

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

**Personnel Commission Meeting Minutes**

May 11, 2017 – 4:30 pm

**1. Call to Order**

The meeting was called to order at 4:31 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**

None.

**4. Approval & Adoption of Agenda**

Vice-Chairperson Goldstein requested to bring Conference item 9a and 11 before item 5. Chairperson Carter made a motion to bring items forward; Commissioner Ortiz seconded the motion,  
Approved, 3-0

**5. Closed Session (2 matters) went into closed session at 5:25 pm.**

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) Public Employment - Government Code § 54957 (b)(1)

The Personnel Commission will meet in closed session to discuss the recruitment of Director, Classified Personnel and provide direction to staff.

**6. Report from Closed Session**

The Personnel Commission reconvened at 6:36 pm. Chairperson Carter reported that the appeal hearing report will be completed next week and will be presented to the Commission in June. He also said that the recruitment for the Classified Director is underway and that an eligibility list will be established soon.

**7. Approval of Meeting Minutes**

Approve the Personnel Commission Meeting Minutes for the following:

a) April 6, 2017, Regular Meeting Minutes

Vice Chairperson Goldstein said there was a typo. Vice-Chairperson Goldstein made a motion to approve minutes as amended; Commissioner Ortiz seconded the motion,  
Approved, 3-0

**8. Consent Items**

I. Ratification of Eligibility Lists

a) Maintenance Supervisor

b) Grounds Gardener

c) School Bus Driver

d) Instructional Assistant, ECE

- e) Delivery Driver
- f) Nutrition Services Assistant

Commissioner Ortiz made a motion to ratify the eligibility lists a-f; Vice-Chairperson Goldstein seconded the motion;

Approved, 3-0

## 9. Conference Items

These items are presented for discussion and action and may be carried over from a previous meeting.

- a) Request for Appeal of Removal from Eligibility List. *Discussed before Item 5.*

Secretary Rogosin commented that this is a continued discussion from the previous meeting regarding Mr. Drummond's request to be reinstated back to the substitute list. Chairperson Carter said he is not prepared to remove Mr. Drummond from the substitute list at this time. Vice-Chairperson Goldstein requested more information regarding the incident that took place with a Human Resources staff person. Paula Phillips, BCCE President, commented that there is cause for concern regarding the substitute evaluation form because it has an impact on the status of a person on an eligibility list, and that this form was never vetted by the Personnel Commission. She also said that substitute employees are considered at-will employees and do not need a reason to be released from the District. President Phillips said that she thinks the form needs to be evaluated by legal counsel. Chairperson Carter commented that this item will be addressed in the next meeting.

- b) Agenda Item Request and Informational Report – Request to extend name on High School Plant Operations Manager Eligibility List for an additional year.

Secretary Rogosin commented that he recommends extending the High School Plant Operations Manager eligibility list for one year or the establishment of a new list. There is currently one rank held by Marcos Yoc-Cojon, Maintenance Supervisor.

Vice-Chairperson Goldstein made a motion to extend the High School Plant Operations Manager Eligibility List for an additional year or the establishment of a new list; Commissioner Ortiz seconded the motion,  
Approved, 3-0

- c) Agenda Item Request and Informational Report – Request to designate Instructional Assistant II, SPED current vacancy and future vacancies at LeConte, as Spanish bilingual required.

Secretary Rogosin commented that LeConte is a bilingual dual immersion school and that only vacancies are being designated to have the bilingual Spanish requirement. President Phillips commented this is cause for concern because they have difficulty filling these bilingual vacancies and that monolingual employees are subjected to a hostile work environment. Vice-Chairperson Goldstein commented that she preferred to approve this on a class by class basis instead of approving all classes.

Commissioner Ortiz made a motion to approve current and future Instructional Assistant II, SPED class vacancies for bilingual Spanish certification at LeConte; Chairperson Carter seconded the motion,  
Approved, 3-0

- d) Proposed revision of Merit Rule 40.200.13 and 50.200.4-b, Ties in Examination Results, *2<sup>nd</sup> Reading* –

President Phillips commented this rule had already been implemented. Secretary Rogosin said he would try and research revisions previously made to this rule. Vice-Chairperson Goldstein made a motion to approve the proposed revision to rules 40.200.13 and 50.200.4-b, Commissioner Ortiz seconded the motion.

Approved, 3-0

- e) Proposed revision of Merit Rule 70.700.1, Advanced Step Salary Placement, *2<sup>nd</sup> Reading*  
Secretary Rogosin commented that the proposed revision gives the Commission flexibility and is consistent with Educational Code.  
Commissioner Ortiz made a motion to approve the proposed revision of Merit Rule 70.700.1, Vice-Chairperson Goldstein seconded the motion.  
Approved, 3-0
- f) Agenda Item Request – M. Ferguson  
Marie Ferguson, School Administrative Assistant II at Berkeley High, commented that she feels she has been working out of class since she arrived at the site. She said her work load is unusually heavy in regards to filling the substitute requests at Berkeley High and therefore she should be paid out of class as a Human Resources Technician. President Phillips said the original intent was to have the Human Resources Technician handle positions that weren't being filled by the School Admin Assistant II but that was not occurring. Chairperson Carter requested to see the original Compensation and Classification study report from the consultant. Commissioner Ortiz asked what substantial changes were made to the former Program Assistant class description after the study. Ms. Ferguson said the duties remained the same. Chairperson Carter requested a formal analysis from Secretary Rogosin for Ms. Ferguson's request for working out of class and to investigate her request for back pay.
- g) Request for Voluntary Demotion in accordance with Merit Rule 60.200.2 (2 requests).  
Secretary Rogosin said that he created a new form for employees to fill out when they request a voluntary demotion, and to verify that the receiving Supervisor accepted the request. President Phillips said she was concerned about the Computer Technician I request because there is no current vacancy, and asked the commission not to approve this request until they know what the background information is. Secretary Rogosin commented that it is not the Commission's role to prevent someone from requesting a demotion. Chairperson Carter said the Commission has no reason to deny the request of an employee who wishes to demote.  
Chairperson Carter made a motion to approve the eligibility to demote for two employees that requested it, Commissioner Ortiz seconded the motion.  
Approved, 3-0

## 10. 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) Informative Report on Class Descriptions and Position Specifications  
Secretary Rogosin commented that he wrote this report because class descriptions can be challenging to write if you include all of the specific tasks each employee performs. Listing typical duties performed is customary.

## 11. Public Hearing: Education Code § 45253 – Personnel Commission Budget, 2017-2018- Discussed before Item 5.

Secretary Rogosin commented that the District requested to add funds back into the legal fees line item in the budget, and that cuts were made in the "other supplies" line item. Vice-Chairperson Goldstein commented that the District is requesting a 10% cut in all budgets. She commented that she is interested to know what has been spent in this fiscal year, because she wants to make sure that enough has been done to cut the budget per the District's request.  
Commissioner Ortiz made a motion to adopt the budget as amended; Vice-Chairperson Goldstein seconded the motion,  
Approved, 3-0

**12. Reports**

a) Union

President Phillips commented that the Union is disappointed in the Personnel Commission approving the request for demotion from the Computer Technician II. President Phillips said that the Commission requested their staff to send Ms. Johnson a letter giving her notice of her right to appeal the decision made by the class study, but that has not happened. She also said that BCCE members did not receive copies of their new classifications, and that the Commission needs to direct Personnel Commission staff to send ALL classified staff their new class descriptions. President Phillips reported that temporary employees are being hired to work for more than 75% of the school year, and that these unqualified employees are being hired to fill positions they're not qualified for and are being paid more than some members.

b) Commissioners Reports

None.

c) Personnel Director

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

Secretary Rogosin noted that staff continues to work hard on recruitment and testing.

**13. Public Comments**

Erica Johnson, School Administrative Assistant II at BTA, commented that she attended the meeting because she thought she was going to be in the agenda, but was not notified and she is just requesting "fair treatment." President Phillips said that last year two employees requested an administrative review of their performance evaluations but still have not received it.

**14. Next Meeting**

The next regular meeting is to be held on Friday, June 2<sup>nd</sup>, at 4:30 pm.

**15. Adjournment**

The meeting was adjourned at 8:49 pm.

Respectfully Submitted,

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Peter Rogosin  
Secretary, Personnel Commission

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Date

Approved,

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

\_\_\_\_\_  
Date