

Established 1937
February 10, 2021
Board Minutes Summary

The Official Minutes of the Portland Public Schools Custodian Civil Service Board are Sound Recordings of the Meetings. The following is a summary of the February 10, 2021 meeting.

A meeting of the Portland Public Schools Custodian Civil Service Board was held on February 10, 2021, via Google Meet and in person in the WyEast Conference Room at the Blanchard Education Service Center, 501 N Dixon Street, Portland, Oregon. Present at the meeting of CCSB were Board Chair Paul Breed, and Board Member Brian Caufield. Board Secretary Jo McClain was also in attendance via Google Meet. The presiding officer of the meeting was Paul Breed.

Preliminary meetings matters included verification of parties in attendance. Protocols for wearing masks and social distancing were discussed prior to beginning the meeting.

The meeting was called to order at 4:09

The remaining agenda items were taken out of order and the appeal of Mr. McSwain was addressed first. Cody Elliot spoke to the matter.

Mr. Elliot first addressed the issue of compliance with the Board's order, saying PPS had advised Mr. McSwain that he was not considered past over as a result of the promotion, and there was nothing in his file that indicated he had been. He said he believed there had been a miscommunication between PPS and the Board about that issue.

Mr. Breed was pleased to hear adding that the information he had had was that PPS would not comply with that order. Mr. Elliott confirmed he had verified that nothing in Mr. McSwain's file indicated he had been passed over, that Mr. McSwain had been notified, and he felt there had been a miscommunication.

Mr. Elliott said another reason he was attending was to let the Board know PPS wanted to have a dialogue about the Writ of Review process. He said the reason PPS filed the writ of review was not about concern for Mr. McSwain's individual circumstances, but also that PPS was concerned about the rules of involuntary freezing being passed. over. He said the order treats Mr. McSwain differently than those others who were not chosen, which raises concerns. Mr. Elliott said he would like to have Board amend the order to apply to all the other candidates who were interviewed. If that were done, PPS would dismiss the petition. He noted that resolution would not necessarily address the concern about the rules being followed, but this

circumstance has raised the issue and brought them to the attention of PPS and the Board.

Mr. Breed asked if he (Mr. Elliot) thought the Board should

Mr. Caufield reiterated that he did not understand PPS's position because the other candidates were not part of the appeal. There followed discussion about the potential for "people coming out of the woodwork" to take advantage of appeals they had not been part of, and how likely that might be. Mr. Elliot did not think that would happen because there was a timeline in which to file an appeal, but Mr. Breed noted that CCSB had never considered a Notice of Appeal to be jurisdictional, and had heard at least one appeal filed past the period for filing.

Mr. Breed said Mr. Elliot's remarks seemed to say that the Board's order awarded Mr. McSwain something even though we had not found in his favor. Mr. Breed said he had never viewed the order as giving Mr. McSwain anything in particular. He said the hiring process in this case "left a bad taste" and he felt anyone considering whether to apply for a promotion might believe "the fix was in and they could not get it because the people in charge of hiring had pre-selected" someone else. He said such a person would be deterred from applying for a position since they knew they would then be frozen if they did not get the promotion. He said the Order was an effort to fashion a response to what we saw as a defect in the hiring process.

Ms. Sabedra said PPS disagreed that the process was flawed and PPS has complied with the recommendation to review its practices and had come up with good solutions to make the process transparent in the future.

At this point Mr. Ed Harris asked how long Mr. Breed had been on the panel. He asked if Mr. Breed had ever offered to come and sit through a review. He said he believed it would be educational for members of the Board to "sit through an interview

neutral process or neutral panel instead of all thr

someone who works in the building believes "we can hire them." Mr. Posey added that once the process is started the principal realizes they cannot just move forward with that plan..

There was significant discussion about the issue of who can be on the interview panel, who was even available to be on the panel, and the principals who might not be direct supervisors might make comments to custodial supervisors. Mr. Leavitt explained that all facility operations managers more than likely have supervised all employees at some point as they come up through the ranks, and move between clusters in the schools. He concluded that it is "nearly impossible" to have a panel that has not supervised a particular applicant.

Mr. Caufield asked whether PPS could make the attempt to obtain a panelist that had

at least be an effort to try to make the process as fair as possible. Ms. Sabedra said PPS always try to have a building representative, and if possible a facilities operation manager. She added if HR is available and wants to do that, we have no problem with that. She said PPS is looking at the order to find where they can improve and where the sticking points are. She said PPS has ideas they are going to be implementing, plans to create forms that are easier to understand, improve communications, implement new training programs, and talk to people who are part of the process to get more ideas.

Mr. Caufield asked how often head custodial positions come open, to which Mr. Leavitt said it could be once every six months, or there could be 30 in a short period, depending on retirement, reclassifications, attrition. Mr. Stetson added that he had been with PPS for 37 years and all but two interviews had gone

Mr. Leavitt reported that the last test posting resulted in 43 applications, 23 of whom took the test. 15 were interviewed, and 13 passed. The average test score was 97.85, the average interview score was 65.73, with an overall test score of 81.79. Mr. Leavitt said that at the beginning of the day PPS had 13 vacancies, but now had 15, so they had a moving target.

The list was approved.

4. (Pending) Discussion/Approval Rule 3 Revisions

Mr. Leavitt said PPS was not ready to present the Chapter 3 revisions. Those items was carried over to the next meeting.

The meeting was adjourned at 5:11 and no further meeting