

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

Date

Approved,

Reynaldo Ortiz
Chairperson, Personnel Commission

Date