

BERKELEY UNIFIED SCHOOL DISTRICT
Personnel Commission

OATH OF ALLEGIANCE FOR PERSONNEL COMMISSION MEMBERS

Timothy Carter, You have been appointed by the Joint Commission to serve a term to begin June 7, 2012, as a Personnel Commissioner in the BERKELEY UNIFIED SCHOOL DISTRICT.

You were appointed because you are an adherent to the principle of the Merit (Civil Service) System by the nature of your prior public service. You have given evidence that you support the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. You have clearly demonstrated through meeting attendance and actions that you do, in fact support the Merit (Civil Service) System and its operation.

OATH OF ALLEGIANCE

(Ed. Code Sections 7000/7001 of California
Constitution Article 20, Section 3)

"I, **Timothy Carter**, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will faithfully discharge the duties upon which I am about to enter."

Signature of Appointee _____

Subscribed and affirmed to, before me, this 7th Day of June, 2012

Signature and Title of Certifying Officer

John Selawsky, President, Board of Education

Berkeley Unified School District
Merit System

Eligibility List for :

Custodian I
(Open & Promotional)

Written Examination:

April 27, 2012 & May 2, 2012

Performance Evaluation:

N/A

Written Examination (2nd):

May 4, 2012

List Established by Personnel Commission:

May 7, 2012 to expire May 7, 2013

Promotional:

1 Yusef Mobley

Open:

1 Aaron Wright

2 Jason Lewis

3 Edward Carmichael

4 Derrick Geer

5 Oscar Sanchez

6 Shawn Lucas

6 Darrell Cornelius-Smith

7 Sean Mayberry

8 Antonio Thompson

Randy Perez

Secretary, Personnel Commission

Certification Date

Dan Lee

Chairperson, Personnel Commission

Ratification Date

Berkeley Unified School District
Merit System

Eligibility List for : **Custodian II**
(Open & Promotional)

Written Examination: **May 2, 2012**
Performance Evaluation: **N/A**
Written Examination (2nd): **May 4, 2012**

List Established by Personnel Commission: **May 7, 2012 to expire May 7, 2013**

Promotional:

- 1 Dinesh Kumar *
- 2 Clinton Robinson

Open:

- 1 Aaron Wright
- 2 John Petzoldt *
- 3 Roy Haskins *

**** Eligibility expires on October 28, 2012***

Randy Perez
Secretary, Personnel Commission

Certification Date

Dan Lee
Chairperson, Personnel Commission

Ratification Date

Berkeley Unified School District

Merit System

Eligibility List for : Supervisor, Risk Management & Employee Benefits
Open

Written Examination: 03/16/12, 05/18/12

Oral Fitness: 03/26/12, 05/29/12

List Established by Personnel Commission: June 1, 2012 to expire June 1, 2013

Open:

1 Pamela	Goo	*
2 Heather	Hougey	

Randy Perez
Secretary, Personnel Commission

Certification Date

Dan Lee
Chairperson, Personnel Commission

Ratification Date

* Eligibility expires March 27, 2013

May 3, 2012 Meeting Minutes

Call to Order

The meeting was called to order at 3:00pm, a quorum was established and the Commission went into closed session.

Reported from Closed Session

The Commission returned from closed session at 4:06pm. Chairperson Dan Lee reported that the Commission voted by a unanimous decision to sustain a disciplinary action.

Approval and Adoption of Agenda

Chairperson Lee asked if there were any changes to the agenda. No changes were requested. He asked if there were any consent items that needed to be pulled.

Paula Phillips, President, BCCE, commented that she would like to know why neither the Union nor the employee were not informed that a decision was going to be made on the disciplinary action. She stated that decisions are made that affect employees and that employees should be given the opportunity to be available.

Chairperson Lee stated the decision will be followed up in writing.

Chairperson Lee asked if anyone had reviewed the minutes and if there were any changes requested. Paula Phillips, President, BCCE, commented that on page 2, last paragraph, 4th line down; "she is requesting... ". She commented that the Union should be notified according to the writ of mandate. The District and the Personnel Commission are required to automatically notify the union. There was an order and an agreement between the Union and the District that the Union be notified of vacancies where there is a need for a limited term assignment of 15 days or more. Discussion ensued. Agreement was made that the tapes would be checked in relation to the writ and would be corrected to be consistent.

Ms. Phillips commented that the Union was not receiving the recorded versions of the Personnel Commission minutes. She also stated that, according to the Brown Act, those that request a recording should receive it in a reasonable amount of time. Gloria Maldonado, Personnel Coordinator, responded to Ms. Phillips that it was not possible to produce the recording due to a problem with the computer. The computer situation has now been taken care of and the recordings will be provided within the next week or so. Ms. Phillips stated that this was not acceptable to the union.

Chairperson Lee commented that the minutes will be amended as requested.

Approved 2 – 0: to move the union report to the top of the April 12 agenda.

Reports

Union

BCCE President, Paula Phillips reported that the vacancy list that the Union received from the Human Resources office was incorrect and that every list that has been received by the Union has been incorrect. Ms. Phillips commented that, if the commission continues to use its current system to track vacancies instead of using the personnel requisitions to track, it will always be off.

The Union made a visit to Berkeley High School and the King Dining Commons and observed the work being done by the food service assistants. She reported that there were twelve employees at King Dining Commons working during the lunch period. To the Unions' knowledge, only four of those employees are permanent. She stated that there were eight employees working in positions that have not been posted.

She also stated that there were eight non-permanent persons working in positions earning more hours than recently hired into vacant permanent positions. The Union expects these positions to be posted and permanent employees to be hired; otherwise the District and the Commission are in violation of the writ. At the high school there were 2 out of 6 employees who were not permanent; 1 of 2 employees work a 7:00 am to 2:00 pm schedule.

Ms. Phillips also stated that the Union had requested copies of the materials from a previous classification study and was asked for reimbursement for the cost of making these copies. She referred to section 4 of the union contract which allows the Union informational requests free of charge.

Denise Diggs-Ray, BCCE, distributed a completed Agenda Item Request Form with an attached May 3, 2012 letter addressed to Superintendent William Huyett announcing Timothy Carter as the union-appointed commissioner to be sworn in at the June 7 Personnel Commission meeting.

Commissioners' Reports

Personnel Director

Secretary Perez gave an update on the Classified Staff Appreciation Event. The event is scheduled for May 24, 2012 from 4:00 pm – 6:00 pm at B-Tech. In response to union concerns about food service assistants, he noted that he has been in close communication with the Director of Nutrition Services. They are struggling with daily absences. Testing has been set up and positions are being posted.

He also commented that he has been in communication with several individuals regarding the classification and compensation study and has a meeting scheduled for May 15th, 2012. At this time, there are no updates to report.

Vice Chairperson Aoyagi commented that the Commission had met the previous week to work on the rules and regulations and that they are making progress.

Chairperson Lee requested that Mr. Perez obtain a budget and an expense report from Pauline Follansbee, Director of Fiscal Services. The report would be by object code to include amounts expended to date, amounts encumbered, and the total budget as it was set up.

Chairperson Lee thanked Denise Diggs-Ray for informing the Commission of the new commissioner's appointment.

At Chairperson Lee's request, Mr. Perez provided an update on the status of hiring for the Administrative Assistant position: information regarding the courtesy typing test and the tentative date for the oral examination. He explained that there was a provisional person currently working in the Administrative Assistant position.

Chairperson Lee also suggested that he would like follow-up on the Food Service FTE at King Dining Commons and Berkeley High School. He would like the Commission to know how many permanent and how many temporary positions are at these locations.

Chairperson Lee also stated he agreed with Ms. Diggs-Ray on the importance of the pre-placement tests of physical capability and would like to have at least a back test given to incoming employees.

Consent Items

There were no consent items for this meeting.

Public Comments

Denise Diggs-Ray, BCCE, commented that she would be submitting an agenda request form on Monday regarding policies and procedures. She stated she would like to keep the pre-employment testing on the agenda.

Ms. Diggs-Ray also requested an update on the comp and class study. She wanted to know if the commission was in line with the Power Point presentation timelines that were distributed previously.

Administrative Coordinator Tracie DeAngelis requested clarification from Chairperson Lee on the information that he was requesting for the types of hires.

Conference Item

Chairperson Lee requested that we add to the information section the following items for future meetings: a list of the tests that were administered for the month and a list of the positions that were filled for the month including position title, location, and FTE.

Next Meeting

No agenda items were proposed at this time.

Adjournment

Meeting adjourned at 4:45pm.

Respectfully Submitted:

Randy Perez
Secretary, Personnel Commission

Date

Approved:

Dan F. Lee
Chairperson, Personnel Commission

Date

May 29, 2012 Meeting Minutes

Call to Order

The meeting was called to order at 1:42pm and a quorum was established.

Report from Closed Session

The meeting reconvened from closed session at 2:05pm. Chairperson Lee announced that the Commission will begin the hearing regarding the Commission Budget for 2012-2013.

Hearing for Commission Budget for Fiscal Year 2012-2013

Chairperson Lee asked that Secretary Perez explain the process notifying people of the hearing for the budget today. Secretary Perez explained that the agenda for the budget hearing was posted last Thursday, May 24, 2012. Secretary Perez also stated all members of the Board of Education, Superintendent William Huyett, Deputy Superintendent of Business & Operations Javetta Cleveland and Assistant Superintendent of Human Resources Delia Ruiz were sent a copy of the proposed budget and were notified of the date, time and location of the hearing. Secretary Perez also explained that in the notification to all parties, an explanation was provided for the difference in amounts between this year's budget and the proposed 2012-2013 budget: \$92,495.31 is in salaries and benefits mostly due to the additional Administrative Assistant FTE added to the budget and \$1,850 is being requested for supplies for the Administrative Assistant and to pay for a new recruiting system. Vice-Chair Aoyagi asked if there were any issues raised regarding the budget and Secretary Perez stated that none were raised with him.

Vice-Chair Aoyagi then made the motion to accept the proposed budget:

Approved 2-0

Chairperson Lee stated that Secretary Perez will forward a copy of the budget to the County Superintendent for approval. He then opened the meeting up to public comment. No comments were made.

The hearing was closed at 2:11pm.

Respectfully Submitted:

Randy Perez
Secretary, Personnel Commission

Date

Approved:

Dan F. Lee
Chairperson, Personnel Commission

Date



BERKELEY COUNCIL OF CLASSIFIED EMPLOYEES
AFT Local 6192, AFL-CIO

2530 San Pablo Avenue, Suite A, Berkeley, CA 94702
Phone: (510) 540-5002 / Fax (510) 549-2308

May 15, 2012

Commissioners
BUSD Personnel Commission
2134 Martin Luther King Jr. Way
Berkeley, CA 94704

RE: Request for Reclassification of Grounds Keeper Gardener to Grounds Keeper Leadworker

Dear Commissioners:

Jose Hernandez has been working in the Maintenance Department as a Sr. Grounds Keeper Gardener for over 21 years. He has experienced a gradual accretion of duties over the past 21 years that qualify him to be reclassified to a Grounds Gardener Leadworker. JP Rabeax, Maintenance Supervisor and Steve Collins, Maintenance Manager support Mr. Hernandez's request and have written letters to show their support and recommendation to have him reclassified. The Berkeley Council of Classified Employees, AFT Local 6192 is in support of their recommendations.

Merit Rule 30.300.4 states in part, "...for an employee to be reclassified upward with his/her position, the reclassification must have been occasioned by a gradual accretion of duties..." In this case the rule justifies an upward reclassification to an employee who has experienced a gradual accretion of duties over time.

The Union and Mr. Hernandez's supervisors request and recommend that the Commissioners approve Jose Hernandez's request to be reclassified into the position of Grounds Gardener Leadworker effective June 7, 2012.

Sincerely,

Paula A. Phillips
President

Enclosures: (6)

cc: Jose Hernandez
JP Rabeax, Maintenance Supervisor
Steve Collins, Maintenance Manger
Delia Ruiz, Asst. Superintendent, HR

January 19, 2012

To: Berkeley Unified School district, Merit Commission

From: Jose Hernandez

Re: Reclassification

To whom it may concern,


My name is Jose Hernandez and I work for Berkeley Unified School District as a Grounds Gardener in the Maintenance Department. I have been working in this position for 30 years. In 2002 the department doubled the size of the garden crew and spilt it into two teams. Ronald Adams was the only Lead Gardener at the time, so he has lead one of the two newly created teams. In practice, I have been the lead of the second gardener crew since 2002.

I have tried many times, in the past nine years, to explain to my superiors that I am the lead of a crew and should be getting paid as the lead. My supervisors have always treated me as a lead and look to me to act as a lead in the field. The other grounds gardeners on my team treat me as their lead. The classification study that was not completed, four years ago, recognized this and re-classified me as a lead. JP Rabeux, my supervisor and Stephen Collins, the district Maintenance Manager, agreed with me and started to pay me a 5% differential about three years ago because I am working out of class.

Even with the 5% differential, I am being paid one hundred and fifty dollars less, per month, than I should be as a lead gardener. This is unfair and has been the case for a long time. I feel that I have been very patient and fair with this situation.

I am officially requesting that I be re-classified as a Lead Grounds Gardener so that I can be paid fairly for the work that I am doing. Please take this request under consideration immediately. I do not feel that I should have to wait for the next classification study. The last study that was successfully completed was more than ten years ago and who knows when the next one will happen. In the meantime, I am doing work that I am not being paid for. Thank you very much for your attention to this matter.

Yours Truly


Jose Hernandez

January 24, 2012

TO WHOM IT MAY CONCERN:

My name is Jose Hernandez. I have been an employee of the Berkeley Unified School District since May 22, 1979 (30 years). I have worked faithfully and honestly for all these years as my record reveals.

Beginning in the 1990's I was given the responsibility to supervise traffic offenders, this group consisted of eight to ten people. I made sure that all wore proper protection equipment and made sure that they carried out their duties safely. I also supervised summer students sent by the City of Berkeley and made sure they also carried out their duties safely.

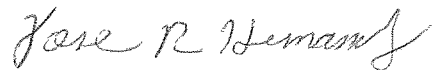
At times this supervision could be quite challenging because of the rebellious nature of some of the individuals. This experience helped me to learn how to work with people in the best possible way.

Over these years I've learned how to use all aspects of gardening equipment from pulling trailers we ride on to movers to cleaning lenses from plugged drains. I know how to safely use chain saws, weed eaters, hedge trimmers, and also how to maintain their working condition. I inform my supervisor when to order new equipment and make sure that all equipment is in working order. I instruct my crew on proper use of equipment and the safe way of operation.

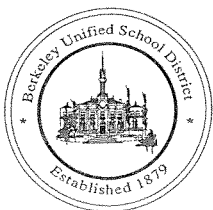
In 2002 the BUSD hired more full time gardeners and the workers were split into two crews. Ron Adams became the leader of one crew and I the other. I have supervised this crew for the last 10 years and yet I do not receive a lead gardeners salary.

This to me is not fair or right. I am asking for a fair recognition of my role as a lead gardener. I hope you will review my history and realize that I have been unfairly compensated and make appropriate changes to my title and salary, I am called a lead gardener. I have business cards issued by the BUSD addressing my title as lead gardener. It is now time to honor me with the salary and title of lead gardner.

Sincerely,
Jose Hernandez



Jose Hernandez



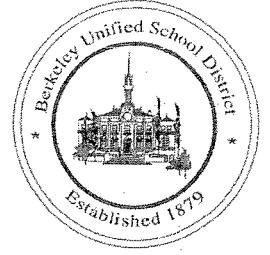
BERKELEY
UNIFIED SCHOOL DISTRICT

Jose Hernandez
Lead Grounds
Maintenance Department

1707 Russell St
Berkeley, CA 94703
Office : 510.644.6250
Cell : 510.812.0559
Fax : 510.644.8983

jhernandez@berkeley.k12.ca.us

Berkeley Unified School District



MAINTENANCE & OPERATIONS

1707 Russell St. Berkeley, California, 94703-2119 (510) 644-6250 FAX (510) 644-8983

January 30th 2012

To: Merit Commission

From: JP Rabeux

Re: Jose Hernandez

Dear Commissioners,

I would like to support Jose Hernandez' reclassification request.

We have two grounds teams that share the maintenance of all the sites.

Jose Hernandez has been acting as a lead for one of the two teams as we need someone to assist me in coordinating all tasks effectively.

Ronald Adams is the lead in the other team and we would like to have Jose Hernandez be the official lead of his team.

We were expecting Jose Hernandez to be reclassified as a lead few years back and we would like him to have a salary reflecting his qualifications and his actions.

His title should be: Lead Grounds Gardener.

JP Rabeux

A handwritten signature in cursive script that reads "JP Rabeux".

Maintenance Supervisor

Berkeley Unified School District

MAINTENANCE DIVISION

1707 Russell Street, Berkeley, CA 94703

(510) 644-6250 Fax: (510) 644-8703



January 27, 2012

To: Merit Commission

From Stephen Collins

Re: Jose Hernandez

Dear Commissioners,

I am writing this letter in support of Jose Hernandez' reclassification request.

The maintenance department operates with two grounds gardener teams. It is important to the department to have a lead on each team, because the leads assist the supervisor in scheduling, coordinating material deliveries and equipment maintenance. Ronald Adams is the lead on one of the teams and Jose Hernandez is, in affect, the lead of the other. We currently pay Jose a differential for working out of class

It was our expectation that Jose would be reclassified in the last classification study and be getting paid as the lead. The additional salary would have a negligible effect on the budget, so that is not an issue. It is my recommendation that Jose be reclassified as a Lead Grounds Gardener, so that he can be paid for the work that he is doing. Thank you

Stephen Collins

A handwritten signature in black ink, appearing to be "S. Collins", written over a horizontal line.

Maintenance Manager

BERKELEY UNIFIED SCHOOL DISTRICT
CLASS TITLE: SENIOR GROUNDS GARDENER

DEFINITION

Under direction of an assigned supervisor, operate a power mower and other grounds maintenance tools and equipment to mow and maintain District lawns, fields and other cultivated areas; provide training and work direction to other grounds gardeners or hourly or student workers as assigned.

EXAMPLES OF DUTIES

Perform responsible mowing and groundskeeping duties in the care of District lawns, fields and other cultivated areas; operate power mowers, District vehicles, grounds maintenance equipment and other tools utilized in the care of lawns, gardens, trees and shrubbery; train and provide work direction to grounds gardeners as assigned; operate, service and perform minor repairs to power mowers and other gardening and landscaping machinery, tools and equipment; plant, fertilize, water, trim and prune trees, shrubs and flowers; weed and spray planted areas; prepare simple reports related to work performed; perform related duties as assigned.

EMPLOYMENT STANDARDS

Knowledge of: Operation, maintenance and use of power mowers, grounds maintenance equipment, tools and machinery used in landscaping and gardening work; methods, supplies and materials used in planting, cultivating and caring for lawns, flowers, trees and shrubs; safety rules and procedures; herbicides and chemicals used in grounds maintenance work.

Ability to: Operate, adjust and make minor repairs to power mowers, edgers, weeders and other power tools and equipment used in landscaping and gardening; train and provide work direction to others as assigned; observe safety rules and regulations; mow, plant, water, weed, fertilize and care for lawns, gardens, athletic fields and other cultivated areas; work cooperatively with others; prepare simple records.

Education and Experience: Any combination equivalent to that which provides the ability to read and write at a level required for successful job performance and two years of increasingly responsible gardening and grounds keeping experience including demonstrated experience in the operation of large power mowers.

Licenses and other Certification: Valid California driver's license.

WORKING CONDITIONS

Outside environment; subject to adverse weather conditions, heavy lifting, climbing, bending, stooping, noise, fumes, pollen, chemicals, dust and traveling from site to site to conduct work.

Approved by Personnel Commission _____
Salary Range 38

Title: LEAD GROUNDS GARDENER

Definition:

Under direction of an assigned supervisor, lead a crew of grounds gardeners and perform skilled gardening and landscaping work around schools and District offices; estimate time and material costs; ensure that work is performed in a timely and efficient manner.

Essential Job Duties:

The following tasks are essential for this position. Incumbents in this classification may not perform all of these tasks, or may perform similar related tasks not listed here.

1. Lead the work of a crew of grounds gardeners in the maintenance of school grounds.
2. Work from written orders and ensure that work is performed properly and as ordered.
3. Train and provide work direction to grounds gardeners in the proper techniques of gardening and grounds maintenance.
4. Ensure the proper operation and maintenance of all tools and equipment used by the crew.
5. Enforce safety rules and regulations for the protection of grounds gardeners and others in the work area.
6. Mow, rake, edge, weed, plant, fertilize and water lawns.
7. Plant, fertilize, water, trim and prune shrubs, trees and flowers.
8. Prepare ground for planting.
9. Weed and spray planting areas.
10. Move trees, shrubs or flowers.
11. Operate, service and make minor repairs to power mowers and other gardening and landscaping machinery, tools and equipment.
12. Lay out and line athletic fields.
13. Patch asphalt and concrete surfaces.
14. Repair sprinkler and drainage systems.
15. Operate light truck in traveling to and from assignments.
16. Perform other related duties as required.

Minimum Knowledge, Skill and Ability:

Knowledge of:

- Techniques, methods, supplies and tools used in skilled gardening and landscaping for large institutions.
- Proper and safe operation and maintenance of power tools and equipment used in groundskeeping.
- Safety rules and procedures.
- Proper use and safe application of herbicides and other chemicals used in grounds maintenance work.

Skill and Ability to:

- Lead a crew of grounds gardeners and perform skilled gardening and groundskeeping work.
- Ensure the proper, safe and efficient operation, maintenance and repair of a variety of gardening and grounds maintenance tools, supplies and power equipment.
- Plan and schedule work of self and others.
- Estimate time and material costs for work orders.
- Establish and maintain effective and cooperative working relationships with others.
- Follow oral and written instructions.