

December 6, 2012 Meeting Minutes

Call to Order

The meeting was called to order at 4:11pm and a quorum was established.

Public Comment

No public comments were made.

Approval & Adoption of Agenda

Secretary Perez requested that Item 9 to be discussed at 4:30pm to accommodate Interim Superintendent, Javetta Cleveland's schedule. Chairperson Lee motioned to approve the agenda as amended.

Approved: 3-0

Conference/Action: Applications for Personnel Commissioner (Education Code Section 45246)

Chairperson Lee and Commissioner Carter expressed intent to appoint Commission applicant, Ann Aoyagi to the post of joint-appointed Commissioner.

Conference/Action Item: Extension of Term of Commissioner (Education Code Section 45248)

Chairperson Lee motioned to extend the term of Commissioner Aoyagi on a provisional basis up to 90 calendar days or until a permanent appointment has been finalized, whichever event occurs first.

Approved: 2-0

Approval of Minutes

Paula Phillips, President, BCCE, made the point that she did not see the disrespectful comments made by Chairperson Lee toward President Phillips during the previous Commission meeting. Secretary Perez explained that the minutes are summarized for the main points of the comments made. Discussion ensued regarding what happens to meeting minutes that are revised during a meeting. Secretary Perez explained that the minutes are revised according to what was approved and then placed in a public binder. Chairperson Lee motioned to approve the minutes as they stand.

Approved: 3-0

Consent Items

Chairperson Lee motioned to ratify the following eligibility lists:

- a) Secretary
- b) Custodian I
- c) Library Media Tech, Secondary
- d) Senior Personnel Assistant
- e) Director, BSEP & Community Relations
- f) Clerical Assistant I

Regarding the Secretary eligibility list, President Phillips expressed concern about the length of time between the date the list was ratified and the date the list was presented to the Commission for approval. Secretary Perez clarified that the Secretary eligibility list was already established by the Commission in a prior meeting and the reason that the list was coming before the Commission was to correct a rank that was out of order in the previous Secretary list.

Chairperson Lee motioned to approve each eligibility list. Approved: 3-0

Request to place newly appointed Director, BSEP & Community Relations at advanced salary step

Secretary Perez explained that the District restructured the BSEP office and modified the job descriptions of both the BSEP administrator and the BSEP support staff positions to better reflect the

increased responsibilities required. One result was the creation of the Director, BSEP & Community Relations. Secretary Perez then explained that an extensive recruitment cycle was completed over the course of 4 months and yielded only two ranks. The District chose a candidate from one of the two ranks and is requesting an advance salary placement for this candidate due to the difficulty in obtaining three ranks and due to the extensive qualifications and experience of the candidate selected. Secretary Perez also explained that the candidate was earning a salary slightly more than what we want to offer to her. Superintendent Cleveland explained that the selected candidate's qualifications are a rare because she has first-hand experience with the BSEP measure, and experience in family engagement and public communications which are the added responsibilities in this new Director position. Superintendent Cleveland requested placement on salary step 4 of the appropriate salary schedule. Chairperson Lee asked how many years of relevant experience the selected candidate possessed. Delia Ruiz, Assistant Superintendent, Human Resources, stated the various administrative posts in the non-profit field beginning in 1988 and leading up to present. President Phillips expressed concern that the Commission often places managers at advanced salary placement, but ignores advanced salary placement for BCCE/OSS employees in positions that are hard to fill. Superintendent Cleveland clarified that she has on more than one occasion, petitioned to the Commission to place BCCE employees at advanced salary placement when so warranted by the occasion. Chairperson Lee stated that many candidates come to Berkeley Unified School District with value added because of their experiences, and he has witnessed the benefits brought to the District by these individuals. Chairperson Lee motioned to approve the advanced salary placement of the newly appointed Director, BSEP & Community Relations to step 4.

Approved: 2-1

Chairperson Lee and Vice-Chair Aoyagi voted to approve, Commissioner Carter voted not to approve.

Request for review - Working Out of Classification, Jonathan Staples

Jonathan Staples, Maintenance Supervisor, stated that he believes he is working out of classification and performing duties that aren't in his job description. In particular, Mr. Staples stated he should not be responsible for inspecting facilities since it does not specify this requirement in his job description. He stated that inspection of facilities is the responsibility of his supervisor the Plan Operations Manager. Mr. Staples also stated that he develops the maintenance plan, and he referenced the job description that states he reviews the maintenance plan not develop the plan. Commissioner Carter asked if there was anything from Mr. Staples' supervisor to support the assertion that he is working out of classification. Mr. Staples explained that he approached his supervisor, Steve Collins, and Mr. Collins stated that he (Mr. Staples) has his job description for reference. Chairperson Lee requested that Secretary Perez conduct an investigation to the matter.

Examinations and New Hires for the month of November

Secretary Perez reviewed for the public and the Commission all examinations conducted in the month of November as well as the new hires processed in the month of November. Regarding the Personnel Commission budget, Commissioner Carter asked about the budget line for legal fees. He was under the impression that we no longer had any money in the budgetary line item for legal fees. Secretary Perez explained that there are encumbrances and outstanding invoices that have not yet been paid. President Phillips asked for clarification as to why the Commission's budget contained a line item for certificated hourly salary. Secretary Perez explained that on occasion, a certificated employee will participate in an oral panel, and in that case, the Commission would pay for a certificated substitute to cover the classroom for the employee.

Union Reports

President Phillips stated that Mr. Perez informed Ms. Lois Pyle that the District will be granting the back date of seniority and the salary step placement to step 2 as according to the union’s requests.

Commission Reports

Nothing reported

Director Report

Director Perez stated that a meeting is scheduled with him and representatives of the District to review the bids received from consultants. President Phillips expressed concern that the Commission has not been included in the process for reviewing and selecting a firm to do the study. Director Perez stated that he would send the RFP he drafted along with all bids submitted by consultants to all Commissioners. President Phillips stated that in the past, the Commission approved the selection of the firm. Assistant Superintendent Ruiz explained that the Board and Commission both have roles in a Compensation and Classification Study.

Public Comment

No public comment was made

Next Meeting

Vote for the seats of Chair and Vice-Chair of the Commission.

Meeting adjourned 6:01pm.

Respectfully Submitted:

Randy Perez
Secretary, Personnel Commission

Date

Approved:

Dan F. Lee
Chairperson, Personnel Commission

Date