

Berkeley Unified School District
Personnel Commission Meeting Minutes

April 1st, 2021– 4:30 pm

1. Call to Order

The meeting was conducted via Zoom meeting # 85273392873 and was called to order at 4:30 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

No public comments

4. Approval & Adoption of Agenda

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

Approved, 3-0

5. Approval of Meeting Minutes

a) March 4th, 2021, Meeting Minutes

Chairperson Goldstein made a motion to approve the March 4th meeting minutes, noting that they had been distributed the day after the 4-1-21 Agenda packet was launched on 3-29-21, but no additional inquiry had been received by Commission staff about the March 4th minutes; Commissioner Davis seconded the motion,

Approved, 3-0

6. Reports

a) Union Reports

Mildred Scherr, Adult School Program Specialist, thanked BCCE leadership, who helped with reopening K-2 in-person learning programs, and cited their emphasis on "safety first."

b) District Reports

Samantha Tobias-Espinoza, Assistant Superintendent-Human Resources, echoed Ms. Scherr's' comments regarding staff who helped with reopening efforts. She reported that additional grade levels would return to in-person learning on April 12th, with high school students having the opportunity to return on April 19th. She noted that the District has reached an agreement on an MOU with BCCE, which was accepted at the March 24th school board meeting, and thanked the Union negotiating team for their efforts.

c) Commissioners Reports

Vice-Chairperson Roter discussed the concern brought forward by BCCE regarding the administration

of transfers and stated that this topic would likely be placed on a future meeting agenda for discussion after the Commission receives guidance from outside counsel. He noted that the Merit Rules appear to be out of date and would like to address this once the new Executive Director of Classified Personnel is hired. Lastly, Vice-Chairperson Roter added his support to the comments made by Ms. Scherr and Ms. Tobias-Espinoza regarding the District staff's efforts to reopen schools.

Commissioner Davis and Chairperson Goldstein also echoed Vice-Chairperson Roter's comments acknowledging District and Commission staff's efforts to reopen schools.

Chairperson Goldstein reported that she and the other commissioners attended the Brown Act training provided by the CSPCA's Merit Academy on March 30th. She noted that the District had closure on an MOU with BCCE for Phase 2 in-person learning. Chairperson Goldstein discussed the roles of specific individuals responsible for Covid risk mitigation and testing at BUSD and shared that these are the go-to resources for questions or concerns in those areas.

d) Personnel Director

i. New Hires and Examinations administered in March 2021

Secretary Gordillo reported that through his follow-up with the Superintendent on the positions posted on the District website in mid-February, he was able to verify that they were temporary assignments. Secretary Gordillo discussed the instructional technician and other special education services contracts that went before the board and advised that he had been informed that BCCE submitted a cease and desist letter to the District regarding these contracts. Secretary Gordillo shared his experience with other district's best practices for the use of contractor employees when there is an urgent staffing need.

Secretary Gordillo advised that he has followed up with the Union directly to dispel any residual concerns about his interest in applying for the open Classified Personnel Executive Director position. He shared that the recruitment for the role closed on March 29th with eight applications to review and that, due to panelist scheduling challenges, the dates for examinations may be delayed.

Secretary Gordillo advised that the Commission has completed an engagement letter with outside counsel for an opinion to clarify operational discrepancies between Merit Rules and the BCCE agreement regarding the employee transfer process to vacant positions and reported that he had asked the Union to provide any documents they would like for him to include in this review.

Secretary Gordillo advised that a desk audit for the Clerical Assistant III in the role was performed in response to concerns raised by staff about working outside of the classification. He acknowledged District Staff for their efforts in helping to return students to in-person learning. Secretary Gordillo shared counts related to the number of exams conducted in March and the average number of exams per day during that time. Chairperson Goldstein commented on the testing intervals between written, oral, and performance exams and noted that the intervals average to approximately thirteen days; consistent with year-over-year performance.

7. Consent Items

Ratification of Eligibility Lists:

Chairperson Goldstein proposed that the Commission vote on items A-G. Commissioner Davis asked about the After-School Program Supervisor list and the difference between Open and Promotional designations. Mr. Arinez explained the difference between the two designations.

Vice-Chairperson Roter made a motion to approve eligibility lists A – G; Commissioner Davis seconded the motion,
Approved, 3-0

8. Conference Items

a) Establishment of New Classification, Payroll and Benefits Manager

Secretary Gordillo described the scope and responsibility of the position to be established. He shared that the position had been rejected by the school board at its February 17th meeting but was approved at the March 24th meeting. Steve Collins, Maintenance Manager, made statements in support of the establishment of the new classification. Denise Diggs-Ray, Administrative Assistant III, made statements in opposition to establishing the new classification, as did Ms. Scherr and Veronika Huntsberry, After School Program Specialist.

Samantha Tobias-Espinoza, Assistant Superintendent for Human Resources, stated that the District intends to train the individual who moves into this position in both payroll and benefits administration. She shared that with both functions under one supervisor, the District will benefit from a more collaborative and coordinated workflow between departments.

Frank Hernandez, BCCE Union President, expressed his opposition to the establishment of the new position and expressed concern that should the District implement a new payroll software system, extensive training will strain a manager supervising both departments. He suggested that the departments should remain separate so that the payroll department can focus on the remedy of a large backlog of errors.

Secretary Gordillo reported that meetings had taken place between the District and the Union about the role and that he and Assistant Superintendent of Business Services Follansbee had met to discuss a strategy for implementing the new position, recognizing that a primary focus would be to correct the payroll issues the District has been experiencing. He reminded the Commission that their role is to set minimum qualifications and to finalize the recommended salary range.

Vice-Chairperson Roter asked about the removal of the Risk Management function from the discussion surrounding this position. Assistant Superintendent Tobias-Espinoza provided background information and explained the District's approach for Risk Management. Vice-Chairperson Roter commented that he did not think it was the Commission's role to weigh in on the organizational approach to the work. Commissioner Davis asked if it is common for one supervisor to manage both Payroll and Benefits and if there is data on the efficiency of this model. Secretary Gordillo commented that organizational approaches could vary.

Chairperson Goldstein stated that she is aware of some the Payroll department's issues and the need for management to decide the best course of action to organize the District departments. She agreed with Secretary Gordillo on the Commission's role and jurisdiction and asked if the commissioners had further questions regarding the minimum qualifications for the role.

Secretary Gordillo shared information about how the salary recommendation was created and, in response to Chairperson Goldstein's inquiry, described how the education and experience requirements were developed. Vice-Chairperson Roter stated that the education and experience requirements seemed appropriate.

Vice-Chairperson Roter made a motion to approve the establishment of the Payroll and Benefits Manager classification; Chairperson Goldstein seconded the motion,
Approved, 3-0

b) Establishment of New Classification, Sustainability Program Coordinator

Secretary Gordillo discussed the classification and shared that the position may supervise others in the future. Steve Collins, Maintenance Manager, stated that BUSD had not been at the forefront concerning sustainability and shared the Districts efforts in this area over the last two years. Vice-Chairperson Roter asked about the education and experience requirements for the position. Mr. Collins stated that the department did not want to exclude candidates who may have acquired their knowledge through work or other experiences.

Chairperson Goldstein made a motion to approve the establishment of the Sustainability Program Coordinator classification; Commissioner Davis seconded the motion,
Approved, 3-0

c) Revisions to Nutrition Services Satellite Operator I Minimum Qualifications

Secretary Gordillo discussed the three classifications that support the Central Kitchen/Nutrition Services department. He shared that the Nutrition Services Assistant position allows for a thirty-day interval after employment begins for the candidate to obtain a Food Handlers Certificate, while the Nutrition Services Satellite Operator I classification requires the Certificate as a condition for candidacy. He reported that management is asking that the thirty-day rule be applied to the Nutrition Services Satellite Operator I as well.

Chairperson Goldstein asked about any liability issues that this change might expose. Secretary Gordillo explained that candidates pending certification would be tracked and placed in a restricted service role to avoid increased liability.

Chairperson Goldstein asked if the District pays for the Certification and related training. Ms. Arinez replied that staff would undertake a discussion with Nutrition Services management to determine training and certification arrangements. BCCE President Hernandez stated that the District should pay for training for active employees.

Chairperson Goldstein observed that it would be helpful if the District had a clear policy on this topic and urged the Commission to reach out to Human Resources.

Secretary Gordillo provided background information on the training costs and said that he would get clarification.

Erin Arinez stated that the District provides training during professional development sessions. She

also shared that there is a fair amount of turnover in the classification and that the District may have 2-4 vacancies at any given time. Chairperson Goldstein asked if the Nutrition Services department has a line item in their budget for this training. Ms. Arinez and Secretary Gordillo replied that they did not have that information.

President Hernandez stated that he was not aware of many classifications that require employees to renew certifications. He shared that the District pays for certifications like the one needed to be Pool Operator.

Vice-Chairperson Roter made a motion to approve the revisions to Nutrition Services Satellite Operator I minimum qualifications; Commissioner Davis seconded the motion,
Approved, 3-0

d) **2021-2022 Personnel Commission Draft Budget, *First Reading***

Secretary Gordillo shared information regarding the draft Budget and provided dates and deadline information regarding the Final Budget. Chairperson Goldstein asked for clarification regarding the final deadline. Mr. Gordillo offered additional information and stated that this reading is for informational purposes only. He then provided specific information related to line items in the budget. Ms. Arinez contributed further details as needed.

Vice-Chairperson Roter asked clarifying questions about several budget items including: Annual amounts, Statutory Benefits, and BERRA funds. Chairperson Goldstein questioned the discrepancy created by omitting BERRA funding from the budget shared with the County. She also asked about the inclusion of upcoming statutory salary increases in the draft budget. Secretary Gordillo said that he will pursue these questions before the final budget is presented.

Vice-Chairperson Roter suggested that Assistant Superintendent Follansbee be invited to the next Personnel Commission meeting to answer questions related to the budget before the Commission acts.

Chairperson Goldstein questioned a recurring discrepancy over the years between the Commission-approved budget vs. the adopted budget and asked for clarification. Secretary Gordillo said that follow-up research would be done before the next meeting, and Assistant Superintendent Follansbee will be invited to attend that meeting.

9. Closed Session

The Commission went into closed session at 6:35 pm.

10. Report from Closed Session

The Commission came out of closed session at 7:16 pm. Chairperson Goldstein reported that no actions were taken. She shared that the Commission discussed progress on the recruitment for the Executive Director of Classified Personnel position.

11. Public Comments

No public comments

12. Next Meeting

The next regular meeting will be held on May 6th at 4:30 pm.

13. Adjournment

The meeting was adjourned at 7:17 pm.

Respectfully Submitted,

Philip J. Gordillo

Philip J. Gordillo
Secretary, Personnel Commission

Approved,

Heidi Goldstein

Heidi Goldstein
Chairperson, Personnel Commission

05/03/2021

Date

05/06/2021

Date