

Alta Costa, President of the Council of Classified Employees, stated she was asked to contact the truck drivers to appear at tonight’s meeting. She stated she had been able to contact one of them, but could not explain why they were not present.

*Motion carried 3/0.*

**Eligibility List**

Ms. Kossick submitted for approval the eligibility lists for Upward Bound Program Specialist and Instructional Aide, Foreign Language. Motion to
approve made by Ms. Carlin; seconded by Mr. Gaylord. *Motion carried 3/0.*

**Job Announcements**

Ms. Kossick announced the following active recruitments in the Classified Service (closing date in parentheses): Accounting Supervisor - 6 month eligibility list (12/7/06); Instructional Aide, Life Science 40% (12/8/06); College Center Coordinator (12/11/06); Instructional Aide, Foster & Kinship Care Education Program 47.5% (12/13/06).

**Next Meeting**

Ms. Kossick announced that the next meeting is scheduled for December 19, 2006, at 5:00 p.m., in the Board Room, Building I, LAC

**COMMENTS FROM THE STAFF**

None.

**COMMENTS FROM THE COMMISSIONERS**

None.

**COMMENTS FROM THE AUDIENCE**

None.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 5:44 p.m.