

Berkeley Unified School District
Personnel Commission Meeting Minutes

November 4th, 2021 – 4:30 pm

1. Call to Order

The meeting was conducted via Zoom meeting # 852 7339 2873 and was called to order at 4:30 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

Mark Ramia, Instructional Assistant I at Berkeley High, commented on the lack of clarity around Human Resources sick leave accrual updates and discrepancies with the BCCE collectively bargained agreement.

4. Approval & Adoption of Agenda

Vice-Chairperson Roter made a motion to approve the meeting agenda; Commissioner Davis seconded the motion,
Approved, 3-0

5. Approval of Meeting Minutes

a) September 2nd, 2021, Regular Meeting Minutes

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

b) September 17th, 2021, Special Meeting Minutes

Vice-Chairperson Roter made a motion to approve the meeting minutes with correction to a typographical error in item #4; Commissioner Davis seconded the motion,
Approved, 3-0

6. Reports

a) Union

Frank Hernandez, BCCE President, expressed concern about inconsistent practices applied to ongoing open positions and commented that employees were unclear about vacancies for which they could apply to transfer. He suggested the Commission distribute to employees a monthly refresh notice to clarify which positions were still open.

b) District Reports

None.

c) Commissioners Reports

Chairperson Davis encouraged staff to reach out to Secretary Castillo with questions about recruitment and testing processes. Vice-Chairperson Roter reported the 10/20/21 School Board meeting included discussion about safety at Berkeley High; he suggested that the Personnel Commission prioritize recruitment of school safety positions. He acknowledged email receipt of comments originally delivered to School Board members from Josh Austin, SPED Teacher at BHS, who described the urgent need for immediate hiring of Special Ed. staff, particularly Instructional Assistants. Vice-Chairperson Roter noted that the Commission consistently recruits for these roles on Ed-Join and invited other suggestions to facilitate speedier recruitments and actions under the Commission's purview to support SPED staffing requirements. Vice-Chairperson Roter added that he has continued to work with Secretary Castillo to revise the current Merit Rules and hopes to schedule special meetings soon to share the updates.

Chairperson Goldstein thanked Personnel Commission staff for their recruitment efforts in October which included 15 recruitments and an average of 19 exams per workday. She noted that the current labor market conditions are challenging for public employers and that BUSD staff recently received a 1% salary increase and a 3.5-3.8% one-time bonus, which helped to make salaries more competitive with those in other peer groups. Chairperson Goldstein reported that Secretary Castillo has started a campaign to educate staff on the duties of the Personnel Commission and how they differ from those of Human Resources and the District. She cited the concerns in Mr. Ramia's public comment as an example, where remedy would fall under Human Resources. She urged continued and improved communication between the Commission and Human Resources so that employee issues may be promptly triaged, referred and resolved.

d) Personnel Director

i. New Hires and Examinations administered in the month of October 2021

Secretary Castillo reviewed examination and personnel activity for the month of October. He concurred with Chairperson Goldstein on the challenges of enabling staff to understand the jurisdictional authority of the Personnel Commission versus that of Human Resources/District. He commented that the Personnel Commission is guided by its rules and applies these in tandem with elements codified in the collective bargaining agreements. He said he hoped to make progress in updating the Commission rules and that when issues are raised, the Personnel Commission strives to support classified staff consistent with the intent of the Education Code that undergirds the rules.

7. Consent Items

Ratification of Eligibility Lists

- a) Accounting Technician
- b) Computer Technician I
- c) Custodian I
- d) Nutrition Services Assistant

- e) Nutrition Services Satellite Operator I
- f) Senior Communications Officer
- g) Transportation Dispatcher

Vice-Chairperson Roter observed that, for the most part, the lists seemed robust and encouraged the Personnel Commission staff to continue to explore different recruitment avenues to build pools of diverse applicants. Commissioner Davis asked about ways to get more nutrition services applicants.

Commissioner Davis made a motion to approve lists a – g, Vice-Chairperson Roter seconded the motion,

Approved 3-0

8. Conference Items

- a) Agenda Item Request- D. Gallon

Dontay Gallon, Instructional Tech-BASP at Berkeley Arts Magnet, said that he had worked out of classification for several months as an After-School Program (ASP) Specialist but was not allowed to interview for the position. Secretary Castillo provided background information for the Commission regarding Mr. Gallon's request. He clarified that Mr. Gallon was not eligible to interview because he did not apply for the most recent ASP Specialist recruitment and, so, was not included in the eligibility list. Chairperson Goldstein thanked Mr. Gallon for bringing the issue to the Commission and for highlighting process gaps in internal recruitment communications, which the Commission would address. She asked Secretary Castillo to resolve outstanding issues with staff notices issued at the time a position is opened for recruitment.

- b) Agenda Item Request- M. Scherr

Mildred Scherr, Adult School Program Specialist at Berkeley Adult School, said that she is concerned about the Personnel Commission's practices in applying passing points for exams given as part of the testing process to establish eligibility lists. She asserted that this practice opens the way to discrimination and nepotism. She said that, recently, this practice prevented a promotional candidate from progressing in the testing process and disqualified him. She requested that the Personnel Commission rectify this situation. Secretary Castillo reported that the promotional candidate was provided standard appeal rights. However, after the last notification, he did not hear back from the candidate within the specified time frame. He commented that setting a passing point is done at the Executive Director's discretion and that it is not done arbitrarily, but considers many factors. Chairperson Goldstein asked Secretary Castillo to provide clarity on how to proceed with the promotional candidate who was disqualified from the process. She also requested that he document the process utilized to assign passing points and bring back this information to the Personnel Commission at a future meeting, along with information on any disparate impact pass points may have on candidate demographics.

Chairperson Goldstein made a motion to have Secretary Castillo gather this information and bring it back to a future meeting; Commissioner Davis seconded the motion,

Approved, 3-0

9. Conference Items

a) 2020-2021 Personnel Commission Annual Report

Secretary Castillo presented the 2020-2021 Personnel Commission annual report. He noted that despite hiring freezes at the beginning of the year, and recruitment challenges, the Personnel Commission sustained their recruitment volumes relative to previous years.

Vice-Chairperson Roter made a motion to approve the 2020-2021 Personnel Commission Annual Report; Commissioner Davis seconded that motion,
Approved, 3-0

10. Public Comments

Paula Philips, Classified Professional Development Coordinator, thanked the Commission for a robust discussion on passing points. Denise Diggs-Ray Administrative Assistant III in Student Services, asked how the Commission would respond to the Commissioners’ requests for research and information. She noted that the Executive Director’s monthly report does not include test pass rates. She requested an update on the status of a district-wide classification and compensation study. BCCE President Hernandez shared that Instructional Assistant and Instructional Technician substitutes, who are also on eligibility lists, are refusing full time assignments at certain sites while Principals are “hanging on” to substitutes at other sites. He suggested that Merit rules be enforced such that candidates who decline a job offer be removed from the eligibility lists on which they currently appear. Dontay Gallon thanked the Commission for the opportunity to present his situation and said that he had a better understanding of the application process.

11. Next Meeting

Chairperson Goldstein said that meetings will continue to be held on Zoom until further notice. The next regular Personnel Commission meeting will be held on December 9th at 4:30 pm.

12. Adjournment

The meeting was adjourned at 7:38 pm.

Respectfully Submitted,

Charles Castillo

Charles Castillo
Secretary, Personnel Commission

1/11/2022

Date

Approved,

Heidi Goldstein

Heidi Goldstein
Chairperson, Personnel Commission

1/14/2022

Date