

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

Personnel Commission
Timothy Carter, Chairperson Heidi Goldstein, Vice-Chairperson Reynaldo Ortiz, Commissioner
Peter Rogosin, Secretary

Meeting Agenda
February 3, 2017 – 3:30 pm

1. **Call to Order** **Chairperson Carter**
2. **Roll Call & Establishment of Quorum** **Secretary Rogosin**
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 Carter**
5. **Closed Session (3 matters)**
 - a) **Employee Discipline and Legal Matters - Government Code § 54954.5**
The Personnel Commission will meet in closed session to discuss a matter related to the termination and subsequent appeal hearing of a classified employee (2016-1-AH).
 - b) **Personnel and Disciplinary Action - Government Code § 549547**
 - c) **Public Employment - Government Code § 54957 (b)(1)**
6. **Report from Closed Session** **Chairperson Carter**
7. **Approval of Meeting Minutes** **Chairperson Carter**
Approve the Personnel Commission Meeting Minutes for the following:
 - a) January 05, 2017 p. 3-5
 - b) January 12, 2017 p. 6-7
8. **Consent Items** **Chairperson Carter**
 - i. **Ratification of Eligibility Lists**
 - a) **Nutrition Services Assistant, p. 8**
 - b) **Nutrition Services Satellite Operator I, p.9**
 - c) **Student Records Assistant, p.10**
 - d) **Health and Wellness Program Coordinator, p.11**
 - e) **School Service Assistant, p.12**
9. **Conference Items** **Chairperson Carter**
These items are presented for discussion and action and may be carried over from a previous meeting.
 - a) **Removal of Name from Eligibility Lists, *Attachment A***
 - b) **Classification Study of School Administrative Assistant II at Berkeley Technology Academy, *Attachment B***

10. Reports

a) Union

Union Representatives

b) Commissioners Reports

Commissioners

c) Personnel Director

Secretary Rogosin

i. New Hires and Examinations administered in the month of December, p. 13

ii. CSPCA Conference Attendance

iii. New Director of Human Resources

11. 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.

12. Next Meeting

Chairperson Carter

Follow up items for next Personnel Commission Meeting.

13. Adjournment

Chairperson Carter

Agendas and minutes of Personnel Commission meeting are available at the District's website, www.berkeleyschools.net. Also, in accordance with the Brown Act and Government Code § 54957.5 (b)(1), writings that are related to an agenda item for an open session of a regular meeting, that are public records not otherwise exempt from disclosure and that are distributed less than 72 hours prior to the meeting, shall be made available for public inspection at the time the writings are distributed to at least the majority of Commissioners. The public may request copies of the records at the District's Human Resources office at 2020 Bonar Street, Berkeley, CA 94702.

Berkeley Unified School District
Personnel Commission Meeting Minutes

January 05, 2017 – 4:30 pm

1. Call to Order

Meeting was called to order at 4:33pm

2. Roll Call & Establishment of Quorum

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

3. Public Comments

Marleen Sacks, Attorney with Atkinson, Andelson, Loya, Ruud & Romo, commented on her letter to the Personnel Commission about the upcoming appeal hearing process. She said that in the past a hearing officer was hired by the Commission to conduct the hearings. Javetta Cleveland, Deputy Superintendent, also supported the use of a hearing officer for the appeal hearing.

4. Approval & Adoption of Agenda

Vice Chairperson Goldstein made a motion to approve the agenda, Commissioner Ortiz seconded the motion.
Approved, 3-0

5. Closed Session (2 matters) Government Code § 54954.5

- a) Employee Discipline and Legal Matters
- b) Update status of PERB complaint

The Personnel Commission met in closed session to discuss a matter related to the termination and subsequent appeal hearing of a classified employee (2016-1-AH), and to receive an update on the status of a PERB complaint (2016-2-C).

6. Report from Closed Session

The Personnel Commission reconvened at 5:45 pm. Chairperson Carter reported that the Commission will use an experienced advisor to assist the Commission at the upcoming hearing. He said that in regards to the concern about limiting witnesses or cross examinations- there will be no restrictions on relevant witnesses or relevant testimony.

7. Approval of Meeting Minutes

Approve the Personnel Commission Meeting Minutes for the following:

- a) November 01, 2016
- b) November 03, 2016
- c) December 05, 2016

Commissioner Ortiz commented that the minutes should reflect changes to the Commissioners new titles. Commissioner Ortiz made a motion to approve the minutes as amended, Commissioner Goldstein seconded.

Approved, 3-0

8. Consent Items

- I. Acknowledge receipt of email request for second legal opinion regarding reemployment rights.
Secretary Rogosin commented that the Union requested that the Personnel Commission get a legal opinion from a different entity.

II. Ratification of Eligibility Lists

- a) Instructional Assistant
- b) School Administrative Assistant, ECE
- c) Accounting Technician
- d) Maintenance Supervisor (brought back from December meeting)

Commissioner Ortiz made a motion to approve the eligibility lists. Vice-Chairperson Goldstein seconded the motion.

Approved, 3-0

9. Discussion Items

- a) Agenda Item Request: Erica Johnson

Erica Johnson, School Administrative Assistant II, said that she read the informative report and asked the Commission staff to perform a classification study. Secretary Rogosin noted that Ms. Johnson's classification description references work is performed at an "alternative school," which covers her site.

Ms. Johnson requested an amendment to her classification description so that Berkeley Technology Academy can receive a School Administrative Assistant III position like Berkeley High School. Vice-Chairperson Goldstein commented that it is desirable to review the School Administrative Assistant II class description based on the complexity of the employee's current role. Chairperson Carter requested this be added to the next meeting agenda as a classification study.

- b) Informative Report

- c) Special Report on Limited Term Assignments

Secretary Rogosin said a request came from the Commission and the Union to provide information about limited term assignments. Secretary Rogosin indicated that Personnel Commission staff are reviewing assignment end dates and that the process of extending limited term assignments is being looked at to ensure that they are extended in conformance with the Education Code.

10. Conference Items

- a) Approval of Personnel Commission Meeting Dates for 2017

Vice-Chairperson Goldstein made a motion to approve meeting dates for calendar year 2017, Commissioner Ortiz seconded the motion.

Approved, 3-0

- b) Recruitment of Director, Classified Personnel

The Commission will contact CSPCA to begin recruitment for the Classified Personnel Director. Ms. Cleveland asked if there was a cost to hire CSPCA to recruit.

11. Reports

- a) Union

None.

- b) Commissioners Reports

None.

c) Personnel Director

- i. New Hires and Examinations administered in the month of December
Vice-Chairperson Goldstein commented that she is pleased to see shorter intervals between testing dates. She also commented that she finds it useful to see the standard boilerplate text in the bottom of the agenda.

12. Public Comments

None.

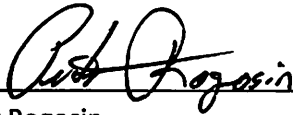
13. Next Meeting

The next Special Meeting was scheduled to be held on 1/12/17 at 4:30 pm.

14. Adjournment

Meeting adjourned at 6:55pm

Respectfully Submitted,



Peter Rogosin
Secretary, Personnel Commission

January 30, 2017
Date

Approved,

Timothy Carter
Chairperson, Personnel Commission

Date

Berkeley Unified School District
Personnel Commission Special Meeting Minutes

January 12, 2017 – 4:30 pm

1. Call to Order

The meeting was called to order at 4:30 pm.

2. Roll Call & Establishment of Quorum

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

3. Public Comments (15 minute limit)

Stewart Weinberg, Attorney representing Local 6192, commented that he has no recollection of cases not using a hearing officer. Paula Phillips, BCCE President, commented that she believes there have been violations of the WRIT agreement between the Union and the District. She is concerned that some provisional assignments are not filled from an eligibility list.

4. Approval & Adoption of Agenda

A motion was made by Vice-Chairperson Goldstein to approve the agenda, Commissioner Ortiz seconded the motion. Approved, 3-0

5. Discussion Items

a) Discussion of Appeal Hearing Process

Vice-Chairperson Goldstein commented that she would like to hear advice from both sides about the process. Josh Stevens, Attorney at Fagan Freeman and Fulfroost, commented that he is not here to represent the District, but would be able to independently and impartially advise the Commission, and that he has reviewed the letter from Secretary Rogosin and was in favor of using a hearing officer to conduct the hearing.

Mr. Weinberg said that because Mr. Stevens firm advises the District, it would be a conflict of interest to have him advise the Commission at the appeal hearing. President Phillip's said that the Union thinks that Mr. Stevens should not represent the Commission because he also represents the District.

Mr. Stevens recommends that each side should be allowed to call as many witnesses as they deem necessary. Mr. Stevens added that the other piece that concerns him is allowing testimony 'by declaration', because a declaration "never just states what happened but also what the writer feels and thinks about what occurred." Mr. Weinberg said he did not disagree with anything Mr. Stevens said, but added that he is not trying to undermine the effort to have formal stipulations.

Javetta Cleveland, Deputy Superintendent, commented that she supports having a hearing officer assist with the hearing.

6. Closed Session (1 matter) Government Code § 54954.5

a) Employee Discipline and Legal Matters

The Personnel Commission met in closed session to discuss a matter related to the termination and subsequent appeal hearing of a classified employee (2016-1-AH).

7. Report from Closed Session

The Commission came out of closed session at 6:13pm. Chairperson Carter stated that the Commission has agreed to engage an advisor to assist the Commission in conducting the appeal hearing and to expedite the process of

hearing the appeal. He added that there is no limit on the number of relevant witnesses called. The Personnel Commission empowered Chairperson Carter to select the hearing officer after all of the Commissioners had a chance to review resumes of proposed advisors. Secretary Rogosin would facilitate this process so as not to violate the Brown Act.

8. Public Comments

President Phillips expressed the Unions concern about the making of provisional and limited term appointments.

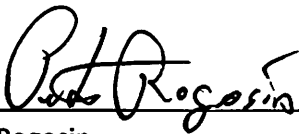
9. Next Meeting

The next meeting was scheduled for Friday, February 3rd at 3:30 pm.

10. Adjournment

The meeting was adjourned at 6:22pm

Respectfully Submitted,



Peter Rogosin
Secretary, Personnel Commission

January 30, 2017
Date

Approved,

Timothy Carter
Chairperson, Personnel Commission

Date

Berkeley Unified School District
Merit System

Eligibility List for : **Nutrition Services Assistant**
(Open)

Written Examination: **December 13, 2016**

Performance Examination: **January 11, 2017**

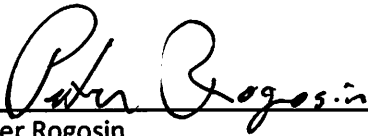
List Established by Personnel Commission: **February 3, 2017 to expire February 2, 2018**

Open

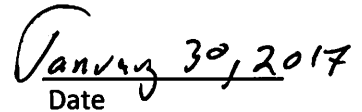
- 1 Reneisha Caesar*
- 2 Ana Gigi Revelar***
- 3 Rashelle Perrault

*** Eligibility to expire May 5, 2017**

**** Eligibility to expire June 7, 2017**



Peter Rogosin
Secretary, Personnel Commission



Date

Timothy Carter
Chairperson, Personnel Commission

Date

Berkeley Unified School District
Merit System

Eligibility List for : **Nutrition Services Satellite Operator I**
(Open)


Written Examination: **December 13, 2016**

Performance Examination: **January 11, 2017**

List Established by Personnel Commission: **February 3, 2017 to expire February 2, 2018**

Open

1 Jhai Rouse-Gray



Peter Rogosin
Secretary, Personnel Commission

January 30, 2017

Date

Timothy Carter
Chairperson, Personnel Commission

Date

Berkeley Unified School District
Merit System

Eligibility List for : **Student Records Assistant**
(Open)

Written Examination: **December 14, 2017**

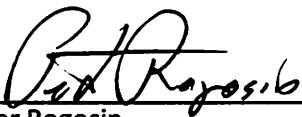
Oral Examination: **January 17, 2017**

List Established by Personnel Commission: **February 3, 2017 to expire February 2, 2018**

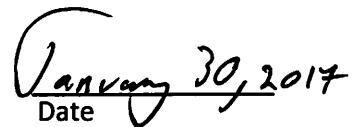
Open

- 1 Gerardo Browne (bilingual qualified)*
- 2 Erica Contreras (bilingual qualified)
- 3 Alexandria Lodree
- 4 Walter Smith

** Eligibility to expire November 3, 2017*



Peter Rogosin
Secretary, Personnel Commission



Date

Timothy Carter
Chairperson, Personnel Commission

Date

Berkeley Unified School District

Merit System

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

Written Examination: **January 19, 2017**

Oral Examination: **January 19, 2017**

List Established by Personnel Commission: **February 03, 2017 to expire February 02, 2018**

Open

1 Lyndsay Orbeta

2 Vanessa Machen



Peter Rogosin
Secretary, Personnel Commission

January 30, 2017
Date

Timothy Carter
Chairperson, Personnel Commission

Date

Berkeley Unified School District

Merit System

Eligibility List for : **School Services Assistant
(Open)**

Written Examination: **December 9, 2016**

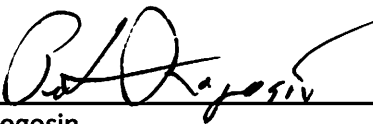
Oral Examination: **January 23, 2017**

List Established by Personnel Commission: **February 3, 2017 to expire February 2, 2018**

Open

- 1 Karissa Cornett
- 2 Hanz Kurdi*
- 3 Courtney King
- 4 Jilissa Bostic*
- 5 Ashley Stepney
- 6 Tameka Evans

** Eligibility to expire February 4, 2017*



Peter Rogosin
Secretary, Personnel Commission

January 30, 2017
Date

Timothy Carter
Chairperson, Personnel Commission

Date


Examinations Administered in the Month of January:

<u>Classification</u>	<u>Written</u>	<u>Oral</u>	<u>Performance</u>
Student Records Assistant	7	3	
Nutrition Services Assistant	1		1
Nutrition Services Satellite Operator	1		1
Student Body Account Technician	2		
Health and Wellness Program Coordinator	3	3	
School Services Assistant	7	4	
Attendance Technician	14		
Compliance Officer and Title IX Coordinator	5	5	

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

<u>Name-</u>	<u>Employment Type-</u>	<u>Classification-</u>	<u>Location-</u>
Miguel Barrera	New Assignment	Instructional Assistant II, Sped - Bilingual	LeConte
Jamila Kennedy	New Assignment	Instructional Assistant II, Sped	Longfellow
Mark McAnally	Promotion	Lead Maintenance Engineer	Maintenance
Renato Ramento	Promotion	School Administrative Assistant, ECE	Hopkins Preschool
Reginald Blaylock	New-Hire	Custodian I	Administration
Darlene McRoy	New-Hire	Custodian I	Berkeley High
Vivian Ferguson	New-Hire	Executive Assistant II, Confidential	Business Services
Maria Kovaks	New-Hire	Instructional Assistant- Bilingual	LeConte
Taylor Totten	New-Hire	Instructional Technician- Before and Afterschool / Emerson	

To: The Personnel Commission

From: Peter Rogosin, Interim Director of Classified Personnel 

Date: February 3, 2017

Subject: Removal of Name From Eligibility List(s)

Recommendation:

It is recommended that the Personnel Commission approve removing employee 2017-1-rm from the Instructional Technician Afterschool and Instructional Assistant - Special Education, Attendant eligibility lists and remove the applicant from further participation in the Instructional Assistant II - Special Ed, Instructional Tech - Before & After School Program, Instructional Specialist (Athletics) recruitments.

Background:

Personnel Commission Rule 40.100.3 K, Elimination of Unfit Applicants. Candidates and Eligibles, allows for the removal of eligibles from an eligibility list if they have, "(A) record of unsatisfactory service with this District even though separation has not occurred." Personnel Commission Rule 40.100.4 provides that, "Applicants, candidates, and eligibles who are rejected for any of the reasons enumerated in Rule 40.100.3 shall be notified in writing by the Personnel Director. The notification shall state:


1. The reason(s) for rejection.
2. That, within 5 working days, the individual may appeal to the Personnel Director for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.

Personnel Commission Rule 50.100.6 Removal of Names from Eligibility Lists- B specifies that, "(T)he name of an eligible may be removed from an eligibility list by action of the Commission . . . [for] (A)ny of the causes listed in Rule 40.100.3."

The identified eligible has met the criteria for removal, namely, two unsatisfactory evaluations. While serving in a substitute assignment in May 2016 he received his first "Notification of Unsatisfactory Service." His second incident of unsatisfactory service, involving use of inappropriate and offensive language with female staff in the Department of Human Resources occurred on January 24, 2017.

The later incident was the subject of an investigation that included obtaining eyewitness reports from three staff that overheard the conversation and a statement from the substitute employee in which he admitted that he used the reported language.

To: The Personnel Commission

From: Peter Rogosin, Interim Director of Classified Personnel 

Date: February 3, 2017

Subject: Classification Study-E. Johnson, School Administrative Assistant II

Recommendation:

It is recommended that the Personnel Commission find the School Administrative Assistant II position located at the Berkeley Technology Academy and incumbered by Ms. E. Johnson correctly classified.

Background:

Erica Johnson, School Administrative Assistant II, Berkeley Technology Academy requested that her position be studied and specifically requested that Personnel Commission staff review the appropriateness of Berkeley Technology Academy being designated an "alternative school" instead of a "high school" for the purpose of classifying Ms. Johnson's position. Both Berkeley High School and the Berkeley Technology Academy serve a similar age group.

Staff reviewed the class descriptions for School Administrative Assistant II and School Administrative Assistant III. The level-defining-characteristics of the series are;

"The School Administrative Assistant II classification provides primary support to an elementary, middle or alternative school principal. Incumbents require thorough knowledge of school operations, policies and procedures, and serve as the school office lead."

"The School Administrative Assistant III classification provides primary and complex Administrative support to a high school or adult school principal. Incumbents require thorough knowledge of school operations, policies and procedures, and serve in a lead capacity, providing training and guidance to other clerical staff in the office."

Staff conducted a position audit on January 20, 2017 and spoke with Ardarius McDonald, Principal, Berkeley Technology Academy to ensure that the duties and responsibilities noted in the audit were duly assigned. In addition, as noted in a staff report to the Personnel Commission dated January 5, 2017, staff reviewed the class descriptions of seven school districts to determine if the size of a school population or the nature of the students served should serve as a basis for classifying a position.

Two additional Districts, San Francisco USD and West Contra Costa USD were reviewed as requested by Ms. Johnson. At West Contra Costa USD staff identified an "Office Manager, Middle/Junior High" classification. According to the classification description incumbents, "act as secretary to a principal at a junior high school, continuation high school, middle college high school or adult high school." Incumbents in the class of Office Manager Senior High, "supervises the performance of all clerical functions at a large secondary school." The size of the school and number of staff at the location was a major factor in determining the appropriate classification.

San Francisco USD had a similar series of levels with the School Administrative Assistant I classification reporting to the Principal of an elementary, middle, or special school site and providing primary secretarial support to the Principal. Incumbents in the School Administrative Assistant II classification report to the Principal of a comprehensive high school with a larger staff, diverse programs and a larger student body population.

Ms. Johnson was found to have significant knowledge of the terminology of the organization and processes to apply established practices and procedures covering assigned tasks. The work product was reviewed for accuracy, completeness and adherence to instructions and established procedures. Most of the assigned tasks, and there are many, are reoccurring and guides and the procedures are committed to memory.

Contact is with parents, students and staff to provide information on processes and procedures regarding a wide variety of student and school activities. Students and school staff regularly seek out Ms. Johnson for such diverse items as supplies, forms, information on field trips and school related information. She is a school focal-point for both information and day-to-day assistance. There is significant latitude exercised in the Office Manager role to deal with issues as they arise. Additional work is assigned with detailed instructions.

A main consideration in the assignment of Ms. Johnson's allocation to the "II" level was the absence of serving in a lead capacity. This is a level-defining-characteristic of the School Administrative Assistant III classification. The opportunity to provide training and guidance to other clerical staff in the office was not present at her work location but was found at the Adult School. This is a function of the differential size of the clerical staff at the Berkeley Technology Academy (22 employees) and the adult school (107 employees).