

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

February 4<sup>th</sup>, 2021– 4:30 pm

**1. Call to Order**

The meeting was conducted via Zoom meeting # 852 7339 2873 and was called to order at 4:31 pm.

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

Chairperson Goldstein, Vice-Chairperson Roter, and Commissioner Davis were present, and a quorum was established.

**3. Public Comments**

Mark Ramia, Instructional Assistant I at Berkeley High, commented on behalf of Linnette Robinson, Behavioral Intervention Specialist at Berkeley High, that she was having difficulty communicating with the District about the new BCCE 2021-2022 school year calendar. He stated that the District adopted the calendar without considering the impact on medical deductions taken for 10-month classified employees and, as a result, several employees will owe extra medical premium payments in June, which will significantly deplete their take-home pay. Mr. Ramia said that Samantha Tobias-Espinosa, Assistant Superintendent of HR, had committed to look into the matter but has not offered a resolution. Mr. Ramia pointed out that the cost of the employee benefits contribution increased in 2021, but that classified employees had not been notified of the new deduction amounts.

Mr. Ramia commented that the schedule for IAPP (SPED) employees at BHS differs from the rest of the District sites and that this is not properly recorded in the District's timekeeping system, affecting the accuracy of calculations for overtime pay and utilization of paid sick and vacation leave.

Mr. Ramia commented that, with respect to ED Code 45137, prorated fringe benefit calculations under the "20-day rule" for additional time worked by part time employees, the District does not accurately track supplemental work assignments and is not properly calculating or crediting benefits owed to classified employees. He noted that the last lawsuit regarding this matter was in 2011.

Denise Diggs-Ray, Administrative Assistant III, expressed her appreciation to the Personnel Commission and Human Resources staff for their efforts during these troubled times.

**4. Approval & Adoption of Agenda**

Vice-Chairperson Roter made a motion to approve the February 4th meeting agenda; Commissioner Davis seconded the motion,

Approved, 3-0

**5. Approval of Meeting Minutes**

a) December 29<sup>th</sup>, 2020, Special Meeting Minutes

Vice-Chairperson Roter made a motion to approve the December 29<sup>th</sup> special meeting minutes; Commissioner Davis seconded the motion,

Approved, 3-0

- b) January 14<sup>th</sup>, 2021, Regular Meeting Minutes  
Chairperson Goldstein made a motion to approve the January 14<sup>th</sup> regular meeting minutes;  
Commissioner Davis seconded the motion,  
Approved, 3-0

## 5. Reports

- a) Union Reports  
Frank Hernandez, BCCE Union President, stated that Union member transfers are not being correctly executed because open positions are being filled by candidates from the eligibility lists before they are offered to union members for transfer. President Hernandez cited Merit Rules 50.200.1 and 50.200.2 as support for the transfer priority. He noted that while Commission staff referred to the BCCE contract, Article 17.2 in the contract solely applies to transfers and does not address the interaction with eligibility lists. He stated that union members need a way to relocate and that they are denied their right to transfer under current practice. President Hernandez also cited Merit Rules 50.200.1 (b) and (c) in support of a practice that prioritizes union members' right to transfer first to an open position before other candidates are considered.
  
- b) District Reports  
Samantha Tobias-Espinosa, Assistant Superintendent for Human Resources, reported that the District is very close to reaching an agreement with BCCE for phase one negotiations. She thanked President Hernandez for his work in the negotiation process. She expressed the District's concern about the closed session item for reclassification of the Classified Personnel Director position to that of Executive Director. She commented that the Classified Personnel leadership role was not aligned with the other Executive Director position in the District [Executive Director of Facilities and Maintenance], which is responsible for a large budget and supervises a larger staff. Assistant Superintendent Tobias-Espinosa asked that the Commission consider how their decision aligns with existing positions within the District.
  
- c) Commissioners Reports  
Vice-Chairperson Roter spoke to the need for preparedness in anticipation of school reopening and stated that he is aware of the strong desire, across all stakeholders, to return to in-person learning. He noted that the Commission, its staff and the Human Resources Staff need to take steps now to be prepared for that eventuality by having eligibility lists and performing recruitments as necessary. He expressed his expectation that Commission and HR staff would coordinate to be ready for reopening when it takes place.  
Chairperson Goldstein referenced the availability of a recorded session link on the District website landing page for the January 28<sup>th</sup> "State of the District" presentation and panel discussion about distance learning. She recommended that all stakeholders, and especially Personnel Commission, listen to the session to understand the state of school reopening planning and the range of stakeholder expectations. She also noted that the website landing page includes a link to the Personnel Commission meetings page for those who want to stay abreast of Commission business.

She commented that she was pleased to see a large number of attendees at this meeting.

Chairperson Goldstein discussed the recent approval of \$20 million in Measure O funds by the measure's Oversight Committee for a BUSD educator workforce housing project.. She expressed her belief that the ability of the district to offer workforce housing will be a big step toward making BUSD a more competitive and desirable employer. Chairperson Goldstein shared that year one BERRA [2020 Measure E] funding to increase staff salaries, among other things, had projected revenues of \$10 million, of which \$2.2 million were allocated to classified salary support and \$0.5 million for classified employee benefits. She stated that revenues from this measure are also an important factor in helping the District attract and retain talent.

Lastly, Chairperson Goldstein noted that this meeting marks five years of her service to the Commission. She said she was pleased to be serving with the two new commissioners and was grateful for the stability that the PC staff has provided during her tenure. She commented that she is looking forward to creating that same kind of stability with the selection of the next Classified Personnel leader.

d) Personnel Director

i. New Hires and Examinations administered in January 2021

Secretary Gordillo shared that Personnel Commission staff had completed 86 written examinations and 13 oral examinations for the period. He noted that PC staff have taken on additional duties in support of his part-time engagement. He advised that weekly PC staff meetings have been taking place and that PC staff have also been attending weekly Human Resources team meetings, with collaboration and information shared between HR and PC staff. Secretary Gordillo shared that there are also regular meetings with BCCE and weekly meetings with Business Services He commented that the Commission is aware of the Executive Director, Facilities and Maintenance position and factors including comparative compensation, scale and scope have been considered in the reclassification of the Classified Personnel leadership position.

Secretary Gordillo commented that the California School Personnel Commission Association (CSPCA), where he serves as Executive Director, is hosting their annual Merit Academy and provided details about its curriculum, sessions and cost. He informed all in attendance that they are invited to enroll. He also advised the Commissioners that Ms. Arinez had enrolled them in a CSPCA Commissioner-only email listserve. Chairperson Goldstein pointed out that there were 18 working days in January and that PC staff averaged 5.5 exams per day. She commented that this is a higher daily average than is typical, even before the Coronavirus pandemic. Chairperson Goldstein thanked PC staff for their efforts and said that their purpose and urgency is key to preparedness to fill positions if there is a flood of requests for recruitments as school reopening plans are determined.

Chairperson Goldstein acknowledged comments in the Zoom meeting chat regarding typos in the December 29<sup>th</sup> and January 14<sup>th</sup> meeting minutes approved earlier and said they would be addressed.

## 7. Conference Items

### a) Request to extend eligibility lists from February and March of 2020

Chairperson Goldstein stated that the practice of extending eligibility lists originated shortly after the March 2020 shelter in place orders were issued because in-person recruitment activities were sharply curtailed and the Commission determined it made sense to maintain a pool of eligible candidates where it was possible to do so. She asked Secretary Gordillo why the March 2020 lists were being brought forward for extension in February. Secretary Gordillo explained that the lists in question were scheduled to expire and that lists expiring in March were added to get ahead of any eligibility lists that may expire before the next meeting. He then provided a refresher explanation as to why some of the names on the eligibility lists put forward for extension have asterisks next to them and stated that only the names without asterisks would be extended if list extension were approved.

Vice-Chairperson Roter said that the process for maintaining eligibility lists needs a second look. He noted that the current process creates confusion and that he himself had been unclear on the status of some individuals included in extended lists. He stated that while a second look at the process is warranted, he does not object to extending the February 2020 and March 2020 eligibility lists. Secretary Gordillo said that it was his intention that by next month PC staff will have a product that is clearer on the status of individuals with earlier expiration dates.

Chairperson Goldstein said that some of the eligibility lists included only two names and asked for clarification on the guidance given to administrators who are not provided three ranks. Secretary Gordillo explained that under such circumstances administrators have the right to ask the Commission to refresh the list and provide three ranks.

Chairperson Goldstein referred to Union President Hernandez's comments earlier in the meeting and asked about considerations for candidates on the thirty-nine-month rehire list when a vacancy becomes available in the classification. Secretary Gordillo advised that individuals from a re-employment list trumps ranks from every other list.

Chairperson Goldstein expressed her thanks to Assistant Superintendent Tobias-Espinosa and HR staff for sharing the position control list at the Board meetings, which she has found to be very helpful.

Vice-Chairperson Roter asked Chairperson Goldstein, along with Union representatives and HR and PC staff members, to educate him on the circumstances when an eligibility list should not be extended. Chairperson Goldstein commented that it is good practice to examine the rationales behind decisions to extend an eligibility list. Secretary Gordillo suggested that the topic be added to a future agenda. He added that eligibility lists have been extended recently because of the Coronavirus pandemic and that, generally, eligibility lists are not extended. Chairperson Goldstein expressed her support for more discussion at a subsequent meeting, given that Vice-Chairperson Roter and Commissioner Davis are new to the Commission.

Vice-Chairperson Roter made a motion to approve the extension of the eligibility lists from February and March of 2020; Commissioner Davis seconded the motion

Approved 3-0

## 8. Closed Session

The Commission went into closed session at 5:18 pm to discuss the revisions to the classification, compensation and recruitment plan for the Classified Personnel Director.

## 9. Report from Closed Session

The Commission came out of closed session at 6:15 pm. Chairperson Goldstein reported that the Commission reviewed edits and updates to the job description that will be used to recruit for the Executive Director of Classified Personnel position. She stated that the changes would go into effect on the following day (2/5/2021). She reported that the recruitment will begin no later than 2/22/2021 and will close by 3/29/2021. She added that the Commission reviewed the salary range for the new Executive Director role and title and determined new salary range and schedule placement at salary range 89, on schedule 52.

## 10. Public Comments

Estella Sisneros, BCCE Secretary, thanked Chairperson Goldstein for asking about whether the Merit Academy was open to the public.

## 11. Next Meeting

The next regular meeting will be held on March 4<sup>th</sup> at 4:30 pm.

## 12 Adjournment

The meeting was adjourned at 6:17 pm.

Respectfully Submitted,

*Philip J. Gordillo*

Philip J. Gordillo  
Secretary, Personnel Commission

*03/01/2021*

Date

Approved,

*Heidi Goldstein*

Heidi Goldstein  
Chairperson, Personnel Commission

*03/04/2021*

Date