

Berkeley Unified School District
Personnel Commission Meeting Minutes

January 10th, 2019 – 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-Chairperson Carter, and Commissioner Goldstein were present, and a quorum was established.

3. Public Comments

Peggy Scott, a member of the Sexual Harassment Advisory Committee, said that at the previous night's [January 9th] school board meeting, there was a discussion about the BUSD draft comments responding to the proposed changes to Title IX regulations and that she thought the proposed rules were terrible because they would drastically change current requirements and would severely undercut Title IX protections. She provided to the Commission a copy of her comments made to the school board on January 9th regarding the draft BUSD response to the proposed changes that and said that comments from the public would need to be filed with the US Department of Education before January 29th. Ms. Scott added that the [proposed] regulations mandate children be allowed to make complaints only to their teachers and no other adult staff members, which she believes will be deeply harmful to students. She said the revisions to Title IX contemplate a college setting, yet these rules would apply to children in K-12th grades. Ms. Scott requested that the Commission put forward their own opinion on the proposed rules and share it with Chelsea Yogerst, BUSD's Title IX Coordinator. Lastly, she shared that safety is at the heart of education equity because children can only learn if they feel safe.

Camila Antinori, a BHS parent, said that she is concerned about the public response to the Title IX proposed rules. She said that the proposed regulations are going to be very restrictive and would prefer that there be a broader range of people that her child can talk to at her school to report an incident. She asked that BUSD staff be informed of the proposed changes and their effects so that staff would be encouraged to respond to the US Department of Education with their own comments about the process. Ms. Scott added that Title IX protects against many different classes of discrimination and covers more than sexual harassment.

Ellaray Waller, Employee Benefits Specialist, commented that she experienced an incident of harassment in her department that has caused her to take time off from work to seek medical care. She reported that she filed a complaint using the District's process, but it did not work. She said she did not receive support from the District, and, although she has been released to return to work, after undergoing the interactive process, the District has informed her that it is unable to provide her requested accommodation.

4. Approval & Adoption of Agenda

Commissioner Goldstein made a motion to approve the agenda; Vice-Chairperson Carter seconded the motion

Approved, 3-0

5. Approval of Meeting Minutes

a) December 6th, Regular Meeting Minutes

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

Approved, 3-0

6. Consent Items

Ratification of Eligibility Lists

- a) Behavioral Intervention Specialist
- b) Instructional Technician, Cooking
- c) Nutrition Services Assistant
- d) School Administrative Assistant, ECE

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

Approved, 3-0

7. Reports

a) Union

Linnette Robinson, BCCE President, said that trying to utilize the District's complaint process is not effective, particularly for cases of harassment or bullying, because the process seems to be continually changing. She noted that BCCE members are held to a different standard and questioned who at the District was held accountable when investigations were not handled properly or fairly. She cited an incident at Berkeley High where an incorrect investigation took place. President Robinson questioned how it could be that student cases of harassment and bullying were handled properly if the cases for [staff] aren't being properly handled. She said that students are bearing the weight of the District's inactivity and that parents should not have to come in and complain about harassment, but the Commission has made them powerless.

President Robinson asserted that the District exercises favoritism in its decisions around hiring, on-the-job and training opportunities, and then later in tailoring merit examinations to match to the knowledge selected employees have gained from these experiences. She raised concerns about District non-compliance for timely mandated reporter and CPR training for Classified staff and reported that in the past, she has paid for her own CPR training when the District has not provided it because she works with the most acute special needs students.

President Robinson enumerated a number of practices requiring attention including: timing of paid breaks, funds management, and performance management; and called on the Commission to

investigate and act as an independent body because the Classified Director is both Secretary to the Commission and is also doing the District's work. She cited costly litigation as a drain on district funds and that this, along with poor fiscal management, was a contributing factor to Classified job cuts, which in turn, hurt students.

b) District Reports

Brent Daniels, HR Director, said that he's continuing to meet with the Unions, and has been having an open dialogue with them. He reported that CPR training has been scheduled for the January 28th staff professional development day. He also added that the newly on-boarded School Campus Aides will be included in the 1/28 PD sessions and that training was under development for those employees. HR Director Daniels said the District is confident and committed to addressing union concerns.

c) Commissioners Reports

Commissioner Goldstein expressed wishes for a speedy recovery for BUSD Board Member, Judy Appel, and her wife. She shared the Superintendent's announcement, made at the prior evening's board meeting, that that he would be retiring on July 31st and noted the opportunity created by leadership changes. Commissioner Goldstein expressed her hope that the Professional Development sessions would offer meaningful instruction to Classified staff. She noted that an updated class description for the new School Campus Aide role was approved at the January 9th board meeting and the importance of training for this new Classified population. Commissioner Goldstein commented that it's crucial for employees to understand how the complaint process at BUSD will change if the Title IX rules are revised. She said that many aspects of the proposed rule changes are problematic, particularly changes to the authorized adults that are empowered to act on complaints from students. Commissioner Goldstein said she is looking forward to attending the CSPCA conference in February, particularly the session on legal issues connected to school safety, and hopes to be able to bring back this information to the District.

Chairperson Ortiz said that he's looking forward to attending the conference as well. He noted the many issues raised during public comment represent activities taking place on the District side, and expressed concern about the necessity to clarify which, if any, of these issues falls under the Commission's purview so that the Commission can be as effective as possible.

d) Personnel Director

i. New Hires and Examinations administered in the month of December 2018

Secretary Duwel shared exam activity for the month of December. She reported that a new classified employee orientation is scheduled for January with approximately 35 employees scheduled to attend. She also shared that she had reached out to Playworks to see if they will be able to provide training to School Campus Aides on the professional development day.

8. Conference Items

a) Agenda Item Request – M. Ferguson

Marie Ferguson, School Administrative Assistant II at Berkeley High (BHS), said that she was hired in her classification at BHS, but has functioned as the sole substitute coordinator for the site. For this reason, she has requested differential pay to match to the comparable task assigned to the more highly compensated HR Technician role which assists K-8 schools with their substitute needs, but not the high schools. She noted a prior desk audit, performed at her request, and added that the predecessor employee at her site who was performing the same duties was paid at a higher salary range, which was lowered as a result of the 2013 classification and compensation study. Secretary Duwel confirmed her support for a re-classification and, based on the earlier desk audits, has drafted a class description that she will share with Ms. Ferguson and the Union. Ms. Ferguson suggested that someone needs to take a look at the flow of work performed in the BHS main office because the work is not being distributed evenly among staff. Commissioner Goldstein said she understood that the Principal, as the supervisor for the main office staff, determines how work is distributed; and suggested that while the Commission doesn't have jurisdiction over workflow efficiency, HR typically would be in a position to help a supervisor with such an analysis.

President Robinson said that management at the high school is not handling the issue and that employees in higher classifications in the office are not skilled to do Ms. Ferguson's job or willing to train to do the job.

Secretary Duwel clarified that it was within the purview of the Commission to consider re-classification of Ms. Ferguson's position. Ms. Ferguson indicated that she prefers the work of the School Administrative Assistant II and does not want to work as a substitute coordinator. Commissioner Goldstein asked HR Director Daniels if HR can facilitate support to help managers and supervisors review their business processes to make improvements. HR Director Daniels replied that the supervision of a Principal rolls up to Educational Services and that the primary focus of HR is to analyze job descriptions and duties to ensure they align with the contract. Chairperson Ortiz thanked HR Director Daniels for agreeing to discuss options for moving forward on this matter with Secretary Duwel.

b) Request to Extend Eligibility List – Student Welfare and Attendance Specialist

Secretary Duwel reported that a candidate requested the extension of the eligibility list. Commissioner Goldstein observed that this candidate has been on a limited term assignment for almost a year. Secretary Duwel clarified that this is an extra support assignment in the Admissions Dept.

Vice-Chairperson Carter made a motion to approve the extension of the eligibility list; Commissioner Goldstein seconded the motion,
Approved, 3-0

9. Closed Session (1 matter)

- ### a) Employee Discipline and Legal Matters - Government Code § 54954. (2018-D-02) (2015-D-xx)
- The Commission went into closed session at 5:40 pm.

10. Report from Closed Session

The Commission came out of closed session at 6:20 pm. Chairperson Ortiz said there was no action to be taken in regards to the matters discussed.

11. Public Comments

None.

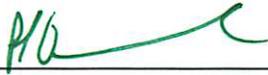
12. Next Meeting

The next regular meeting will be held on February 7th, at 4:30 pm.

13. Adjournment

The meeting was adjourned at 6:21 pm.

Respectfully Submitted,



Patricia Duwel
Secretary, Personnel Commission

2/4/2019
Date

Approved,



Dr. Reynaldo Ortiz
Chairperson, Personnel Commission

2/7/19
Date