

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

Reynaldo Ortiz, Chairperson **Timothy Carter, Vice-Chairperson** **Heidi Goldstein, Commissioner**
Personnel Commission
Randy Perez, Secretary

Special Meeting Agenda
June 13, 2016 – 4:30 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**
These items are presented for discussion and action and may be carried over from a previous meeting.
 - a. *Ratification of the Classification and Compensation Study for Classifications in the BCCE Unit p. 2*
 - b. *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**

**Berkeley Unified School District
Personnel Commission**

TO: Personnel Commission
FROM: Randy Perez, Director, Classified Personnel
DATE: June 13, 2016
SUBJECT: **Approval of Classification and Compensation Study for Classifications in the Berkeley Council of Classified Employees (BCCE) Unit**

Background:

On November 17, 2014 and November 18, 2014, the Personnel Commission approved the Classification and Compensation Study for classified employees of the District. The District's negotiations team has been meeting with the Berkeley Council of Classified Employees (BCCE) to bargain the impacts and effects of the implementation of the Study as approved by the Personnel Commission and the Board of Education. Approximately 80 job descriptions have been revised, and staff is recommending approval of all agreed upon amendments. BCCE has informed staff that it has scheduled the ratification meeting for June 16, 2016. Copies of the tentative agreement will be provided to the Personnel Commission and the public at the meeting.

Policy/Code:

Government Code § 3450 et seq.

Recommendation:

Approve amendments made to the classification and compensation study.

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 _____
Date of Personnel Commission Meeting

Place on agenda as _____
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**