

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

September 1<sup>st</sup>, 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**

None

**4. Approval & Adoption of Agenda**

Vice Chairperson Davis requested that the Conference Items portion of the agenda be moved forward to take place after Approval and Adoption of the Agenda.

Chairperson Goldstein made a motion to bring Item eight forward to follow Item four and approve the agenda as amended; Commissioner Roter seconded the motion.

Approved 3-0

**5. Approval & Adoption of Minutes**

a. June 2<sup>nd</sup>, 2022, Regular Meeting Minutes

The Commission asked that a grammatical change be made in the closing comments (replace “him” with “Secretary Castillo”)

Commissioner Roter made a motion to approve the June 2<sup>nd</sup>, 2022 meeting minutes; Chairperson Goldstein seconded the motion,

Approved, 2-0

b. June 15<sup>th</sup>, 2022, Special Meeting Minutes

Commissioner Roter made a motion to approve the June 15<sup>th</sup>, 2022, special meeting minutes; Chairperson Goldstein seconded the motion,

Approved, 2-0

c. August 4<sup>th</sup>, 2022, Regular Meeting Minutes

Commissioner Roter made a motion to approve the August 4<sup>th</sup>, 2022 meeting minutes; Chairperson Goldstein seconded the motion,

Approved, 2-0

**6. Reports**

a) Union

Mildred Scherr (BCCE Vice-President) reported that the Commission has not had the chance to meet the new BCCE President, Jocelyn Foreman, and that Jocelyn could not attend the meeting because

she was traveling. Ms. Scherr apologized for her tardiness, and expressed that the Personnel Commission meetings are very important to the Union. She said that the Union always tries to have someone present when possible. Ms. Scherr also stated that she agreed with the comments made regarding Kay Kohler earlier in the meeting (approval of minutes).

b) District Reports

Glendaly Gascot-Rios (Director, Human Resources BUSD), stepped away from the meeting prior to the reports segment. She posted a note in the meeting chat stating that the District will be moving forward with the contract for the classification and compensation study. This matter will go before the Board at the September 7<sup>th</sup> meeting.

c) Commissioners Reports

Commissioner Roter welcomed everyone back to school for the new school year, and thanked classified staff and Union leadership, as well as the District for a good start to the school year. He said he is hopeful that the new Superintendent, Enikia Ford Morthel, can join an upcoming meeting so that the Commission may meet and welcome her. Commissioner Roter also expressed that he is looking forward to meeting the new BCCE President (Jocelyn Foreman). He then thanked the Board of Education for allowing him to serve another term on the Personnel Commission, and said that he is looking forward to another term as the Board appointee. Commissioner Roter went on to say that he is looking forward to the Classification and Compensation Study. Mr. Roter commented that work on revisions to the Merit Rules continues, and that progress is being made through Special Meeting Workshops.

Chairperson Goldstein echoed Commissioner Roter's sentiments, and went on to thank Commissioner Roter for accepting another appointment to the Commission. Chairperson Goldstein also acknowledged Brian Westover (HR Technician), who will be helping with additional duties while Erin Arinez, Classified Personnel Supervisor, is away on educational leave.

d) Personnel Director

Secretary Castillo echoed the Chairperson's thanks to Commissioner Roter for agreeing to serve again on the Commission, and commented that their Merit Rules revision meetings have been very valuable.

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

Secretary Castillo discussed the examination activity for the month, and commented that August tends to be a higher volume month due to staff preparing to return to school. He informed the Commission that Olga Villanueva (HR Technician), will be joining the team and working in the newly created 0.5 FTE position. He commented that the Commission staff is excited to have Ms. Villanueva on the team, and that she has been of great assistance.

Secretary Castillo reported that the Classification and Compensation Study RFP process is complete, and will be going to the Board for approval. Secretary Castillo said that he is planning a presentation on the study in October, and will be making rounds with the Unions, as well as

working to facilitate meetings and committees. He stated that the anticipated start date for the study is November 1<sup>st</sup>.

Secretary Castillo reported that he is currently working on six job reclassification requests, and is working to complete them before November 1<sup>st</sup>, but that some of them may be absorbed by the class and comp study. He commented that this school year has been better than last with regard to Staff processes and communication with Principals, and also discussed the intensive NeoGov/NeoEd training conference that he and Brian Westover would be attending during the first week of October. He commented that PC staff has been busy, and that he has confidence in the work that Brian Westover will be doing while Erin Arinez is away on leave.

## 7. Consent Items

Ratification of Eligibility Lists

- a) Communications Specialist
- b) Cook
- c) Human Resources Technician
- d) Instructional Assistant, ECE
- e) Lead Maintenance Engineer
- f) Library Media Technician
- g) Nutrition Services Assistant
- h) Nutrition Services Satellite Operator
- i) Senior Human Resources Technician

Commissioner Roter commented that the eligibility lists are robust, and acknowledged the hard work of PC Staff. He mentioned that the Nutrition Services recruitments continue to be a challenge. He discussed prior conversations about how to make these positions more attractive, and invited suggestions to increase the number of candidates on eligibility lists for these recruitments.

Chairperson Goldstein agreed with Commissioner Roter, and stated that the PC Staff may have set a record for the number of exams administered in August. She also stated that the average interval between exams for the month was eight days, and that this was a very efficient rate.

Commissioner Roter made a motion to approve lists a-i; Chairperson Goldstein seconded the motion, Approved, 2-0

## 8. Conference Item

- a) Request for Salary Step Advance - T. Okuda

Secretary Castillo discussed the request, which is an advance to step five, and pointed out prior discussion regarding the desire to recruit top talent for the District. He said that Tamoyo has a PhD, and tremendous work experience which warrants the request. He strongly recommended step four placement. Commissioner Roter asked when Tamoyo's employment with the district began. Secretary Castillo asked Brian Westover (Commission Staff), to find her date of hire. Chairperson Goldstein said that she had seen Ms. Okuda's name on the current eligibility list, which implied that the hire was recent. Commissioner Roter requested that start dates be included in the request documentation, whether they have been newly hired or promoted into the new position. Secretary Castillo asked if this

agenda item should be held over to the next meeting. Commissioner Roter replied that it was not necessary, and that his request applied to future agenda items. Vice-Chairperson Davis stated that he was also interested to know when Ms. Okuda started in the position. Chairperson Goldstein stated that she was curious about the same information. Secretary Castillo noted this, and stated that the information will be included in all future requests.

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

Approved 3-0

b) Request for Salary Step Advance – L. Reyna

Secretary Castillo discussed Mr. Reyna's status as a current employee with the district, and stated that he is a very dedicated employee. He said that the position he is entering (Instructional Specialist, Athletics), is a promotional opportunity, and that he was formerly an Instructional Assistant. Secretary Castillo informed the Commission that he is recommending a step two placement, and that Mr. Reyna has requested step three and step four. He said that there are two reasons for recommending Step two. The first reason he provided was that Mr. Reyna would be moving from a range thirty-eight position to a range fifty-one. He explained that this translates to roughly one thousand dollars per month in increased salary at step two. The second reason provided was that Mr. Albeck (Principal, Willard) was only able to confirm one year of experience in the role. Secretary Castillo added that he would not be entertaining step advance requests made by promotional employees moving forward, and that he wants to have discussion regarding the Merit rules revision project and promotional opportunities. He cited Merit Rule 70.100.1, which states that step advance requests are for initial placement. He said that he did not feel that the rule, as it is written, supports step advances for promotional employees. Secretary Castillo stated that he did not want to interfere with Mr. Reyna's request, but recommended that the Commission pause the utilization of the initial placement rule for these purposes, until the Commission can discuss rule revision to include promotional employees. Secretary reiterated his recommendation to place Mr. Reyna at step two.

Commissioner Roter asked if Mr. Reyna's promotion was recent, and Secretary Castillo provided more information regarding Mr. Reyna's employment background and start date. Vice-Chairperson Davis asked for clarification regarding the work that Mr. Reyna performed at Willard for the six years prior to his current role. He said that his reason for asking is because the Principal at Willard could only confirm one year of experience relevant to Athletics. Secretary Castillo stated that while Mr. Reyna has been very involved in the Athletics Program at Willard, Mr. Albeck could only account for one year in an Athletic Director role. Vice-Chairperson Davis asked what he had been doing for the district for the five years prior to taking on an Athletic Director type role. Brian Westover stated that according to the BUSD database, Mr. Reyna had been employed as an Instructional Assistant II, Special Education. Chairperson Goldstein asked how Mr. Reyna had engagement in athletics as an IA II. She asked if it may have been an after school role. Secretary Castillo stated that he was paid as an IA II, SPED but may have volunteered or had other involvement with the Athletics department. He asked Brian Westover if he was able to see any other job information for Mr. Reyna. Mr. Westover stated that he was unable to see any other

assignments in the Districts Escape Database. Glendaly Gascot-Rios (Director, Human Resources), asked for the employee name so that she could look for additional information. Commissioner Roter discussed criteria used to qualify someone for an advance step request, and commented that the person does not necessarily have to be performing the new job prior to stepping into it. He stated that experience or education can be obtained while performing a different job. He also discussed difficulty in recruiting for a particular position as criteria. He stated that it's possible that Mr. Reyna does have significant prior experience. Commissioner Roter asked Secretary Castillo if an Athletics position is more difficult to fill than an average position. Secretary Castillo stated that there have been recruitment challenges in general. He said that most of the Para Educator positions have been challenging to fill. Secretary Castillo restated that he decided to recommend step two because Mr. Albeck, when asked about prior experience, could have taken his response in a number of directions. He said that only one year of experience could be confirmed, and the recommendation was based on that information. Secretary Castillo restated the concern regarding step increases for promotional employees. Director Gascot-Rios stated that Mr. Reyna had been working in a higher duty as Athletic Director for the last year, and that while she would need to check time sheets to confirm, her assumption was that Reyna was working as a Stipend Coach after school. She stated that coach positions are hourly and non-Merit. Director Gascot-Rios stated that based on Mr. Reyna's experience as an Athletic Director with BUSD, he should be placed at step one (in her opinion). Chairperson Goldstein asked for clarification regarding Mr. Reyna's work out of class as an Athletic Director for the prior year, and Director Gascot-Rios confirmed that fact. Chairperson Goldstein asked Secretary Castillo how long Mr. Reyna had been working as an IA II, Special Education, and inquired about which step he had reached in that job class. Secretary Castillo said that Mr. Reyna had reached step five as an Instructional Assistant II, and provided further reasoning for the placement at step two in his new role. Director Gascot-Rios stated that Mr. Reyna had been paid at step one while working out of class for the last year. Chairperson Goldstein asked when Mr. Reyna would be receiving his next salary increase. Secretary Castillo asked Brian Westover what the step intervals are for BCCE members. Mr. Westover stated that the probationary period for BCCE members is six months. Goldstein asked for confirmation that Mr. Reyna would move to the next step on July first of 2023, and Secretary Castillo confirmed that was correct. Vice Chairperson Davis asked if Mr. Reyna's request to be placed at step four was because he felt he had six years of relevant experience. Secretary Castillo provided further details regarding Mr. Reyna's application, and discussed how he qualifies prior experience. Chairperson Goldstein summarized prior conversation regarding Mr. Reyna's roles over the past two years, and the reasoning behind the placement at step two. Secretary Castillo provided more detail to support the placement. Chairperson Goldstein discussed a "standing tension" regarding Merit Rule 70.100.1, and its intent. She stated that because there has not been a classification and compensation study for some time, prior Directors (in conjunction with the Commission), have used the rule for granting step increases to promotional employees. She stated that more discussion is needed, and that the new study is about to begin there will be eighteen months until it is finalized. Commissioner Roter agreed with Chairperson Goldstein, and stated that he could recall at least one or two promotional employees receiving step increases since he joined the Commission two years ago. He said that he did not feel that granting step increases to promotional employees was a stretch under the current rules,

and that he did not think the rules had been broken. He agreed that more discussion is needed from a policy standpoint, to determine whether or not to have such a rule.

Commissioner Davis made a motion to approve the recommendation for advance step placement at step 2; Chairperson Goldstein seconded the motion,

Approved 3-0

c) Request for Reclassification- F. Offutt

Secretary Castillo provided background on the request, and stated that according to Janet Levenson (Principal, MLK) and Ms. Offutt, the Instructional Assistant I employees at MLK Middle School are not performing job duties that are confined to this job classification. Mr. Castillo described the duties that Ms. Offutt has been performing outside of her current job class, and recommended that she be reclassified to an Instructional Assistant II, Special Education. Commissioner Roter agreed with Secretary Castillo's assessment, and asked whether this is a "position-wide" issue, as opposed to something that is only taking place at MLK Middle School. Chairperson Goldstein discussed the different ways that the Commission learns about out of class work being done, and stated that in this case, work out of class has been performed for a number of years. She stated that out of class compensation is deserved, and that there is a pattern occurring with the IA I job class. Chairperson Goldstein stated that this position has been abused for a long time. Secretary Castillo stated that he shared the Chairperson's concern, and shared that he had inquired about the issue with mixed responses. He said that there may be a structural problem related to a lack of direct supervision. Mr. Castillo commented that steps have been taken to address the concern, and recognized efforts made by Human Resources. Secretary Castillo replied to Commissioner Roter's question, stating that he identified two IA I's who were performing their correct duties and nothing more. He said that the situation may be resolved, but there is always a possibility that more cases could come forward.

Director Gascot-Rios commented that the vast majority of Instructional Assistant, SPED employees are in the IA, II Classification (over 130 employees). She said there are approximately twelve IA I, SPED employees in the District, and that some of them have refused to do some of the IA II work. She stated that not all of these employees can be switched to IA II because they may not be willing to perform the work. Denise Diggs-Ray asked whether the performance evaluations of IA I's reflect that they are performing work out of class. Chairperson Goldstein stated that there may be inconsistency with regard to evaluations, and revisited the length of time that this issue has been happening. Ms. Goldstein asked Secretary Castillo for information regarding Paula Robinson. Mr. Castillo commented that she had been working out of class for twelve to fifteen years.

Commissioner Roter made a motion to approve the request for reclassification to Instructional Assistant II, Special Education; Vice-Chairperson Davis seconded the motion,

Approved 3-0

Commissioner Roter discussed the difference between reclassification and work out of class. He stated that those two concepts have been difficult to grasp. He discussed his interpretation of the concepts in greater detail, and stated that he would need a legal opinion before voting on whether or not to compensate Ms. Offutt for work out of class. Mildred Scherr stated that if compensation is awarded to

Ms. Offutt, it should be awarded to Paula Robinson as well. Chairperson Goldstein discussed the interpretation of work out of class, and suggested getting an opinion from counsel. She stated that the Commission should do what they can to fix compensation issues as they find them, though it may not be possible to go back a number of years. Chairperson Goldstein discussed the remaining IA's in the district, and stated that the Commission has a responsibility to investigate the matter further. She asked Secretary Castillo how best to proceed with finding more information. Secretary Castillo talked about possible issues with the reporting structure for IA's, and informed the Commission that a new position had been created to address this. He mentioned that the program has hired a new administrator (Christi Roscigno), who has identified other deficiencies with regard to oversight in the program. Secretary Castillo discussed that generally speaking, Principals do not feel that there is an issue. He went on to suggest that a combination of changes to the oversight structure, and the completion of the classification and compensation study would help to correct the problem moving forward. He commented that going backward to remedy this issue is a difficult call to make, and agreed with some of Commissioner Roter's hesitation on the matter. Secretary Castillo acknowledged that for a long time, there are employees who were performing work that they should not have been expected to do. He stated that he did not have an immediate answer regarding how to resolve this issue. Chairperson Goldstein suggested that data collection be done, and that a more formal survey be conducted to get information on this small group of employees (IA I). Secretary Castillo said that he would work with Christi Roscigno (BEARS/LEARNS Administrator), to gather more detailed information. Chairperson Goldstein stated that she wanted to go on record as stating that now there have been two employees from the same job class, and at the same school who have raised the same concern, and that the Commission has an obligation to investigate and determine if there is a trend within the job class. Commissioner Roter asked for clarification regarding what Chairperson Goldstein is asking the Secretary do with regard to an investigation. Chairperson Goldstein provided more information, and said that she would leave it to Secretary Castillo to determine the best way to conduct this investigation.

Chairperson Goldstein made a motion for the Commission to direct the Executive Director to investigate a possible work out of class trend within the Instructional Assistant I, SPED job classification; Commissioner Roter seconded the motion.

Approved 3-0

Chairperson Goldstein made a motion for the Executive Director to seek advice from counsel, specifically regarding the situation discussed in this item, and to determine what the Commission's options are to assist the employee (after having already reclassified the position); Commissioner Roter seconded the motion

Approved 3-0

Mildred Scherr stated that Christi Roscigno is an administrator for the after-school program, and that the IA I's are managed by Shawn Mansager (Director, Special Education). She also noted that the Union has a concern with the IA, SPED Program, and the way that Director Mansager has been handling matters

previously discussed. Secretary Castillo confirmed Ms. Scherr's comments regarding which Administrators supervise particular programs. He stated that he has been approaching the situation holistically, and discussed the supervision structure. Secretary Castillo asked for a time frame regarding the motioned requests for information, and whether the findings should be ready for the next Commission meeting. The Chairperson stated that because the issue has been going on for such a long time, the Commission should be prompt. Secretary Castillo stated that if this is a priority he would adjust his calendar accordingly. Chairperson Goldstein stated that effort should be made to have findings by the next regular Commission meeting if possible.

d) Request for New Classification- Instructional Technology Technician

Secretary Castillo discussed the details of this position. He commented that there were many iterations, and shared the challenges associated with creating it. He shared that the Board agreed that the essential duties and functions aligned with the programmatic needs of the STEM Program. Secretary Castillo commented that it was difficult to find a position with the same title in another district. He stated that this position is much more focused than some of the relevant positions he had found (i.e. Media Technician). He discussed the competitive salary ranges, and referenced attachment D. Secretary Castillo discussed next steps for getting the position active and filled. He stated that a top priority, once the positions are ready for recruitment, will be to invite current employees who are already performing these duties to test. He acknowledged that the Union was correct in that there are district employees performing these tasks on a long-term substitute basis, and that there is a need for a permanent position to address those needs.

Commissioner Roter stated that the Commission's role is to set the salary, and agreed with Secretary Castillo that the class titles across districts can be misleading. He pointed out the Para Educator (Science Lab) position at Hayward USD, and discussed the similarities of the minimum qualifications relative to the new position being discussed. He commented that the salary ranges seem to be accurately aligned, and that the recommended placement felt correct.

Vice-Chairperson Davis agreed with Commissioner Roter's assessment, and acknowledged the good work performed by Secretary Castillo. He shared his motion second, or agreement as needed and excused himself from the meeting (5:38 pm). Chairperson Goldstein inquired about the minimum qualifications, and asked if they were added by Secretary Castillo. Mr. Castillo confirmed that he did add the minimum qualifications, and discussed the process he followed to arrive at them. Chairperson Goldstein asked Secretary Castillo to provide examples of other job classes that are also at schedule fifty-six/range forty-six. Secretary Castillo provide the requested information. Chairperson Goldstein pointed out a typographical error, noting that in one area on the description the position is listed as schedule fifty-six/range forty-six and that the recommendation shows the position at schedule fifty-four/range forty-six. She asked which one was correct, and Secretary Castillo confirmed that the correct language was schedule fifty-six/range forty-six. He explained that the salary range recommendation was based on placement above the Media Technology Technician, which is a range forty-five. Chairperson Goldstein asked whether this position would be reviewed when the classification and compensation survey takes place. Secretary Castillo stated that he planned to review all job classes as part of the study.

He shared that he was not able to find a job class in another district that matched this position, but that there were some that were very similar. He provided more information regarding the salary placement process, and said that he felt this may be an altogether new position given it's STEM specific design. Chairperson Goldstein discussed a position used in graphic/media arts programs known as Studio Manager, and discussed whether that may be a comparable job class to consider when the study commences. Secretary Castillo said that he is hopeful that positions not previously considered will be mentioned by the consultants as the classification and compensation survey moves forward.

Vice-Chairperson Davis motioned to approve the request for new classification- Instructional Technology Technician at Schedule 56/Range 46; Commissioner Roter seconded the motion  
Approved 3-0

## **9. Public Comments**

Denise Diggs-Ray asked for a classification and compensation study timeline. The Secretary shared that the anticipated start date for the study is November 1<sup>st</sup>, 2022. Mr. Castillo also discussed a presentation on the study in October. Ms. Diggs-Ray asked if the Union would be involved in the class and comp study process on November 1<sup>st</sup>. Secretary Castillo provided additional information regarding the study and referenced the Directors report.

Denise Diggs-Ray commented that she had been trying to get recordings of the PC Special Meetings recently conducted. Secretary Castillo asked for patience, and stated that the Commission does not normally issue copies of the recordings unless there was a particular reason or need to do so. Secretary Castillo said that he would work with PC Staff on this request. Ms. Diggs-Ray asked if page numbers could be added to the attachments within the minutes.

Commissioner Roter addressed Denise Diggs-Ray's comments regarding the Special Meeting Workshops. He thanked Ms. Diggs-Ray for joining the prior meeting, and for her contributions in that meeting. He stated that the product being worked on in the special meetings is "extremely raw", and explained what he meant by this. He cautioned that what may be seen in the special meeting recordings could be very different than what the finished product (or even a final draft), could look like.

Chairperson Goldstein commented on a possible timeline for the class and comp study, saying that she is fairly certain a timeline would be proposed at the upcoming Board meeting. She stated that more information should be available in the Board Packet for the next meeting.

## **10. Next Meeting**

Special workgroup meetings are scheduled for September 15<sup>th</sup>, 2022, at 4:00 pm, September 29<sup>th</sup> at 4:00 pm to continue to review and update the Merit Rules. The next regular Personnel Commission meeting will take place on October 6<sup>th</sup>, 2022 at 4:30 pm. Chairperson Goldstein said that following the Board's format, meetings would continue to be conducted via Zoom.

## **11. Adjournment**

The meeting was adjourned at 6:11 pm.

Respectfully Submitted,

*Charles Castillo*

Charles Castillo  
Secretary, Personnel Commission

*10/31/2022*

Date

Approved,

*Heidi Goldstein*

Heidi Goldstein  
Chairperson, Personnel Commission

*11/03/2022*

Date