

Berkeley Unified School District
Personnel Commission Meeting Minutes

August 30th, 2023 – 4:30pm

1. Call to Order

The meeting was held in a hybrid format, live in the Board Room and via Zoom meeting #811 4287 6822. The meeting was called to order at 4:30 p.m.

2. Roll Call & Establishment of Quorum

Chairperson Zenor-Davis, Vice-Chairperson Goldstein and Commissioner Roter were present, and a quorum was established.

3. Public Comments

Matt Wilcox, School Campus Aide at Washington Elementary, said he was not made aware of the time limit for a step advance request and asked the Personnel Commission how he could appeal the decision to not consider his request.

Jocelyn Foreman, Family Engagement & Equity Specialist and BCCE President, spoke in opposition of the Office of Family Engagement & Equity's (OFEE) request for a new bilingual specialist at Longfellow Middle School. She believes there are already enough Spanish speakers in the department and said there is more need for a bi-cultural specialist that could address the needs of other minority groups.

Mildred Scherr, BCCE Vice-President, also spoke in opposition of the OFEE bilingual specialist request at Longfellow Middle School. She said that a Spanish speaking OFEE specialist could be transferred to Longfellow and that the vacancy created by that transfer could be filled by someone already on the eligibility list. This would be an opportunity for promotion; this option should be considered as an alternative approach to filling the vacancy.

Mark Ramia, Instructional Assistant (IA) at Berkeley High School, read from a prepared statement about the ongoing lack of knowledge and disregard of IA schedules by program supervisors and that IA's are non-exempt employees and should not be asked to do District business during off-duty time.

4. Approval & Adoption of Agenda

Commissioner Roter asked to pull 7p for discussion; Vice-Chairperson Goldstein asked to pull items 7d and 7e for discussion; Secretary Castillo asked to remove items 8b and 8c as both candidates had refused the positions. Vice-Chairperson Goldstein moved to approve and adopt the agenda, holding items 7d, 7e and 7p for discussion and removing items 8b and 8c; Commissioner Roter seconded the motion.

Approved, 3-0

5. Approval of Meeting Minutes

a) June 7th, 2023 – With no changes to note, Commissioner Roter moved to approve item 5a; Vice-Chairperson seconded.

b) June 23rd, 2023 – With no changes to note, Vice-Chairperson Goldstein moved to approve item 5b; Commissioner Roter seconded.

c) July 7th, 2023 – With no changes to note, Vice-Chairperson Goldstein moved to approve item 5c; Commissioner Roter seconded.

Approved, 3-0

6. Reports

a) Unions

Ms. Scherr spoke of her concern about the equity of the testing process. Specifically, she said that a candidate scored very well on the written exam but failed the oral exam and was therefore not eligible to continue in the recruitment. She said that the rules are not consistent and she believes this candidate should be put onto the eligibility list because of the high written score. She reiterated that the OFEE bilingual specialist request should be resolved with an interdepartmental transfer and the eligibility list.

b) District Reports

None.

c) Commissioner Reports

Commissioner Roter welcomed everyone back to a new school year and said that the Personnel Commission has a lot of important matters to take up this year. Vice-Chairperson Goldstein said that she is impressed at how fully staffed the District is for the new school year and commended the department for their work over the summer. She asked the Executive Director to refer the alleged wage and hour concerns brought forward by Mr. Ramia to Human Resources. She asked the Executive Director to make a referral to the Board of Education (BOE) to consider a position on the AB1699. She said that the Phase 2 participation data for the Classification and Compensation Study looks to be on par with what was done in Phase 1 so she is optimistic. Chairperson Zenor-Davis agreed that Mr. Ramia's concerns should be referred to Human Resources.

d) Personnel Executive Director

Secretary Castillo reviewed the examination and personnel activity for June and July, highlighting 170 exams and 10 new hires. He said an experimental process is in place to expedite the hiring process for IA SPED candidates. He explained that everyone on the eligibility list is now offered a contract, and Shawn Mansager, Executive Director of Special Education, works with principals for placement. So far the feedback has been very positive and Mr. Castillo hopes to evolve the process to recruit in other high-need areas of the District. Bonnie Christensen, Director of Nutrition Services, emailed Mr. Castillo to commend the Personnel Commission on recruiting efforts that resulted in a nearly fully-staffed Nutrition Services department at the opening of the school year, a first in 15 years. Erin Arinez, Personnel Supervisor, provided eligibility lists to school principals in June and again in August. Mr. Castillo thanked the District for its support in bringing in administrative support to the department which has allowed he and Ms. Arinez to be

more deliberate and strategic with their time, resulting in more timely deliverables to the District. He discussed planning for upcoming special meetings including vacancies, recruitment as well as the Classification & Compensation Study. He and Commissioner Roter are well beyond the halfway point of the Merit Rule Revision project and he hopes that the Commission can review them at the beginning of the new year. He said that AB1699 is trying to address vacancies and the inability for some people to promote; however, it will be costly to school districts and there are many operational questions that make it extremely problematic.

e) Classification & Compensation Study

Jan Brannen retired from Eric Hall & Associates (EHA). Rick Labib-Wood has taken over as the project lead which has been a seamless process. He said that the “Employee Input Form” used in Phase 1 may need to be revised so that it is clear to employees and supervisors that the draft job description is still a draft, that nothing is final. There will be a meeting with BCEE to discuss concerns about Phase 1. He reviewed Phase 2 Job Content Questionnaire (JCQ) and employee/supervisor interview participation data and said that the Steering Committee had agreed to the comparative districts, three of which are merit districts, and is working on choosing 50 benchmark jobs. Phase 3 is underway and will run through end of October; Phase 4 will run through November and December. The project is on track, with Phases 2,3 and 4 running in parallel.

7. Consent Items

Items 7d, 7e and 7p were pulled for discussion.

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| a) Accounting Technician | k) Instructional Technology Technician |
| b) Attendance Technician | l) Irrigation Specialist |
| c) Custodian II | m) Maintenance Technician |
| d) Director, Facilities, Maintenance & Operations | n) Nutrition Services Assistant |
| e) Executive Director, Fiscal Services | o) Nutrition Services Satellite Operator I |
| f) Human Resources Technician | p) Safety & Risk Coordinator |
| g) Instructional Assistant | q) School Bus Driver |
| h) Instructional Assistant II, SPED | r) School Campus Aide |
| i) Instructional Specialist, Athletics | s) School Service Assistant |
| j) Instructional Tech-BASP | t) Storekeeper |

Chairperson Zenor-Davis noted that the Irrigation Specialist, School Bus Driver and Storekeeper lists were not robust and asked for clarification. Secretary Castillo explained that these classifications are very challenging to recruit for across the State. Commissioner Roter made a motion to ratify, eligibility lists 7a-c, 7f-o and, 7q-t; Vice-Chairperson Goldstein seconded the motion,

Approved 3-0

The Commissioners discussed items 7d, 7e and 7p. Vice Chairperson Goldstein asked about the development of the written and oral exams for the Executive Director Fiscal and Director of Facilities, Maintenance & Operations classifications. Secretary Castillo explained that the exams were developed in consult with the department heads and that Subject Matter Experts (SME) from outside the District rated the exams. Vice-Chairperson Goldstein asked if any of the candidates on the Executive Director Fiscal eligibility list are CPAs? Secretary Castillo said that none are. Commissioner Roter said it is premature to ratify item 7p considering the fact there is an appeal on the agenda concerning this recruitment. Vice-Chairperson Goldstein asked for the status of the name of the classification. Secretary Castillo said he believes that John Calise, Executive Director of Facilities, Maintenance & Operations does intend to change the name but he will ask for clarification.

Vice-Chairperson Goldstein made a motion to hold voting on item 7p for another meeting to await the resolution of the appeal and to have clarification on the status of the job title; Commissioner Roter seconded the motion,

Approved 3-0

Commissioner Roter made a motion to ratify eligibility lists 7d-e; Vice-Chairperson Goldstein seconded the motion,

Approved 3-0

8. Conference Items

Items b and c were pulled from the agenda.

a) Step Advance Request – S. Pree

Secretary Castillo said that the School Safety Officer classification remains a high-need recruitment area. Sharon Pree has been a long-time sub at BUSD and has the years of experience required to support a Step 5 placement. Commissioner Roter noted that Ms. Pree did not include the application with her documentation and said it is important to keep in mind that the Commission is in the service of all classified employees as well as being stewards of public funds. Vice-Chairperson Goldstein asked for clarification as to the frequency of Ms. Pree's substitute engagements with the District since 2006. Secretary Castillo explained that he did not look back to 2006 but confirms her sub record had been consistent in the past few years. Vice-Chairperson Goldstein said she believes Ms. Pree's service to the District over the years likely equates approximately to 0.2FTE and that given the length of her time with the District, she believes Step 4 or Step 5 is appropriate. Secretary Castillo reminded the Commissioners of the challenges, especially to find female candidates, when recruiting for this classification.

Vice Chairperson made a motion to approve Ms. Pree's step advance request at Step 5; Commissioner Roter seconded the motion,

Approved, 3-0

d) Step Advance Request – N. Miller

Secretary Castillo said that Natalie Miller does have experience working in schools as a bus driver but he could not draw a nexus between the School Administrative Assistant ECE position she will start at BUSD and her past work experience. He calculated one step for Ms. Miller's school experience and one step for the Human Resources certificate she holds and therefore recommends a Step 3 instead of the Step 4 requested by Ms. Miller. Commissioner Roter agreed with the Secretary's recommendation and Vice-Chairperson Goldstein noted Ms. Miller's 20 years as a school bus driver as being extremely valuable. Commissioner Roter made a motion to approve Ms. Miller's advance step request at Step 3; Vice-Chairperson Goldstein seconded the motion,
Approved, 3-0

e) Step Advance Request – T. Taylor

Secretary Castillo said that the Custodian II is a high-need recruitment area. Trent Taylor has five years combined custodial experience as well as a custodial training certificate, which demonstrates a commitment to his field of work. Secretary Castillo supports Mr. Taylor's request for Step 5 placement. Commissioner Roter asked for clarification regarding Mr. Taylor's hire date; Mr. Taylor explained that he was awaiting the Commissioners' decision on his step advance request before accepting the position. Commissioner Roter made a motion to approve Mr. Taylor's advance step request at Step 5; Vice-Chairperson Goldstein seconded the motion,
Approved, 3-0

f) Step Advance Request – S. Goodwin

Secretary Castillo said that Sarah Goodwin had been with the District in a temporary capacity for a year and that her degree will be of value in her permanent role as an Administrative Assistant III. Secretary Castillo supports Ms. Goodwin's request for Step 3 placement. Commissioner Roter supported Mr. Castillo's recommendation. Vice-Chairperson Goldstein agreed and said that while Ms. Goodwin's background is quite varied and her experience may not be an exact match for the job, she definitely has the skills required to be successful. Vice-Chairperson Goldstein made a motion to approve Ms. Goodwin's advance step request at Step 3; Commissioner Roter seconded the motion,
Approved, 3-0

g) Step Advance Request – J. Vega

Secretary Castillo said that Joe Vega has the years of experience and certifications to merit a Step 4 instead of the Step 2 he requested. Mr. Vega said that he has a lot of experience, that gardening and landscaping are his passion and he looks forward to sharing this with

BUSD. Commissioner Roter agreed with Secretary Castillo's recommendation, especially since this is a highly specialized position that is difficult to recruit and retain.

Commissioner Roter made a motion to approve Mr. Vega's advance step request at Step 4; Vice-Chairperson Goldstein seconded the motion,

Approved, 3-0

h) Request for Bilingual Family Engagement & Equity Specialist – Longfellow Middle School

Lydia Gebrehiwot, Office of Family Engagement and Equity (OFEE) Supervisor, explained the department's rationale for the request and clarified that the Specialist currently at Longfellow is covering the need until the position is filled permanently. Vice-Chairperson Goldstein asked if OFEE's portfolio of services is directed towards a site's demographic or if the department works with all families. Ms. Gebrehiwot explained that the department's services lean towards families that require the "equity piece" but the specialists are definitely in the service of all families in the District. Commissioner Roter noted that the current job description indicates that incumbents may be required to read, write and speak in a second language; with this, Longfellow already has the ability to hire someone with bilingual skills and he does not understand why this is being presented to the Personnel Commission for consideration. Samantha Tobias-Espinosa, Assistant Superintendent of Human Resources, explained that all of the current Specialists are District-wide, so they can be placed wherever there is a need. The current language allows for bilingual preferred; but this job will change it to a requirement so the Commission must approve it as a minimum qualification. Commissioner Roter said that there is no revised job description presented. Chairperson Zenor-Davis shared his personal experience with BUSD's dual immersion program and reiterated the need for bilingual staff at both Longfellow and Sylvia Mendez; he said the request needs to be more specific before the Commission can consider it. Vice Chairperson Goldstein referenced a past similar request and said she believed that this is within the Personnel Commission's purview. Frank Hernandez, Maintenance Engineer, mentioned the new MOU for a bilingual stipend (\$250/month) that would make it interesting for someone (bilingual) to transfer into the position at Longfellow and allow for a non-bilingual candidate from the eligibility list fill the vacancy left by the transfer. Ms. Foreman reiterated her earlier statement that there is more need for a specialist who can connect with families of many cultures rather than exclusively Latinx. Chairperson Zenor-Davis noted that a bilingual (Spanish) OFEE specialist can be someone from any culture; he asked for further clarification about the nature of the request. Vice-Chairperson Goldstein said that the first obligation of this agency is to educate students and reminded the Commission that it is unlawful to recruit based on race and ethnicity; BUSD recruits on skills. Commissioner Roter said he has no doubt of the bilingual staffing needs at both school sites, but he believes this is more of a policy issue that should fall to the Board of Education to decide; creating new duties and a subset of the OFEE specialist should be referred through HR to

BOE. Ms. Arinez referenced merit rule 30.200.8 (a,b,c) which led the Commissioners to conclude the issue should be referred to the Board of Education. Ms. Arinez said that there are no Spanish bilingual speakers on the current OFEE specialist eligibility list and said that the department has the right to assign a current Spanish speaking specialist to Longfellow. Ms. Tobias-Espinosa said that in addition to the Latinx resolution, the Board has indicated support for this position as bilingual as part of the budget and multilingual plan discussions last Spring. Vice Chairperson Goldstein said that she understands that the Board generally supports this position but no official action has been taken; this is not a matter for the PC, it belongs to the Board. Ms. Scherr and Mr. Hernandez reiterated BCCE's stance that the current eligibility list should be utilized to fill the vacancy at Longfellow.

Vice-Chairperson Goldstein made a motion to refer the matter to the Board of Education, to agree or disagree with the OFEE request that a Family Engagement & Equity Specialist position become bilingual and specific to Longfellow Middle School: Commissioner Roter seconded the motion,

Approved, 3-0

i) Request for Bilingual Instructional Assistant – Sylvia Mendez Elementary

Ms. Tobias-Espinosa explained that the Board of Education had carved out bilingual positions at Sylvia Mendez years ago, so that the school's instructional goals can be met. Ms. Arinez explained that this position was brought before the Commission because it is a new position, so approval is required according to the rules. Vice-Chairperson Goldstein said that these two facts make it clear that this request is within the purview of the Personnel Commission.

Vice-Chairperson made a motion to approve the request for a Bilingual Instructional Assistant at Sylvia Mendez Elementary; Commissioner Roter seconded the motion,

Approved, 3-0

j) Request to Revise Instructional Technology Technician (ITT) Job Description

Secretary Castillo explained that Wyn Skeels, Career Technical Education (CTE) Program Manager had discovered some discrepancies in the ITT job description that may have affected the recruitment. Vice-Chairperson Goldstein asked if the ITT eligibility list the Commission ratified earlier in the meeting was based on a recruitment from the current job description; Secretary Castillo confirmed that it was. She asked for clarification about the reasoning behind deletion of what appear to be fundamental components of knowledge. Ms. Arinez explained that Mr. Skeels used the Media Technology Technician job description as a model; he failed to remove some KSA's and MQ's when it came before the Commission for approval. Vice-Chairperson Goldstein asked if those on the eligibility list were tested on the skills in the current job description? Ms. Arinez said the exam was developed with Mr. Skeels as a SME. Vice-Chairperson Goldstein said that it was unclear why some of the KSA's, which seem fundamental to the basic functions of the job, would

be deleted; Secretary Castillo said he would need to confer with Mr. Skeels to provide more information. Chairperson Zenor-Davis said he agreed but he was also less concerned about the testing since the exam was developed with Mr. Skeels as an SME so the changes to the job description would not affect the eligibility list. Vice-Chairperson Goldstein said that once changes to the job description are agreed upon, the salary range may need to be leveled accordingly. Commissioner Roter said that normally he would defer to the SME, but he agrees with Vice Chairperson's concerns and that hearing from Mr. Skeels would be appropriate.

Vice-Chairperson Goldstein made a motion to review this request again at the September meeting once Mr. Skeels can provide more information; Chairperson Roter seconded the motion,

Approved, 3-0

k) Request to Extend Maintenance Engineer Eligibility List

Secretary Castillo explained that a Lead Maintenance Engineer incumbent plans to retire soon and the current eligibility list that could offer some employees an opportunity for promotion, is set to expire; he recommends extending the eligibility list for one year. Commissioner Roter felt that this is an appropriate list for extension and consistent with the education code and the merit rules. Vice Chairperson Goldstein said that since people change their mind all the time about plans for retirement, that is not enough of a justification to extend the list. Mr. Hernandez reminded the Commission that by extending this list for a year, once the person retires a promotion could be made within days as opposed to months should a new recruitment be required. Ms. Tobias-Espinosa confirmed that the retirement paperwork had been processed and submitted to the Board. Chairperson Zenor-Davis agreed with Commissioner Roter, especially since the District was in receipt of the employee's retirement paperwork.

Commissioner Roter made a motion to extend the Lead Maintenance Engineer eligibility list for one year: Vice-Chairperson Goldstein seconded the motion,

Approved, 3-0

l) Request to Appeal Job Disqualification per Merit Rule 40.100.4 (B) 2

Secretary Castillo said that in this case, disqualification was based on the candidate not meeting the minimum qualifications. He concurs with assessment of Brian Westover, Human Resources Technician, that Mark Griffin's application did not reflect the experience necessary to facilitate and implement wide-reaching trainings. Mr. Griffin said it was unclear what kind of degree was required for the position; he holds a BA in Mass Communications. He said that his application did not reflect the risk mitigation work he has done at Berkeley High School. He also said that he is frustrated that he cannot promote even though he has been with BUSD for 30 years. Vice-Chairperson Goldstein said it is still unclear as to the direction of the title of this classification and it may be necessary to reexamine the leveling and other aspects of the role. Furthermore, not all

skills and capabilities that people have acquired in their different job experiences are always linear; the testing process can help to see if the skills are there or not so she supports Mr. Griffin's appeal. Commissioner Roter agreed that not everyone follows the same path to meet a career goal; having an open mind and some flexibility should be considered when examining minimum qualifications. He believes Mr. Griffin's experience satisfies the minimum qualifications listed on the job description. Chairperson Zenor-Davis agreed with the commissioners and said that the application and examination process should be reviewed so that people who acquire skills in non-traditional ways can be included in the recruiting process. Secretary Castillo said that it would be impossible to call applicants to follow-up on a lack of information in an application; staff can also not guess what someone is putting on an application. If he asks staff to make accommodations for people known to the District, then the process ceases to be fair. It is the applicant's responsibility to provide the information according to the job description. In this case, the information was not there. Vice-Chairperson Goldstein agreed with Secretary Castillo that information cannot be chased but reminded the Commission that this is why the appeals process exists.

Commissioner Roter made a motion to uphold Mr. Griffin's appeal: Vice-Chairperson Goldstein seconded the motion,

Approved, 3-0

9. Closed Session

Commissioner Roter moved to amend the agenda for time, extending until 8PM and defer the closed session to a future meeting: Vice-Chairperson Goldstein seconded the motion.

Approved, 3-0

10. Report from Closed Session

Closed session was deferred to a future date.

11. Public Comments

Mr. Ramia said that Instructional Assistant (IA)'s do not but should have access to student IEP's and that IA's are routinely left alone with students in the classroom, which is against the rules.

12. Next Meeting

The next regular meeting of the Personnel Commission will be held on September 27 at 4:30PM in the Boardroom. Secretary Castillo will continue work on scheduling the special meeting on vacancies for September or October.

13. Adjournment

The meeting was adjourned at 7:52 pm.