

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

Personnel Commission

Dr. Reynaldo Ortiz, Chairperson

Mr. Timothy Carter, Vice-Chairperson
Patricia Duwel, Secretary

Ms. Heidi Goldstein, Commissioner

Meeting Agenda

January 10, 2019 – 4:30 pm

- 1. Call to Order** **Chairperson Ortiz**
- 2. Roll Call & Establishment of Quorum** **Secretary Duwel**
- 3. Public Comments (15-minute limit)** **Public**

This is an opportunity for the public to comment on Personnel Commission business not on the agenda. The time limit is five minutes per individual and a total of fifteen minutes per subject. No action shall be taken by the Commission.
- 4. Approval & Adoption of Agenda** **Chairperson Ortiz**
- 5. Approval of Meeting Minutes** **Chairperson Ortiz**

Approve the Personnel Commission Meeting Minutes for the following:

 - a) December 6th, Regular Meeting Minutes, p. 2 – 6
- 6. Consent Items** **Chairperson Ortiz**

It is recommended that the Personnel Commission consider approving a number of agenda items as a Consent list. Consent items are routine in nature, and can be enacted in one motion without further discussion. This procedure conserves meeting time for a full discussion of significant issues.

Ratification of Eligibility Lists

 - a) Behavioral Intervention Specialist, p. 7
 - b) Instructional Technician, Cooking, p. 8
 - c) Nutrition Services Assistant, p. 9
 - d) School Administrative Assistant, ECE, p. 10
- 7. Reports**
 - a) Union **Union Representatives**
 - b) District Reports **District Representatives**
 - c) Commissioners Reports **Commissioners**
 - d) Personnel Director **Secretary Duwel**
 - i. New Hires and Examinations administered in the month of December 2018, p. 11
- 8. Conference Items** **Chairperson Ortiz**

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

 - a) Agenda Item Request – M. Ferguson, **Attachment A**
 - b) Request to Extend Eligibility List – Student Welfare and Attendance Specialist, **Attachment B**
- 9. Closed Session (1 matter)** **Chairperson Ortiz**
 - a) Employee Discipline and Legal Matters - Government Code § 54954. (2018-D-02) (2015-D-xx)
- 10. Report from Closed Session** **Chairperson Ortiz**
- 11. Public Comments (15-minute limit)** **Public**

This is an opportunity for the public to comment on Personnel Commission business not on the agenda. The time limit is five minutes per individual and a total of fifteen minutes per subject. No action shall be taken by the Commission.
- 12. Next Meeting** **Chairperson Ortiz**

Follow up items for next Personnel Commission Meeting.
- 13. Adjournment** **Chairperson Ortiz**

Berkeley Unified School District

Personnel Commission Meeting Minutes

December 6th, 2018 – 4:30 pm

1. Call to Order

The meeting was called to order at 4:31 p.m.

2. Roll Call & Establishment of Quorum

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

3. Public Comments

Christine Staples, a former BUSD parent, spoke on the proposed US Department of Education changes to the Title IX. She said that the changes would take away power for K-12 school interventions on behalf of students and staff. She shared an incident that took place at a Berkeley elementary school illustrative of the need for an active Title IX Coordinator with broad scope to investigate incidents and assist staff and students who are targets of harassment or assault.

Rebecca Levenson, a current BUSD parent, speaking on the same issue referenced a student-on-staff incident brought up by the Union at a prior meeting. She urged the District and the Union to share data on incidents and collaborate to create a safe environment for all. She said that a few years ago a sexual harassment survey was sent to families of Berkeley High students. She asked if there were data points that BCCE or the District has culled from employees. She spoke about the importance of creating a safe place where those in the BUSD community can share stories about incidents of harassment or assault.

4. Approval & Adoption of Agenda

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

5. Approval of Meeting Minutes

a) November 8th, 2018, Regular Meeting Minutes

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

Approved, 3-0

6. Consent Items

Ratification of Eligibility Lists

a) Clerical Assistant

b) Human Resources Technician

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

Approved, 3-0

7. Reports

a) Union

Linnette Robinson, BCCE President, asserted that School Safety Officers being stripped of their power to be effective safety officers. She noted that the rate of incidents is up and that the safety officers are not informed of issues or advised of known threats by the administration or school leadership. She cited a recent incident at BHS where the Safety Officers were not notified of a warning received from parents about a student who may

have come to school with a gun. President Robinson challenged the rationale for cutting Safety Officers as a cost-effective measure, noting that it is not conducive to creating a safe environment. She recommended that the Personnel Commission investigate the duties listed in new job descriptions presented by the District and added that the new Behavioral Intervention Specialist (BIS) position was created without the Union's involvement, and said that several Instructional Assistant II, SPED employees are already doing the equivalent job. She requested a desk audit and compensation analysis for these roles. President Robinson expressed concern that the inclusion of the Noon Supervisor (now known as School Campus Aide) positions into the Classified Service would drain resources for existing positions that directly support students. President Robinson asserted that union members are not compensated for taking on additional duties. She said that management often asks for step increases and position reclassifications because they claim to perform higher functions, however, they're assigning more duties to their classified staff. She noted that shifting duties and continued vacant positions stress staff and compromise services to students and that these dynamics are affecting the District's ability to retain staff. President Robinson asserted that the Uniform Complaint Process takes too long to resolve employee concerns and that the process is problematic because the same personnel who handle the complaint investigations make adjudication decisions. She urged the Personnel Commission to act independently of the District and, if necessary, take tours of the school sites.

b) District Reports

Brent Daniels, Human Resources Director, said that he has been meeting with BCCE on a weekly basis and that they are establishing more open communication with each other. He expressed thankfulness that the Union has been patient as solutions are sought for some of the more complex issues and that he is looking forward to resolving some of the longstanding concerns that the Union has presented. HR Director Daniels reported that collaborative planning, including the Union and functional managers, has started for the January Classified Service Professional Development day, which will include a half day workshop tailored to each functional group and a half day general assembly session.

c) Commissioners Reports

Chairperson Goldstein said that the US Department of Education has proposed changes to Title IX, and the Notice of Proposed Rulemaking (NPRM) comment period ends in late January. She has asked BUSD administration to take the lead in collecting stakeholder input. She reported that the proposed changes are far-reaching and will change every aspect of the way the District deals with discrimination and harassment reported by staff and students. Chairperson Goldstein noted that the related practices and processes facing employees need improvement and that examination during the NPRM would be an excellent opportunity to start dialogue about this.

Chairperson Goldstein expressed concern that School Board members seemed alarmed by the new classification and job description for the Student Admissions Program Manager role, presented at the November 14th school board meeting, and asked for suggestions to better communicate with the Directors about upcoming position reclassifications.

Chairperson Goldstein commented on the frequency of requests the Commission has been receiving for advanced step placements. She also spoke on the need to make good use of training resources and urged that the \$25k in training funds secured by the Commission for the 2018-19 budget be deployed expeditiously to secure outside training on key competencies.

Chairperson Goldstein said that to get a broader picture of what the District is doing, she has regularly attended school board meetings and District training days. She expressed concern about the delay in posting of minutes for matters considered by the Board Policy Subcommittee (BPC), which can affect the Classified Service, and noted that the BPC had not posted minutes for meetings since March of 2018.

Lastly, Chairperson Goldstein, thanked Erin Arinez, Classified Personnel Supervisor, for her continued support of Commission operations and continuity while Secretary Duwel has been out intermittently for the last few months.

d) Personnel Director

i. New Hires and Examinations administered in the month of November

Secretary Duwel reviewed examination and staffing information for the month of November. She said that activity has slowed down a bit during the holiday season. Chairperson Goldstein added that the commission worked through an average of 2.3 exams per day even though there were only 17 work days.

8. Conference Items

a) Election of Personnel Commission Chairperson and Vice-Chairperson

Chairperson Goldstein made a motion to nominate Vice-Chairperson Ortiz to be the Chairperson for 2019; Commissioner Carter seconded the motion,
Approved, 3-0

Vice-Chairperson Ortiz said he accepted the appointment.

Vice-Chairperson Ortiz made a motion to nominate Chairperson Carter as Vice-Chair for 2019; Chairperson Goldstein seconded the motion,

Approved, 3-0

Commissioner Carter said he accepted the appointment.

b) Establishment of New Classification – Student Admissions Program Manager

Secretary Duwel reported that the Commission had approved the reclassification in the previous meeting, and the new job description was approved at the November 14, 2018 school board meeting. Francisco Martinez, Admissions Manager, said he was concerned that the Board expressed surprised that they did not know about the reclassification because he has had meetings with the District about this matter for over a year.

Chairperson Goldstein made a motion to approve the new classification, Vice-Chairperson Ortiz seconded the motion,

Approved, 3-0

c) Request for Advance Step Placement – G. Arrellano

Secretary Duwel said the advanced step request came from a candidate on the Instructional Assistant, ECE eligibility list who submitted supporting documentation, and a letter of support from the ECE Principal. Secretary Duwel said that she recommended an advance salary placement at step 4. In response to Chairperson Goldstein's inquiry as to how she came to a decision, Secretary Duwel responded that she reviews the candidate's experience and education, and comparable salaries in other neighboring districts.

Commissioner Carter said that he does not want to consider an advance step placement until a matrix or rubric is created to guide consideration of the request. He expressed concern that without neutral guidance actions to approve a step placement could be misconstrued as favoritism. He also noted that step placement requests may indicate that the classification and the salary should be revised instead. Chairperson Goldstein said that while the job duties speak to the minimum qualifications, it's possible that job applicants may present with more than the minimum education and experience. She commented that it's fair and reasonable to consider that the salary steps are not just a ladder for increasing compensation due to tenure in a role, but also a ladder to acknowledge and compensate for a candidate's prior work experience. She also agreed that a rubric is needed but suggested it wasn't necessary to embargo this request and expressed support for Secretary Duwel's analysis and recommendation. Vice-Chairperson Ortiz said he would also like to see a rubric drawn up for such requests.

Vice-Chairperson Ortiz made a motion to approve the advanced step placement at step 4; Chairperson Goldstein seconded the motion,

Approved-2-0

Commissioner Carter abstained.

d) Request for Advance Step Placement- A. Herrera

Chairperson Goldstein noted the Commission had previously requested more information about Mr. Herrera's experience. Secretary Duwel advised that she requested more information from the candidate but did not receive it, and that ultimately the employee should be held accountable for the information they choose to provide. Chairperson Goldstein said it's reasonable to request the employee's application and/or resume, typically collected as part of the recruitment and hiring process, because the information provided in support of the request was insufficient to determine whether the employee's expertise or prior work experience warranted step placement consideration. Commissioner Carter said that the requests for more information need to be consistent, and if the Personnel Commission insists on receiving more information from a candidate, it will give the impression of favoritism. Secretary Duwel reported that she tells all candidates that they need to provide any additional information they deem necessary to support their request. Commissioner Carter agreed that the Director shouldn't have to provide additional resources and that the candidate needs to take the initiative to support their request. Chairperson Goldstein said the Commission has access to the employee's employment application which can be reasonably used as a verified reference and expressed concern that an employee shouldn't have to guess as to what kind of documentation they need to provide in support of their request. Chairperson Goldstein asked that going forward the Director make a broad suggestion as to what types of documentation should be provided by employees who request consideration for an advanced salary step.

Vice-Chairperson Ortiz made a motion to approve the advance step placement;

Rejected 2-1

Nay- Chairperson Goldstein and Commissioner Carter

Aye- Vice-Chairperson Ortiz

e) Request to Extend Eligibility List – After School Program Specialist

Vice-Chairperson Ortiz made a motion to extend the eligibility list; Chairperson Goldstein seconded the motion,

Approved, 3-0

f) Revise the Human Resources Analyst (confidential) Classification and Salary Placement

Secretary Duwel said a revision was made to the Human Resources Analyst, Confidential class description; some of the duties have changed and were approved at the November 14, 2018 board meeting. Chairperson Goldstein noted that the salary range changed as well.

Commissioner Carter made a motion to approve the revised Human Resources Analyst, Confidential classification and salary placement; Vice-Chairperson Ortiz seconded the motion,

Approved, 3-0

g) Establishment of New Classification – School Campus Aide

Secretary Duwel advised that Noon Director role would be brought into the Classified Service as a new classification called School Campus Aide and that the board approved the duties on at the November 28th meeting. She said the salary range assigned was the closest to the current Noon Director salary rate. Secretary Duwel said approving the new classification can't be delayed because the continuing Noon Director staff would all transition to permanent status as of January, 1st 2019.

President Robinson said that the District had just shown the Union the job description that same day. She noted that some of the duties in the job description fall into other classifications.

HR Director Daniels said that offer letters were sent to employees who were recommended for continuation in the role under permanent status and, if approved today, a draft class description can be shared with the School Campus Aide candidates. Chairperson Goldstein said she was concerned that continuing employees may not understand the details of the new role and may be surprised if their duties change. She also suggested that a strategy should be set in place to address step placement requests for the new role.

Vice-Chairperson Ortiz made a motion to approve the School Campus Aide Class Description; Commissioner Carter seconded the motion,
Approved, 3-0

10. Closed Session (2 matters)

- a) Employee Discipline and Legal Matters - Government Code § 54954.5 (2018-D-01)
- b) Joint- Appointed Personnel Commissioner- Discussion

The Personnel Commission went into closed session at 5:55 pm.

11. Report from Closed Session

The Personnel Commission came out of closed session at 6:32 pm. Chairperson Goldstein reported that there was no update on employee discipline case (2018-D-01). She reported that she was nominated for reappointment to another term by the two other Commissioners and that she would be honored to serve again. Chairperson Goldstein also reported that Secretary Duwel would remain on an intermittent leave of absence.

12. Public Comments

None.

13. Next Meeting

The next regular meeting will take place on January 10th at 4:30 pm.

14. Adjournment

The meeting was adjourned at 6:36 pm.

Respectfully Submitted,

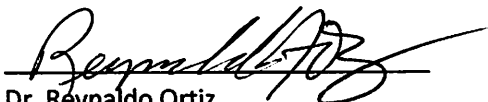


Patricia Duwel
Secretary, Personnel Commission

01/07/2019

Date

Approved,



Dr. Reynaldo Ortiz
Chairperson, Personnel Commission

1/10/2019
Date

Berkeley Unified School District
Merit System

Eligibility List for : **Behavioral Intervention Specialist**
(Open and Promotional)

Written Examination: **December 4, 2018**

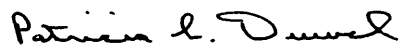
Oral Examination: **December 6, 2018**

List Established by Personnel Commission: **January 10, 2019 to expire January 9, 2020**

Promotional

1 Moshe Cohen

2 Leo Siecienski



Patricia Duwel
Secretary, Personnel Commission

1/7/2019

Date



Reynaldo Ortiz
Chairperson, Personnel Commission

1/10/2019

Date

Berkeley Unified School District
Merit System

Eligibility List for : **Instructional Technician, Cooking**
(Open)

Written Examination: **November 28, 2018**

Oral Examination: **December 7, 2018**

List Established by Personnel Commission: **January 10, 2019 to expire January 9, 2020**

Open

- 1 Hema Khanchandani*
- 2 Sasha Lopez
- 2 Kimberly Miramontes
- 3 Kelsey Austin
- 4 Kayla Brandon

* *Eligibility to expire September 5, 2019*

Patricia L. Duwel

Patricia Duwel
Secretary, Personnel Commission

1/7/2019

Date

Reynaldo Ortiz

Reynaldo Ortiz
Chairperson, Personnel Commission

1/10/2019

Date

Berkeley Unified School District
Merit System

Eligibility List for : **School Administrative Assistant, Early Childhood Education**
(Open and Promotional)

Written Examination: **November 27, 2018**

Oral Examination: **December 11, 2018**

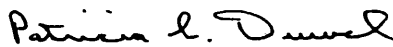
List Established by Personnel Commission: **January 10, 2019 to expire January 9, 2020**

Promotional

- 1 Leo Siecienski
- 2 Delia Lopez-Caloca

Open

- 1 Ashley Stepney



Patricia Duwel
Secretary, Personnel Commission

1/7/2019

Date



Reynaldo Ortiz
Chairperson, Personnel Commission

1/10/2019

Date

Examinations Administered in the Month of December:

<u>Classification</u>	<u>Written</u>	<u>Oral</u>	<u>Performance</u>
Administrative Assistant I	11		
Behavioral Intervention Specialist	2	2	
Custodian I	6		
Instructional Assistant, Early Childhood Education	4		
Instructional Tech- Before and After School Program	7		
Instructional Technician, Cooking	4	4	
Instructional Specialist, Gardening	3		
Instructional Assistant, SPED	7		
School Administrative Assistant, ECE	5	4	
Nutrition Services Assistant	3		2

New Hires/New Assignments/Promotions Processed in the Month of December:

<u>Name-</u>	<u>Employment Type-</u>	<u>Classification-</u>	<u>Location/Dept.</u>
Samantha Ortega	New-Hire	Nutrition Services Assistant	Central Kitchen
Shauna Rabinowitz	New-Hire	Student Body Account Technician	Berkeley High
Francisco Martinez	Promotion	Student Admissions Program Manager	Admissions



Office of the Personnel Commission
2020 Bonar Street, Suite 206
Berkeley, CA 94702
(510)644-8975

Agenda Item Request Form

You may fax this form to (510) 644-6151 attention to Personnel Commission, hand deliver it to the address above or scan and email to erinarinez@berkeley.net The Personnel Commission office is open Monday through Friday from 8:00am to 4:00pm.

The deadline for submitting a request for items to be included in a Personnel Commission Meeting is 4:00pm, 7 calendar days prior to the Personnel Commission Meeting you are considering. This form can be obtained from Personnel Commission staff or by downloading the form from the Berkeley Unified School District website under the Personnel Commission.

Name of Person Requesting Item: Marie Ferguson (Date) 12/20/18

Telephone Number: (510) 379 6166 Email Address: BOCEMARIE@gmail.com

Place on agenda as: Discussion Item (This item is presented for discussion only and may be carried over from a prior meeting. No action will be taken on this item)
 Conference Item (This item is presented for discussion and action and may be carried over from a previous meeting)

Description of Item: Working out Classification 8.4.1

Background Information:

(Please attach or include some background information to assist the Personnel Commission in determining appropriate action.)

SEE ATTACHED DOCUMENT

For Personnel Commission Use Only:

Date of Chairperson Review: _____

Determination: Place on agenda for meeting of _____
Date of Personnel Commission Meeting

Place on agenda as _____
Type of Item

Do not place on agenda

Agenda item for 01/10/19 PC Mtg

1 message

Marie Ferguson <bccemarie@gmail.com>
To: marieferguson@berkeley.net

Thu, Dec 20, 2018 at 11:52 AM

I am requesting to be placed on the January 2019 Personnel Commission Agenda for Working Out of Classification 8.4.1.

I am performing some of the Human Resource Technician/Substitute Coordinator duties range 48.

As an School Administrative Assistant II (at Elem & Middle Schools) we are responsible for informing the HR Technician/Sub Coordinator when no one has accepted the unfilled positions. The HR Technician/Substitute Coordinator is responsible for K-8 schools only for finding substitutes for unfilled positions.

Whereas at BHS(9th-12th), I am the only person that is responsible for facilitating and coordinating staff absence(s). Ensuring that all classes are covered period by period absence(s). I am performing duties that are in a higher classification and not being compensated for the duties that I performing for the following two years.

I am requesting to be paid the 5% differential over a two year period with interest. I have brought this item before the Personnel Commission several times and yet nothing have been done to resolve this issue.

According to Ed Code 88001(F) gradual increase of duties for 2 years. Required skill level and responsibility level higher than what's required in the classification. Significant complexity of the position, skills, depth knowledge and experience required.

Ca ed code 45182 The governing board of any school district may provide differential compensation to those classified employees who perform duties of a distasteful, dangerous, or unique nature when, in the opinion of the board, such compensation is reasonably justified.

In a merit system district, such differentials shall be based upon findings and recommendations of the personnel commission and shall not be applied in a manner contrary to the principle of like pay for like service.

Cordially

M.Ferguson

Sent from my iPhone

PERSONNEL COMMISSION
BERKELEY UNIFIED SCHOOL DISTRICT
January 10, 2019

AGENDA ITEM

SUBJECT: STUDENT WELFARE AND ATTENDANCE SPECIALIST ELIGIBILITY LIST CERTIFICATION EXTENSION

BACKGROUND INFORMATION

Personnel Commission Rule 50.100.1 states that “After approval, an eligibility list shall be in effect for one year, unless exhausted, **and may be extended for not to exceed one additional year** at the discretion of the Commission.” Request to extend the After School Program Specialist Eligibility List for an additional one (1) year.

50.100.1 Establishment and Life of Eligibility Lists

A. After an examination, the names of successful competitors shall be arranged on a list in the order of examination score, plus additional points where applicable (Rule 40.100.8). The list shall be presented for approval of the Personnel Commission.

*B. After approval, an eligibility list shall be in effect for one year, unless exhausted, **and may be extended for not to exceed one additional year at the discretion of the Commission.** Names of successful competitors may be added to eligibility lists resulting from continuous examinations without approval by the Commission.*

DIRECTOR’S RECOMMENDATION

Approve a one (1) year extension of the above eligibility list.

Berkeley Unified School District
Merit System

Eligibility List for : **Student Welfare and Attendance Specialist**
(Open and Promotional)

Written Examination: **November 30, 2017**
Oral Examination: **December 15, 2017**

List Established by Personnel Commission: **January 9, 2018 to expire January 8, 2019**

Promotional

- 1 Johnna Quist
- 2 La Tasha Mitchell
- 2 Rashad Andrews
- 3 Rosalina Barrios

Open

- 1 Damon Jones
- 2 Stella Tan
- 3 Courtney Johnson
- 4 Mishern Bivens

Patricia Duwel
Secretary, Personnel Commission

1/4/2018
Date

Heidi Goldstein
Chairperson, Personnel Commission

1-9-2018
Date