

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

August 2, 2018 – 4:30 pm

**1. Call to Order**

The meeting was called to order at 4:30 pm.

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

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

**3. Public Comments**

None.

**4. Approval & Adoption of Agenda**

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

**5. Approval of Meeting Minutes**

Approve the Personnel Commission Meeting Minutes for the following:

- a) July 12, 2018, Regular Meeting Minutes

Vice-Chairperson Ortiz made a motion to approve the meeting minutes; Commissioner Carter seconded the motion,  
Approved 3-0

**6. Consent Items**

Ratification of Eligibility Lists

- a) Director, Fiscal Services
- b) Educational Occupational Therapist
- c) Instructional Assistant II, SPED
- d) Instructional Tech- Before & After School
- e) School Safety Officer

Vice-Chairperson Ortiz made a motion to approve the eligibility lists; Commissioner Carter seconded the motion,  
Approved, 3-0

**7. Reports**

- a) Union

Linnette Robinson, BCCE Union President, said that there had been a shift in duties assigned to classified staff that has resulted in an increase in unreasonable and unwarranted reprimands. She also voiced concern over lack of District accountability for the summer hiring practice of using substitutes instead of permanent employees for summer assignments.

b) District Reports

None

c) Commissioners Reports

Vice-Chairperson Ortiz asked for an update regarding staff professional development. Chairperson Goldstein shared that she is pleased that the new Student Services Manager, James Wogan, has a strong social work background and education, and sees him as a force for good for coordination of staff training, particularly for the high-velocity positions. She also noted that the District's website had been upgraded. She advised that she would not hold office hours in August.

d) Personnel Director

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

Secretary Duwel, reported on the details about examinations administered in the month of July along with the summary and monthly statistics for the previous 2017-2018 school year. Chairperson Goldstein said it was an impressive effort for a small organization.

**8. Conference Items**

a) Advanced Step Placement Request- E. Estrada,

Jose (Eddie) Estrada, the recently hired Restorative Justice Coordinator, requested an advanced salary step placement justified, in part, by his multiple years of experience working with BUSD students and with staff as a contract restorative justice coordinator. He said that due to his dedicated work at Berkeley High, students are now familiar with restorative justice practices, and that staff regularly reach out to him to help them with restorative justice practices. Mr. Estrada said that he will be collaborating with and helping to orient the second Restorative Justice Coordinator when that person is hired.

Vice-Chairperson Ortiz asked Secretary Duwel for the basis of her recommendation. She replied that she had considered Mr. Estrada's experience working at the high school and his education. She also noted that he was paid considerably more as a contractor. Chairperson Goldstein advised that she reviewed the original salary comparables provided by then-Director Rogosin, which she believed at the time they were first presented were too low and had separately researched data that showed the pay was higher elsewhere. She commented that Mr. Estrada's work is pivotal to the District's behavioral philosophy and it has been effective at the high school, particularly for level one and two issues. She said that she believes the step five compensation placement is fair and added that the District might need to re-level the position's salary in the future.

Vice-Chairperson Ortiz expressed concern about starting Mr. Estrada at step 5. Commissioner Carter asked about the criteria used to determine an advanced step placement. Secretary Duwel replied that placement can be based on prior work experience and difficulty in the recruitment of quality candidates for the role. Commissioner Carter said that given those two requirements he couldn't recall a time when the Commission granted a step five placement. Mr. Estrada said he understood the Commission's concerns, but he thought that the salary range was set low to begin with. Chairperson Goldstein agreed that the position salary is low and not competitive for the area. Commissioner Carter noted he preferred to review the salary data brought forward in previous meetings before making a decision. The Commission called a recess at 5:05 pm so Secretary Duwel could retrieve the salary data provided during prior discussions of this issue.

The meeting was resumed at 5:10 pm.

Paula Phillips, Administrative Assistant III, said this was a prime example of how the District has lowballed classified positions when it comes to salary. She also noted that Mr. Estrada worked for the District as a contractor for two years, one of which was during a time when the position had been created and established as a regular permanent role. She added that there is a candidate on the Restorative Justice Coordinator eligibility list who became permanent recently and was not interviewed for the position.

Vice-Chairperson Ortiz said that when these salaries are reviewed, there must be better rigor around the salary surveys and selected comparables. He said he was reluctant to grant a step five salary placement because it reflects poorly on the Commission for not being more cognizant of the level of the position. Chairperson Goldstein said she supported the step 5 placement because BUSD should want to be competitive to retain the unique institutional knowledge employees in these few positions possess. BCCE President Robinson noted that Mr. Estrada doesn't just handle student issues, but also steps in to resolve staff issues, where there are no administrators capable of doing this.

Vice-Chairperson Ortiz made a motion to approve the advanced step 5 salary placement, Chairperson Goldstein seconded the motion,

Aye- Chairperson Goldstein

Aye- Vice-Chairperson Ortiz

Commissioner Carter abstained.

Approved 2-0

b) Request for Extension of Eligibility List- Lead Maintenance Engineer

Vice-Chairperson Ortiz made a motion to extend the Lead Maintenance Engineer eligibility list; Commissioner Carter seconded the motion,

Approved, 3-0

## 9. Closed Session

- a) Employee Discipline and Legal Matters - Government Code § 54954.5  
(2017-D-01) (2017-D-02) (2018-D-01)

The Personnel Commission went into closed session at 5:28 pm.

## 10. Report from Closed Session

The Personnel Commission came out of closed session at 6:00 pm. Chairperson Goldstein reported that the appeal hearing scheduled times and dates were reviewed and that the Commission plans to move forward with those dates. She also announced that the Classified Director, Patty Duwel, will be taking an intermittent leave of absence starting August 9th.

## 11. Public Comments

None

## 12. Next Meeting

The next regular meeting to be held on September 6th at 4:30 pm.

**13. Adjournment**

The meeting was adjourned at 6:02 pm.

Respectfully Submitted,

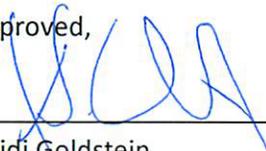


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Patricia Duwel  
Secretary, Personnel Commission

9-6-18

Date

Approved,



\_\_\_\_\_  
Heidi Goldstein  
Chairperson, Personnel Commission

9-6-18

Date