

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

December 8<sup>th</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 4:32 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**

Emily Haan, a parent volunteer at Rosa Parks, spoke in support of the program's Interim After School Program (ASP) Specialist, who has made improvements to the program in a short time while being responsive to parent and student needs. However, Ms. Haan expressed concern that the Interim could be at risk of not being hired permanently due to the Personnel Commission exam process and said she had seen the exam and believes it would be difficult for her, a licensed attorney, to pass. Ms. Hahn said she was shocked that a candidate who has proven her ability to do the job well may be at risk of being unable to stay because of an exam that does not have a bearing on her ability to do the actual work she is currently doing well. Ms. Haan encouraged the Personnel Commission to reconsider how the exams are administered, the length of the hiring process, and whether it serves as a further barrier to support for district students.

Kaye Kohler, Interpreter for the Deaf at Willard, spoke to the need for "team interpreting" to be added as a minimum qualification in the class description. Kaye cited the National Association of Interpreters in Education's definition of team interpreting: the strategic pairing of two professional interpreters to optimize effective interpretation in challenging situations such as those which are intensive in content, duration or delivery method. Kaye Kohler said that interpreting accuracy drops off after about 30 minutes. With team interpreting, the interpreting team works 15-20-minute shifts to ensure the content is accurate. Kathleen Russell, After School Program Specialist at Malcolm X, expressed concern about creating a new After School Program Coordinator position, which she and others feel exactly mirrors the current After School Program Specialist class description. Ms. Russell expressed concern as to why ASP Specialists were not included in the decision to create the new position and questioned whether the Union was informed, especially since the new position will not be in BCCE. In addition, Ms. Russell asked about several matters regarding testing, seniority and the status of the After-School Program Specialist role after the new positions are staffed.

LaTasha Mitchell, After School Program (ASP) Specialist at Longfellow, explained that the After-School Program Specialist used to be a Coordinator position and questioned why current Program Specialists must test for the new position and why they have not been allowed to be promoted or grandfathered into the new role. Ms. Mitchell stated that, for the record, a principal or immediate supervisor could not do a complete evaluation without the documentation of an ASP Specialist. She also said that ASP Specialists oversee evaluations, observations, and budgets, none of which are listed in the current job description. Jocelyn Foreman, BCCE president, spoke about the impact of change in the After-School Programs. She

explained that after-school programs are built for black and brown children and that fifty percent of the population of the staff represent the kids on the ground. She expressed concern that changing the position would impact the students and could potentially impact culture and climate. Ms. Foreman says kids must have representation so that they feel connected. Ms. Foreman requested that the Personnel Commission include the Union and current ASP Specialists in the process. She explained that she was not in her role as BCCE President when these decisions were made.

#### **4. Approval & Adoption of Agenda**

Commissioner Roter requested to pull item 7b for discussion. He also asked for clarification on Margo Wilson's agenda item status. Chairperson Goldstein acknowledged an oversight in not including Ms. Wilson's item on the agenda. Secretary Castillo will offer Ms. Wilson the option to have her agenda item added to the special meeting on 12/15/22.

Chairperson Goldstein asked to pull item 7i for discussion and moved to adopt the agenda as amended agenda: Vice-Chairperson Davis seconded the motion;

Approved 3-0.

#### **5. Approval & Adoption of Meeting Minutes**

a. September 1<sup>st</sup>, 2022

b. October 6<sup>th</sup>, 2022

Chairperson Goldstein noted that the corrected minutes for items a and b had been approved on November 3, 2022, would not be voted on and are simply added for information.

c. November 10<sup>th</sup>, 2002 Regular Meeting Minutes

Commissioner Roter made a motion to approve the November 11, 2022, regular meeting minutes; Vice-Chairperson Davis seconded the motion,  
Approved, 3-0

d. November 17<sup>th</sup>, 2022 Special Meeting Minutes

Vice-Chairperson Zenor-Davis made a motion to approve the November 17, 2022, special meeting minutes; Commissioner Roter seconded the motion,  
Approved, 3-0

#### **6. Reports**

a) Union

President Foreman introduced herself to the Commission and said she had nothing to report.

b) District Reports

Glendaly Gascot-Rios, Human Resources Director, was present for the District and said she had nothing to report.

c) Commissioners Reports

Vice-Chairperson Zenor-Davis said he was concerned that communication was not happening as it should. He said the Personnel Commission had several public conversations in earlier meetings about the ASP Coordinator position and was distressed to hear important information in a public comment from individuals not present during those conversations. He asked that the Personnel Commission review the process by which news gets out to classified employees so that everyone can have an opportunity to participate.

Commissioner Roter agreed with Vice-Chairperson Zenor-Davis. Commissioner Roter welcomed everyone back from Thanksgiving Holiday. He also welcomed BCCE President Foreman and looks forward to her joining future meetings. He mentioned that the Superintendent's communication went to all classified employees about the classification and compensation study and that the Personnel Commission is looking forward to the Study. He said the Steering Committee is fantastic and looks forward to reports on the Study from the committee and the Executive Director. Finally, Commissioner Roter noted progress on the merit rules revision workshops and stated that Philip Gordillo, President of CSPCA and former BUSD interim Executive Director of Classified Personnel, will be a special guest at the next meeting to give his advice on the structure of merit rules. In response to Ms. Haan's comments, Commissioner Roter said that testing is within the purview of the Personnel Commission. He asked the Director to review the tests to ensure no artificial barriers could potentially exclude anyone. He also mentioned help and mentoring and hopes BCCE leadership can assist members on how to improve test-taking skills. Commissioner Roter said clarity needs to be made regarding the role of the Personnel Commission within the District. He told the Personnel Commission is charged with creating the job description based on the duties provided by the District. The Personnel Commission helps with minimum qualifications, skills, and abilities and puts the classification into the proper slot for compensation and recruitment and testing. The Personnel Commission has a minimal role, if any, regarding duties and structure. He said that Chairperson Goldstein had discussed this in past meetings.

Chairperson Goldstein welcomed Erin Arinez, Personnel Supervisor, who has been away for several months to obtain additional HR certifications. She said the Personnel Commission asked for feedback when the After-School Site Coordinator position was taken to the meeting, but nobody showed up. She anticipates more discussion on the topic. Chairperson Goldstein said this month's testing and exams activity is phenomenal. On average, both written and oral exams are done within 14 days. She reiterated that testing is not the reason for delays in the hiring process. She said that because BUSD does not do consistent evaluations, the Personnel Commission's testing process should help find ready and qualified candidates. She noted that the Instructional Assistant, SPED, and School Campus Aide lists are robust and should lessen limited-term assignments. In response to Commissioner Roter's point, she said it is up to the District to define the duties, and it is concerning to hear someone say that the new duties are not any different than what they are currently doing. She said that this would be discussed separately with Secretary Castillo. She thanked the Commission staff for the hard work done in November.

d) Personnel Director

Secretary Castillo enthusiastically welcomed Erin Arinez back to work. He reviewed the examination and personnel activity for November. He was looking forward to the classification and compensation study and said he would report monthly on the Study's progress.

## 7. Consent Items

### Ratification of Eligibility Lists

- a) Clerical Assistant III
- b) Computer Technician I
- c) Cook
- d) Custodian II
- e) Instructional Assistant
- f) Instructional Assistant II
- g) Instructional Tech- BASP
- h) Interpreter for the Deaf
- i) Family Engagement & Equity Supervisor
- j) Nutrition Services Assistant
- k) School Campus Aide

Discussion of item 7b began with Commissioner Roter asking the Executive Director why the list ended up with only one candidate when 12 took the written exam and seven the oral exam. Secretary Castillo said he had not had the opportunity to discuss this particular recruitment with staff. However, he mentioned ongoing recruitment challenges, citing the example of a recent job listing that 253 people viewed but no one applied to. Secretary Castillo will provide more information on the topic at the next meeting.

Commissioner Roter moved to defer consideration of item 7b until the special meeting on 12/15; Vice-Chairperson Davis seconded the motion.

Approved, 3-0

Discussion of item 7i began with Chairperson Goldstein asking the Executive Director for clarification on the interval between exams (42 days). Secretary Castillo said he would prepare answers to these questions and leave it up to the commissioners as to whether or not it is on the 12/15 meeting agenda. Chairperson Goldstein chose not to defer this list because it has three ranks, and she looks forward to having more information.

Commissioner Roter moved to approve items 7a-k except for list b; Vice-Chairperson Davis seconded the motion,

Approved, 3-0

## 8. Conference Item

### a) Step Advance Request- M. Djebara

Secretary Castillo recommends approving Ms. Djebara's request based on recruitment and retention. He said that Ms. Djebara is highly educated and her background is extensive for this role and that what she lacks in years of service, she makes up for with education and credentials. The District needs to recruit more applicants like Ms. Djebara. Ms. Djebara said she is continuing her studies, appreciates working for BUSD and believes she deserves the Step 5 advancement. Commissioner Roter recalled this as a difficult position to recruit and retain. Chairperson Goldstein recognized Ms. Djebara's language skills, noting that this benefits the District's students.

Commissioner Roter made a motion to approve the Step 5 placement; Vice-Chairperson Davis seconded the motion,

Approved 3-0

### b) Step Advance Request- A. Custer

Secretary Castillo said that Mr. Custer's relevant experience was not clear-cut and that he had some challenges calculating his experience. However, custodian recruitment is challenging, so he counted some of his experience owning a foodservices business to help him make a recommendation at Step 2. Commissioner Roter asked if the recruitment challenges were significant. Secretary Castillo said recruitment and retention are challenging. Ms. Scherr spoke on Mr. Custer's behalf, knowing him as a parent and a district employee. President Foreman said this typically happens to classified employees as they are often on the ground and do not have the training to quantify their experience in a document.

Chairperson Goldstein made a motion to approve Mr. Custer's advanced salary request at step 3; Vice Chairperson Zenor-Davis seconded the motion,

Approved 3-0

### c) 2021-2022 Personnel Commission Annual Report

Secretary Castillo reviewed the personnel activity for the 21-22 school year. He pointed out the challenges relating to separations being doubled this year but noted how new hires were also doubled. He said he planned to be more creative with recruitment tactics to receive more applications. He said the Personnel Commission established twice the amount of the eligibility lists, and said he was looking forward to a "roadshow" in perpetuity to train the BUSD community, including parents, on the Personnel Commission and the mission of a merit system.

Vice-Chairperson Davis commented that the Secretary's report demonstrates the hard work of Personnel Commission staff despite the pandemic and school closures. Commissioner Roter thanked staff and commended them for doubling the eligibility lists. He said that sometimes the Personnel Commission gets a bad rap because it is perceived to stand in the way of hiring good people, but the whole point is fairness to classified employees and the ability to recruit excellent employees who will remain in the District. He said the Personnel Commission can always be more proactive and creative regarding recruitment.

Chairperson Goldstein said she was incredibly proud of the fact that there were 58% more exams in

2021-22. She commends the Personnel Commission for seeing and mining talent in a challenging economy. She would like to start comparing retention data next year. She said it makes a difference in retention when candidates are vetted up front.

## 9. Public Comments

Ms. Scherr thanked the Personnel Commission for the offer to bring Ms. Wilson's agenda item request to the special meeting on December 15<sup>th</sup>. Ms. Scherr hopes that Mr. Castillo's oversight in forgetting to include the request does not set a precedent and thanked Chairperson Goldstein for admitting the error.

Denise Diggs-Ray, Administrative Assistant III in Student Services, asked that page numbers be added to the agenda and packet. She asked questions regarding how public comments are addressed, if a class study timeline and a presentation were shared with the Union and who was on the Steering Committee. She also asked about a pending reclass for Mishern Bivens and wanted to know the status. Ms. Diggs-Ray read a letter from Marie Ferguson regarding her desk audit and notified the Commission that she would be emailing them.

Mark Griffin, School Safety officer at Berkeley High School, said he has been a parent and employee of the District for over 20 years and is currently on administrative leave. He said he received an email from Samantha Tobias-Espinosa on November 2 saying the investigation had been concluded, but he has not received a response. Mr. Griffin said his leave began on June 2, and the lack of communication from the District has caused him stress and has left his colleagues with less support at a high school that is over capacity with students. He asked the Personnel Commission to look into this for him.

Monica McClinton, Budget Analyst II, asked when recordings from the meetings will be released to the public. In addition, she asked if exit questionnaires are being examined to understand why so many people are leaving the District.

Vice-Chairperson Zenor- Davis welcomed BCCE President Jocelyn Foreman and said he looks forward to having her at future meetings.

Chairperson Goldstein gave a brief overview of BUSD processes and what falls in the jurisdiction of the Personnel Commission versus the District. She echoed the necessity for a "roadshow" to educate the BUSD community on this topic. She said it is frustrating when someone comes with a request that the Personnel Commission has no jurisdiction to act on. In response to Mr. Griffith, she said the District does the investigations, and until they act on them, there is nothing the Personnel Commission can do. She encouraged Mr. Griffith to contact the Superintendent's office for assistance if the Assistant Superintendent of Human Resources is not answering his questions.

In response to Ms. Diggs Ray, Chairperson Goldstein said that the Personnel Commission meetings work from an agenda with action items. The Public Comments act as a forum to hear different stakeholders about topics unknown or unfamiliar to the Personnel Commission. No action item list is taken from public comments, but the Commission takes note of what is shared. She said there is a specific process to have an item appear on the agenda as a consent, conference or discussion item. Chairperson Goldstein reiterated her appreciation for people participating in public comments.

#### **10. Next Meeting**

Zoom meetings will continue until the end of February for the Board. Vice-Chairperson Zenor-Davis said accessibility is possible for more if meetings are done on Zoom and recommends keeping the Zoom meeting until February. Commissioner Roter agreed with Vice-Chairperson Zenor-Davis. Commissioner Roter said that the email from the Superintendent included a link on the BUSD webpage dedicated to the Comp and Class Study that consists of a detailed timeline and the names of those on the Steering Committee. The next special meeting is to be held on December 15<sup>th</sup>, 2022. The next regular meeting will be held on January 12<sup>th</sup>, 2023.

#### **11. Adjournment**

The meeting was adjourned at 6:24 pm.