

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

Erin Arinez, Classified Personnel Supervisor

Meeting Agenda

October 13, 2016 – 5:00 pm

1. **Call to Order** **Chairperson Ortiz**
2. **Roll Call & Establishment of Quorum** **Erin Arinez**
3. **Public Comments (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. **Approval of Meeting Minutes** **Chairperson Ortiz**
Approve the Personnel Commission Meeting Minutes for the following:
 - a) August 4, 2016 p. 3-5 (as amended from September 1st meeting)
 - b) September 1, 2016 p. 6-8
6. **Consent Items** **Chairperson Ortiz**
Ratification of Eligibility Lists
 - a) Student Systems Analyst p. 9
 - b) Health and Wellness Program Coordinator p. 10
 - c) School Bus Driver p. 11
 - d) School Safety Officer p. 12
 - e) Human Resources Technician (brought back from September 1st meeting) p. 13
7. **Discussion Items**
This item is presented for discussion only and may be carried over from a prior meeting. No action will be taken on this item at this time.
 - a) Agenda Item Request: Lolita Coleman – **Attachment A**
8. **Conference Items** **Chairperson Ortiz**
This item is presented for discussion and action and is carried over from a previous meeting.
 - a) Review resume and meet with potential Interim Director of Classified Personnel.
 - b) Discuss and approve the recruitment plan for the Director of Classified Personnel.
9. **Reports**
 - a) Union **Union Representatives**
 - b) Commissioners Reports **Commissioners**
 - c) Classified Personnel Supervisor **Erin Arinez**
 - i. New Hires and Examinations administered in the month of August p. 14

10. Public Comments (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.

11. Next Meeting

Chairperson Ortiz

Follow up items for next Personnel Commission Meeting

12. Adjournment

Chairperson Ortiz

Berkeley Unified School District
Personnel Commission Meeting Minutes

August 4, 2016 - 4:30 pm

1. Call to Order

The meeting was called to order at 4:29pm

2. Roll Call & Establishment of Quorum

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

3. Public Comments

Paula Phillips, BCCE President, commented that the Commission cannot stifle public comments even if it seems disrespectful. Vice Chairperson Carter said there should be a certain level of decorum and respect during the public meetings.

4. Approval & Adoption of Agenda

Approved, 3-0

5. Approval of Meeting Minutes

a) June 13, 2016

President Phillips commented that in regards to Conference Item 5.a., the classification and compensation study, in some cases, resulted in a re-classification due to a gradual accretion of duties.

Approved as amended, 3-0

b) July 15, 2016

Commissioner Goldstein commented that in Discussion Item 7.a. it should be recorded that Marko Akil filed a Level I Grievance prior to his probationary release. Commissioner Goldstein also commented that it should be noted that letters from the BNAACP and School Board, and doctor's notes were included in the packet provided by Marie Ferguson.

A motion was made to bring minutes back to the next commission meeting,

Approved, 3-0

6. Consent Items

Ratification of Eligibility Lists

a) Maintenance Supervisor

b) Delivery Driver

c) Public Information Officer

d) Executive Assistant II, Confidential

Approved, 3-0

7. Discussion Items

a) Agenda Item Request: Lolita Coleman

Lolita Coleman, former Administrative Assistant, commented that she was placed on the 39-month re-hire list but received notification three weeks late and her benefits were jeopardized due to her separation having been reported as voluntary. Ms. Coleman said that she submitted a doctor's note on 7/19/16, and would like to be reinstated to her previous position, which had since been upgraded from Administrative Assistant to Employee Benefits Specialist, with retroactive pay. She stated that she believes she is being retaliated against for filing a Workers Compensation claim and for her affiliation with the Union. President

Phillips requested that the Commission review the timeliness of Secretary Perez's letters to employees who are being placed on the 39 month rehire list. Commissioner Carter asked how many former employees are on the re-hire list due to exhaustion of all leaves. Secretary Perez indicated he would email the Commissioners a list of the former employees that are on the 39-month re-hire list due to exhaustion of all leaves. Commissioner Goldstein cited merit rule 60.700.5.g and said that better explanation of this rule was needed.

8. Conference Items

a) Agenda Item Request: Marie Ferguson

President Phillips commented that there has been a lot of discussion as to how Marie Ferguson was placed on the re-hire list but according to the contract, she should have been placed on the 36 month rehire list because she was on an industrial illness leave per merit rule 60.700.5.f. Delia Ruiz, Assistant Superintendent, responded that they consulted with legal throughout the entire process, and also clarified that there is no such thing as a 36 month rehire list. Vice-Chairperson Carter said that more time was needed to look at the information that legal counsel provided. Chairperson Ortiz commented that the District has set processes for leave exhaustion and options for employees to petition additional leave, but that improvement can be made to notify employees before their leave has exhausted. He also commented that the Union should offer workshops for their members about these processes. Vice Chairperson Carter asked Assistant Superintendent Ruiz if it was the District's purview to find a fitness for duty clinic. Assistant Superintendent Ruiz responded that when it comes to re-instatement of an employee, it is under the District's purview, but that further information could not be provided with Marie Ferguson's written consent. President Phillips asked several questions related to the fitness for duty exams, and Vice Chairperson Carter commented that her questions could not be answered, as they were not agendaized for discussion. President Phillips stated that she would email the Commissioners her questions. Vice Chairperson Carter requested to see the email Director Perez sent to Fagen, Friedman and Fulfrost requesting a legal opinion on the Personnel Commission's jurisdiction over Ms. Ferguson's matter. Commissioner Goldstein requested that Ms. Ferguson attend the next meeting so that she can consent to having a discussion about her fitness for duty exam. Vice Chairperson Carter commented that Ms. Ferguson's leave was not handled properly. Commissioner Goldstein commented that Ms. Ferguson still hasn't been cleared to return to work. Vice Chairperson Carter said the Personnel Commission's purview should relate to her activity prior to her release.

A motion was made to bring this item back to the next meeting. Commissioner Carter asked President Phillips to email to the Commission her questions pertaining to the fitness for duty exams before the next meeting to be placed on the agenda.

Approved, 3-0

9. Reports

a) Union

None

b) Commissioners Reports

Vice Chairperson asked to bring the noon supervisor item back to the next meeting. To further research jurisdictional issues Commissioner Goldstein was tasked to contact George Cole from CSPCA (she reported also talking with a contact from the CSEA association) about the Personnel Commission's jurisdiction. She reported learning that there is a range of interpretation and a range of case law for complicated cases or instances where CA Education Code is silent on an issue. She urged the Commission to stick by guidelines

to: address errors when they are made, to address risk to avoid litigation, and to partner with other BUSD stakeholders to establish best practices. She stated that there needs to be education for all stakeholders about how leaves and processes are handled and how to request items to be added to the Personnel Commission meeting agenda.

c) Personnel Director

i. New Hires and Examinations administered in the month of September

Secretary Perez said that the Personnel Commission is working towards going completely paperless.

10. Public Comments

Mansour Id-deen, NAACP Berkeley Chapter President, asked for additional information about the 39-month rehire list, but Commissioner Carter stated that he did not believe that the requested information was relevant.


11. Next Meeting

The next regular meeting was scheduled for September 1, 2016 at 4:30pm.

12. Adjournment

The meeting was adjourned at 6:31pm.

Respectfully Submitted,



Erin Arinez
Classified Personnel Supervisor, Personnel Commission

10/10/16

Date

Approved,

Reynaldo Ortiz
Chairperson, Personnel Commission

Date

Berkeley Unified School District
Personnel Commission Meeting Minutes
 September 1, 2016 - 4:30 pm

1. Call to Order

The meeting was called to order at 4:30pm

2. Roll Call & Establishment of Quorum

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

3. Public Comments

None

4. Approval & Adoption of Agenda

Approved, 2-0

5. Approval of Meeting Minutes

Approve the Personnel Commission Meeting Minutes for the following:

a) July 15, 2016

Commissioner Goldstein asked why the meeting minutes were posted before they were approved. Secretary Perez responded that they were posted because they were part of the agenda packet. Commissioner Goldstein requested that meeting minutes brought to the meeting for approval indicate that they are "unofficial" until they have been approved.

Approved, 2-0

b) August 4, 2016

Commissioner Goldstein commented that under Conference Item 8A, the minutes should clarify that Chairperson Ortiz said that the District had processes set in place; he was referring to leave exhaustion and employees' options to petition for additional leave. Chairperson Goldstein commented that under the Commissioners reports she mentioned partnering with BUSD resources, but wanted to clarify that it was in order to establish best practices. She also commented that education should be provided to classified employees about how leaves and processes are handled and how to request items to be added to the Personnel Commission meetings. No action will be taken on these minutes because they will be brought to the next meeting for approval.

c) August 18, 2016

Approved, 2-0

6. Consent Items

Ratification of Eligibility Lists

- a) Instructional Technician, Cooking p. 10
- b) Instructional Specialist (Garden) p. 11
- c) Nutrition Services Satellite Operator I p. 12
- d) Instructional Assistant II, Special Education p. 13
- e) Instructional Technician, Before and After School Program p. 14
- f) Administrative Assistant II p. 15

- g) Human Resources Technician p. 16
- h) Instructional Assistant, ECE p. 17
Commissioner Goldstein asked to pull Item 6.g.

A motion was made to approve all lists except for 6g.
Approved, 2-0

Commissioner Goldstein asked why the lists are being approved after the hires are made. Secretary Perez responded that he can certify the list and make a hire before the list is approved at the meeting. Commissioner Goldstein asked Secretary Perez to send an email with the history of the provisional assignments for the Human Resources Technician position. Paula Phillips, BCCE President, asked for clarity on the interview process for the Human Resources Technician position and asked why Michelle Payton, Clerical Assistant III, was interviewed only once. Ms. Payton commented that she was not told that the position was not filled. Commissioner Ortiz asked that BCCE queue this item in a future agenda.

7. Discussion Items

- a) Secretary Perez asked to table this item regarding conduct of meetings in accordance with the Brown Act, and instead schedule a special meeting to enable the Commission to receive training from outside counsel on the Brown Act.

8. Conference Items

This item is presented for discussion and action and is carried over from a previous meeting.

- a) **Agenda Item Request: Marie Ferguson**
Marleen Sacks, partner at Atkinson, Andelson, Loya, Ruud and Romo, commented that public discussion of this matter is confidential due to the medical information discussed, but that Ms. Ferguson can waive her right to privacy. Ms. Ferguson gave her consent over the phone. President Phillips commented that she had informed Secretary Perez that the BCCE contract is silent on the matter of requiring an employee to submit to a fitness for duty exam upon return to work from a workers compensation leave and that such a matter must be bargained separately. Chairperson Ortiz asked if Ms. Ferguson was placed on the 39 month rehire list due to Worker's Comp. Secretary Perez responded that she was placed on the 39 month rehire list because she had exhausted all leave. Ms. Sacks said she needed to confer with Secretary Perez regarding the new physician's return to work letter that was provided by Ms. Ferguson at the meeting. President Phillips commented that Secretary Perez told her he requested Ms. Ferguson's workers compensation file but that he did not have the authority to view it. Mansour Id-deen, Berkeley chapter NAACP President, asked if there could be more discretion in minutes regarding Ms. Ferguson's medical issues. He also commented that Mr. Perez had been adversarial to Ms. Ferguson and asked when Perez should be recused from the issue. Chairperson Ortiz responded that his confidence is with Secretary Perez.
- b) **Noon Supervisor Classification - The Personnel Commission will discuss Education Code § 45103**
This item was tabled to be discussed in the next meeting.
- b) **Request to approve eligibility lists with newly approved classification study titles**
Approved, 2-0

9. Reports

a) Union

President Phillips commented that there are a lot of provisional and limited term assignments. She commented that not enough exams are being administered and that it is taking too long to fill vacancies.

b) Commissioners Reports

Commissioner Goldstein commented that she reviews the school board Human Resources reports and noticed a great number of provisional and limited term assignments. She asked why some have end dates listed and others do not. She asked Secretary Perez to provide more information about this at next regular meeting. She thanked Secretary Perez for providing the 39 month re-hire list.

c) Personnel Director

i. New Hires and Examinations administered in the month of August

10. Public Comments

Carol Niehus, School Administrative Assistant II, commented that she has been trying to transfer out of her current school assignment for the last six years, and that she will apply to transfer to Cragmont Elementary school.

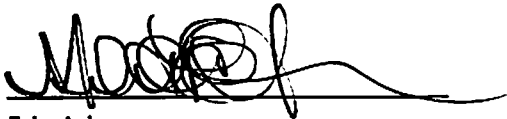
11. Next Meeting

The next regular meeting will take place on 10/13/16. The next Special Meetings were scheduled on 9/7/16 and 9/29/16.

12. Adjournment

The meeting was adjourned at 6:25pm.

Respectfully Submitted,



Erin Arinez
Classified Personnel Supervisor, Personnel Commission

10/10/16
Date

Approved,

Reynaldo Ortiz
Chairperson, Personnel Commission

Date

Berkeley Unified School District
Merit System

A

Eligibility List for : **Student Systems Analyst**
(Open and Promotional)

Written Examination: **July 20, 2016**

Oral Examination: **September 14, 2016**

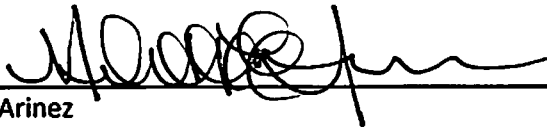
List Established by Personnel Commission: **October 13, 2016 to expire October 13, 2017**

Promotional

1 Jimmy Hoang

Open

1 Hashim Mteuzi



Erin Arinez
Classified Personnel Supervisor, Personnel Commission

10/10/16
Date

Reynaldo Ortiz
Chairperson, Personnel Commission

Date

Berkeley Unified School District
Merit System

B

Eligibility List for : **Health and Wellness Program Coordinator**
(Open)

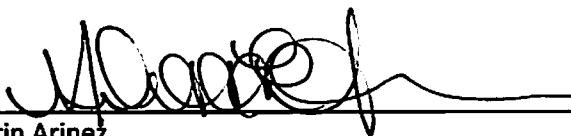
Written Examination: **August 26, 2016**

Oral Examination: **September 12, 2016**

List Established by Personnel Commission: **October 13, 2016 to expire October 13, 2017**

Open

1 Timothy Tran



Erin Arinez
Classified Personnel Supervisor, Personnel Commission

10/10/16
Date

Reynaldo Ortiz
Chairperson, Personnel Commission

Date

Berkeley Unified School District
Merit System

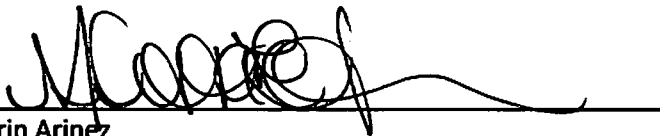
C

Eligibility List for : **School Bus Driver**
(Open)

Written Examination: **September 1, 2016**
Oral Examination: **September 20, 2016**

List Established by Personnel Commission: **October 13, 2016 to expire October 13, 2017**

Open
1 Tracy Fitzgerald



Erin Arinez
Classified Personnel Supervisor, Personnel Commission

10/10/16
Date

Reynaldo Ortiz
Chairperson, Personnel Commission

Date

Berkeley Unified School District
Merit System

D

Eligibility List for : **School Safety Officer**
(Open)

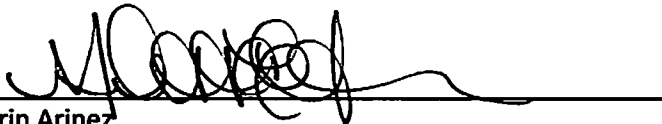
Written Examination: **August 5, 2016**

Oral Examination: **September 7, 2016**

List Established by Personnel Commission: **October 13, 2016 to expire October 13, 2017**

Open

- 1 Lanny Kelly III
- 2 Richard Magpantay
- 3 Jonnel Gallon
- 4 Sunshine Thomas



Erin Arinez
Classified Personnel Supervisor, Personnel Commission

10/10/16
Date

Reynaldo Ortiz
Chairperson, Personnel Commission

Date

Berkeley Unified School District
Merit System

E

Eligibility List for : **Human Resources Technician**
(Open and Promotional)

Written Examination: **July 19, 2016**
Oral Examination: **August 5, 2016**

List Established by the Personnel Commission: **October 13, 2016 to expire October 13, 2017**


Promotional

1 Diana Bonilla

Open

- 1 Paisley Dews
- 2 Jennifer Slagle*
- 3 Gabriella Arechiga*

** Eligibility to Expire November 5, 2016*



Erin Arinez
Classified Personnel Supervisor, Personnel Commission

10/10/16
Date

Reynaldo Ortiz
Chairperson, Personnel Commission

Date

Examinations Administered in the Month of September:

<u>Classification</u>	<u>Written</u>	<u>Oral</u>	<u>Performance</u>
Accounting Technician	9		
School Bus Driver	2		1
Maintenance Technician	2		
Student Records Assistant-Bilingual	7		2
Grounds Gardener	1		
Maintenance Supervisor	6		
School Safety Officer	7		4
Health and Wellness Program Coordinator	2		1
Instructional Specialist, Dance	1		
Executive Assistant II, Confidential	9		
Student Systems Specialist	3		2
Instructional Assistant II, Special Ed.	13		
School Bus Driver	2		1
Cook	4		1
Library Media Specialist	13		

New Hires/New Assignments Processed in the Month of August:

<u>Name-</u>	<u>Employment Type-</u>	<u>Classification-</u>	<u>Location-</u>
Beth Ann Heffner	New Hire	Instructional Assistant II SPED	Berkeley High
Nichelle Pete	New Hire	Instructional Assistant II SPED	Berkeley High
Adekunle Owodunni	New Hire	Instructional Assistant II SPED	John Muir
Miguel Barrera	New Hire	IT, Before & After School-Biling.	LeConte
Andria Kemp	New Hire	Instructional Assistant II SPED	Arts Magnet
Selam Tezare	New Hire	Instructional Assistant II SPED	Berkeley High
Hataichnok Aksomboon	New Hire	Instructional Assistant II SPED	Cragmont
Tara Abhasakun	New Hire	IT, Before & After School	Cragmont
Rebecca Murillo	New Hire	I. T. Cooking	Thousand Oaks and LeConte
Timothy Tran	New Hire	Health & Wellness Program Coord	Longfellow

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: Lolita Diana Coleman

Telephone Number: (510) 919-1623 Email Address: LColeman6753@bcglobal.net

Description of Item:

- ① I would like to exercise my rights to return to my position as Employee Benefits Specialist to support my self.
- ② I would like my ADA accommodations implemented. I.e. 5 minute rest breaks for eyes, 2 computer screens with one being 24" air purifier, yellow keyboard pads/taps.
- ③ I would like to be made whole for my salary, health, dental, Life Insurance, reimbursement for my Cobra dental and Kaiser Silver plan & excessive reimbursement for my Kaiser Acupuncture fees.
- ④ Ergonomic set up, head set, glare guard.
- ⑤ TB results submitted to Lora Kelly and Carol Pacheco on 3/18/16. NO response.

Background Information:

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

- ① I was never notified by Human Resources regarding any clerical jobs that have been available since my lay off on 3/9/16. I've held positions as an Administrative Assistant, Clerical Specialist
- ② Kaiser isn't able to complete my Interactive process. per Dr. Ana V. SukienNIK Takaka.
- ③ I want to work with a supportive supervisor for my medical conditions and a highly structured environment with clear expectations and tasks/directions free of emotional distress.

Attachment A

Lolita Coleman 7/8/16
(510) 919-1623