



Franklin-McKinley School District
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Rudolph V. Herrera
Deputy Superintendent
Human Resources

FILED

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DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY D. ALDYCKI

September 24, 2010

Angie M. Cardoza
Foreperson
2009-2010 Civil Grand Juries
191 North First Street
San Jose, CA 95113

RE: Policies on Finding and Placing Employees

Dear Ms. Cardoza,

Finding 1: The recommendation will not be implemented because it is not warranted or reasonable. Our CBA currently does not address the employee selection process. We believe this is a management right.

We agree that competency should be the determinant factor in the selection process. We would also like to clarify that our CBA's at this time simply grants inside candidates an interview. This interview simply allows us to compare their competency to our candidates when making our selection

Finding 2: We partially agree with these findings and will study the possibility of putting together an interview review team. However, the ability to teach a lesson is only one factor to be taken into consideration. We believe that the ability of the candidate to relate to our community and students is of up most importance. In addition the candidate's ability to work with his grade level team and the rest of his colleagues at the school site are important.

This will be brought to the table with the Bargaining groups at the next opportunity which will not be until we sunshine for negotiations for the 2013 academic year.

Finding 3: This recommendation will not be implemented at this time. We feel it is unreasonable. We will give this finding further analysis. The District has not had any issues concerning the hiring of relatives or with candidates being a relative of the Board members. We have never allowed relatives to supervise one another at any level.

This finding will be brought back to the Board after the November elections for further consideration.

Finding 5: This recommendation will not be implemented at this time. Our BP 4112.8 is designed specifically to promote confidence in the District hiring practice. It also prohibits the appointment of any person to a position where there will be a supervisory relationship among relatives.

Even though this policy allows the Superintendent some latitude on a case by case basis, the Superintendent cannot override any district policy without the approval of the Board.

Finding 6: We partially disagree with this finding. We believe that employees with familial relationships cannot be placed in direct reporting lines of supervision.

We do not have a method by which to gather familial information. Tracking and updating familial relationships would be very time consuming and expensive (in time). This is an expense that is not reasonable in our current budget climate.

Finding 7: We partially disagree with finding seven in that we currently use the Ed-Join application exclusively. The Ed-Join application does not ask the question as to whether any relatives are working with the District.

We cannot comply with this recommendation at the present time. As responded in finding six the people time cost to obtain and track this information is not doable in our present budget climate. In addition how do you verify during the application process that a candidate properly discloses all relationships? What if a candidate is unaware that a relative works in the District?

We will open discussions with Ed-Join to see if a question regarding "relatives working in the district"; can be added as a first step in gathering such information.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Herrera', with a period at the end. The signature is fluid and cursive.

Rudolph V. Herrera
Deputy Superintendent, Human Resources