

Berkeley Unified School District
Personnel Commission Meeting Minutes

December 6th, 2018 – 4:30 pm

1. Call to Order

The meeting was called to order at 4:31 p.m.

2. Roll Call & Establishment of Quorum

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

3. Public Comments

Christine Staples, a former BUSD parent, spoke on the proposed US Department of Education changes to the Title IX. She said that the changes would take away power for K-12 school interventions on behalf of students and staff. She shared an incident that took place at a Berkeley elementary school illustrative of the need for an active Title IX Coordinator with broad scope to investigate incidents and assist staff and students who are targets of harassment or assault.

Rebecca Levenson, a current BUSD parent, speaking on the same issue referenced a student-on-staff incident brought up by the Union at a prior meeting. She urged the District and the Union to share data on incidents and collaborate to create a safe environment for all. She said that a few years ago a sexual harassment survey was sent to families of Berkeley High students. She asked if there were data points that BCCE or the District has culled from employees. She spoke about the importance of creating a safe place where those in the BUSD community can share stories about incidents of harassment or assault.

4. Approval & Adoption of Agenda

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

5. Approval of Meeting Minutes

a) November 8th, 2018, Regular Meeting Minutes

Commissioner Carter made a motion to approve the meeting minutes; Chairperson Goldstein seconded the motion,

Approved, 3-0

6. Consent Items

Ratification of Eligibility Lists

a) Clerical Assistant

b) Human Resources Technician

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 President, asserted that School Safety Officers being stripped of their power to be effective safety officers. She noted that the rate of incidents is up and that the safety officers are not informed of issues or advised of known threats by the administration or school leadership. She cited a recent incident at BHS where the Safety Officers were not notified of a warning received from parents about a student who may

have come to school with a gun. President Robinson challenged the rationale for cutting Safety Officers as a cost-effective measure, noting that it is not conducive to creating a safe environment. She recommended that the Personnel Commission investigate the duties listed in new job descriptions presented by the District and added that the new Behavioral Intervention Specialist (BIS) position was created without the Union's involvement, and said that several Instructional Assistant II, SPED employees are already doing the equivalent job. She requested a desk audit and compensation analysis for these roles. President Robinson expressed concern that the inclusion of the Noon Supervisor (now known as School Campus Aide) positions into the Classified Service would drain resources for existing positions that directly support students. President Robinson asserted that union members are not compensated for taking on additional duties. She said that management often asks for step increases and position reclassifications because they claim to perform higher functions, however, they're assigning more duties to their classified staff. She noted that shifting duties and continued vacant positions stress staff and compromise services to students and that these dynamics are affecting the District's ability to retain staff. President Robinson asserted that the Uniform Complaint Process takes too long to resolve employee concerns and that the process is problematic because the same personnel who handle the complaint investigations make adjudication decisions. She urged the Personnel Commission to act independently of the District and, if necessary, take tours of the school sites.

b) District Reports

Brent Daniels, Human Resources Director, said that he has been meeting with BCCE on a weekly basis and that they are establishing more open communication with each other. He expressed thankfulness that the Union has been patient as solutions are sought for some of the more complex issues and that he is looking forward to resolving some of the longstanding concerns that the Union has presented. HR Director Daniels reported that collaborative planning, including the Union and functional managers, has started for the January Classified Service Professional Development day, which will include a half day workshop tailored to each functional group and a half day general assembly session.

c) Commissioners Reports

Chairperson Goldstein said that the US Department of Education has proposed changes to Title IX, and the Notice of Proposed Rulemaking (NPRM) comment period ends in late January. She has asked BUSD administration to take the lead in collecting stakeholder input. She reported that the proposed changes are far-reaching and will change every aspect of the way the District deals with discrimination and harassment reported by staff and students. Chairperson Goldstein noted that the related practices and processes facing employees need improvement and that examination during the NPRM would be an excellent opportunity to start dialogue about this.

Chairperson Goldstein expressed concern that School Board members seemed alarmed by the new classification and job description for the Student Admissions Program Manager role, presented at the November 14th school board meeting, and asked for suggestions to better communicate with the Directors about upcoming position reclassifications.

Chairperson Goldstein commented on the frequency of requests the Commission has been receiving for advanced step placements. She also spoke on the need to make good use of training resources and urged that the \$25k in training funds secured by the Commission for the 2018-19 budget be deployed expeditiously to secure outside training on key competencies.

Chairperson Goldstein said that to get a broader picture of what the District is doing, she has regularly attended school board meetings and District training days. She expressed concern about the delay in posting of minutes for matters considered by the Board Policy Subcommittee (BPC), which can affect the Classified Service, and noted that the BPC had not posted minutes for meetings since March of 2018.

Lastly, Chairperson Goldstein, thanked Erin Arinez, Classified Personnel Supervisor, for her continued support of Commission operations and continuity while Secretary Duwel has been out intermittently for the last few months.

d) Personnel Director

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

Secretary Duwel reviewed examination and staffing information for the month of November. She said that activity has slowed down a bit during the holiday season. Chairperson Goldstein added that the commission worked through an average of 2.3 exams per day even though there were only 17 work days.

8. Conference Items

a) Election of Personnel Commission Chairperson and Vice-Chairperson

Chairperson Goldstein made a motion to nominate Vice-Chairperson Ortiz to be the Chairperson for 2019; Commissioner Carter seconded the motion,
Approved, 3-0

Vice-Chairperson Ortiz said he accepted the appointment.

Vice-Chairperson Ortiz made a motion to nominate Chairperson Carter as Vice-Chair for 2019; Chairperson Goldstein seconded the motion,

Approved, 3-0

Commissioner Carter said he accepted the appointment.

b) Establishment of New Classification – Student Admissions Program Manager

Secretary Duwel reported that the Commission had approved the reclassification in the previous meeting, and the new job description was approved at the November 14, 2018 school board meeting. Francisco Martinez, Admissions Manager, said he was concerned that the Board expressed surprised that they did not know about the reclassification because he has had meetings with the District about this matter for over a year.

Chairperson Goldstein made a motion to approve the new classification, Vice-Chairperson Ortiz seconded the motion,

Approved, 3-0

c) Request for Advance Step Placement – G. Arrellano

Secretary Duwel said the advanced step request came from a candidate on the Instructional Assistant, ECE eligibility list who submitted supporting documentation, and a letter of support from the ECE Principal. Secretary Duwel said that she recommended an advance salary placement at step 4. In response to Chairperson Goldstein's inquiry as to how she came to a decision, Secretary Duwel responded that she reviews the candidate's experience and education, and comparable salaries in other neighboring districts.

Commissioner Carter said that he does not want to consider an advance step placement until a matrix or rubric is created to guide consideration of the request. He expressed concern that without neutral guidance actions to approve a step placement could be misconstrued as favoritism. He also noted that step placement requests may indicate that the classification and the salary should be revised instead. Chairperson Goldstein said that while the job duties speak to the minimum qualifications, it's possible that job applicants may present with more than the minimum education and experience. She commented that it's fair and reasonable to consider that the salary steps are not just a ladder for increasing compensation due to tenure in a role, but also a ladder to acknowledge and compensate for a candidate's prior work experience. She also agreed that a rubric is needed but suggested it wasn't necessary to embargo this request and expressed support for Secretary Duwel's analysis and recommendation. Vice-Chairperson Ortiz said he would also like to see a rubric drawn up for such requests.

Vice-Chairperson Ortiz made a motion to approve the advanced step placement at step 4; Chairperson Goldstein seconded the motion,

Approved-2-0

Commissioner Carter abstained.

d) Request for Advance Step Placement- A. Herrera

Chairperson Goldstein noted the Commission had previously requested more information about Mr. Herrera's experience. Secretary Duwel advised that she requested more information from the candidate but did not receive it, and that ultimately the employee should be held accountable for the information they choose to provide. Chairperson Goldstein said it's reasonable to request the employee's application and/or resume, typically collected as part of the recruitment and hiring process, because the information provided in support of the request was insufficient to determine whether the employee's expertise or prior work experience warranted step placement consideration. Commissioner Carter said that the requests for more information need to be consistent, and if the Personnel Commission insists on receiving more information from a candidate, it will give the impression of favoritism. Secretary Duwel reported that she tells all candidates that they need to provide any additional information they deem necessary to support their request. Commissioner Carter agreed that the Director shouldn't have to provide additional resources and that the candidate needs to take the initiative to support their request. Chairperson Goldstein said the Commission has access to the employee's employment application which can be reasonably used as a verified reference and expressed concern that an employee shouldn't have to guess as to what kind of documentation they need to provide in support of their request. Chairperson Goldstein asked that going forward the Director make a broad suggestion as to what types of documentation should be provided by employees who request consideration for an advanced salary step.

Vice-Chairperson Ortiz made a motion to approve the advance step placement;

Rejected 2-1

Nay- Chairperson Goldstein and Commissioner Carter

Aye- Vice-Chairperson Ortiz

e) Request to Extend Eligibility List – After School Program Specialist

Vice-Chairperson Ortiz made a motion to extend the eligibility list; Chairperson Goldstein seconded the motion,

Approved, 3-0

f) Revise the Human Resources Analyst (confidential) Classification and Salary Placement

Secretary Duwel said a revision was made to the Human Resources Analyst, Confidential class description; some of the duties have changed and were approved at the November 14, 2018 board meeting. Chairperson Goldstein noted that the salary range changed as well.

Commissioner Carter made a motion to approve the revised Human Resources Analyst, Confidential classification and salary placement; Vice-Chairperson Ortiz seconded the motion,

Approved, 3-0

g) Establishment of New Classification – School Campus Aide

Secretary Duwel advised that Noon Director role would be brought into the Classified Service as a new classification called School Campus Aide and that the board approved the duties on at the November 28th meeting. She said the salary range assigned was the closest to the current Noon Director salary rate. Secretary Duwel said approving the new classification can't be delayed because the continuing Noon Director staff would all transition to permanent status as of January, 1st 2019.

President Robinson said that the District had just shown the Union the job description that same day. She noted that some of the duties in the job description fall into other classifications.

HR Director Daniels said that offer letters were sent to employees who were recommended for continuation in the role under permanent status and, if approved today, a draft class description can be shared with the School Campus Aide candidates. Chairperson Goldstein said she was concerned that continuing employees may not understand the details of the new role and may be surprised if their duties change. She also suggested that a strategy should be set in place to address step placement requests for the new role.



Vice-Chairperson Ortiz made a motion to approve the School Campus Aide Class Description; Commissioner Carter seconded the motion,
Approved, 3-0

10. Closed Session (2 matters)

- a) Employee Discipline and Legal Matters - Government Code § 54954.5 (2018-D-01)
- b) Joint- Appointed Personnel Commissioner- Discussion

The Personnel Commission went into closed session at 5:55 pm.

11. Report from Closed Session

The Personnel Commission came out of closed session at 6:32 pm. Chairperson Goldstein reported that there was no update on employee discipline case (2018-D-01). She reported that she was nominated for reappointment to another term by the two other Commissioners and that she would be honored to serve again. Chairperson Goldstein also reported that Secretary Duwel would remain on an intermittent leave of absence.

12. Public Comments

None.

13. Next Meeting

The next regular meeting will take place on January 10th at 4:30 pm.

14. Adjournment

The meeting was adjourned at 6:36 pm.

Respectfully Submitted,

Patricia Duwel
Secretary, Personnel Commission

01/07/2019

Date

Approved,

Dr. Reynaldo Ortiz
Chairperson, Personnel Commission

1/10/2019
Date

