

**Berkeley Unified School District**  
**Personnel Commission Meeting Minutes**

December 05, 2016 – 3:30 pm

**1. Call to Order**

The meeting was called to order at 3:30 pm

**2. Roll Call & Establishment of Quorum**

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

**3. Public Comments**

None.

**4. Approval & Adoption of Agenda**

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

**5. Closed Session (1 matter) Government Code § 54954.5**

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

**6. Report from Closed Session**

Chairperson Ortiz reported that Peter Rogosin, Interim Director of Classified Personnel, will prepare for the appeal hearing tentatively set for January 12, 2017.

**7. Approval of Meeting Minutes**

Approve the Personnel Commission Meeting Minutes for the following:

- a) November 03, 2016 – Commissioner Goldstein commented that a change under Conference Item 10a, should be made. Michelle Payton, Clerical Assistant III, commented that under item F, there was an issue with the word “re-posted”, and requested that her comments in regards to the Human Resources Technician recruitment be included in the minutes.

Vice Chairperson Carter made a motion to bring the minutes back to the next meeting. Commissioner Goldstein seconded the motion.

Approved, 3-0

**8. Consent Items**

Ratification of Eligibility Lists

- a) Instructional Assistant, ECE
- b) Instructional Technician, Before and After School
- c) Instructional Assistant II, Sped
- d) Human Resources Technician (brought back from November 5<sup>th</sup> meeting)
- e) Custodian I
- f) Lead Maintenance Engineer
- g) Maintenance Supervisor

Commissioner Goldstein asked to pull item D. President Phillips asked to pull item G.

Commissioner Goldstein made a motion to approve lists A, B, C, E, and F,

Approved 3-0

Secretary Rogosin reported that the Human Resources Technician vacancy has been a challenge to recruit for. He discussed the minimum qualifications in the job description. He said all eligible candidates had extensive education or at least three years of record-keeping experience. He commented that the candidates met the minimum qualifications, and that the candidates who were excluded had experience that was not relevant. Paula Phillips, BCCE President, commented that she was not sure whether the Human Resources Technician eligible candidates were qualified. Vice Chairperson Carter asked Secretary Rogosin if a process was not followed by not interviewing Ms. Payton again. Secretary Rogosin responded that staff did consider her for the position when Human Resources forwarded Ms. Payton's name to the department, and no rule was broken by not interviewing her a second time for the same vacancy.

Vice Chairperson Carter made a motion to approve the Human Resources Technician list. Commissioner Goldstein seconded the motion.

Approved, 3-0

Secretary Rogosin requested to hold the eligibility list for Maintenance Supervisor, so the candidate who has expressed concern about the exam can receive feedback per Merit Rule 40.200.10f that states that review and protest shall be held prior to making an appointment from the eligibility list. Vice Chairperson Carter said he is not comfortable approving the list until the appeal process is completed.

Chairperson Ortiz made a motion to bring forward the list to the next meeting before approving, Commissioner Goldstein seconded the motion,

Approved, 3-0

## 9. Discussion Items

### a) Agenda Item Request: Erica Johnson

Secretary Rogosin commented that he studied class descriptions for both the School Administrative Assistant II and School Administrative Assistant III classifications. He commented that the class description for the School Administrative Assistant II specifies incumbents work in an alternative high school, and that the School Administrative Assistant III would work in the larger high school. There's a relationship between the size and complexity of duties at an alternative high school and Berkeley High, and placement on the salary schedule. He also commented that the class descriptions were reviewed by the Union and a confirming MOU has been signed.

Erica Johnson, School Administrative Assistant II at BTECH, commented that the work conditions at her site vary from what other School Administrative Assistant II's are doing, because she works with highly volatile students that are transferred out of Berkeley High or Realm charter school. She added that the mental health counselor has not been present at the school and she has not received training to deal with these students and so is forced to take time out of her regular day to assist these students.

President Phillips commented that per Merit Rule 30.100.5 an employee can request an appeal within ten days, but that because Ms. Johnson never received written notice of her re-classification, she was not given that opportunity. Secretary Rogosin commented that the class description was negotiated and signed by the Union and the District in an MOU. President Phillips expressed concern that the employee was never notified of her rights to appeal and that is a violation of the Merit Rules. She added that the remedy would be to do a desk audit and go through the appropriate process of a reclassification. Ms. Johnson also

requested Personnel Commission staff to compare requirements for students in other Districts with similar alternative high schools. Commissioner Goldstein commented that the number of students shouldn't be the only consideration, but also the type of students. Secretary Rogosin said that the employee can bring forward a request to do a classification study, but that the class description was very specific about the location where the School Administrative Assistant II works.

## 10. Conference Items

### a) Agenda Item Request: Lolita Coleman

President Phillips commented that Lolita Coleman, former Administrative Assistant, was placed on the 39 month re-hire list as a result of exhausting her sick leave. If her status changes she will be accorded rights based on her status at that time. President Phillips commented that as an employee on the 39 month re-hire list she should have been given a provisional or limited term assignment. She said that there is no screening tool to determine that employees meet minimum qualifications when working on these assignments. Vice Chairperson Carter asked Ms. Coleman if she is requesting accommodations, she responded that she is not. President Phillips requested to terminate one of the existing Administrative Assistant provisional assignments, and start Ms. Coleman's employment immediately.

Commissioner Goldstein asked about the differences in duties of the Administrative Assistant, and her former position. Chairperson Carter asked if Ms. Coleman could be re-employed immediately into the Benefits office. President Phillips also stated that because Ms. Coleman has seniority in the Clerical Assistant III classification, the commission has authority to allow her to be employed into that position. Commissioner Goldstein said it is best to wait until after Ms. Coleman's Workers Compensation appeal hearing on 12/23/16- when her final status is determined. Ms. Coleman said she would accept a demotion to a Clerical Assistant III vacancy.

### b) Chairperson Ortiz made a motion to nominate Timothy Carter as Chairperson. Commissioner Goldstein seconded that motion,

Approved, 3-0

Commissioner Ortiz made a motion to nominate Heidi Goldstein as Vice Chairperson. Chairperson Carter seconded that motion,

Approved, 3-0

## c) Reports

### a) Union

President Phillips brought to the Commission's attention an Administrator recording a conversation. She said that there is a need for a consistent policy. President Phillips commented that she is excited to have Secretary Rogosin on board to lend expertise to the selection process and taking the Unions concerns under consideration. President Phillips said that Ms. Ferguson has still not been moved from Cragmont to Berkeley High. And that her reemployment rights were violated and this is under the purview of the Classified Director. President Phillips requested an update on the Merit rules and revision project.

### b) Commissioners Reports

Vice Chairperson Goldstein commented that they are glad that the Interim Director of Classified Personnel is on board. She said she is honored to be the Vice-Chairperson, and wants to make to improvements to the hiring processes, particularly because BUSD has a Compliance Officer and Title IX Coordinator vacancy.

c) Classified Personnel Supervisor

- i. New Hires and Examinations administered in the month of November-  
Chairperson Carter asked about the recruitment of the Classified Personnel Director.

d) **Public Comments**

President Phillips commented that Districts subcommittee policy changed last week and that the Assistant Superintendent of Human Resources is to handle sexual harassment complaints.

e) **Next Meeting**

Next Personnel Commission meeting scheduled for January 5<sup>th</sup> at 4:30pm. Vice Chairperson Goldstein requested to discuss recruitment of Classified Personnel Director at that time, and to discuss updates to the Non-Discrimination policy.

f) **Adjournment**

Meeting adjourned at 5:59pm.

Respectfully Submitted,

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Peter Rogosin  
Secretary, Personnel Commission

\_\_\_\_\_  
Date

Approved,

\_\_\_\_\_  
Timothy Carter  
Chairperson, Personnel Commission

\_\_\_\_\_  
Date