

Berkeley Unified School District
Personnel Commission Meeting Minutes

November 8th, 2023 – 4:30 pm

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

Yazid Kahil, BCCE Grievance Chair and BUSD V&E Mechanic, spoke of his and other members' frustration with the draft revised job descriptions as it seems that most of what was shared with the consultants was not included. He is concerned that the job descriptions will be finalized without a chance for employees to provide feedback. Secretary Castillo clarified that nothing about the Classification & Compensation Study will be finalized without Union and District negotiations.

Mildred Scherr, BCCE Vice-President, said that public comment is the opportunity for the public to bring their concerns to the Personnel Commission's attention. She said that BCCE leadership had received an overwhelming number of calls regarding the Classification & Compensation Study Phase 2 report and that they need time to discuss.

Frank Hernandez, BCCE Interim Secretary and BUSD Maintenance Engineer, agreed with Mr. Kahil's comments and said he did not respond to the draft revised job description because he does not believe that employees are being listened to.

4. Approval & Adoption of Agenda

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

5. Discussion Item

a.) Classification & Compensation Study Phase 2 Review

Rick Labib-Wood of Eric Hall & Associates (EH&A) presented a review of Phase 2 of the Classification & Compensation Study, including an overview of the process, timeline, scope of the project as well as participation data. Mr. Labib-Wood also gave an update on Phase 3 and Phase 4 of the Study.

Commissioner Roter asked for clarification as to whether or not the Personnel Commission, as part of the Study, is recommending changes to a classification's duties and responsibilities to the Board of Education, since that is normally under the Board's purview. Secretary Castillo confirmed the Personnel Commission's role is to review EH&A's recommendations and ask questions so that ultimately, a recommendation can be made to the Board of Education. He added that while the final approval does not lie within the Personnel Commission's purview, they can help guide the process. Commissioner Roter reiterated his understanding of the Personnel Commission's role is to ask questions, gather information, and provide conclusions in the form of a recommendation to the Board of Education. Secretary Castillo confirmed.

Commissioner Roter asked for clarification on the sequence of the meet and confer between the Unions and the District. Secretary Castillo and Assistant Superintendent Tobias-Espinosa confirmed that nothing will be taken to the Board without meet and confer of Unions and the District. They explained the desired approach will be to work with the Unions to identify the classifications that are "slam dunks" (those with very minor changes, that have been very recently written, or fairly static) and to have a more targeted number of classifications that will require more time to come reach an agreement before going to the Board. Ms. Tobias-Espinosa said that a lot depends on the compensation data still to come in Phase 4.

Commissioner Roter asked for clarification on wording in the *Family Engagement & Equity Specialist* summary section. Mr. Labib-Wood said that new information had come to the agency's attention but there was not sufficient time to review prior to releasing the Phase 2 report. EH&A consultants will be following up with the Office of Family Engagement and Equity for further discussion on the job description.

Commissioner Roter identified two typographical errors in the summary presentations of *Computer Technician I* and *Computer Technician II* classifications. Mr. Labib-Wood acknowledged the error and promised to properly update the draft report.

Vice-Chairperson Goldstein asked if BUSD's Phase 2 Job Content Questionnaire (JCQ) participation of 44% is on par with what EH&A sees in other school districts. Mr. Labib-Wood explained the range of participation for the JCQ is anywhere between 30 and 80%.

Vice-Chairperson Goldstein asked for clarification on the difference between the JCQ and the input form. Mr. Labib-Wood explained that the JCQ is the first touchpoint for employees to give feedback on the job description while the input form is the opportunity to provide feedback on the draft revised job description. Vice-Chairperson Goldstein reiterated her understanding of the employee participation sequence as being the JCQ, interview and finally the input form to provide feedback on the draft revised job description. Mr. Labib-Wood confirmed. Vice-Chairperson Goldstein said that the supervisor review of the JCQ is an

opportunity to flush out when the employee and supervisor has a disconnect on what the duties are. She said she is concerned about the 23 classifications that did not have a response to the draft revised job description and she will hold the Steering Committee responsible for resolving the gap and formulating a plan to catch up.

Chairperson Zenor-Davis said he believes there has been an opportunity in the process for everyone to go back and forth with input; he noted that it is not very helpful to speak up after the fact with process; timely response and participation is critical or else the Study is all for naught. Chairperson Zenor-Davis reiterated the importance of utilizing this process to the fullest is crucial so that the results work for the benefit of all classified staff.

Ms. Scherr reminded the Commissioners that the Steering Committee had just received the Phase 2 report the previous day. She acknowledged that the Steering Committee had received the draft revised job descriptions much earlier but everyone on the committee has their normal work to do as well. She said the Union needs more time and more information before they can proceed. She said that employees who did the input form and provided feedback, did not receive any follow-up from the consultants. Furthermore, if an employee disagreed with supervisor input, there was not a process for that concern to be discussed. She reiterated that the process is moving too fast and suggested that the Union should ask the Associate Superintendent of Business Services to extend EH&A's contract.

Vice-Chairperson Goldstein reminded the Commission that these recommendations are preliminary and that peer compensation information is still pending. She said the task at hand is to get as much input as possible from the 3 phases and charge the Steering Committee with gap management. She asked what happens when an employee provides additional input after reviewing the draft revised job description. Mr. Labib-Wood said that if a suggested change was significant, it would need to be verified with the supervisor but it seems that his team should take another look since so many are not feeling very confident about the process. Vice-Chairperson Goldstein said that would be useful.

Chairperson Zenor-Davis asked how EH&A connects with employees who provide additional input after reviewing the draft revised job description. Mr. Labib-Wood said that normally, the consultants acknowledge the feedback and determine if further discussion is required but that it seems that has not been a consistent practice for Phase 2.

Commissioner Roter said that he believes it will be helpful to view the track-change versions of the revised job descriptions to have a clearer picture. He said that the Commission may need to have a philosophical discussion about how much detail goes into a job description, as he feels some of the disagreements (where employees feel their comments may not have been included) are possibly because their comments may not actually be part of a job description.

He said that employees who choose to not participate because they do not like or trust the process should instead be voicing their concerns or else the Study is all for naught.

Chairperson Zenor-Davis said that this is a process that is constantly attempting to improve upon itself. The Commission must continue to identify areas of the process that need more work so that the project can be as inclusive as possible for the classified employees. He said it is imperative that everyone who participates knows their concerns have been heard.

Secretary Castillo said he has a clear direction based on this conversation and it will be communicated with the Steering Committee.

Commissioner Roter said that he, personally, would not make a recommendation to adopt any classification unless he had heard all viewpoints. He believes there is still a lot of time for input to be shared.

6. Closed Session

The Personnel Commission went into closed session at 5:49PM to discuss potential litigation.

7. Report from Closed Session

The Personnel Commission reconvened at 6:24PM. Chairperson Zenor-Davis reported that the commissioners had received an update on potential litigation and discussed next steps.

8. Public Comments

None.

9. Next Meeting

The next regular Personnel Commission meeting will be held on November 29th, 2023, at 4:30 pm in the Board room.

10. Adjournment

The meeting was adjourned at 6:26 pm.