

**Berkeley Unified School District**  
**Personnel Commission Meeting Minutes**

February 3, 2017 – 3:30 pm

**1. Call to Order**

The meeting was called to order at 3:30 pm.

**2. Roll Call & Establishment of Quorum**

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

**3. Public Comments**

Paula Phillips, BCCE President, commented that she would like to receive paper copies of the agenda packet.

**4. Approval & Adoption of Agenda**

Commissioner Ortiz made a motion to approve the agenda, Vice-Chairperson Goldstein seconded the motion.  
Approved, 3-0

**5. Closed Session (3 matters)**

- a) Employee Discipline and Legal Matters - Government Code § 54954.5
- b) Personnel and Disciplinary Action - Government Code § 549547
- c) Public Employment - Government Code § 54957 (b)(1)

The Personnel Commission met in closed session to discuss a matter related to legal matters regarding the termination and subsequent appeal hearing of a classified employee (2016-1-AH), and received an update concerning a classified substitute employee.

**6. Report from Closed Session**

The Personnel Commission reconvened at 4:35 pm. Chairperson Carter reported that a hearing date was scheduled for February 22, 2017. A stipulation meeting was requested by the Commission to be held on January 12, 2017. Chairperson Carter added that Vice-Chairperson Goldstein was selected to represent the Commission during the stipulation meeting.

Chairperson Carter made a motion to nominate Vice-Chairperson Goldstein to represent the Commission; Commissioner Ortiz seconded the motion.

Approved, 3-0

**7. Approval of Meeting Minutes**

- a) January 05, 2017

Vice-Chairperson Goldstein commented that under Item 6, it should be noted that the Commission approved of holding a stipulation meeting. Erica Johnson, School Administrative Assistant II, commented that under Item 9.a, the minutes should be edited because she did not ask for a class study.

- b) January 12, 2017 p. 6-7

Under item 7, Chairperson Carter asked to change the word “stated” to “reiterated.”

Commissioner Ortiz made a motion to approve the minutes as amended; Vice-Chairperson Goldstein seconded the motion.

Approved, 3-0

## 8. Consent Items

### I. Ratification of Eligibility Lists

- a) Nutrition Services Assistant
- b) Nutrition Services Satellite Operator I
- c) Student Records Assistant
- d) Health and Wellness Program Coordinator
- e) School Service Assistant

Secretary Rogosin commended Personnel Commission staff for moving lists in a speedier manner. President Phillips commented that the Union had engaged in conversations with the District regarding minimum qualification requirements for Nutrition Services applicants. President Phillips requested to pull lists b and d, because there were concerns about the certification requirements.

President Phillips commented that a BCCE member was laid off a while back, and that the Health and Wellness Program Coordinator Nutritionist certification requirement was added to the class description to keep the member from reemployment. Commissioner Ortiz reminded the Commission that the class was already approved as it was, therefore, the list should be approved. Vice-Chairperson Goldstein commented that the classification needs to be reevaluated, and asked Secretary Rogosin to bring as an item back to the next meeting.

Chairperson Carter made a motion to approve lists; Commissioner Ortiz seconded the motion.

Approved,3-0

## 9. Conference Items

### a) Removal of Name from Eligibility Lists

Secretary Rogosin presented an informational report about reasons for removing eligible names from a list. He informed the Commissioners that a substitute had received two negative evaluations, so he will be removed from the list.

### b) Classification Study of School Administrative Assistant II at Berkeley Technology Academy

Ms. Johnson provided copies of a report to the Commissioners. She said that Secretary Rogosin went to her site to conduct a desk audit. President Phillips said the comparative Districts used in the report are not the comparative Districts designated by the District and the Union in their studies. Chairperson Carter said that the comparative report was well done. Vice-Chairperson Goldstein agreed that the analysis was well made. She said the criteria involved in the analysis are the size of school and lead capacity. Ms. Johnson asked what the next steps were, and Chairperson Carter responded that this was the end of the process. Secretary Rogosin said that per Merit Rule 30.300.5 the employee can submit a written request to the Commission to appeal the decision.

## 10. Reports

### a) Union

President Phillips commented that there is an unresolved issue with the Personnel Commission in regards to following the WRIT agreement. She said that upon the Union's investigation, she believed that the Human Resources Department staff is certifying eligibles instead of the Personnel Commission.

President Phillips said that there are two employees who are sharing the duties of a higher class, but is not clear how they are being compensated. She requested to know how "working out class" is being determined. She also said that upon review of the latest vacancy report, she believes that 23 out of 39 vacancies have been on list for an inordinate amount of time.

b) Commissioners Reports

Vice- Chairperson Goldstein commented that she found the CSPCA conference very helpful. She also attended the District’s classified meeting, and appreciated learning about the District’s budget and said she would like to have heard more about other departments. She noticed that it was held on a professional staff development day and not all groups were scheduled to receive training. She mentioned that she would like to collaborate with the Union to determine what would be good training for classified staff.

Vice-Chairperson Goldstein also thanked Personnel Commission staff for posting meeting minutes on the website soon after she inquired about missing minutes. She also mentioned that she was glad to see in the report packet that there is an equal balance of promotions and new-hires.

c) Personnel Director

Secretary Rogosin commented that the Commission did not sign the WRIT agreement. He also added that it is good that employees are given the opportunity to work out of class so they can take on additional assignments. He said that working out of class is consistent with the Educational Code, and that it is under the Commission’s purview.

**11. Public Comments**

President Phillips commented that hours worked as a Noon Duty Supervisor should be considered as regular FTE so that employees can receive benefits. She said that the job description should be reviewed because they are doing classified job duties.

**12. Next Meeting**

The next regular meeting will be held on March 2, at 4:30pm. Commissioner Ortiz requested copies of the WRIT agreement and a further discussion added as an agenda item. Vice-Chairperson Goldstein suggested including a regular agenda item for the District to provide a report at every meeting.

**13. Adjournment**

The meeting was adjourned at 6:46 pm.

Respectfully Submitted,

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Peter Rogosin  
Secretary, Personnel Commission

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Date

Approved,

\_\_\_\_\_  
Timothy Carter  
Chairperson, Personnel Commission

\_\_\_\_\_  
Date