

Berkeley Unified School District
Personnel Commission Special Meeting Minutes

April 14, 2016 – 9:30 a.m.

1. Call to Order

The meeting was called to order at 9:30 am

2. Roll Call & Establishment of Quorum

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

3. Public Comment

Paula Phillips, BCCE President, commented that in regards to overpayments, the BCCE contract states that a notice must be sent to employee's in advance listing the reasons for the overpayment and informing them that they have a right to make a repayment schedule with the District. She commented that Roderick Carraway, Maintenance Technician, had his pay deducted for allegedly missing work days in the month of February. She commented that his pay was deducted in March but the notice was dated in April. She commented that the Union requested that Mr. Carraway be reimbursed for the pay that was deducted from his paycheck and that the District work out a repayment plan with him. She said the Union requested that this be done on April 12th. She also said that this has happened several times in the past and hoped that the Commission and the District would rectify this.

4. Approval & Adoption of Agenda

Approved, 3-0

5. Discussion Item

a. Agenda Item Request – M. Ferguson

Secretary Perez stated that Assistant Superintendent of Human Resources, Delia Ruiz requested information from the Personnel Commission regarding what they believe their purview was over Ms. Ferguson's separation and placement on the 39-month reemployment list. Secretary Perez indicated that Ms. Ruiz requested that the Commission identify a Merit Rule that demonstrates that the Commission has review. Commissioner Goldstein stated that she wanted to see a timeline of events from Secretary Perez and Ms. Ferguson in order for the Commission to determine whether they had purview or not. Vice Chairperson Carter asked Secretary Perez if there is a Merit Rule that they should review that relates to this matter. Secretary Perez responded that in his opinion, the Commission does not have purview over this and that there are several processes in place for the employee to appeal but none are under the Personnel Commission's purview. Commissioner Goldstein commented that more information was needed from Secretary Perez and Ms. Ferguson. Chairperson Ortiz asked if the Interactive Process form can be brought forward to the next meeting for discussion. Chairperson Carter asked Secretary Perez for a written statement as to why Merit Rule 60.700.5(g) would not apply to Ms. Ferguson's case.

b. Personnel Commission Draft Budget for Fiscal Year 2016-2017

Secretary Perez indicated that more funds were added to the travel and conference allocation from the substitute and overtime allocations. President Phillips commented that the previous year's budget expenditures should be reviewed. She asked how the legal fees were being used. Commissioner Goldstein commented that typically budgets are not always transparent and that usually an emergency fund is kept. She said that a line item in legal counsel is overdrawn and she also asked where the money comes from. Secretary Perez responded that a lot of the money in the budget is non-discretionary. Vice Chairperson Carter asked if there were any roll over funds from money not used up from previous years. Chairperson Ortiz said there is no "roll-over" with school budgets. Vice Chairperson Carter said that the Personnel Commission's budget is not under the District's purview and therefore, should be able to be managed more exclusively by the Personnel

Commission and not the District. Commissioner Goldstein commented that generally most entities manage unexpected expenses by keeping a reserve, but that she can ask for more information about how other Districts manage their money.

c. *Working session: Revision of Personnel Commission Merit Rules and Regulations.*

The Personnel Commission went into a working session to revise the Personnel Commission Merit Rules and Regulations. Chapter six of the Merit Rules was reviewed by the Commissioners.

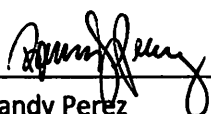
6. Public Comment

None

7. Adjournment

The meeting was adjourned at 11:29 am

Respectfully Submitted,



Randy Perez
Secretary to the Personnel Commission

4/29/2016

Date

Approved,

Reynaldo Ortiz
Chairperson, Personnel Commission

Date