

Berkeley Unified School District
Personnel Commission Special Meeting Minutes

September 07, 2016 – 4:30 p.m.

1. Call to Order

The meeting was called to order at 4:33pm.

2. Roll Call & Establishment of Quorum

Chairperson Ortiz, Vice Chairperson Carter and Commissioner Goldstein were present and a quorum was established.

3. Public Comment

Paula Phillips, President BCCE, commented that the Union filed charge against the district for failure to bargain business when it implemented a fitness for duty exam for Ms. Ferguson. And that the Union will move forward in filing a complaint with office of civil rights for a HIPAA violation related to Mr. Perez's access to Ms. Ferguson's workers compensation file. The union will name Mr. Perez and the Commission in that action.

4. Approval & Adoption of Agenda

Commissioner Goldstein made a motion to approve,
Approved, 3-0

5. Conference Item

Secretary Perez commented that he canceled Ms. Ferguson's fitness-for-duty exam and emailed her to resume the interactive process and sent her available dates. Secretary Perez commented that there is a vacancy available for Ms. Ferguson to fill. Review of process to be reinstated with the district. President Phillips commented that Ms. Ferguson already submitted an Interactive document signed by her doctor and asked if that note is sufficient. She also said the union is requesting a medical transfer for Ms. Ferguson. Heidi Goldstein commented that there are aspects of this situation that deal with employment law and are not under Personnel Commission's jurisdiction, but that they will ensure the interactive process takes place. At the next meeting with Secretary Perez, Ms. Ferguson will provide any doctors' notes requesting accommodations and her own requests for accommodations.

6. Public Comment

Marsha Montgomery, retired employee, expressed appreciation to the Commissioners for hearing Ms. Ferguson's request to be reinstated despite the District's attempt to keep her away.

7. Adjournment

The meeting adjourned at 5:26 pm.