

Meeting Minutes

February 11, 2013

1. Call to Order

The meeting was called to order at 4:09PM.

2. Roll Call & Establishment of Quorum

Chairperson Aoyagi, Vice-Chairperson Carter and Commissioner Lee were all present and a quorum was established.

3. Closed Session Item: Discuss Request for Appeals Hearing for Two Classified Employees

The meeting was ordered into closed session by Chairperson Aoyagi.

4. Report from Closed Session and Open of Public Meeting 4:30pm

The Public Meeting was established at 4:35PM. During the Closed Session, a hearing officer was assigned to each of the two hearings.

5. Public Comments

No public comments were made.

6. Swearing In of Joint Appointed Commissioner

Beatriz Leyva Cutler, Director/Clerk of the Board of Education, swore in Ann Aoyagi as the joint appointed Personnel Commissioner of the Berkeley Unified School District.

7. Approval & Adoption of Agenda

The Agenda was approved and adopted without change.

Approved: 3-0

8. Approval of Minutes

The January 10, 2013 meeting minutes were approved without change.

Approved: 3-0

9. Consent Items

Secretary Perez provided a corrected copy of the eligibility list for the Senior Budget Analyst position, due to a candidate inadvertently being listed twice on the original list. Chairperson Aoyagi motioned to ratify the following Eligibility Lists:

- a) Account Technician
- b) Senior Budget Analyst
- c) Grounds Gardener
- d) Facilities Security Worker
- e) Instructional Media Technician
- f) Accountant
- h) Instructional Technician, Cooking
- i) Maintenance Engineer

Approved: 3-0

10. Discussion Items

- a) Agenda Item Request from BCCE

Paula Phillips, President, Berkeley Council of Classified Employees, commented that allowing the District to create positions without following the established Merit Rules is an abuse of the Merit Rules. President Phillips also commented that the Director, Classified Personnel abused his authority in appointing a provisional employee in a limited-term assignment instead of hiring employees from an eligibility list. President Phillips asked that all limited-term and provision assignments be brought before the commission before appointment. Chairperson Aoyagi inquired on how the provisional employee was appointed without being on the eligibility list. In response to a question from Chairperson Aoyagi, Secretary Perez explained that, although the appointee was on not the eligibility list, she had

applied for the position in question and had met all of the minimum qualifications for the position. Secretary Perez stated that she was appointed to the position provisionally due to the urgent need from Principal Scuderi. Commissioner Lee commented that the initial appointment, due to its urgency and limited-term, was within the scope of responsibility of the Classified Personnel Director. With regard to the provisional appointment, Vice-Chairperson Carter expressed concern that the Director Perez had not complied with the directions the Commission ordered at the last meeting regarding this position, and he stated that all future directions from the Commission are to be followed. Vice-Chairperson Carter stated that communication between Director Perez and the Commission regarding these types of urgent issues should be done via email. Secretary Perez pointed out that the Brown Act prohibited polling of Commissioners and seeking permission via email would constitute polling.

b) Personnel Commission Budget

Commissioner Lee asked if the Personnel Commission has sufficient staffing to fully accomplish its work. Secretary Perez stated that (in addition to himself) the two current positions - Administrative Assistant and Personnel Coordinator – will be sufficient to carry out Commission work, including the tracking required by the Writ. President Phillips commented that information printed out from the e-mailed version of the financial summary report (Attachment A) was missing a column, which did appear in the agenda documents sent via district mail. She pointed out that it is for this reason that it is important that BCCE receive district mailings on time.

11. Conference Items

a) Administrative Review of job duties of employee Jonathan Staples

Jonathan Staples provided his response to the report that Director Perez provided to the Commission last meeting. Chairperson Aoyagi requested additional time for the Commission to review the document. Mr. Staples agreed to return at the next meeting to continue the discussion of this matter.

b) Classified Staff Appreciation Day

Secretary Perez commented that the third week in May is the Classified Appreciation Week. The Commission preliminarily selected Tuesday, May 21st, as the day of celebration. Commissioner Lee suggested utilizing an outside venue for the event. Secretary Perez volunteered to research viable outdoor locations.

c) Personnel Commission Classification Study Committee Participation

Commissioner Lee offered to represent the Commission within the Classification Study Committee. Approved: 3-0. President Phillips expressed concern that the Classification Study Committee has not yet met with classification and compensation consultant regarding setting the study into motion. President Phillips also expressed concern in having Commissioner Lee on the Classification Study Committee, because he does not represent any of the occupational groups or departments represented within the study. Secretary Perez will confer with the consultant regarding Commissioner Lee’s participation in the Classification Study Committee. President Phillips suggested a meeting with the consultant and the Commissioners to help clarify the role of the Classification Study Committee. Secretary Perez stated that they are in the process of planning a joint meeting with the Board of Education, the Personnel Commission and the consultant. Secretary Perez also stated that the consultant will be meeting with the Classification Study Committee and Cabinet on February 19th, and the Management Team on February 20th.

12. Information Items

a) Examinations administered in the month of January

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

b) New hires processed in the month of December

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

13. Reports

a) Union

President Phillips stated that the Union has not been receiving the printed agenda packets within a reasonable amount of time before the Commission meetings. President Phillips also stated that the hiring of provisional and limited-term employees has not been done in accordance with the Merit Rules.

b) Commissioners Reports

Commissioner Lee recognized Secretary Perez for his work on the 2011-2012 Annual Report. Chairperson Aoyagi noted that, due to Commissioners being out of the country in February, March and April, the Commission would not be able to again focus on Rules and Regulations revision until May.

c) Personnel Director

i. Classification and Compensation Study

Secretary Perez stated that the consultant will meet with Cabinet and the Classification Study Committee on February 19th and the Management Team on February 20th. February 27th is the tentative start date for the orientation sessions with the classified staff.

ii. Revised Personnel Commission meeting dates

Chairperson Aoyagi commented that the following Commission meetings will take place at the Tech Lab:

April 11, 2013 (starting at 5:30pm)

September 12, 2013

iii. Annual Report

Secretary Perez presented the 2011-12 Personnel Commission Annual Report. He commented that future Annual Reports will contain more information related to the Commission and its yearly achievements and that more information will be tracked this year in preparation for next year's report.

14. Public Comments (15 minute limit)

No public comments were made.

15. Next Meeting

The next meeting will occur on March 7, 2013

16. Adjournment

Meeting adjourned at 6:07pm.

Respectfully Submitted:

Randy Perez
Secretary, Personnel Commission

Date

Approved:

Ann Aoyagi
Chairperson, Personnel Commission