

Berkeley Unified School District
2020 Bonar Street, The Tech Lab, Room 126
Berkeley, CA 94702

Personnel Commission Meeting Minutes

April 6, 2017 – 4:30 pm

1. Call to Order

The meeting was called to order at 4:30 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

None.

4. Approval & Adoption of Agenda

Chairperson Carter made a motion to hear item 10a. before item 5; Commissioner Ortiz seconded the motion, Approved, 3-0

5. Closed Session (2 matters)

a) Employee Discipline and Legal Matters - Government Code § 54954.5

The Personnel Commission met in closed session to discuss a matter related to the termination and subsequent appeal hearing of a classified employee (2016-1-AH).

b) Public Employment - Government Code § 54957 (b)(1)

The Personnel Commission met in closed session to discuss the recruitment of Director, Classified Personnel and to provide direction to staff.

6. Report from Closed Session

The Personnel Commission reconvened at 7:11pm. Chairperson Carter commented that the appeal hearing is in progress and hearing dates have been set for the following week. He also mentioned that the Commission has been updated on the recruitment process for the Classified Director and has given direction to staff on how to proceed.

7. Approval of Meeting Minutes

Approve the Personnel Commission Meeting Minutes for the following:

a) March 1, 2017, Special Meeting Minutes

b) March 2, 2017 Regular Meeting Minutes

Vice-Chairperson Goldstein made a motion to approve the meeting minutes; Commissioner Ortiz seconded the motion,

Approved, 3-0

8. Consent Items

I. Ratification of Eligibility Lists

a) Custodian I

b) Budget Analyst I

c) School Bus Driver

- d) School Administrative Assistant II
- e) School Administrative Assistant , ECE
- f) Instructional Tech- Before & After School
- g) Instructional Assistant II, SPED
- h) Maintenance Engineer
- i) Clerical Assistant I

Paula Phillips, BCCE President, inquired as to why the expiration dates on the eligibility lists have been changed. Secretary Rogosin responded that the lists are good for a year and not a year and a day. Chairperson Carter noted it's more accurate this way.

Secretary Rogosin commented that there's a lot of work put into making these lists, and that the Personnel Commission staff has worked diligently to produce so many lists. Vice Chairperson Goldstein said the intervals between exam dates have improved. Secretary Rogosin commented that a lot of effort has been made to improve the exams as well.

Vice Chairperson Goldstein made a motion to approve Eligibility lists a – i; Commissioner Ortiz seconded the motion.

Approved, 3-0

9. Discussion Items

This item is presented for discussion only and may be carried over from a prior meeting. No action will be taken on this item at this time.

- a) Personnel Commission Budget for Fiscal Year 2017-2018- *First reading*,

Goldstein commented that she has reviewed the working budgets, and is concerned about why the dollar amounts in the “adopted budget” are so different than what was approved by the Personnel Commission. Secretary Rogosin said a budget review can be made monthly starting the new fiscal year. No changes to the budget were requested by the Commission. Chairperson Carter made a request to order tablets for the Commissioners to help them review the numerous reports they receive for Personnel Commission matters. President Phillips asked why there were no legal fees line item on the budget this year and Secretary Rogosin responded that the District pays for Personnel Commission legal fees per the California Education Code §54954.5.

10. Conference Items

These items are presented for discussion and action and may be carried over from a previous meeting.

- a) Request for Appeal of Removal from Eligibility List (Moved to Item 5)

Secretary Rogosin commented that Mr. Drummond's name was removed from eligibility lists because there have been two prior reported incidences of unsatisfactory service and one incident of misconduct involving Human Resources staff. Secretary Rogosin notified Mr. Drummond of his removal from the eligibility lists and that Mr. Drummond requested to appeal this to the Commission.

Mr. Drummond commented that all of the allegations were explainable and that he works well with students and wants to give back to the community. He felt the incidents that occurred at the schools were misunderstandings. He did not know these separate incidents were being accumulated in his record. He commented that he believed the issue was racially-related.

Chairperson Carter requested to view the incident reports and the temporary assignment letter sent to Mr. Drummond. Vice Chairperson Goldstein asked if there is a remediation plan for substitute employees who have these incidents. Secretary Rogosin responded that the District does not notify substitute employees when an incident is filed against them. He said he would provide the reports to the Commission and bring them back to the next meeting.

- b) Informational Report on the “WRIT”,
Secretary Rogosin commented that the goal of the WRIT is to not have employee’s work long term assignments and not receive benefits. He added that when there is a leave of absence an eligible candidate should be taken off the list and placed in the position so they can gain seniority in that classification with the understanding that if/when the employee returns from leave, they would be bumped from that assignment. President Phillips commented that if employees have been in positions for longer than six months they should be deemed permanent employees. Chairperson Carter said that it would circumvent the Merit System to not test employees. President Phillips expressed concerns about employees “working out of class.”
- c) WRIT Agreement
- d) Proposed revision of Merit Rule 40.200.13 and 50.200.4-b, Ties in Examination Results, *First reading*,
Chairperson Carter made a motion to approve new proposed merit rule by 5/1/17; Commissioner Ortiz seconded the motion.
Approved, 3-0
- e) Proposed revision of Merit Rule 70.700.1, Advanced Step Salary Placement, *First reading*,
Secretary Rogosin commented that if the District wants to hire a candidate on an advanced step, they should not be stopped from doing so if it’s within the designated classification range. He added that conversely the Board should not be in a position to approve Commission staff salary placement and that is what this revision is trying to address.
Secretary Rogosin commented that in some Districts if a candidate is hired on an advanced salary step, the qualifications of other employees in that class could be reviewed and if their qualifications are similar, their step would be raised as well, but that this would require a new rule. Commissioner Goldstein commented that this is a retention measure. President Phillips said it is past practice in the District to higher candidates at Step 1, but that for positions that are difficult to recruit for such as the para-educator positions, they are not being considered for an advanced step.
- f) Agenda Item Request – M. Ferguson
- g) Request for Work-Out-Of-Class- Marie Ferguson
President Phillips commented that Ms. Ferguson is in a School Administrative Assistant II position at Berkeley High and is performing work that relates to coordinating substitutes that she feels is not in her job description. President Phillips commented that this work was formerly being performed by a Program Assistant, but that after the Classification study, the class was brought down several ranges. She said Ms. Ferguson’s volume of work is much higher than all other School Admin II’s in the District, and that this position was never intended be at the High School.
Secretary Rogosin commented that he visited Berkeley High on one occasion to look at the substitute issue. He said he also looked at the complexity of the job, and tried to determine if it’s something that the person with the minimum qualifications listed in the class description can do. He commented that he felt the work being assigned to that desk was appropriate to the classification that Ms. Ferguson is in. Commissioner Goldstein inquired as to how the work was being handled before Ms. Ferguson was placed in Berkeley High, President Phillips responded that the work was being done by an employee in a higher class, and that later a certificated teacher was assigned the work of coordinating the substitutes until she brought it to the District’s attention.

Chairperson Carter said he wanted to review the School Administrative II classification again. President Phillips said she can provide summarized notes to the Commission from the bargaining session with the District in regards to this position.

Chairperson Carter made a motion to bring this item forward to the next meeting,
Approved, 3-0

- h) Request for Advanced Salary Placement for Vehicle and Equipment Mechanic
Secretary Rogosin commented that this request is for a provisional appointment, but that the request met criteria for a hard to fill position and the employee had very specific experience needed for the job.
Commissioner Ortiz made a motion to approve the advanced step salary placement for the V&E Mechanic;
Chairperson Carter seconded the motion,
Approved, 3-0

- i) Revision of the Class Description for Delivery Driver,
Secretary Rogosin commented that the forklift operator certificate required at time of hire restricted the pool of candidates for this recruitment and that only one of the two positions in this classification actually drive the forklift. He proposed that the minimum qualifications be changed because if the forklift certificate is necessary, they can get it within a brief amount of time after they've been hired. Commissioner Goldstein asked if the District would cover the cost of obtaining the certificate and was concerned that the cost would not be covered even though it was mandatory. Secretary Rogosin responded that the District has the ability to reimburse if it is a requirement.
Chairperson Carter made a motion to approve the revision to the class description for the Delivery Driver,
Approved, 3-0

- j) Revision of the Class Description for Nutrition Services Assistant,
Secretary Rogosin commented that some Districts don't require the food handler's certificate at the time of hire, and suggested that the Commission change the class description to require employees to obtain one within 30 days of hire as required by the department.
Chairperson Carter made a motion to approve the revision to the class description for the Nutrition Services Assistant,
Approved, 3-0

11. Reports

a) Union

President Phillips commented that the Union appreciates the humanistic approach the new Human Resources Director has displayed to resolve employee issues. She said she has received complaints in regards to performance evaluations, and that certain complaints have yet to be resolved. She said that resolutions regarding classified layoffs are being presented by the Board, and that the budget advisory committee has been meeting and has proposed certain cuts and additions. She said that she is excited about the MOU presented to give Nutritional Service Assistants more work hours and a split shift differential.

President Phillips said the District had assigned management duties to classified staff and although the District has removed those duties, they need to be compensated for their work. She said the District has hired a contractor to fill in for a classified employee to do the work of a Budget Analyst II. She asked the Director of Classified Personnel to pull the employee out immediately. Secretary Rogosin asked President Phillips to send him the details in writing because he was unaware of the situation. President Phillips responded that the Union

should not have to file a grievance, because it's under the Personnel Commission's purview. President Phillips said that Assembly member Thurman announced his candidacy for State Superintendent for public instruction, and that the Union is excited because he has announced bills that benefit classified employees.

b) Commissioners Reports

Vice-Chairperson Goldstein commented that she wanted to add that she would like to thank staff for turning over testing and the eligibility lists so quickly and has seen better quality in that process.

c) Personnel Director

i. New Hires and Examinations administered in the month of March

Secretary Rogosin commented that it is a busy time, but that staff has done very good work in speeding up the testing processes and creating eligibility lists.

12. Public Comments

None.

13. Next Meeting

Vice Chairperson requested to change the next regular meeting. The next meeting was schedule for 5/11/17 at 4:30 pm.

14. Adjournment

The meeting was adjourned at 9:47 pm.