

Berkeley Unified School District
2020 Bonar Street, The Tech Lab, Room 126
Berkeley, CA 94702

Personnel Commission

Reynaldo Ortiz, Chairperson

Timothy Carter, Vice-Chairperson

Heidi Goldstein, Commissioner

Randy Perez, Secretary

Special Meeting Agenda

May 11, 2016 – 1:15 p.m.

- 1. Call to Order** **Chairperson Ortiz**
- 2. Roll Call & Establishment of Quorum** **Secretary Perez**
- 3. Public Comment (15-minute limit)** **Public**
This is an opportunity for the public to comment on Personnel Commission business not on the agenda. The time limit is five minutes per individual and a total of fifteen minutes per subject. No action can be taken by the Commission.
- 4. Approval & Adoption of Agenda** **Chairperson Ortiz**
- 5. Conference Item** **Chairperson Ortiz**
This item is presented for discussion and action and is carried over from a previous meeting.
 - a. Agenda Item Request – M. Ferguson
- 6. Public Comment (15-minute limit)** **Public**
This is an opportunity for the public to comment on Personnel Commission business not on the agenda. The time limit is five minutes per individual and a total of fifteen minutes per subject. No action can be taken by the Commission.
- 7. Adjournment** **Chairperson Ortiz**

Personnel Commission of the Berkeley Unified School District



2134 Martin Luther King Jr. Way, Berkeley, California 94704-1180

Agenda Item Request Form

You may fax this form to (510) 644-6151 attention to Randy Perez, hand deliver it to the address above or scan and email to randyperez@berkeley.net. The Human Resources Department is open Monday through Friday from 8:00am to 4:30pm.

The deadline for submitting a request for items to be included in a Personnel Commission Meeting is 4:00pm 7 calendar days prior to the Personnel Commission Meeting you are considering. This form can be obtained from the Secretary to the Personnel Commission or by downloading the form from the Berkeley Unified School District website under the Personnel Commission.

Name of Person Requesting Item for Agenda: *Marie Ferguson*

Telephone Number: **510-379-6166**

Email Address: **bccemarie@gmail.com**

Description of Item: **Return to Work and Reasonable Accommodations, Merit rule: 60.700.5(g)**

Requesting to add this as an agenda item to the April meeting.

Background Information: **See attached dated 03/30/16**

(Please attach or include some background information to assist the Personnel Commission in determining appropriate action.)

For Personnel Commission Use Only:

Date of Chairperson Review: _____

Determination: Place on agenda for meeting of 5/11/2016

Date of Personnel Commission Meeting

Place on agenda as Conference (Discussion and Action)

Type of Item

Do not place on agenda

CERTIFIED AND ELECTRONIC MAIL

March 30, 2016

**TO: Randy Perez, Classified Personal Director
2020 Bonar Street
Berkeley, CA 94704**

FROM: Marie Ferguson

RE: Interactive Process Status

This letter is to inquire into my return from ADA and the interactive process. I was released back to work 02/25/16 with modifications due to several work related injuries. On 2/18, 02/19 and recently on 3/24/16 by fax, I provided the required ADA reasonable accommodation forms and medical notes completed by my worker's comp physician. I received a response from you on Friday, 3/25/16 at 3:53pm stating that you were in receipt of the medical note and that you would be in contact with me on Monday, 3/28/16. As of today, Wed. 03/30/16 I have not received a response from you. However, to my dismay, I discovered my position was posted on 03/29/16.

Paula Phillips, BCCE Union President and I met with you on 03/14/16 and again on 03/16/16 to engage in an Interactive Process. I informed you that I was waiting for my physician to complete the forms and once I received the forms I would provide the information, to you which I did on 3/25/16. Merit rules 60.700.5(g) Industrial Accident and Industrial Illness states "Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in his/her former class ahead of any employee with a lesser amount of seniority".

Thus, please provide a response detailing my current status in the interactive process and my return to active duty. I feel it is unfair and unjust after 25 years of loyal employment with the District, to have sustained work related injuries and not be accommodated by the District. These unwarranted delays by you in returning me to work is a violation of my rights under the Americans with Disability Act. I am requesting an immediate response.

**Marie Ferguson
bccemarie@gmail.com**