

Berkeley Unified School District
Personnel Commission Meeting Minutes

July 15, 2016 - 4:30 pm

1. Call to Order

The meeting was called to order at 4:33pm

2. Roll Call & Establishment of Quorum

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

3. Public Comments

Lolita Coleman, former Administrative Assistant, commented that she was laid off and not given a right to return to the District.

Mansour Id-Deen, NAACP Berkeley Chapter President, commented that he has not received answers to questions posed in the previous meeting.

4. Approval & Adoption of Agenda

Vice Chairperson Carter made a motion to move agenda item 7.a. to conference item 8.c.

Approved as amended, 3-0

5. Approval of Meeting Minutes

Approved, 3-0

6. Consent Items

Ratification of Eligibility Lists

- a) Public Information Officer
- b) Instructional Assistant Special Ed, Attendant
- c) Extended Day Program Coordinator
- d) Grounds Gardener Leadworker
- e) Sous Chef Production Kitchen
- f) School Services Assistant
- g) Senior Budget Analyst
- h) School Bus Driver

Commissioner Goldstein asked why there was a wide range of exam dates, Secretary responded that it depends on the type of exam being administered.

7. Discussion Items

- a) Agenda Item Request: Marco Akil

Marko Akil, Instructional Technician, said that he was unfairly probationary released from his Instructional Assistant Special Ed, Attendant position due to a violation of policies and procedures. He said he received a poor evaluation with no previous notice, and that he felt it was of a vindictive nature because he raised concerns about the lack of training he receive as an IA, Sped. Attendant. Paula Phillips, BCCE President, commented that the District has engaged in a pattern of not telling employees about FMLA, and not providing training for new employees. She also commented that the District will probationary release employees just a few days before they reach permanent status instead of offering coaching and training. Mr. Akil requested job reinstatement because he was unfairly released and was not given notification that his evaluation would be unsatisfactory per the BCCE contract. President Phillips said that Employee Remediation plans are not being conducted properly by supervisors. Secretary Perez said Mr. Akil's poor attendance negatively affected his evaluation and led to his probationary release. Vice Chairperson Carter commented that the District is clear

about the probationary period and that supervisor's don't need to provide a reason when they probationary release an employee. Commissioner Goldstein said that because a first level grievance procedure was initiated by the employee it calls to question whether his release was retaliatory. Chairperson Ortiz asked Secretary Perez to request information from the Compliance Officer regarding Mr. Akil's appeal.

8. Conference Items

- a) **Health and Wellness Program Coordinator:** Secretary Perez commented that the Health and Wellness Program Coordinator classification was approved by the Board in June and reviewed by Local 21. President Phillips commented that the duties in this classification are very similar to the Instructional Specialist, Cooking duties. She was surprised to see the position come back as a management position when many members before were performing the same work. Secretary Perez responded that the position is very different because the incumbent must be a registered dietician and will develop curriculum in schools that have students with health and obesity issues. He also stated that the incumbent would supervise staff. A motion was made to approve the new Health and Wellness Program Coordinator job classification.
Approved, 3-0
- b) **Approval of all New Job Classifications:** Commissioner Goldstein requested to receive copies of the job descriptions in advance before the meeting. Vice-Chairperson Carter said that copies of job descriptions for new classifications should have been provided before the meeting for review. A motion was made to approve all new job classifications with changes to education and experience.
Approved, 3-0
- c) **Marie Ferguson provided copies to the Commissioners of her most recent doctor's note.** Mr. Id-Deen said that Ms. Ferguson was placed on the 39 month rehire list before the interactive process was completed and that she has financial responsibilities so this process needs to be finalized. President Phillips commented that Ms. Ferguson is not separated from the District because she is on the re-hire list, and therefore, she has re-employment rights and should bump the employee with the least seniority in her classification. Secretary Perez commented that he followed up with the attorney Ray Combs, however he was not available to send his legal opinion until the August meeting. Commissioner Goldstein asked Secretary Perez where he thinks they are in the process given Ms. Ferguson's most recent medical note. Secretary Perez responded that he still needs more information from Ms. Ferguson regarding her stress injury to complete the interactive process. Pursuant to that last medical note she submitted to HR, he is working on scheduling a fitness for duty examination. Ms. Ferguson said she has provided all the information that is necessary and that she will not do a fitness for duty examination.

9. Reports

- a) **Union**
President Phillips commented that there are changes in processes that Personnel Commission staff is making and that they have not notified the Union. She mentioned that the application for the Instructional Assistant, Special Ed Attendant has been revised to include a questionnaire, however these changes should have been made by the Commission. She also commented that the Human Resources department picks and chooses whom to fill limited term assignments. President Phillips commented that there is clearly a problem with processes and procedures within the Personnel Commission Office.
- b) **Commissioners Reports**
Chairperson Ortiz commented that he would send Commissioners information about the Personnel Commission and Board duties and responsibilities.
- c) **Personnel Director**
 - i. **New Hires and Examinations administered in the month of June.**

10. Public Comments

Ms. Coleman commented that she would also like to bring an agenda item request regarding her placement on the 39 month rehire list. Estela Cisneros, Library Media Specialist, commented that she ran for BCCE President and although she was not elected, she is still interested in helping the Union and wants to bring greater unity between the District and Union. She commented that she was dissatisfied with the outcome of the Compensation and Classification study because several employees did not receive retro pay. Mr. Id-Deen requested clarification on the bumping rights for those that are on the 39 month rehire list.


11. Next Meeting

The next regular meeting was scheduled for August 4, 2016 at 4:30pm


12. Adjournment

Meeting was adjourned at 8:36pm

Respectfully Submitted,



Randy Perez
Secretary to the Personnel Commission



Date

Approved,

Reynaldo Ortiz
Chairperson, Personnel Commission

Date