

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

February 7<sup>th</sup>, 2019 – 4:30 pm

**1. Call to Order**

The meeting was called to order at 4:31 pm

**2. Roll Call & Establishment of Quorum**

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

**3. Public Comments**

None.

**4. Approval & Adoption of Agenda**

Commissioner Goldstein made a motion to approve the agenda; Chairperson Ortiz seconded the motion, Approved, 2-0

**5. Approval of Meeting Minutes**

a) January 10<sup>th</sup>, 2019, Regular Meeting Minutes

Commissioner Goldstein made a motion to approve the meeting minutes; Chairperson Ortiz seconded the motion,  
Approved, 2-0

**6. Consent Items**

Ratification of Eligibility Lists

- a) Administrative Assistant I
- b) Instructional Assistant, ECE,
- c) Instructional Assistant II, SPED
- d) Instructional Specialist, Gardening
- e) Instructional Tech- Before and After School
- f) Nutrition Services Satellite Officer
- g) School Bus Driver

Commissioner Goldstein made a motion to approve the eligibility lists; Chairperson Ortiz seconded the motion,  
Approved, 2-0

**7. Reports**

a) Union  
None.

b) District Reports  
None.

c) Commissioners Reports

Commissioner Goldstein expressed good wishes for continued healing for BUSD Board Member, Judy Appel, and her wife. She also thanked the District staff for organizing the Classified Staff Professional Development Day on January 28<sup>th</sup> and reflected that the listed session content seemed meaningful. Commissioner Goldstein commented that the Title IX NPRM comment period had closed and that the final version of the District's submitted comments could be found in the 1-23-19 School Board Packet. She also submitted her own independent comments. Commissioner Goldstein mentioned the special work session held on 2/6 prior to the regular School Board meeting, focusing on affordable educator housing approaches for BUSD staff.

d) Personnel Director

i. New Hires and Examinations administered in the month of January 2019

Secretary Duwel shared exam activity for the month of January. She said that as a result of AB 2160, which brought Noon Director positions into the Classified service, there were over 40 new employees hired and on-boarded in the month of January. She advised that Erin Arinez and Brain Westover, Personnel Commission staff, were currently attending the CSPCA conference in Southern California.

## 8. Conference Items

a) Step Advance Request- K. Miramontes

Secretary Duwel advised that Ms. Miramontes was recently hired as an Instructional Technician (Cooking) and recommended placement at Step 4 in support of Ms. Miramontes' request for advanced step placement. Chairperson Ortiz noted that, based on the documents Ms. Miramontes provided, he could tell she has an extensive background in teaching and cooking. Secretary Duwel recommended retroactive application of the advanced step rate effective to Ms. Miramontes start date. Commissioner Goldstein noted Ms. Miramontes' several years of relevant teaching experience as well. Secretary Duwel clarified that Step 4 placement would provide headroom for tenure reward in the role prior to the next longevity step at ten years from hire.

Chairperson Ortiz made a motion to approve the request for an advance salary placement at Step 4 for Ms. Miramontes; Commissioner Goldstein seconded the motion,  
Approved, 2-0

b) Agenda Item Request- M. Ferguson

Ms. Ferguson said that her position at Berkeley High was previously titled Program Assistant with compensation range 50. She asserted that the work assigned to the role has not changed and therefore should be compensated at a higher range than is currently assigned. Ms. Ferguson also noted that new responsibilities were assigned to her role and expressed concern that the BHS School Admin Assistant III role does not have responsibilities that are as critical as those assigned to her role, yet is paid at a higher range.

Secretary Duwel reported that she had discussed a new job classification with Ms. Ferguson for position re-classification. She recommended that Ms. Ferguson work with BCCE leadership to give input on the proposed job description. Commissioner Goldstein asked Secretary Duwel if she and HR

Director Daniels had discussed approaches to the BHS front desk work distribution issues raised at the last meeting. Secretary Duwel replied that she had shared her recommendations with HR Director Daniels. Secretary Duwel reminded that she was prepared to process timesheets for additional working out of class compensation when Ms. Ferguson provides the necessary documentation. Commissioner Goldstein noted that an outstanding item remains regarding what HR can do to facilitate improvement of the workflow issue at Berkeley High based on Secretary Duwel's recommendations. Secretary Duwel shared information regarding a timeline for reclassification of Ms. Ferguson's current position.

c) Request for New Classification- District Services Assistant (DSA)

Secretary Duwel advised that the Board had approved the duties for the DSA classification at the 1/23/19 meeting. She noted that the District Office will be restructuring reception and support services work and that a reception area is planned for the first floor of the District Administrative building, including a station to enable observation of activity and visitor tracking.

Secretary Duwel noted that she attached job descriptions for the School Safety Officer and Facilities Safety Officer to illustrate the differences between the DSA role and these classes which, amongst other things, require guard card and SB 1626 mandated certification. Commissioner Goldstein noted that the DSA duty element including "enforcing district policy's rules and regulations" should not be construed to require intervention and this should be clarified during the on-boarding process for this position. Secretary Duwel agreed.

Commissioner Goldstein made a motion to approve the new District Services Assistant job classification; Chairperson Ortiz seconded the motion,  
Approved, 2-0

## 9. Closed Session (1 matter)

- a) Employee Discipline and Legal Matters - Government Code § 54954. (2015-D-XX)  
The Commission went into closed session at 5:10 pm.

## 10. Report from Closed Session

The Commission came out of closed session at 5:20 pm. Chairperson Ortiz reported that the Commission received a report from the Director of Classified service with no further action to be taken on the matter discussed.

## 11. Public Comments (presented before Closed Session)

Ellaray Waller, Employee Benefits Specialist, said that she had started subbing for the School District in 2014 and became permanent in 2016. Ms. Waller said after submitting a complaint in April 2018 about workplace circumstances she commenced a medical leave of absence in September 2018 due to a hostile work environment in the Benefits office. She asserted there were retaliatory workplace acts after she filed the complaint, and that she was subject to unaddressed retaliation from Human Resources, her supervisor, and from the other coworker at the Benefits office leading her workgroup, including excessively close scrutiny of her work products for the first time. She reported poor support from the District Human Resources group over the course of follow up to her complaint, and noted that during the interactive process that commenced after she was cleared for return to work the HR Director yelled at her and suggested that that she withdraw her initial complaint and instead accept a demotion. Ms. Waller said she has been released to return to work as of December 7, 2018, but has been denied

the accommodations recommended by her physician. She reported that she has been told that there are no available positions that match to her qualifications. She said she is asking to be treated fairly and asserted she is experiencing ongoing retaliation because of her complaint, which was never resolved. She added that her annual reviews to date show that her performance has been great.

**12. Next Meeting**

The next regular meeting will be held on March 7<sup>th</sup> at 4:30 pm.

**13. Adjournment**

The meeting was adjourned at 5:25 pm.

Respectfully Submitted,



Patricia Duwel  
Secretary, Personnel Commission

3/4/19

Date

Approved,



Dr. Reynaldo Ortiz  
Chairperson, Personnel Commission

3/7/19

Date