

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

November 03, 2016 – 4:30 pm

**1. Call to Order**

The meeting was called to order at 4:30 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**

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 termination and subsequent appeal hearing (2016-1-AH) of a classified employee.

**6. Report from Closed Session**

Chairperson Ortiz commented that the Personnel Commissioners unanimously agreed to move forward and hold an appeal hearing.

**7. Approval of Meeting Minutes**

Approve the Personnel Commission Meeting Minutes for the following:

- a) September 7, 2016
- b) September 19, 2016
- c) September 29, 2016
- d) October 13, 2016

Chairperson Carter made a motion to approve the meeting minutes. Commissioner Goldstein seconded the motion.

Approved, 3-0

**8. Consent Items**

Ratification of Eligibility Lists

- a) Executive Assistant II, Confidential
- b) Student Records Assistant- Bilingual
- c) Library Media Specialist
- d) Cook
- e) Educational Occupational therapist
- f) Human Resources Technician (brought back from October 13<sup>th</sup> meeting)

Commissioner Goldstein commented that the examination process is taking too long and that there may be structural issues based on the interval between administration of the written and oral exams. Paula Phillips, BCCE President, commented that there are provisional employees that are receiving on-the-job training but the District is not looking at employees on the 39 month re-hire list.

Chairperson Carter made a motion to approve lists a, b, c, d, and e. Commissioner Goldstein seconded the motion.

Approved, 3-0

President Phillips commented that employees should be given the opportunity to be interviewed for a vacant position even if they previously interviewed for the same position and were not selected. Michelle Payton, Clerical Assistant III, commented that after the initial selection for Human Resources Technician was made, the job was re-posted again in February but she did not receive a second invitation to interview, and that as far as she knew, nobody was interviewed for that job. Michelle Payton commented that an employee was placed in a Human Resources clerical class, provisional assignment and later applied and was appointed to the Human Resources Technician vacancy. She commented that it seems that she was placed in the position to receive on-the-job training.

President Phillips asked the Commission not to approve the list and to run an investigation into the qualifications of the eligibles on the list. The Commission requested that the Interim Director determine if the candidates currently on the eligibility list meet the minimum qualifications of the position and what process was followed regarding conducting interviews for the Human Resources Technician vacancy.

Vice-Chairperson Carter made a motion to approve the Human Resources Technician list,

Denied 2-1

Chairperson Ortiz- Aye

Vice Chairperson Carter – Nay

Commissioner Goldstein - Nay

## 9. Discussion Items

### a) Agenda Item Request: Erica Johnson

Erica Johnson, School Administrative Assistant II, commented that she was not notified that her class was being changed to the new title when the Ewing compensation and classification study took place. President Phillips added that data for this employee was missing in the data sets sent to the Union from the District. Vice Chairperson Carter requested confirmation whether the substitute for Ms. Johnson is being paid at a higher rate and to bring back this information to the next meeting. The Commission also requested more information about the process used to provide employees with their Position Desk Questionnaire's (PDQ's) and notice to appeal.

### b) Memorandum of Understanding between the District and the Commission regarding the role and responsibilities of the Classified Personnel Director.

The current MOU is in effect, however an addendum may be made for the Interim Director and brought back to a future meeting.

## 10. Conference Items

### a) Agenda Item Request: Lolita Coleman

Commissioner Goldstein commented that there are other avenues that can be looked into to handle Ms. Coleman's complaint because she does not think the Personnel Commission has jurisdiction, and that the employee should look at the Districts grievance process. President Phillips cited, from the BCCE bargaining agreement, 11.2.11.f, that states that the unit member may displace an employee with less seniority in his/her class if the employee was returning from an industrial illness leave.

Chairperson Carter made a motion was to have Commissioner Goldstein investigate how to proceed when a matter is raised that is not addressed in the Collective Bargaining Agreement or Educational Code.

Approved, 3-0

### b) Reports

#### a) Union

President Phillips commented that the Union and District are entering into negotiations because benefits laws are changing regarding cash in lieu and that she did not know that the commission gave Human Resources the responsibility to send off layoff notices. A layoff notice was recently sent by Evelyn Bradley, Assistant

Superintendent of Human Resources. President Phillips commented that Ms. Ferguson should have received an official offer of reemployment. She also commented that there is still an outstanding issue regarding Ms. Coleman’s right to receive a limited term or provisional assignment. President Phillips said that there are qualified employees that are on the reemployment list and they are not being offered limited term positions. She expressed concern that the Human Resources department is “cherry picking” substitutes for limited term and provisional assignments. President Phillips felt that the vacancy list that she received from Personnel Commission staff is not accurate, specifically that there is a School Safety Officer position that is not listed as a vacancy. She believes that School Safety Officers at Berkeley High are working in unsafe conditions because the vacancy at that site is not being filled by the Principal. She requested that staff bring back a report on how limited term and provisional assignments are made. She commented that the Union has received complaints of discrimination at Berkeley High and that meetings are being set up to resolve those issues.

b) Commissioners Reports

Chairperson Ortiz mentioned that the next CSPCA conference will be held in January in San Francisco.

c) Classified Personnel Supervisor

- i. New Hires and Examinations administered in the month of October

c) **Public Comments**

Mansour Id-Deen, NAACP Berkeley chapter President, made a statement regarding the 39 month re-hire list and employees being denied unemployment insurance.

d) **Next Meeting**

Next regular meeting to be held on December 5<sup>th</sup> at 3:30 pm.

e) **Adjournment**

The meeting was adjourned at 7:34 pm.

Respectfully Submitted,

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Peter Rogosin  
Secretary, Personnel Commission

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Date

Approved,

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

\_\_\_\_\_  
Date