

Berkeley Unified School District
Personnel Commission Meeting Minutes

September 5th, 2019 – 4:30 pm

1. Call to Order

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

2. Roll Call & Establishment of Quorum

Chairperson Ortiz, Vice-Chairperson Carter, and Commissioner Goldstein were present, and a quorum was established. Director Duwel served as Secretary of the meeting via video.

3. Public Comments

None.

4. Approval & Adoption of Agenda

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

5. Approval of Meeting Minutes

- a) August 8th, 2019, Regular Meeting Minutes
- b) August 14th, 2019, Special Meeting Minutes
- c) August 23rd, 2019, Special Meeting Minutes

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

6. Consent Items

Ratification of Eligibility Lists

- | | |
|---------------------------------------|---------------------------------|
| a) Behavioral Intervention Specialist | g) Instructional Assistant, ECE |
| b) Data Integrity Specialist | h) Library Media Technician |
| c) Director of Classified Personnel | i) Nutrition Services Assistant |
| d) Educational Occupational Therapist | j) Public Information Officer |
| e) Grounds Gardener | k) School Bus Driver |
| f) Grounds Supervisor | |

Commissioner Goldstein asked to pull Item C. She asked if Item C is correctly listed as open and promotional. Personnel Supervisor, Erin Arinez and Secretary Duwel confirmed that was correct.

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

7. Reports

a) Union Reports

Linette Robinson, BCCE President, asked when postings for the Director, Classified Personnel recruitment were sent to union members because the union was unaware of the posting. She requested clarification on the recruitment, interview and eligibility list creation processes for the position.

President Robinson asked why the District-hired Behavioral Intervention Specialist (BIS) employees were being used as substitutes for outside contractors engaged by the District. She said that the District continues to utilize outside contractors to do this work, paying them much more than BIS employees are paid. She asked why the District is hiring contractors when BIS employees are supposed to be delivering these services.

President Robinson stated that individuals included in vetted substitute listings are also appearing on eligibility lists and are pulled from sub assignments, causing short-staffing that is affecting employees and students at the sites.

President Robinson asserted that there are irregularities in the testing process, with floating pass points for certain positions, particularly management roles. She commented that the District Office seems to be operating in a haphazard fashion by creating positions and moving people around without regard for the budget implications and the impact on students.

b) District Reports

Assistant Superintendent, Human Resources Samantha Tobias-Espinoza introduced herself, and stated that she is interested in learning about the Personnel Commission since her previous employer did not have one.

c) Commissioners Reports

Commissioner Goldstein wished Director Duwel a continued speedy recovery. She expressed concern over learning about significant start-of-school-year staffing vacancies through a presentation at the September 4th school board meeting. She stated that several key student service classifications were identified as have numerous vacancies and asked what the Commission can do to fill these ASAP. Commissioner Goldstein shared her tally of Commission statistics for 1H 2019 including an average position testing interval of 15 days for written and oral exams. She stated that 528 exams were administered between January 2019 through the end of August, averaging to three examinations per work day. She stated that she plans to more closely examine the circumstances around staffing vacancies and delays in filling open positions.

Commissioner Goldstein noted recent press coverage around ultra-short lunch periods at BUSD elementary schools, and expressed concern that this practice may adversely affect both students and School Campus Aides, who supervise the lunch recess.

Chairperson Ortiz suggested Commission staff review year-over-year recruitment statistics to gain a better understanding of the situation. He discussed looking into the Commission's turnaround time on recruitments to gain a better understanding of what is happening. He expressed mutual concern about the topics included in President Robinson's comments, and his wish to revisit those topics at a later time.

d) Personnel Director

i. New Hires and Examinations administered in August 2019

Director Duwel shared exam activity for the month of August. She clarified the timeline for the Director, Classified Personnel recruitment. Commissioner Goldstein asked about discrepancies between new hire lists provided by the Board versus the list on the Personnel Commission reports. She stated that Personnel Commission list has names that don't appear on the Board report. Ms. Arinez, states that timeframes for Board reports are different due to the fact that the Board meets bimonthly.

8. Conference Items

a) Request for an Advanced Step Salary Placement- T. McDermott

Director Duwel reported that the Public Information Officer candidate, Ms. McDermott, has extensive relevant professional experience, and asserted her recommendation for salary placement at step 5. Vice Chairperson Carter agreed. Commissioner Goldstein clarified her criteria for supporting step 5 placement, based on wage information provided by Ms. McDermott.

Vice Chairperson Carter made a motion to approve Ms. McDermott's advanced step salary placement at step 5; Commissioner Goldstein seconded the motion,

Approved 3-0

b) Establishment of New Classification- Senior Workers Compensation Specialist

Secretary Duwel stated that this item pertained to employee Betty Torrian Lee, currently in the role of Workers Compensation Specialist, and that it was requested by the District. BUSD Risk Manager, Kimberle Sanders, spoke to the level of complexity and volume of work that Ms. Torrian Lee does and observed that it is comparable to more highly compensated roles in the partner organizations with whom the role collaborates. She stated her support for the reclassification. Commissioner Goldstein thanked Ms. Sanders for completing the Position Information Questionnaire in a complete and thorough manner, and noted that the senior-level role reflects the expanded breadth and depth of tasks and responsibilities since Ms. Torrian Lee started in the position. Commissioner Goldstein concurred that the type of work required of the role had evolved and that a re-class was warranted.

Commissioner Goldstein made a motion to approve establishment of New Classification- Senior Workers Compensation Specialist; Vice Chairperson Carter seconded the motion,

Approved 3-0

c) Request for Reclassification- B. Torrian-Lee

Secretary Duwel put forward her recommendation for Ms. Torrian Lee to be placed in the newly approved classification of Senior Workers Compensation Specialist. Secretary Duwel explained that Ms. Torrain Lee would be placed within the step to provide a 5% increase over her current salary. Vice Chairperson Carter also thanked Ms. Sanders for her thorough reporting on the matter.

Vice Chairperson Carter made a motion to approve request for reclassification- B. Torrain Lee; Commissioner Goldstein seconded the motion,
Approved 3-0

d) Request for an Advanced Step Salary Placement- L. Custer

Secretary Duwel explained that Ms. Custer is one of the two District Services Assistants recently hired. She stated that Ms. Custer has extensive experience relevant to her new position, and expressed her support for placement at salary band step 4. Vice Chairperson Carter asked Director Duwel to explain her thinking around a step 4 versus step 5 placement. Secretary Duwel stated that current longevity provisions include a process to increase the salary band range beyond step 5 after ten years of service. She stated that a step 4 placement motivates bargaining unit members to enjoy at least one salary increase in the role. Commissioner Goldstein asked if there was information about the employee's prior earnings that should be considered. Secretary Duwel explained that while prior earnings are considered for salary step placement requests from Local 21 employees, the BCCE agreement considers education and experience only. Vice Chairperson Carter stated that her experience warrants a step 5. Commissioner Goldstein concurred that a step 5 placement would be more appropriate.

Vice Chairperson Carter made a motion to approve advanced step 5 salary placement; Commissioner Goldstein seconded the motion,
Approved 3-0

e) Information/Direction in the Matter of Management Recruitments

Commissioner Goldstein asked Secretary Duwel to clarify her position on this matter, continued from the August 8th meeting. Secretary Duwel stated that this request pertains to highly compensated singleton management classifications and, as is the case with the local 21 contract which provides for hiring manager authority in selection of salary step placement, she recommended alignment in approach for the unrepresented management positions. Vice Chairperson Carter restated his position on the matter, and said he did not see the need to change the process. He recommended that the Commission not relinquish its authority in determination and approval of step increases for any classified staff, including non-represented management. Commissioner Goldstein asked if the Commission staff had been able to quantify the number of unrepresented management position candidates lost by dint of limits to management's authority to offer immediate advanced step placement. She also asked whether the Commission advertised the full salary range of a classification. Ms. Arinez confirmed that the commission advertises the full salary range.

Chairperson Ortiz asked if candidates have turned down positions because they were made to wait for advanced step placement approval from the Commission. Director Duwel replied that she isn't aware of a case where this has occurred. Ms. Arinez shared that she has heard that some candidates delay their formal acceptance of an offer until after the Commission has made its decision. Vice Chairperson Carter stated that the Commission's flexibility in timely convening special meetings should negate the dynamic of candidate delays. Commissioner Goldstein emphasized that the affected population is limited to high value singleton positions reporting to the Superintendent and that extending the salary step placement authority would not apply to managers hiring for bargained positions. Vice Chairperson Carter stated that all classified positions should have the same level of oversight under Commission processes. Chairperson Ortiz discussed the ramifications of relinquishing these Commission responsibilities. He concurred that a special meeting can always be convened, and observed that the Commission did not have a track record of losing individuals to the process.

Commissioner Goldstein made a motion to approve supporting Director Duwel's recommendation in the matter of Management Recruitments, Denied 2-1, Chairperson Ortiz- Nay, Vice Chairperson Carter- Nay, Commissioner Goldstein- Aye

9. Closed Session (1 matter)

- a) Employee Discipline and Legal Matters - Government Code § 54954.
The Personnel Commission went into closed session at 5:27 pm.

10. Report from Closed Session

The Personnel Commission came out of closed session at 5:44 pm. Chairperson Ortiz reported that no action was taken.

11. Public Comments

Seena Hawley asked how she can attach a recommendation to her employment application. Ms. Arinez replied that Ms. Hawley can email her attachment to Personnel Commission staff.

12. Next Meeting

The next regular meeting will be held on October 3rd at 4:30 pm.

13. Adjournment

The meeting was adjourned at 5:45pm.

Respectfully Submitted,



Patricia Duwel
Secretary, Personnel Commission

Date

Approved,

Dr. Reynaldo Ortiz
Chairperson, Personnel Commission

Date