

Personnel Commission Meeting Minutes

August 12, 2015 - 4:30 pm

1. Call to Order

The meeting was called to order at 4:35 pm.

2. Roll Call & Establishment of Quorum

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

3. Public Comments

Chairperson Aoyagi proposed that conference item #9 be moved up after public comments. Paula Phillips, President BCCE, commented that she is concerned that the Director of Classified Personnel seemed to have the authority to change testing processes without having to always consult with the Commission. She said that employees should be notified of these changes, particularly those who will be taking exams.

4. Closed Session

- a) The Personnel Commission met in closed session to discuss a matter related to the termination and subsequent appeal hearing of a classified employee.
- b) The Personnel Commission resumed the performance evaluation process for the Director, Classified Personnel.

5. Report from Closed Session

Returned from closed session at 6:13pm. Chairperson Aoyagi reported that the Personnel Commission voted to uphold the hearing officer's decision to terminate an employee. The employee evaluation that was discussed will be carried over to next meeting.

6. Approval & Adoption of Agenda

Approved, 3-0.

7. Meeting Minutes

- a) July 2, 2015
Commissioner Carter requested to remove the following wording: "the PC cannot recommend dollar amounts" from Discussion item 9. a)
Approved as amended, 3-0.
- b) July 21, 2015
Approved, 3-0.

8. Consent Items

Ratification of Eligibility Lists

- a) Grounds Gardener
 - b) School Safety Officer
 - c) Nutrition Services Production Operator
 - d) Budget Analyst
 - e) Compliance Officer and Title IX Coordinator
 - f) School Secretary I
 - g) Food Service Assistant
- Paula Phillips requested to pull item 8h.
Approval of items 8a-8g:
Approved, 3-0

h) Grounds Gardener Leadworker

Paula Phillips, BCCE, commented that a member who did not pass the written exam is appealing the exam because the questions in the written exam weren't reflected in the job description.

Approving the eligibility list,

Approved, 2-1.

Chairperson Aoyagi – Aye

Vice-chairperson Ortiz – Aye

Commissioner Carter- Nay

9. Conference Item

a) Secretary Perez mentioned that legal counsel will return to him with a recommendation regarding the Personnel Commission's involvement in determining bilingual differentials on the following Monday. Francisco Martinez, Admissions Manager, provided the Personnel Commission with references regarding its authority to interpret and amend the rules, and said that on behalf of Local 21, he is urging the Commission to update its rules and grant bilingual employees differential pay. Paula Phillips, BCCE President, commented that this not only covers bargaining units but also covers confidential employees who are non-represented and use the Personnel Commission as their only recourse. She added that she supports Local 21 in this effort and asked for a 3% and 5% differential, for all bilingual employees utilizing their language skills. Secretary Perez, commented that there is no conflict of opinion and that everyone agrees that the current rule is outdated, but the issue is whether the Personnel Commission has the authority to make a decision regarding language differentials to determine the bilingual stipend. He added that the Educational Employment Relations Act (EERA) states that wages are determined by the School Board, not by the Personnel Commission. A Berkeley parent commented that she has three children in the district and that it is very important for her to have Spanish speaking employees in the district because it is the only way she can communicate with teachers and participate in her children's education. Commissioner Carter moved to amend the rules to grant a 3% and 5% bilingual differential. Vice Chair Ortiz commented that he is uncomfortable making a decision without the legal opinion. Chairperson Aoyagi commented that this issue will be discussed at the next regular meeting.

Motion was made to grant a bilingual differential: Not approved, 2-1.

Chairperson Aoyagi – Nay

Vice-chairperson Ortiz – Nay

Commissioner Carter- Aye

10. Reports

a) Union

Paula Phillips, BCCE President, commented that there have been violations of labor codes and hiring practices by the Personnel Commission. She added that it seems that the commission is trusting solely the opinion of the Classified Director and is not doing its own research. She added, however that the district has finally agreed to inform employees of their probationary end dates.

b) Commissioners Reports

None

c) Personnel Director

New Hires and Examinations administered in the month of July.

Secretary Perez commented that there have been numerous complaints filed against District, but in all the time that he has been employed with the District, he has never received notification from the Equal Employment

Opportunity Commission or the Department of Labor that procedures need to be changed because the District has violated anything.

11. Public Comments

None

12. Next Meeting

The following special meeting to update Personnel Commission Rules and Regulations will be Wednesday, August 26th at 4:30 pm.

13. Adjournment

The meeting was adjourned at 6:37 pm.

Respectfully Submitted,

Randy Perez
Secretary to the Personnel Commission

Date

Approved,

Ann Aoyagi
Chairperson, Personnel Commission

Date