

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

September 3, 2020 – 4:30 pm

**1. Call to Order**

The meeting was conducted via Zoom meeting #828 0794 9586 and was called to order at 4:31 pm.

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

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

**3. Public Comments**

None.

**4. Approval & Adoption of Agenda**

Vice-Chairperson Goldstein requested to pull item 7b, to discuss in more detail. She made a motion to approve the meeting agenda; Chairperson Carter seconded the motion,  
Approved, 2-0

**5. Approval of Meeting Minutes**

a) August 6<sup>th</sup>, 2020, Regular Meeting Minutes

Vice-Chairperson Goldstein made a motion to approve the August 6th meeting minutes; Chairperson Carter seconded the motion,  
Approved, 2-0

**6. Reports**

a) Union

Mark Ramia, Instructional Assistant I at Berkeley High, said his remarks were on behalf of BCCE. He commended the classified staff for rising to the needs of the occasion during distance learning. He asserted that the District did not have a straightforward procedure for the 20-day rule (EDC 45137) and said the Board personnel report was not complete. He noted that PERS benefits are not being properly calculated and that the District is awaiting the results of an audit on this issue.

b) District Reports

None.

c) Commissioners Reports

Vice-Chairperson Goldstein noted that an MOU with the Berkeley Federation of Teachers (BFT) had been approved at the September 2<sup>nd</sup> Board meeting, but that the status of BCCE's MOU remained unknown. She commented that an item concerning the transition of the Executive Director of Facilities, Maintenance and Operations position to Classified Staff Senior Management contract status was pulled from the School Board's 9/2 agenda because there was a conflict between the proposed action and the current en-force resolution, which did not identify the role as one of the

two so designated for contract status. She expressed her disappointment over the absence of a District representative at the Personnel Commission meeting and noted that there had not been District representation or report at a Personnel Commission meeting for several months. Chairperson Carter said he was also concerned with the lack of communication between the District and Personnel Commission staff. He reported that, in order to secure an update on the status of the District-appointed Commissioner vacancy, he reached out to Superintendent Stephens and has scheduled a meeting for September 8<sup>th</sup>.

d) Personnel Director

i. New Hires and Examinations administered in the month of August 2020

Secretary Sanders reviewed the examination and personnel activity for the month of August.

**7. Consent Items**

Ratification of Eligibility Lists

- a) Classified Professional Development Coordinator
- b) Director of Fiscal Services
- c) Human Resources Specialist- Confidential

Vice-Chairperson Goldstein made a motion to approve lists a and c; Chairperson Carter seconded the motion,

Approved, 2-0

Vice-Chairperson Goldstein reported that the Director of Fiscal Services position is currently one of the positions designated by prior resolution to be a Classified Staff Senior Management exempt (contract) role. Secretary Sanders reported that she had learned earlier in the week that the District is planning to remove the Fiscal Director position from this category; update the job description and restore it to a salary schedule. Vice-Chairperson Goldstein expressed concern about approving the position eligibility list under the current circumstances because the Classified Service Director was unaware of this plan and had conducted the position recruitment based on the exempt status, which included protocols that differ from a standard classified position recruitment. Chairperson Carter said that the District had not provided updates on the Fiscal Director position, so the Commission should move forward with approving the eligibility list. Vice-Chairperson Goldstein that she'd prefer to defer on the approval until the Commission receives clear articulation from the District about their plan going forward. Chairperson Carter said that because the Commissioners disagreed on this matter, approval of the Fiscal Director eligibility list should be carried over to the next meeting.

**8. Conference Items**

a) Request for Re-Classification- E. Arinez

Secretary Sanders said she has received the request and will work on the reclassification to bring it back to the next meeting. Vice-Chairperson Goldstein and Chairperson Carter commended staff for filling out the reclassification questionnaire thoroughly.

Vice-Chairperson Goldstein made a motion to bring the reclassification for Ms. Arinez to the next meeting; Chairperson Carted seconded the motion,  
Approved, 2-0

b) Request to Extend Eligibility lists from September 2019

Secretary Sanders said that considering the continued Shelter-in-Place (SIP) order, she would bring eligibility lists that would have expired in the current month to the Commission for a one-year extension. She said her understanding from the August Commission meeting is that she will do this monthly until the SIP order is lifted.

Damon Tims, Custodian I, said that in regard to his candidacy for promotion to the Custodian II position, he wanted to clarify that he was not requesting another one-year list extension, but instead a two-month extension from the time SIP orders was made in March to the time the list expired in May. He explained that he had been filling in for a Custodian II employee in a long-term medical leave for over 1.5 years, but could not interview until the employee separated. Mr. Tims reported that he was scheduled to interview for the Custodian II role in March, but his interview was delayed due to the SIP order. Chairperson Carter wished Mr. Tims well and said the rules could not be adjusted. Vice-Chairperson Goldstein requested that Secretary Sanders seek guidance from outside counsel on the viability of tolling the Custodian II list from March to enable Mr. Tims and any other then eligible employees to interview for the role.

Vice-Chairperson Goldstein made a motion to extend the eligibility lists from September 2019; Chairperson Carter seconded the motion,  
Approved, 2-0

## 9. Discussion Items

a) Applying Blanket List Extensions Affected by Shelter-In-Place Order

Vice-Chairperson Goldstein suggested bringing this topic back to a future meeting and asked Secretary Sanders to look into getting a legal opinion regarding tolling of expired eligibility lists where the Shelter-in-Place orders have delayed staff promotions into or interviews for open roles .

## 10. Closed Session (1 matter)

a) Legal Matters - Government Code § 54954.

The Personnel Commission went into closed session at 5:10 pm.

## 11. Report from Closed Session

The Personnel Commission came out of closed session at 5:52 pm. Chairperson Carter reported that no actions had been taken.

## 12. Public Comments

None

## 13. Next Meeting

The next regular Personnel Commission meeting will be held on October 1<sup>st</sup> at 4:30 pm via Zoom if on-site staff restrictions have not been lifted.

**14. Adjournment**

The meeting was adjourned at 5:53 pm.

---

*Approved at the Personnel Commission meeting held on  
10/01/2020 via Zoom*

---

Respectfully Submitted,

---

Kimberle Sanders  
Secretary, Personnel Commission

---

Date

Approved,

---

Timothy Carter  
Chairperson, Personnel Commission

---

Date