

Berkeley Unified School District
Personnel Commission Meeting Minutes

January 12th, 2023 – 4:30 pm

1. Call to Order

The meeting was conducted via Zoom meeting #852 7339 2873 and was called to order at 4:31 pm.

2. Roll Call & Establishment of Quorum

Chairperson Zenor-Davis, Vice-Chairperson Goldstein, and Commissioner Roter were present, and a quorum was established.

3. Public Comments

None.

4. Approval & Adoption of Agenda

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

Approved, 3-0

5. Closed Session

a) Conference with Legal Counsel; California Government Code § 54954.5

The Personnel Commission went into a closed session at 4:32 pm.

6. Report from Closed Session

The Personnel Commission reconvened at 5:17 pm. The commissioners and the Executive Director met with Legal Counsel, Kristine Kwong. Chairperson Zenor-Davis reported that the group agreed on the next steps for the Executive Director to take for potential litigation.

7. Approval of Meeting Minutes

a) December 8th, 2022 Regular Meeting Minutes

Vice-Chairperson Goldstein requested the use of the word “acknowledged” instead of “admitted” on item 4 and requested clarification of the term “out boarded” on page 7 of the Public Comments.

Vice-Chairperson Goldstein moved to approve the minutes as amended; Commissioner Roter seconded the motion.

Approved, 3-0

b) December 15th, 2022 Special Meeting Minutes

Vice-Chairperson Goldstein said further clarification was needed in one of the paragraphs

Vice-Chairperson Goldstein moved to approve the minutes as amended; Commissioner Roter seconded the motion,

Approved, 3-0.

8. Reports

a) Unions

Mildred Scheer, BCEE Vice-President, voiced concern about the vacancy report and the number of vacancies in BCCE positions.

b) District Reports

None.

c) Commissioner Reports

Commissioner Roter wished everyone a Happy New Year and congratulated Chairperson Zenor-Davis on his new role. He said the coming year would be eventful for the Personnel Commission with completing the Merit Rules revision and the Classification and Compensation Study.

Vice Chairperson Goldstein also wished everyone a Happy New Year, congratulated Chairperson Zenor-Davis on his new role and said she looks forward to a new style and approach. She said the Governor had just released the budget for the next fiscal year and that education looks good. Vice Chairperson Goldstein looks forward to having in-person meetings again starting in March, noting that the hybrid approach will likely stay forever. She offered her support in getting the Personnel Commission team a cohesive workspace.

Chairperson Zenor-Davis wished everyone a Happy New Year and offered thanks for the well-wishes in his new role, noting he appreciates the effort, attention and compassion everyone on the team brings to the Personnel Commission. He acknowledged Secretary Castillo for his willingness to educate the public about the role of the Personnel Commission within the District and said that the more people understand how the Personnel Commission works, the better for everyone.

d) Personnel Executive Director

Secretary Castillo reported on the excellent participation of the Classification & Compensation Steering Committee and feels optimistic that the Study will result in good information for the Commission to review. Secretary Castillo announced he would attend the annual CSPCA Conference in January, where he will be presenting. The Merit Rule revision project is moving forward at the best pace possible, and the goal is to approve new merit rules this year. Secretary Castillo was doing outreach with Principals and Board members and said the Superintendent is a great partner for the Personnel Commission. He is researching implicit bias training for principals, board members, and the Personnel Commission. He plans to use outreach and engagement to help be more solution-oriented.

9. Consent Items

- a) Computer Technician I
- b) Delivery Driver
- c) Instructional Assistant, ECE
- d) Instructional Specialist, Gardening
- e) Instructional Tech, BASP
- f) School Administrative Assistant II

Vice Chairperson Goldstein asked for an update with more info to help understand why there was only one person on the Computer Technician I list. Secretary Castillo had no information to share and said he would follow up with his team. Commissioner Roter noted that recruitment

is essential to the Personnel Commission and that all resources should be utilized, including engagement with principals, administrators, classified employees and the Unions to find creative outreach solutions. He also wants the Commission to ensure the exam process does not create artificial barriers that could dissuade a qualified candidate from going through the eligibility process. Chairperson Zenor-Davis said that people learn and express what they've learned in diverse ways, and this should be considered when looking into the Personnel Commission's exam process.

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

Approved 3-0.

10. Conference Items

a) Step Advance Request - R. Wang

Secretary Castillo said that the issue of competitive salary recurs during the recruitment process. He said that while Ms. Wang has not had a traditional path, she has the experience and skills to be recommended at Step 4 under recruitment and retention criteria, especially because she speaks three languages.

Commissioner Roter recollected that the Instructional Assistant is challenging to recruit position. Denise Ray-Diggs, Administrative Assistant III, agreed and said she hoped Ms. Wang would be compensated for her language skills if she used them.

Frank Hernandez, Maintenance Engineer, confirmed that the Union negotiated a higher bilingual salary stipend if the employee demonstrates bilingual work regularly. Vice-Chairperson Goldstein asked if language facility would be considered during the Classification and Compensation Study. Secretary Castillo said that, as with any special skill, it is factored into the market for that job. Ms. Wang was present but unable to participate in the meeting due to a technical issue.

Vice Chairperson Goldstein made a motion to approve Ms. Wang's advance step request at Step 4; Commissioner Roter seconded the motion,

Approved, 3-0.

11. Discussion Items

a) Limited Term Assignments / Contractors

Vice Chairperson Goldstein voiced concern over the limited term assignments in the personnel report that Human Resources provides to the Board. She said that while the list has improved since 2016, it is longer than it should be considering the robust eligibility lists the Personnel Commission provides. She also noted that the Personnel Commission needs to understand more about contractors in the District to determine if there's an overlap in duties that classified employees can perform and to be sure that BCCE members are being transferred or promoted and that administrators are hiring from the eligibility lists instead of relying on contractors to fill these positions. Commissioner Roter suggested that the Personnel Commission create a policy on handling limited-term assignments and contractors. He stressed the importance of

educating those in a hiring capacity about this policy and that the Commission must enforce the policy. The Personnel Commission agreed to keep item 11b on the agenda for the next meeting as a conference item and asked the Executive Director to invite the Assistant Superintendent of Human Resources or the Assistant Superintendent of Business Services to the next meeting to provide insight about the number of contractors currently employed by BUSD.

12. Public Comments

Mr. Hernandez voiced concern about a recent Maintenance Engineer (HVAC) job posting. Mr. Hernandez said there is one job description for Maintenance Engineer, which does not include any subclassification; the job posted does not exist. Therefore, he asked that the current posting be removed.

Mark Ramia, Instructional Assistant I, announced that classified employees were filing a class action lawsuit against BUSD. He stated the employees' view of the District's violation of proration as stated in the merit rules and the BCEE CBA and the subsequent pay issues that have gone on for some years.

Ms. Diggs Ray requested information on the status of the desk audits for Marie Ferguson, Margo Wilson and Mishern Bivens.

13. Next Meeting

The next regular meeting is scheduled for February 2nd, 2023, at 4:30.

14. Adjournment

The meeting was adjourned at 7:05 pm.