

Berkeley Unified School District
Personnel Commission Meeting Minutes

April 11th, 2019 – 4:30 pm

1. Call to Order

The meeting was called to order at 4:34 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

None.

4. Approval & Adoption of Agenda

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

Approved, 3-0

5. Approval of Meeting Minutes

a) March 7th, 2019, 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) Custodian I
- b) Instructional Assistant, ECE,
- c) Instructional Assistant II, SPED
- d) Instructional Tech- Before and After School Program
- e) Human Resources Analyst- Confidential

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

Approved, 3-0

7. Reports

a) Union Reports

Mark Ramia, Instructional Assistant I, SPED at Berkeley High, read a letter on behalf of Linnette Robinson, BCCE President (attached).

b) District Reports

Brent Daniels, Human Resources Director, said he wished to compliment BCCE leadership for open conversations during meetings with the District. He said he looks forward to continuing collaboration with BCCE to resolve concerns.

c) Commissioners Reports

Commissioner Goldstein sent continued good wishes to Board President Judy Appel and her wife during their recovery. She shared recruitment updates for the new Superintendent and said that interviews are will be conducted on the upcoming weekend and that the May 8th Board meeting will reflect final candidate decisions.

Commissioner Goldstein said that some issues relating to efficiency in the HR/PC departments need further discussions and may require a special meeting; an MOU for the distribution of tasks between Human Resources and the Personnel Director should be revised.

Commissioner Goldstein noted that the Behavioral Intervention Specialist eligibility lists do not have sufficient candidates, which means that the level of service needed cannot be provided in-house but instead is carried out by costly outside contractors. She suggested more aggressive recruitment efforts, and discussions with BCCE to see how to offer promotional opportunities to current employees.

Commissioner Goldstein said that the District has recently received a grant for professional development, and wants to see if they can integrate with a learning management system because efforts should be made to invest in employees and not just offer training needed for compliance purposes. Lastly, she shared that there was a recent article in the Berkeleyside newspaper about a student running for student body who was able to hack into the system and put in several votes for himself. She said this was concerning and hopes the District takes this as an opportunity to double down on data security.

d) Personnel Director

i. New Hires and Examinations administered in March 2019

Secretary Duwel shared exam activity for March.

8. Conference Items

a) Request to Extend Eligibility List- Custodian II

Secretary Duwel mentioned that she received three requests from candidates to extend this list.

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

Approved, 3-0

b) Request for New Classification- School Administrative Assistant II/Substitute Specialist

Commissioner Goldstein noted that the job duties in the new classification include all of the duties in the School Administrative Assistant II class description but also include substitute duties, and

asked if the priority of this position would be the sub-management duties? Marie Ferguson, School Administrative Assistant II at Berkeley High, said that they're all duties that she performs at any given point. Ronessa Norwood-Coleman, BCCE Organizer, said that there are 160 teachers at the high school and so if there are absences, Ms. Ferguson HAS to fill those absences first thing every morning. Secretary Duwel emphasized that the Board recently approved the position on March 27th. Vice-Chairperson Carter said that there was an ongoing issue regarding the volume and workload for this position. Secretary Duwel said the workload can change depending on what is occurring that day. Chairperson Ortiz noted that all of the duties listed in the School Administrative Assistant II job description aren't all performed every day. Vice-Chairperson Carter asked if Ms. Ferguson were to leave the high school, would another School Administrative Assistant II who transferred into the vacancy refuse to do the extra duties? Secretary Duwel explained that it's a standalone position; therefore, other School Administrative Assistant II's would not be able to transfer into the vacancy. Ms. Norwood-Coleman said the reclass was necessary because the staff and student body at the high school are so large making the duties in that position more labor-intensive than other positions at other schools. Ms. Ferguson said the employee in her position before was at a range 50. She also mentioned that Technology is adding extra duties to her position. Secretary Duwel said that the School Administrative Assistant II job description might have to be reviewed for this reason. Commissioner Goldstein said she's hesitant to approve this classification because it's being created solely for the high school and all of the duties in the current School Administrative Assistant II position are included but not all of the duties in the class are being performed. Ms. Norwood-Coleman said that if they want to retain qualified staff, they need to do what's possible to keep good workers in the District.

Chairperson Ortiz made a motion to establish the new classification; Vice-Chairperson Carter seconded the motion,
Approved, 3-0

c) Request for Re-Classification- M. Ferguson

Ms. Ferguson said she had questions about the proposed range 48 because the position used to be a range 50. She also said she did not agree with the added duty of handing out equipment because she said it's a function that Technology has pushed onto all secretaries. Secretary Duwel said this is a negotiated item that needs to be discussed with the Union and District. Ms. Ferguson requested the workload at the high school's main office be spread out more equally. HR Director Daniels said that in regards to those concerns, HR has reached out to Associate Superintendent Scuderi to meet with the High school Principal.

Vice-Chairperson Carter made a motion to approve the reclassification for Ms. Ferguson; Commissioner Goldstein seconded the motion,
Approved, 3-0

d) Request for Re-Classification- E. Johnson

Commissioner Goldstein said she concurs with the Directors recommendation to re-class Erica Johnson, School Administrative Assistant II. Ms. Johnson asked when it would go into effect; Secretary Duwel responded that it would take effect the following day, April 12th.

Commissioner Goldstein made a motion to re-class Ms. Johnson to a School Administrative Assistant III, Vice-Chairperson Carter seconded the motion,
Approved, 3-0

e) Agenda Item Request- E. Waller
Commissioner Goldstein made a motion to approve Secretary's Duwel's recommendation to certify Ms. Waller to interview for specific classifications, Vice-Chairperson Carter seconded the motion, Approved, 3-0

f) Agenda Item Request- P. Thomas
Secretary Duwel reported that Pamela Thomas, former Grounds Gardener, is on the 39-month re-hire list because she has exhausted all of her available leaves. She met with Ms. Thomas and found inconsistencies related to a Workers Comp claim, but clarified that this matter isn't within the purview of the Personnel Commission. She plans to continue to work with Ms. Thomas to explore other re-employment options. Ms. Thomas said that she was notified that she was being placed on the 39-month rehire list and it has been two years and she has not been able to return to work. She asserted she has been repeatedly overlooked for promotions because of discrimination and was harassed and bullied by other employees in the Maintenance department. She said she was never told why she did not attain a promotional position. Chairperson Ortiz asked Secretary Duwel to continue working with Ms. Thomas on her situation. Ms. Norwood-Coleman praised Secretary Duwel as wonderful to work with and helpful. Commissioner Goldstein requested to discuss this item at a later time, if warranted, after review of materials Ms. Thomas distributed to Commissioners at the meeting.

Goldstein made a motion to certify Ms. Thomas to interview for other similar classifications, Vice-Chairperson Carter seconded the motion, Approved, 3-0

g) Approval of Personnel Commission Meeting Schedule for 2019-2020
Commissioner Goldstein made a motion to approve the 2019-2020 yearly schedule, Vice-Chairperson Carter seconded the motion, Approved 3-0

h) Personnel Commission Budget for 2019-2020, *First Reading*
Secretary Duwel identified differences in the new draft budget from last year's budgeted salary amounts due to inaccurate salary projections last year. She advised that she is still researching the disposition of underspent budget funds, per Commissioner Goldstein's request. Commissioner Goldstein noted that in prior years, and especially visible in the AY 18-19 budget, the District adopted budgeted amounts that differed from those approved by the Commission. Secretary Duwel commented that it seems as if the District does not fence off the Commission's independent budget, and noted that this should be the practice because the budget is approved at the County level. She added that District desired modification to an approved budget must be submitted to the Commission, or, may be appealed to the County if the Commission elects to not adjust the budget as requested by the District. Chairperson Ortiz said having a quarterly report would be helpful and requested this practice be initiated for AY 19-20.

Commissioner Goldstein suggested using funds for more aggressive recruiting, particularly for the Behavioral Intervention Specialist position. She noted that Special Education Director, Dr. Jan Hamilton, had projected a need for 50 employees in that classification to enable the District to bring the function in-house at reduced expense. Secretary Duwel said that currently there are only six employees in the BIS class.

Commissioner Goldstein suggested exploring use of funds for spot supplements to Commission staff if work is to be re-distributed via an MOU between District HR and Commission staff. Secretary Duwel said she the Personnel Commission does not need more staff. HR Director Daniels said the Commission should review the current job description that exists for the Classified Personnel Director and the history of the position. Chairperson Ortiz said that there are duties that District HR would like to assign to the Personnel Director that could conflict with the Merit System. Commissioner Goldstein asked that District HR clarify the duties they wish to assign to the Classified Service Director. HR Director Daniels said that the Classified Director job description is clear on this matter. Commissioner Goldstein noted that the recent \$79k state grant for Classified professional development gives the District an opportunity to explore programs to build capability in high visibility job classes beyond the mandated training requirements. HR Director Daniels said that BCCE had notified HR that the PD offerings provided in the past don't align with the needs of the employees. Commissioner Goldstein said Classified training and professional development are within Commission purview because this investment ties directly to the Merit System mandate to attract and retain a high quality work force. Chairperson Ortiz said professional development is needed to train Directors and Supervisors as well. HR Director Daniels said it would be helpful to see how the HR/PC office was structured before planning professional development. Commissioner Goldstein said for purposes of planning Classified professional development the Commission should be included. She will share separately with Secretary Duwel a summary of suggested budget changes.

9. Closed Session (1 matter)

- a) Employee Discipline and Legal Matters - Government Code § 54954. (2015-D-XX)
The Commission went into closed session at 6:34 pm.

10. Report from Closed Session

The Commission came out of closed session at 7:09 pm. Chairperson Ortiz reported that the request for modified intermittent leave for the Personnel Director was approved for the six months. He advised that staff has been directed to open recruitment to establish a Personnel Director eligibility list.

11. Public Comments

None

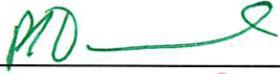
12. Next Meeting

The next regular meeting will be held on May 2nd at 4:30 pm. Chairperson Ortiz said the Personnel Director MOU and class description will be discussed at that meeting.

13. Adjournment

The meeting was adjourned at 7:11 pm.

Respectfully Submitted,



Patricia Duwel
Secretary, Personnel Commission

MAY 2, 2019

Date

Approved,



Dr. Reynaldo Ortiz
Chairperson, Personnel Commission

Date

April 11, 2019 Personnel Commission Meeting 2020 Bonar Rm126 4:30PM

Good afternoon Commissioners,

This report is being read by Mark Ramia on behalf of BCCE President Linnette Robinson.

We understand that there are guidelines and parameters that you must work within. We need you to understand how you're solely depending upon the District impacts us.

The layoffs are accompanied by the creation of new positions. Not all of the newly created positions will cover the duties of the positions to be eliminated. What happens in that case, the Classified employees get more work. Who is doing the the efficiency research? You would think that there would be a system of checks and balances to ensure that all needs are covered...there isn't. Mismanagement of positions equals mismanagement of the funds.

You have positions that were not created through the classification process, not approved by the PC or School Board, yet fiscally impacted the budget. Now two of those positions are included in the layoff. Since there was a lack of process, a member who did go through process can be bumped by the position that was created through an MOU in 2017. This move by the District sets a precedent that disrespects all processes in place and sends a message to the PC: "We will do as we please."

When the PC depends on the District solely for information, we are finding that you are not being fully informed. This continues to cause a negative and harmful impact on our employees, to which the students become a victim to as well.

We have members who have had work related injuries be denied the opportunity to come back to work without a true and unbiased reason from the District. Why are they continually being allowed to do that?

BCCE spends a great deal of money on arbitrations with the District because they are very seldom held accountable for following rules, policies and/or procedures. Who is their check and balance? Do you ever question the repetition in cases?

Again, I ask that you act independently of the District in all matters, including those matters with investigations.

** Give to PCommissioners OK 4/11 @ 4:35PM M. Ferguson / M. Ramia*