

Berkeley Unified School District
Personnel Commission Meeting Minutes

June 2nd, 2022 – 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 Davis, and Commissioner Roter were present, and a quorum was established.

3. Public Comments

Kaye Kohler, Interpreter for the Deaf at Berkeley High, expressed concerns regarding the Interpreter to the Deaf job description and said they felt the qualifications were inconsistent with the needs at the site. They urged the District to offer professional development to the current staff at BHS and the District to prevent hiring contracted agency interpreters. They also said there is insufficient support for ESL students who need deaf and sign language interpreting and said there needs to be more signing and interpreting staff to support all students. They requested to know who the ADA Coordinator was for Berkeley High.

Mark Ramia, Instructional Assistant I at Berkeley High, said he spoke on behalf of Linnette Robinson, Behavioral Intervention Specialist at Berkeley High. He said there were ongoing concerns regarding the new electronic system that the District purchased, which has caused a shift in additional duties for classified staff. He mentioned that a Special Ed. Administrator at Berkeley High violated the BCCE bargaining agreement when conducting performance evaluations for classified staff and added that Secretary Castillo was made aware when he handled the appeal. Yet, he only overturned one evaluation when he should've overturned them all. Mr. Ramia said that that same Administrator added hours to employees' schedules but did not raise their salaries. Chairperson Goldstein asked what specific electronic system was being referenced. Marie Ferguson, School Administrative Assistant II/Substitute Specialist at Berkeley High, said that Mr. Ramia's statement was regarding the new payroll system and the Infinite Campus system.

4. Approval & Adoption of Agenda

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

Approved, 3-0

5. Reports

a) Union

Frank Hernandez, BCCE President, said he had nothing to report.

b) District Reports

None

c) Commissioners Reports

Commissioner Roter gave an update on the merit rules revision project; he said the Commission met the day before in a special meeting and worked on reviewing the chapter regarding working-out-of-class and reclassifications. He said the Commission would be meeting again on 6/15. Commissioner Roter asked Chairperson Goldstein and Secretary Castillo to invite the new Superintendent to an upcoming personnel commission meeting to expose her to the Personnel Commission processes once she's settled in.

Commissioner Roter mentioned how it was a challenging year due to the pandemic and serious safety issues, but when he watched the slideshow honoring the BUSD 2022 retirees, he felt very moved by the work put in by those retiring who dedicated more than twenty years to the District.

Chairperson Goldstein also wished to express gratitude to the retirees and that the recent news is worrisome, but it was a reminder that the first obligation is to students to keep them educated and safe.

d) Personnel Director

i. New Hires and Examinations administered in the month of May 2022.

Secretary Castillo reviewed the examination and personnel activity for May. Castillo congratulated the retirees and the Highschool graduates. He said he worked on five reclassification requests and emphasized the need for the class and comp study. He said the Personnel Commission was moving forward with revisions to the merit rules and said he would send reminders during the summer so more staff could join. He said he recently read an email from Superintendent Stephens and felt thankful to the Berkeley Police Department and school staff who worked together to prevent a disaster at the Highschool. He said he would be talking to Paula Philips and Liza Estupin about professional development opportunities that can be taken to increase safety and awareness.

6. Consent Items

Ratification of Eligibility Lists

- a) After-School Program Specialist
- b) Cook
- c) Custodian I
- d) Custodian II
- e) Executive Assistant to the Board (Confidential)
- f) Instructional Tech-BASP
- g) Nutrition Services Assistant
- h) Payroll Specialist
- i) Senior Workers Comp. Specialist
- j) Student Assessment Specialist

Chairperson Goldstein said she was impressed with the number of eligibility lists and noted that some of the challenging lists had up to three ranks. Secretary Castillo said that nutrition services recruitments are always challenging, but salaries are being reviewed, and the Assistant Superintendent of Business Services may propose something regarding that matter soon. Commissioner Roter made a motion to approve lists a-j; Vice-Chairperson Davis seconded the motion,
Approved, 3-0

7. Conference Item

a) Request for Advanced Step Placement- T. St John, **Attachment A**

Secretary Castillo said that with Ms. St John's experience in the education field, this candidate had more than the necessary experience and education to work in the position she had just started. Commissioner Roter pointed out that the starting pay is not high and is problematic for recruitment, so he supported the advanced step placement.

Commissioner Roter made a motion to approve the request for step 5; Vice-Chairperson Davis seconded the motion,
Approved 3-0

b) Request to Extend Eligibility List- School Administrative Assistant III, **Attachment B**

Secretary Castillo said he was requesting an extension of the list to assist with promotions from within the District. He also said this would support the employees on this list in limited-term assignments, and the union and the principal support the request.

Vice-Chairperson Davis asked if the list would be extended again after this year. Secretary Castillo said he would not request another extension. Commissioner Roter noted that the merit rules only allow for a 1-year extension, but the Ed code has been updated to allow for another year's extension, so the personnel commission would have the discretion to do it another year. He said he is inclined to extend it because it is a robust list, including promotional candidates.

Chairperson Goldstein asked how many vacancies there were; Secretary Castillo said that currently, there were none. President Hernandez said he supports the list extension, which has been past practice for the Personnel Commission to do at an employee's request.

Commissioner Roter made a motion to extend the School Administrative Assistant III list for an additional year; Vice-Chairperson Davis seconded the motion,
Approved 3-0

c) Request for Reclassification- M. Ferguson

Secretary Castillo said it was unclear how to approach this reclassification because, at a previous Personnel Commission meeting, Ms. Ferguson said that she was not seeking reclassification and update to her job description but instead was requesting a salary increase allocation. He said the reclassification entails the incumbent demonstrating a gradual accretion of duties of two years, and that said, he could not verify that in the materials Ms. Ferguson submitted or in the conversations he

had with her Supervisors.

Ms. Ferguson read a statement. She said that she felt Secretary Castillo had already determined not to reclassify her based on his tone and demeanor. She said he sent her an email with several questions, which felt like an investigation. Ms. Ferguson requested an outline of the reclassification process and said Mr. Castillo needed to be more transparent about the process.

Ms. Ferguson said she had trained two vice-principals in her current role but can't quantify how much time it took her to do these extra duties. She said Secretary Castillo interviewed her Supervisor, but he did not interview her and therefore never conducted a desk audit. Commissioner Roter noted that he recalled Ms. Ferguson saying that the job description accurately captured her duties but her concern related to the salary range.

Ms. Ferguson said former Classified Director, Patty Duwel, did not properly look at all the duties when she reclassified her over two years ago. Chairperson Goldstein provided a timeline of the events surrounding Ms. Ferguson's reclass. She requested Secretary Castillo arrange a desk audit with Ms. Ferguson to look at her duties and compare them with Ms. Duwel's notes. Secretary Castillo said he looked at all of Ms. Duwel's notes, spoke to Ms. Duwel herself, and met with Ms. Ferguson's two Supervisors. Secretary Castillo said his interactions with Ms. Ferguson have not been pleasant and asked her to be respectful and cooperative with him. Vice-Chairperson Davis noted that this is a delicate matter, but everyone should be mindful of how they address each other. Secretary Castillo said he would conduct a desk audit if the Commission requests it. Chairperson Goldstein said a prompt desk audit would be done, and findings will be discussed later.

d) Request for Reclassification- P. Robinson

Secretary Castillo said he did not do a desk audit, and that desk audits do not always have to be conducted for every reclassification; the Director has discretion over the process for each individual reclass. He said he had been asked to describe his method, but he felt that every reclass request is unique and requires a different approach. Secretary Castillo said that in the matter of Paula Robinson, Instructional Assistant I-SPED (IA I-SPED) at King Middle School, it was evident to him that she was doing Instructional Assistant II-SPED level work. He interviewed the employee, the classroom teacher she frequently works with, and the Principal at the site and all confirmed her duties were about the IA I-SPED level. Vice-Chairperson Davis asked if the other IA I-SPED incumbents would be reviewed as a whole. Secretary Castillo said he asked for other IA I's at the site who are doing IA II work to contact him.

Commissioner Roter made a motion to reclassify Paula Robinson to an Instructional Assistant II-SPED; Vice-Chairperson Davis seconded the motion,
Approved, 3-0

8. Closed Session

The Personnel Commission went into closed session at 6:08 pm.

9. Report from Closed Session

The Personnel Commission came out of closed session at 6:42 pm. Chairperson Goldstein reported that the Commissioners presented part I of the Performance review for the Executive Director.

10. Public Comments

Denise Diggs, Administrative Assistant III, asked if there was a timeline for the Compensation and Classification Study. Kaye Kohler asked who Secretary Castillo's Supervisor was and said they met with him as part of the reasonable accommodations process. They said Secretary Castillo ended the interactive process, but they wanted to request for it to be restarted. President Hernandez noted how very few Custodian I candidates were on the Custodian II eligibility list. Ms. Diggs asked that the Personnel Commission staff provide a test-taking guide. Secretary Castillo said he would look into this.

11. Next Meeting

A special workgroup meeting is scheduled for June 15th, 2022, at 2:00 pm to continue to review and update the Merit Rules. Following the Board's format, meetings will continue to be conducted via Zoom.

12. Adjournment

The meeting was adjourned at 7:01 pm.

Respectfully Submitted,

Charles Castillo

Charles Castillo
Secretary, Personnel Commission

08/29/2022

Date

Approved,

Heidi Goldstein

Heidi Goldstein
Chairperson, Personnel Commission

09/01/2022

Date