

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

Personnel Commission Meeting Minutes

August 11, 2017 – 4:30 pm

1. Call to Order

The meeting was called to order at 4:34 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)

Rebecca Levenson, parent of two Berkeley Unified School District students, expressed her concerns regarding the Restorative Justice Coordinator class descriptions. Vice-Chairperson Goldstein read an email on behalf of a parent who requested edits be made to the draft restorative justice class descriptions. Brent Daniels, Human Resources Director, requested to move up item G in the agenda. Paula Phillips, BCCE President, commented that the Union is concerned that class descriptions are being brought forward to the Commission without being approved by the Board first.

4. Approval & Adoption of Agenda

Chairperson Carter said that he was going to have to leave early and requested to move up items 7.d, e, and g to immediately follow Item 4.

Chairperson made a motion to move up items 7.d, e, and g; Vice-Chairperson Goldstein seconded the motion, Approved, 3-0

5. Approval of Meeting Minutes

- a) July 13, 2017, Regular Meeting Minutes
- b) July 20, 2017, Special Meeting Minutes

Commissioner Ortiz made motion to approve the meeting minutes; Vice-Chairperson Goldstein seconded the motion,

Approved, 2-0

6. Consent Items

I. Ratification of Eligibility Lists

- a) Lead Maintenance Engineer
- b) School Bus Driver
- c) Administrative Assistant I
- d) Payroll Specialist
- e) Instructional Assistant II, SPED
- f) Educational Occupational Therapist
- g) Nutrition Services Satellite Operator I
- h) Transportation Scheduler/Router

Commissioner Ortiz made motion to approve the eligibility lists a-h; Vice-Chairperson Goldstein seconded the motion,

Approved, 2-0

7. Conference Items

- a) Request for Advanced Salary Placement for Maintenance Engineer
Vice-Chairperson Goldstein commented that because the issue was resolved, no action needed to be taken.
- b) Special Report on Establishment of a Position
President Phillips said the flow chart provided as part of the report completely bypasses the Union involvement in the establishment of a new position. Secretary Rogosin commented that Ed. code states that no changes can be made to a class description without prior notification, but that is provided when the agenda is sent to all in advance of the meeting. He also noted that the Board has full responsibility to establish positions and the Personnel Commission is responsible for class descriptions.
- c) Establishment of New Class of Lead Accounts Payable Technician
Secretary Rogosin said that language was changed from the previous drafts in consideration of the Union's concern. Phillips said union is still concerned about the class not being discussed with the union. Vice Chairperson Goldstein commented that she is inclined to table approval of this class description and the two restorative justice class descriptions, until the Board has further reviewed them.
- d) Establishment of New Class of Restorative Justice Coordinator
Discussed with Item e.
- e) Establishment of New Class of Senior Restorative Justice Coordinator
Secretary Rogosin commented that the Senior Restorative Justice Coordinator requires a degree and more relevant experience than the lower class of Restorative Justice Coordinator. President Phillips requested to table approval of the two class descriptions at this time. Vice-Chairperson Goldstein noted that community members had expressed interest in the classifications and wanted to be sure that the Board was aware of this. Chairperson Carter made a motion to table items D, and E until the Board has the opportunity to review them; Commissioner Ortiz seconded the motion,

Approved, 3-0
- f) Revision to Class Description for BSEP Program Specialist
Natasha Beery, Director of BSEP and Community relations, commented that the current class description is not accurate and needs to be updated. Vice-Chairperson Goldstein asked if other components of the class description were changed. Secretary Rogosin said the newer class description is more specific. Commissioner Ortiz said it made logical sense to revise the class description. Secretary Rogosin said it's a Commission duty to revise the class descriptions. Secretary Rogosin suggested that this item be brought back at the next special meeting.
- g) Report on Classification Study Implementation- E. Johnson
Secretary Rogosin commented that when your position is abolished, you can take a voluntary demotion in a related class in lieu of being laid off and be put on a 63-month re-hire list. Josh Stevens, Attorney to the District, commented that he disagrees with the recommendation because Ms. Johnson was not laid off or involuntarily demoted when her job classification changed. He said the class title and class description were changed after the Class Study but her hours were not reduced, she did not lose any salary. Mr. Stevens commented that the District respectfully requests not to send a layoff notice to Ms. Johnson, but that she apply and test for the School Administrative Assistant III position and an eligibility list be established and for the District to make a choice from that list.

Secretary Rogosin responded that Ed code 45298 states that a layoff is when a position is abolished. Mr. Stevens said Ms. Johnson's former class, School Secretary III, no longer exists, and that she is now a School Administrative Assistant II. Secretary Rogosin said that the former School Secretary III class and the current School Administrative Assistant III class are almost the same. Chairperson Carter asked if with the title change her qualifications changed. Mr. Stevens responded that it's not an issue of qualifications, and that she's never served in the position of School Administrative Assistant III. Chairperson Carter said at some point she qualified because she tested with the other School Secretary III's who were re-classed as School Administrative Assistant III's. President Phillips commented that per Ed code 45720, a reclassification takes place based on a gradual accretion of duties, and that the union believes that she was not laid off. She said that if the Commission approves this and puts Ms. Johnson on a rehire list, then all bargaining unit members in similar circumstances should be placed on rehire lists. Rogosin said that this wouldn't apply to someone who was upwardly reclassified. And that everyone should receive a notification letting them know they have rights to transfer into a diff class. Mr. Stevens said, that per Ed Code 45298, layoffs are due to lack of work. President Phillips said she agreed with Mr. Stevens. Secretary Rogosin says it was not a layoff but that she accepted a voluntary demotion in lieu of a layoff. Mr. Stevens requested to table this item pending an official legal opinion he will bring to the next meeting. Vice-Chairperson Goldstein requested different legal counsel for the Personnel Commission. Carter said the Commission will get an independent legal opinion and hold a special meeting to include opinions from BCCE and the District's legal counsel as well.

h) Agenda Item Request-Marie Ferguson.

Secretary Rogosin said he visited Berkeley High a few times and that on those days, the substitute assignments ranged from 0-17. He said at the time when she made the request, he determined that it was not "work out of class." Ms. Ferguson said that the two previous employees were Program Assistants and were paid at a higher rate. President Phillips commented that Ms. Ferguson should be paid for doing duties in the Human Resources Technician class description, because of the complexity of her assignment unique to Berkeley High.

Linette Robinson, BCCE Grievance Chair, commented that Mr. Rogosin would need to visit the site at 7:30am, otherwise he wouldn't get a good sense of what is occurring at the site. Ms. Ferguson commented that she does the bulk of the clerical work in BHS in addition to handling substitute assignments. Vice-Chairperson Goldstein asked if the duties performed in the Human Resources Technician position are not just coordinating substitutes, and asked Secretary Rogosin to compare the complexity of the work that the Human Resources Technician does with the complexity of work that Ms. Ferguson performs to better understand how they are different.

8. 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) Special Report on Step Increases

Secretary Rogosin commented that this is a negotiable item with the union and that they should put in writing to supersede the merit rules.

9. Closed Session (1 matter)

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

The Personnel Commission met in closed session to discuss personnel matters and provide direction to staff.

10. Report from Closed Session

Vice-Chairperson Goldstein commented that the commission discussed the upcoming transition with the new Director, of Classified Personnel and said that they asked Mr. Rogosin to remain employed through 9/15 with the caveat that his services continue to be needed.

11. Reports

a) Union
None

b) District Reports
None

c) Commissioners Reports
Vice Chairperson said that she wanted to thank Secretary Rogosin on behalf of all of the Commissioners, and that he has done a lot of things that are very courageous and that she has learned a lot in this process.

d) Personnel Director
i. New Hires and Examinations administered in the month of July.

12. Public Comments

None.

13. Next Meeting

The next Special Meeting will be scheduled soon pending receipt of the legal opinions. The next regular meeting will take place on September, 7th at 4:30 pm.

14. Adjournment

The meeting adjourned at 8:36 pm.

Respectfully Submitted,

Peter Rogosin
Secretary, Personnel Commission

Date

Approved,

Timothy Carter
Chairperson, Personnel Commission

Date