BERKELEY UNIFIED SCHOOL DISTRICT
Personnel Commission

OATH OF ALLEGIANCE FOR PERSONNEL COMMISSION MEMBERS

Ann Aoyagi, you have been recommended by the Commissioner appointed by the Berkeley Council of Classified Employees and the Commissioner appointed by the Board of Education to serve a term beginning January 10, 2013, as a Personnel Commissioner in the BERKELEY UNIFIED SCHOOL DISTRICT.

You were appointed because you are agreeing to adhere to the principles of the Merit System.

****

OATH OF ALLEGIANCE

"I, **Ann Aoyagi,** do solemnly swear or affirm 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 same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter."

Signature of Appointee _____

Subscribed and affirmed to, before me, this 11th day of February 2013

Signature and Title of Certifying Officer

_____
Beatriz Leyva Cutler
Director/Clerk, Board of Education

January 10, 2013 Meeting Minutes

1. **Call to Order**
   The meeting was called to order at 4:06PM.

2. **Roll Call & Establishment of Quorum**
   Chairperson Dan Lee, Vice-Chairperson Ann Aoyagi and Commissioner Timothy Carter were all present and a quorum was established.

3. **Public Comments (15 minute limit)**
   Jeff Snow, representative, Operations Support Staff (OSS), requested to know the status of the Maintenance Engineer vacancies. Secretary Perez commented that a performance panel is in the process of being created. The Plant Operations Manager, Steve Collins, has had difficulty in getting panelists to score the performance test. A possible panelist has been recommended for the position, but Mr. Collins is waiting for additional panelists in order to proceed.
   No additional public comments were made.

4. **Approval & Adoption of Agenda**
   Agenda was approved and adopted without change.
   Approved: 3-0

5. **Public Hearing: Appointment of Personnel Commissioner Ann Aoyagi (Education Code Section 45246).**
   Tim Donnelly, representative, Berkeley Council of Classified Employees (BCCE), commented that his opinion is that Commissioner Aoyagi is unfit to serve on the Personnel Commission.
   Paula Phillips, President, BCCE, commented that the union is concerned that the Personnel Commission is showing favoritism towards the Director, Classified Personnel. President Phillips also commented that the views of the Personnel Commission have been slanted in regards to the Director, Classified Personnel and the District in regards to the shortcomings of the Personnel Commission. Commissioner Aoyagi responded that she believes her actions have always been fair to both classified employees as well as the District.
   No additional comments were made.
   Chairperson Lee motioned to appoint Commissioner Aoyagi to the Personnel Commission.
   Approved: 2-0

6. **Conference Item: Approval of the RFP and Selection of Consultant Firm to Complete the Compensation & Classification Study (See Attachment A. Copies of consultant bids received will be available at the meeting) p. 3**
   Secretary Perez commented the Request for Proposal (RFP) was published in the Oakland Tribune and forwarded to firms referenced in Merit System Academy. Three bids were received and a panel was established to screen the three bids. The screening panel included Interim Superintendent, Javetta Cleveland, Secretary Perez and Director of Facilities, Lewis Jones. During the screening, one of the bids was identified as not meeting all of the requirements, and was therefore removed. An interview panel was established, and it included: Secretary Perez; Commissioner Aoyagi; Lew Jones, District Representative; President Phillips; Steve Collins, President, Local 21. The interview panel unanimously selected Ewing Consulting Services.
   President Phillips commented that the union was concerned that the current proposed timeline (19 months) was too long and that it should be reduced. President Phillips also stated that there are a number of positions throughout the District that should be included in the study, including volunteers, tutors, consultants, and Teachers on Special Assignment (TSAs).
   Denise Diggs-Ray, representative BCCE, also expressed concern over the proposed timeline and asked if a new timeline would be released reflecting the Ewing Consulting Service's estimated 6-7 month completion date.

Chairperson Lee commented that in the past, the District had an Advisory Committee that worked with the consultant and asked if having one in this situation would be recommended. Secretary Perez commented that an Advisory Committee would be established for this project.

Chairperson Lee motioned to approve the RFP and the selection of Ewing Consulting Services for the Compensation & Classification study

Approved: 3-0

7. Approval of Minutes

Approve December 6, 2012 Meeting Minutes

Commissioner Carter requested information regarding the posting of the Personnel Coordinator position. Secretary Perez commented that the position has been posted as of January 9, 2013.

President Phillips, commented that the minutes from December 6, 2012 were incorrectly recorded and were missing comments from Chairperson Aoyagi regarding the November minutes. President Phillips also commented that the past minutes have not included a complete record of union comments.

Assistant Superintendent of Human Resources, Delia Ruiz, suggested that future meeting minutes summarize, briefly, the discussions to provide clarity on the related actions.

Vice-Chairperson Aoyagi requested the following change to the first sentence of the December 6, 2012 Meeting Minutes from: "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" to "Paula Phillips, President, BCCE, made the point that she did not see included in the minutes what she considered disrespectful comments made by Chairperson Lee."

Chairperson Lee motioned to approve the amended December 6, 2012 Meeting Minutes

Approved: 3-0

8. Consent Items

Chairperson Lee motioned to ratify the following eligibility lists:

a) Food Service Assistant
b) Site Coordinator, Family Engagement (Spanish Bilingual)
c) Instructional Assistant, Early Childhood Education
d) Instructional Assistant, Special Education, Attendant
e) Instructional Technician

Approved: 3-0

9. Conference Item

a) Request to approve assigning employee Paulette Butler to Instructional Assistant, Special Education Attendant classification

Secretary Perez requested that the request to approve assigning employee Paulette Butler to Instructional Assistant, Special Education Attendant be removed from the agenda. Secretary Perez, Paula Phillips, President, Berkeley Council of Classified Employees, and Assistant Superintendent Delia Ruiz met at the previous Labor Management Committee Meeting and it was agreed that it will be resolved by an MOU.

b) Request to approve 2013 Personnel Commission meeting dates and meeting location

Assistant Superintendent Ruiz commented that April 4, 2013 occurred during the Spring break and therefore needed to be changed. Chairperson Lee recommended April 11, 2013 as the new date for the April meeting. Assistant Superintendent Ruiz also commented that September 5, 2013 coincided with a religious holiday. Commissioner Carter recommended September 12, 2013 as the new date for the September meeting.

President Phillips requested February 7, 2013 be rescheduled to February 11, 2013.

President Phillips recommended that the Personnel Commission schedule a time to meet with the School Board to discuss and define the roles of both the Commission and School Board.
Chairperson Lee motioned to approve the amended 2013 calendar.
Approved: 3-0

10. Old Business

a) Administrative Review of job duties of employee Jonathan Staples

Jonathan Staples, Maintenance Supervisor, requested that this item be postposed to review the investigative report completed by the Director Perez. Commissioner Carter motioned to have this action item postponed until the February 11, 2013 Personnel Commission Meeting.
Approved: 3-0

11. Information Items

a) Examinations administered in the month of December

Secretary Perez commented that the following examinations were administered in December, 2012:
Instructional Assistant, Early Childhood Education
Instructional Technician
Instructional Assistant, Special Education Attendant
Instructional Media Technician
Instructional Technician, Cooking
Accountant
Grounds Gardener

b) New hires processed in the month of December

Secretary Perez commented that the following new hires were processed in December, 2012:
Natasha Beery, Director, BSEP & Community Relations
Janet Lopez, Senior Personnel Assistant
Ariana Mitchell, Instructional Assistant, Special Education Attendant
Oscar Sanchez, Custodian I
Sherman Montgomery, Grounds Gardener
Travis Dennis, School Campus Monitor
Carolyn Mitchell, Instructional Technicians

12. Reports

a) Union

President Phillips, expressed concern that classified positions are not being filled promptly once an eligibility list is established. President Phillips requested that the current limited-term temporary employee in the Administrative Coordinator vacancy at Berkeley High School be removed and a candidate from the eligibility list be selected. Assistant Superintendent Ruiz commented that she spoke with Co-Superintendent Neil Smith regarding this matter and that Co-Superintendent Smith would be communicating with Principal Scuderi to have this issue resolved. President Phillips also commented that Maintenance Engineer position has been occupied by a limited-term employee for an extended time period. Secretary Perez responded that the Performance Exam for the Maintenance Engineer position is highly technical and a unique skillset is required. Secretary Perez commented that one test has been administered but the Plant Operations Manager was unable to establish a qualified testing panel during the Winter break, therefore additional testing has been delayed.
Denise Diggs-Ray requested to know, once the Personnel Commission approves an eligibility list, how long does it take for the administrator to receive the list? Secretary Perez commented that the time can vary, but normally the administrators receive the list within a week once the Personnel Commission has approved the

eligibility list. Ms. Diggs-Ray also requested to know if notification letters have been sent to qualified candidates for the Clerical Specialist position. Secretary Perez stated that all notices have been sent.
President Phillips commented about the status of tracking limited-term and provisional assignments. Secretary Perez commented that a database is being built to track this information. President Phillips commented that filing work that was previously done by laid off union members is now being assigned to student workers. President Phillips commented that if a department requires work that is covered by the bargaining unit, that a qualified union member be hired. Assistant Superintendent Ruiz commented that the City of Berkeley pays for the student workers, which in turn provide a service for the District. The services provided by the students would not be bargaining unit work because the District did not have the funds available to pay for the services that were provided. Commissioner Carter suggested that the services that the student workers provide are reviewed to see what impact they have on bargaining unit work.

b) Commissioners Reports
No reports were presented.

c) Personnel Director
No reports were presented.

13. Public Comments (15 minute limit)
No public comments were made.

14. Next Meeting
A special training meeting will occur on January 14, 2013 and January 25, 2013.

15. Adjournment
Meeting adjourned 5:44pm.

Respectfully Submitted:

Randy Perez
Secretary, Personnel Commission

2/7/2013
Date

Approved:

Ann Aoyagi
Chairperson, Personnel Commission

Date

Berkeley Unified School District

Merit System

Eligibility List for : **Accounting Technician**
(Open)

Written Examination: **January 23, 2013**
Oral Examination: **February 1, 2013**

List Established by the Personnel Commission: **February 11, 2013 to expire February 11, 2014**

Open

1	Stacey	La
2	Aman	Grewal
3	Nahewi	Asfaha

Randy Perez
Secretary, Personnel Commission

2/7/2013
Date

Ann Aoyagi
Chairperson, Personnel Commission

Date

Berkeley Unified School District

Merit System

Eligibility List for : **Senior Budget Analyst**
(Open)

Written Examination: **January 14, 2013**
Oral Examination: **January 24, 2013**

List Established by the Personnel Commission: **February 11, 2013 to expire February 11, 2014**

Open:

1	Alva	Leung
2	Yuan	Zhang
2	Jon	Lockwood
2	Natalie	Zaderey
3	Natalie	Zaderey
4	Regina	Lawson

Randy Perez
Secretary, Personnel Commission

1/31/2013
Date

Ann Aoyagi
Chairperson, Personnel Commission

Date

Berkeley Unified School District

Merit System

Eligibility List for : **Grounds Gardener**
(Promotional & Open)

Written Examination: **July 10, 2012**
Performance Examination: **August 16, 2012**

List Established by the Personnel Commission: **February 11, 2013 to expire February 11, 2014**

Promotional:

1	Lori	Adams*

Open:

1	Oscar	Sanchez
2	Miguel	Garcia
3	Nathaniel	Hill, Jr
4	Andrew	Supple
5	Dwayne	Lewis
5	Willie	Stanley*

Eligibility expires March 8, 2013

Randy Perez
Secretary, Personnel Commission

2/7/2013
Date

Ann Aoyagi
Chairperson, Personnel Commission

Date

Berkeley Unified School District

Merit System

Eligibility List for : **Facilities Security Worker**
(Promotional & Open)

Written Examination: **January 8, 2013**
Oral Examination: **January 15, 2013**

List Established by the Personnel Commission: **February 11, 2013 to expire February 11, 2014**

Promotional:

1	LeRoi	Sutherland

Open:

1	Eric	Franco
2	Nicolas	Napala
3	Daniel	Vallejos
3	George	Manriquez
3	Shunlonda	Nathaniel

Randy Perez
Secretary, Personnel Commission

1/16/2013
Date

Ann Aoyagi
Chairperson, Personnel Commission

Date

Berkeley Unified School District

Merit System

Eligibility List for : **Instructional Media Technician**
(Open)

Written Examination: **December 7, 2012**
Oral Examination: **January 9, 2013**

List Established by the Personnel Commission: **February 11, 2013 to expire February 11, 2014**

Open:

1	Kevin	Kunze
2	John	Clements
3	Alejandro	Quintana
4	Mikka	Pineda
5	Lowell	Rojon
6	Charlie	Kenneweg
6	Melody	Sia
7	Fabian	Magaloni
8	Ennis	Harris
9	Aaron	Duncan

Randy Perez
Secretary, Personnel Commission

1/15/2013
Date

Ann Aoyagi
Chairperson, Personnel Commission

Date

Berkeley Unified School District

Merit System

Eligibility List for : **Accountant**
(Open)

Written Examination: **December 11, 2012**
Oral Examination: **January 10, 2013**

List Established by the Personnel Commission: **February 11, 2013 to expire February 11, 2014**

Promotional:

1	Foroozan	Toofan *

Open:

1	Maria	Kaddoura
2	Mario	Micanovic

**** Eligibility expires October 12, 2013***

Randy Perez
Secretary, Personnel Commission

1/14/2013
Date

Ann Aoyagi
Chairperson, Personnel Commission

Date

Berkeley Unified School District

Merit System

Eligibility List for : **Instructional Technician, Cooking**
(Open)

Written Examination: **December 10, 2012**
Oral Examination: **January 7, 2013**

List Established by the Personnel Commission: **February 11, 2013 to expire February 11, 2014**

Open:

1	Ellen	McClure
2	Alexis	Wachtel
3	Alexandra	Bell

Randy Perez
Secretary, Personnel Commission

1/15/13
Date

Ann Aoyagi
Chairperson, Personnel Commission

Date

Berkeley Unified School District

Merit System

Eligibility List for : **Maintenance Engineer**
(Open)

Written Examination: **October 26, 2012**
Oral Examination: **January 31, 2013**

List Established by the Personnel Commission: **February 11, 2013 to expire February 11, 2014**

Open:

1 Mark Macanally

Randy Perez
Secretary, Personnel Commission

2/7/2013
Date

Ann Aoyagi
Chairperson, Personnel Commission

Date

Berkeley Unified School District
Personnel Commission

TO: Personnel Commission
FROM: Randy Perez, Director, Classified Personnel
DATE: February 7, 2013
SUBJECT: Agenda Item Request from BCCE

Background Information
President Paula Phillips expressed concern that the Director, Classified Personnel allowed Berkeley High Principal, Pasquale Scuderi, to violate Merit Rule 60.300.1. The Commission ordered the provisional Administrative Coordinator, Wanda Kelly, out of the assignment, but Principal Scuderi was allowed to keep her on as limited term Secretary III for one additional week past the deadline issued by the Commission.

On Friday, January 18th, both interim Superintendents came to me and Assistant Superintendent of Human Resources, Delia Ruiz and requested that we allow Wanda Kelly to support Principal Scuderi at the high school while he completed the selection process. I agreed to put her in a limited term four day assignment as School Secretary because Principal Scuderi was not going to have anyone ready to fill his vacancy. A couple of factors influenced my decision: 1) our high school serves over 3,000 kids and not having anyone in this support role just one week would significantly impact the school's ability to provide the necessary service, and 2) the original eligibility list changed from the time that I first provided to Principal Scuderi the list to the time we told him he had a deadline with which to make a selection. Two of the top three ranks withdrew consideration and at different times in the process. I supplied to him two more ranks but at different stages in the interview process. This obviously delayed processing further.

Ultimately, my efforts remain with the service to our children. I did make the choice to send Ms. Kelly to support Berkeley High for an additional week to minimize disruption in service and because Principal Scuderi needed that extra time to finalize his decision. A selection has since been made and the person started employment with us on February 4, 2013.

Berkeley Unified School District
Personnel Commission

TO: Personnel Commission
FROM: Randy Perez, Director, Classified Personnel
DATE: February 7, 2013
SUBJECT: Personnel Commission Participation in the Classification Study Committee

Background Information:
The consultant hired to perform our compensation and classification study has recommended the creation of a Classification Study Committee. The purpose of this committee is to act as a liaison between the classified staff and the consultant with regard to reporting staff reactions and feedback as well as to serve as a communicative tool along the process. This committee will not make decisions or have any voting authority. Currently, this committee consists of eight members: two non-represented administrators, one Local 21 representative, three BCCE representatives, one non-represented employee, one school site principal.

Recommendation:
Allow Director Perez to serve on the Classification Study Committee as the representative of the Commission.

Examinations Administered in the Month of January:

Classification-

Instructional Technician, Cooking
Facilities Security Worker
Instructional Media Technician
Accountant
Senior Budget Analyst
Accounting Technician
Personnel Specialist, Confidential
Maintenance Engineer
Buyer

New Hires/New Assignments Processed in the Month of January:

Name-	*Classification-*
Edward Carmichael	Custodian I
Tashi Dhondup	Food Service Assistant
Erica Ferro	Senior Food Service Assistant
Vaile Fujikawa	Library Media Technician, Secondary
Rochelle Vaughn	Secretary
Heather O'Brien	Instructional Assistant
Heidi Ross	Instructional Assistant

2013 Personnel Commission Meeting Dates and Location

The following dates are proposed Personnel Commission meeting dates for calendar year 2013. The location for the meetings will be the Oregon Street Conference Room.

- February 11, 2013
- March 7, 2013
- April 11, 2013
- May 2, 2013
- June 6, 2013
- August 1, 2013
- September 12, 2013
- October 3, 2013
- November 7, 2013
- December 5, 2013

All meetings are tentatively scheduled to begin at 4:00pm

Attachment A

	Account classifications selected FD RESC LOC Y BA OBJT GOAL FUNC DDF	Field ranges selected FI RANGE
1.	??-????-???-?-??-????-????-7403-???	
2.	- - - - - - - - -	
3.	- - - - - - - - -	
4.	- - - - - - - - -	
5.	- - - - - - - - -	
6.	- - - - - - - - -	
7.	- - - - - - - - -	
8.	- - - - - - - - -	
9.	- - - - - - - - -	
10.	- - - - - - - - -	

```
Income  sort/rollup levels: BA
      Income summary level: 4
Expense sort/rollup levels: BA
     Expense summary level: 4
               Data source: GLSTEX Standard Extract
          Report template: CTFAR300.DATA.QSSUSER:  MON, APR 14, 2003, 11:08 AM
              Budget type: A  Approved
  Include budget transfers: A
           GL Transactions: A  Approved Only
  Exclude Pre-encumbrances: N
      Use Reference Values: N
        Restricted Fld Nbr: 02  RESOURCE
         Separation Option: No Separation of Restricted and UnRestricted
           Extraction Type: Restricted and UnRestricted

           Report prepared: MON, FEB  4, 2013, 11:55 AM
```

Attachment A

OBJT		Beg. Balance/ Adjusted Budget	Current Activity	Year to date Activity	Encumbrances	Balance	%used
Beginning balance							
9510	PRIOR YEAR A/P	0.00	1,867.07	1,867.07	0.00	1,867.07	
TOTAL Beginning balance		0.00	1,867.07	1,867.07	0.00	1,867.07	
*TOTAL Beginning balance + Revenue		0.00	0.00	0.00			*
Expense							
BUD ADM :00 UNDESIGN							
1303	ADM & SUPV SICK LEAVE	10,350.00	1,200.00	1,200.00	0.00	9,150.00	11.6
2302	CLASS SUPER & ADMIN MONTH SAL	163,984.00	96,772.44	96,772.44	69,720.00	2,508.44-	101.5
2402	CLERICAL TECH & OFC STAFF SAL	44,589.00	26,509.88	26,509.88	16,697.30	1,381.82	96.9
2450	CASH IN LIEU OF BENEFITS	849.00	0.00	0.00	0.00	849.00	0.0
3101	STATE TEACHERS'RET.SYS, CERT	854.00	0.00	0.00	0.00	854.00	0.0
3202	PUBLIC EMPL. RET. SYS, CLASSIF	23,813.00	14,075.14	14,075.14	10,021.33	283.47-	101.2
3301	MEDICARE - CERTIFICATED	150.00	17.40	17.40	0.00	132.60	11.6
3302	MEDICARE - CLASSIFIED	3,036.00	1,699.23	1,699.23	1,169.25	167.52	94.5
3312	FICA - CLASSIFIED	12,985.00	7,265.65	7,265.65	4,999.58	719.77	94.5
3402	HEALTH & WELFARE BEN. CLASSIF.	33,239.00	18,765.82	18,765.82	14,499.40	26.22-	100.1
3501	STATE UNEMPLOYMENT INS. CERTIF	192.00	15.18	15.18	0.00	176.82	7.9
3502	STATE UNEMPLOYMENT INS. CLASSI	3,867.00	1,559.55	1,559.55	1,093.17	1,214.28	68.6
3601	WORKERS' COMPENSATION INS.CERT	212.00	24.60	24.60	0.00	187.40	11.6
3602	WORKERS' COMPENSATION INS.CLSS	4,292.00	2,527.31	2,527.31	1,771.56	6.87-	100.2
3701	RETIREE BENEFITS, CERTIF. POS	311.00	0.00	0.00	0.00	311.00	0.0
3702	RETIREE BENEFITS, CLASSIF. POS	6,195.00	3,505.75	3,505.75	2,592.50	96.75	98.4
3802	PERS REDUCTION, CLASSIFIED POS	2,100.00	1,183.53	1,183.53	842.64	73.83	96.5
TOTAL BUD ADM :00		311,018.00	175,121.48	175,121.48	123,406.73	12,489.79	
BUD ADM :65 DIR CLAS							
1316	ADN & SUPV SUBS	1,000.00	0.00	0.00	0.00	1,000.00	0.0
1916	HOURLY/DAILY	0.00	370.02	370.02	1,113.84	1,483.86-	N/A
2316	CLASS. SUPV - LIMITED TERM	2,425.00	0.00	0.00	0.00	2,425.00	0.0
2412	CLERICAL TECH & OFC OVERTIME	3,163.00	82.78	82.78	0.00	3,080.22	2.6
2416	CLERICAL LIMITED TERM	24,895.00	24,386.36	24,386.36	20,867.88	20,359.24-	181.8
3101	STATE TEACHERS'RET.SYS, CERT	83.00	22.87	22.87	45.95	14.18	82.9
3201	PUBLIC EMPL. RET. SYS, CERTIF.	0.00	10.60	10.60	63.58	74.18-	N/A
3202	PUBLIC EMPL. RET. SYS, CLASSIF	0.00	1,689.75	1,689.75	405.11	2,094.86-	N/A
3301	MEDICARE - CERTIFICATED	15.00	5.37	5.37	16.16	6.53-	143.5
3302	MEDICARE - CLASSIFIED	442.00	354.83	354.83	302.58	215.41-	148.7
3311	FICA - CERTIFICATED	0.00	5.75	5.75	34.53	40.28-	N/A
3312	FICA - CLASSIFIED	1,889.00	1,428.08	1,428.08	1,293.81	832.89-	144.1
3501	STATE UNEMPLOYMENT INS. CERTIF	19.00	4.67	4.67	14.10	0.23	98.8
3502	STATE UNEMPLOYMENT INS. CLASSI	565.00	309.53	309.53	263.98	8.51-	101.5
3601	WORKERS' COMPENSATION INS.CERT	21.00	7.58	7.58	22.84	9.42-	144.9
3602	WORKERS' COMPENSATION INS.CLSS	625.00	501.62	501.62	427.79	304.41-	148.7
3701	RETIREE BENEFITS, CERTIF. POS	30.00	0.00	0.00	0.00	30.00	0.0
3801	PERS REDUCTION, CERTIFICATED	0.00	0.89	0.89	5.35	6.24-	N/A
3802	PERS REDUCTION, CLASSIFIED POS	0.00	142.09	142.09	34.06	176.15-	N/A
4200	BOOKS & OTHER REF. MATERIALS	500.00	0.00	0.00	0.00	500.00	0.0

Attachment A

OBJT		Beg. Balance/ Adjusted Budget	Current Activity	Year to date Activity	Encumbrances	Balance	%used
4350	OTHER SUPPLIES	9,800.00	986.15	986.15	2,501.31	6,312.54	35.6
4400	EQUIPMENT $500 TO $5,000	1,114.00	0.00	0.00	1,114.00	0.00	100.0
5200	TRAVEL AND CONFERENCES	6,999.00	665.00	665.00	0.00	6,334.00	9.5
5300	DUES AND MEMBERSHIPS	3,000.00	0.00	0.00	0.00	3,000.00	0.0
5712	CENTRAL PRINTING - XEROX	2,500.00	0.00	0.00	0.00	2,500.00	0.0
5713	COPIER LEASE - INTRAFUND	4,320.00	0.00	0.00	0.00	4,320.00	0.0
5800	PROF/CONSULTING SVCS & OPR EXP	16,429.00	5,941.12	5,941.12	5,100.00	5,387.88	67.2
5829	LEGAL FEES	10,000.00	6,739.00	6,739.00	0.00	3,261.00	67.4
5910	POSTAGE/MAILINGS	475.00	63.10	63.10	0.00	411.90	13.3
TOTAL BUD ADM :65		90,309.00	43,717.16	43,717.16	33,626.87	12,964.97	
TOTAL Expense		401,327.00	218,838.64	218,838.64	157,033.60	25,454.76	
**Fund balance		401,327.00-	218,838.64-	218,838.64-			**

Attachment B

Berkeley Unified School District

2020 Bonar Street, Berkeley, California 94702
Phone: (510) 644-6150 Fax: (510) 644-6151 www.berkeley.net

Via Electronic Mail

January 9, 2013

To: The Personnel Commissioners

From: Randy Perez, Director, Classified Personnel & Secretary to the Commission

RE: Request to Investigate Working Out of Classification

This is in response to your directive of the December 6, 2012 Personnel Commission Meeting, to review whether Jonathan Staples has been working out of classification.

My investigation included a review of documents and interviews of Jonathan Staples, Steve Collins, Plant Operations Manager and Lew Jones, Director, Facilities & Maintenance. I have reviewed the job description and several documents that Mr. Staples provided to me. Included was a memorandum prepared by former Director of Classified Personnel, Tina Brier in which she requests the merging and modification of the Maintenance and Trades Supervisor classifications. Mr. Staples also provided copies of several job descriptions from other school districts for several administrative positions in the field of maintenance and facilities operations, and a copy of the Maintenance Supervisor posting for which he applied.

During my interview of Mr. Staples, he expressed three primary reasons and provided an explanation for each to support his claim that he is working out of classification. First, he explained that there is no groundskeeping work required in his job description. Currently, he inspects facilities grounds for fire and electrical hazards and safety. He meets with principals about taking appropriate actions to ensure safety for students and staff. He assigns work to the gardening division when, for example, pruning needs to be done or when drains need to be cleaned to ensure safety and avoid hazards. Second, Mr. Staples explained that the responsibility of inspecting facilities to enforce safety practices lies with the Plant Operations Manager. Mr. Staples believes that his role is to inspect work in progress and he pointed to his job description in support. Mr. Staples also explained that his job description states that his job is to review the preventative maintenance plan, not develop the plan as he currently does. Finally, he explained that he routes work to his colleague, Jean Philippe Rabeux, to his supervisor, Steve Collins and to the other Plant Operations Manager, Greg Williams. Mr. Staples explained that his job description does not require him to identify the work needed in other areas and route out to the appropriate administrator.

The memorandum dated March 23, 2004 that Mr. Staples shared with me from Ms. Brier documents the District's resolve in merging two Maintenance Supervisor classifications to provide the District with more flexibility as it relates to assigning supervisory duties in the Facilities Department. In the memo, Ms. Brier states, "the District feels it would benefit to have the job description broadened and more generalized in place of having two or three job descriptions..." The Board and Commission approved the single Maintenance Supervisor job description to capture a broad scope of responsibilities in the maintenance area. Consequently, the Facilities

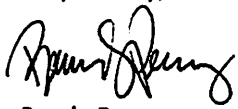
Attachment B

Department under the leadership of Lew Jones, divided the work and administrative responsibilities into two supervisory shifts: the day shift and the night shift. The supervisor working the day shift manages work orders and immediate maintenance emergencies that come about during the day. The supervisor working the night shift manages the preventative maintenance for the District's facilities.

Mr. Staples' assertion that his job description does not entail certain maintenance responsibilities such as groundskeeping, inspecting facilities for safety and hazards and developing a preventative maintenance plan versus reviewing such a plan goes against the grain of the whole purpose the District merged the Maintenance Supervisor job descriptions into one single and general classification. Perhaps the job descriptions that existed prior delineated specific duties and restricted what one supervisor could and could not do, but the current job description encompasses everything that Mr. Staples believes it does not. The Definition section of the job description states: "Under the direction of an assigned supervisor plan, schedule, assign, coordinate, supervise, review and evaluate maintenance, custodial and facilities activities, and personnel, including preventative and emergency and routine maintenance..." In addition, the Example of Duties states the following responsibilities: "schedule, assign and review preventative maintenance and emergency repairs of facilities, inspect work in progress and completed work to ensure safe and efficient operations and legal compliance with fire, safety and uniform building codes..." A major component of preventative maintenance is to assess and address maintenance needs proactively before they become safety and hazard issues as indicated in the preceding quote from the job description. Furthermore, as a supervisor working the night shift, his responsibility is to plan, schedule, assign [the work of], coordinate, supervise, review and evaluate preventative maintenance for the District. I do not see his job description and his role as a supervisor limited to reviewing the preventative maintenance plan. "Reviewing" versus "developing and planning work plans" are duties in alignment with non-management positions. Finally, his routing of work is a consequence of how the workflow is set up in the Facilities Department. As I understand from speaking with both Mr. Collins and Mr. Jones, Mr. Staples has a certain timetable as defined in his Master Maintenance Schedule with which to complete certain maintenance tasks and projects. Those tasks and projects that aren't completed or that require work that Mr. Staples and his crew aren't authorized or equipped to perform are routed to the appropriate administrator. This is the workflow that was established by the Facilities Department upon the District's merging of the Maintenance Supervisor classifications.

In summary, Mr. Staples is an administrator and his supervisory responsibilities encompass all that relates to the management of the preventative maintenance for the District. Administrators do develop and plan the body of work required, do write summary reports, do route work to the appropriate channels for completion and do all that is necessary to ensure proper management of the area or domain for which they have been assigned. There is no evidence that Mr. Staples is working or has been working out of class.

Respectfully,



Randy Perez
Director, Classified Personnel & Secretary to the Personnel Commission

cc: Jonathan Staples

Attachment B

MAINTENANCE SUPERVISOR

Salary Range 65 $4070-4952
Revised and Approved by Merit Commission:

DEFINITION
Under the direction of an assigned supervisor plan, schedule, assign, coordinate, supervise, review and evaluate maintenance, custodial and facilities activities, and personnel, including preventive and emergency and routine maintenance of classrooms, offices, and other facilities, train, supervise and evaluate the performance of assigned personnel.

EXAMPLE OF DUTIES
Essential Functions: Plan, organize, coordinate and review the installation, maintenance, cleaning and repair of facilities, systems and equipment; supervise mechanical and structural maintenance and custodial activities including carpentry, painting, locksmithing, plumbing, electrical work, heating and air conditioning and the work of other skilled trades; schedule, assign and review preventative maintenance and emergency repairs of facilities; inspect work in progress and completed work to ensure safe and efficient operations and legal compliance with fire, safety and uniform building codes, communicate with District staff and administrators, vendors and contractors concerning maintenance projects and needs; estimate project materials and costs; ensure that equipment, supplies, parts and other materials are ordered, received, issued, stored and inventoried according to established procedures; train, supervise and evaluate the performance of assigned personnel; maintain records and prepare reports, operate a District vehicle. Perform related duties as assigned.

EDUCATION AND EXPERIENCE
Any combination equivalent to graduation from high school and either a) training equivalent to an apprenticeship program in one of the mechanical/electrical trades and five years of increasingly responsible HVAC, plumbing or electrical experience

Page 4:

and/or b) 4 years as custodian and 5 years in lead custodian capacity and experience in training, supervising and directing the work of others. Basic computer systems.

KNOWLEDGE Of:

City, State laws and regulations, principles, methods, practices of effective work coordination and planning, principles and practices of effective supervision and training, oral and written communications skills; record and budget keeping techniques. Knowledge of the safe and proper handling of hazardous and recyclable materials and knowledge of MSDS documentation, desirable.

ABILITY TO:

Plan, organize, coordinate, schedule, review and evaluate maintenance and custodial staff, supervise scheduled maintenance and custodial personnel. Communicate and work cooperatively with others schedule work effectively to meet timelines; supervise assigned personnel; apply and explain rules and policies; up date EMS system. Ability to red blue prints, but not required.

PHYSICAL REQUIRMENTS & WORKING CONDITIONS:

- Required vision (which may be corrected) to read small print
- Require the mobility to stand, stoop, reach and bend. Require mobility of arms to reach and dexterity of hands to grasp and manipulate small objects.
- Require the ability to stand for long periods.
- Required the ability to walk long distances.
- Require the ability to lift, push/pull up to 50 lbs, infrequently.
- May be required to work in inclement weather without effective protection from sun, cold and rain.
- May be required to work around loud noises, and /or foul odors.
- May be required to work around moving mechanical parts or electrical current.
- May be required to work evenings or weekends.

Personnel Commission

2011-2012 Annual Report — Berkeley Unified School District

Personnel Commission

The Berkeley Unified School District Personnel Commission, established in 1943, is one of the oldest established personnel commissions in northern California. It is authorized by the Education Code and our Merit System rules and regulations. A "merit system" of employment is like a civil service system. It only applies to the District's classified employees (those employees who are not required to maintain a teaching credential). The purpose of the merit system is to ensure that classified employees are selected, promoted and retained on the basis of merit and fitness without favoritism or bias.

The Personnel Commission is an independent governing body composed of three members. One commissioner is selected by the governing Board, one commissioner is selected by the largest classified employee collective bargaining unit, and one commissioner is selected by the other two commissioners. Commissioners are appointed for a staggered three-year term. The term of one commissioner expires each year.

PERSONNEL COMMISSION TRANSACTION	07/01/11 to 06/30/12
Promotional Appointments	4
Probationary Appointments	32
Separation from Service	55
Probationary to Permanent	38
Layoffs	4
Transactions Subtotal	133

RECRUITMENT/SELECTION ACTIVITY	07/01/11 to 06/30/12
Number of Recruitments	115
Applications Received	3572
Written Examinations Given	920
Sucessful Qualification Interviews	184
Sucessful Performance Examinations	27
Eligibility Lists Established	36
Recruitment Subtotal	4854

Annual Report 2011-2012

2011-2012 Year In Review

The 2011-2012 fiscal year was one characterized by change for the Commission and staff. For one, it was my first year with the Berkeley Unified School District. Although faced with many new challenges, I had a wonderful support system through my colleagues in HR and through the Commissioners. Needless to say, I survived. In addition, we also reorganized and created a new Personnel Commission job classification; we undertook the painstaking process of revising the Merit Rules; and we began laying the groundwork for the District-wide compensation and classification study.

In focusing our efforts to improve our overall service, we created a new Commission position: the Personnel Coordinator, Personnel Commission. With the Personnel Coordinator position, we sought to implement a targeted management of the recruitment and testing process as well as the development of better recruiting and testing systems. We also added an administrative assistant to add support in building eligibility lists from which we could assign limited term and substitute employees.

I understand that Commissions prior have not been successful in completing the revision of our Merit Rules. Naturally, our current Commission made this one of our priorities. Our 2011-2012 Commission Chairperson, Dan Lee, took the lead in resuming this weighty project. We started from scratch and have made very good progress along the way. Our goal is to clean up ambiguous language, align better with Education Code and implement rules to allow for the better administration of the classified service.

Much like the Merit Rules revision, the District had undergone an unsuccessful compensation and classification study in 2007-2008. The last compensation and classification study to be completed was approximately 15 years ago. Both the Commission and the Board of education voiced a sense of urgency in beginning the study. In 2011-2012, we worked on developing a timeline of events needed to carry this project out, and we presented to the Commission and the Board our projected tasks and timeline. We are now in the beginning stages of a District-wide comp and class study.

Finally, the Commission saw a changing of the guard-as it were-for the Commissioner appointed by the Berkeley Council of Classified Employees (BCCE). Mr. Roy Doolan's tenure as a Commissioner came to conclusion in February of 2012. Mr. Doolan has been a long standing member of our Commission, and his service to the public will be characterized by his dedication, integrity, intellect and fairness. We now welcome Timothy Carter as the new BCCE appointed Personnel Commissioner, and we look forward to working with him in the coming years.

Randy Perez
Director, Classified Personnel