

Berkeley Unified School District
Personnel Commission Meeting Minutes

March 2nd, 2023 – 4:30 pm

1. Call to Order

The meeting was held in a hybrid format, live in the Board Room and via Zoom meeting #852 7339 2873. The meeting was called to order at 4:31 pm.

2. Roll Call & Establishment of Quorum

Vice-Chairperson Goldstein (acting chairperson) and Commissioner Roter were present, and a quorum was established. Chairperson Zenor-Davis was on an excused absence.

3. Public Comments

Denisia Wash, Kindergarten Teacher at Washington, spoke in support of Lois Jones for the Washington school secretary position and brought a petition signed by Washington school staff.

Tam Nguyen, a parent in Washington, spoke in support of Lois Jones and presented a petition signed by 150 parents.

Kaye Kohler read from a letter outlining how Linette Robinson's involuntary transfer violated BCCE's CBA and provided language from the merit rules supporting Ms. Robinson's reinstatement. The letter was not read in full but listed other grievances from within the special education department.

Mark Ramia spoke in support of Linette Robinson. He said that some Instructional Assistants rushed to complete the Job Content Questionnaire because their supervisors were unaware of the MOU to allow employees work time to complete it. He said the complaint system at BUSD is inefficient and ineffective. He reiterated that IA's at BHS need lockers to store their belongings.

Denise Diggs-Ray thanked Erin Arinez and Sarah Goodwin for assistance in answering questions about amendments to meeting minutes.

4. Approval & Adoption of Agenda

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

Approved, 2-0

Please note that the agenda was later amended, moving item 12 (public comment) before items 10 (closed session) and 11 (report from the closed session).

5. Approval of Meeting Minutes

Commissioner Roter made a motion to approve the 2-2-23 meeting minutes; Vice-Chairperson Goldstein seconded the motion,

Approved, 2-0

6. Reports

a) Unions

Mildred Scheer said the admissions department is understaffed and overworked. She met with Secretary Castillo to discuss this concern and devised a plan to allow the Union, the Personnel Commission and Human Resources to better support the admissions department.

b) District Reports

Samantha Tobias-Espinosa, Assistant Superintendent of Human Resources, said she appreciates the camaraderie between the Unions, Personnel Commission and the District to complete the Classification & Compensation Study efficiently and effectively. The District wants this Study to be effective so that BUSD's classified employees are represented accurately by their job descriptions and are compensated effectively.

c) Commissioner Reports

Commissioner Roter encouraged all classified employees to participate in the Classification & Compensation Study, be it through the Job Content Questionnaire and/or interview process. He questioned whether the newly posted salary schedules (from the 2/1 Board of Education meeting) included the BERRA contribution. Ms. Tobias-Espinosa confirmed the posted salaries include BERRA (in effect until 2032) and said the commissioners could have access to a background document showing salaries without BERRA upon request. In response to the Washington parents, Commissioner Roter said there is no question of Lois Jones' abilities nor how much the Washington community appreciates her. He noted that Secretary Castillo sent an email to the concerned parents, carefully explaining recruitment, what is required for the CBA, the merit rules and the education code.

Vice Chairperson Goldstein thanked Superintendent Ford Morthel, Executive Director of Facilities John Calise, Director of Technology Max Eissler and Personnel Commission staff for making the hybrid meeting in the Board Room possible. Through discussions with several Washington parents, she learned that the rules of the Union, the CBA, the Commission and the merit system do not always provide optimal results. The Personnel Commission is beholden to these rules, but through this experience, it is clear that things like site knowledge and longevity must be considered in future revisions to the rules. She asked the Union to view things similarly when looking at their CBA. Finally, she encouraged continued collaboration between the Union, Personnel Commission and the District to achieve the best possible outcomes for everyone.

d) Personnel Executive Director

Secretary Castillo thanked the District and the Personnel Commission staff for making the hybrid meeting in the Board Room possible. He reviewed February's examination and personnel activity, highlighting two new Instructional Assistant SPED hires. He said the situation at Washington elementary proves the need for an educational campaign to inform the public of what the Personnel Commission is and does. He said he would present to the Board on March 8 and continue to meet with principals and other stakeholders to become part of the conversation from the beginning instead of having to react to a problem. He is aware of the involuntary transfer situation and thanked Kaye Kohler for providing more information. Finally, he pledged more empathy and kindness moving forward, hoping that would spill over into the District.

e) Classification & Compensation Study

Secretary Castillo reported that the deadline for Phase 1 employees to complete the Job Content Questionnaire had been extended twice to help increase participation. He said there had been missteps in getting information to some supervisors and vowed to improve the process. He said that employee distrust of the process, based on the Ewing experience, is a genuine concern and obstacle in getting people to participate. He thanked the Steering Committee and employees for their continued support and engagement. He hopes for greater participation by the end of the Study so that the recommendation to the Board truly represents all Classified staff. He said that since the launch of Phase 1, he had had a lot of direct engagement with Classified staff, which has been very informative, humbling and helpful in steering the project toward success.

7. Consent Items

- a) Delivery Driver
- b) Employee Benefits Specialist
- c) Purchasing Supervisor
- d) Restorative Justice Coordinator
- e) School Bus Driver

Commissioner Roter said that improving recruitment tactics and strategies remains a priority for the Personnel Commission. He encouraged parents, staff, classified employees, and the Unions to use word of mouth to help promote open positions. He said better communication must remain a focus to help get the word out about classified employment opportunities.

Commissioner Roter made a motion to ratify eligibility lists a - e; Vice-Chairperson Goldstein seconded the motion,
Approved 2-0.

8. Conference Items

- a) Step Advance Request – L. Custer

Secretary Castillo said that the merit rules regarding step advance for promotional opportunities are ambiguous, and this should be addressed in the merit rules revision project. For Ms. Custer, this is a promotion but also a new position. Ms. Custer's experience working provisionally in the human resources department at BUSD for almost a year and her many certificates of completion towards professional development in HR provide the basis for recommending a Step 2 advance. Commissioner Roter said that while the rule needs some clarification and discussion with the Unions, the current merit rule supports a promotional employee as newly hired into that position and thus eligible for consideration of a step advance. Vice Chairperson Goldstein asked for further clarification on how Secretary Castillo came to his recommendation of Step 2 and not Step 5, as requested by Ms. Custer. He said the office manager experience did not have enough human resources components to merit a Step 5. Mildred Scheer said that Ms. Custer provides excellent customer service, which is essential for working in human resources and thinks Ms. Custer deserves more than a Step 2. Commissioner Roter said that the rules only permit step

advance for new employees. Therefore, the only question is if a promotional employee is a new employee, and he believes that to be true.

Commissioner Roter made a motion to approve Ms. Custer's advance step request at Step 2; Vice Chairperson Goldstein seconded the motion,
Approved, 2-0.

b) Agenda Item Request - M. Ferguson

Secretary Castillo presented background information about Ms. Ferguson's reclassification request. He commended her patience, honesty, and helpfulness throughout the process. Given the information on hand and what was observed during the desk audit, he is not recommending a reclassification but asks that the Classification & Compensation Study pay special attention to her role. He said that Ms. Ferguson is in a single role in the District with no comparables reflective of her role, so the Study should look at similar roles in other districts. Ms. Ferguson reiterated her position and said that since 2017 she has been doing the work of the former Program Assistant (range 50) but is still a School Administrative Assistant II/Substitute Specialist (range 48). She said that the workload at Berkeley High differs significantly from middle or elementary schools. She added that the reclassification she received in 2019 to incorporate the work she does facilitating substitute absences is work the Human Resources Technician does for K-8. Vice Chairperson Goldstein said there is a disconnect between the kind of work and the amount of work being done. The Executive Director's obligation was to work with the baseline established by the last Classification & Compensation Study (Ewing) and the reclassification conducted by former Classified Director Patty Duwel and understand if the role had changed. The current Classification & Compensation study is the opportunity to review this classification with fresh eyes to bring closure to this matter and find a fair and proportionate resolution to BUSD. Denise Diggs Ray, Administrative Assistant III, said that Ms. Ferguson's matter is an example of why some classified employees do not trust the Personnel Commission. Vice Chairperson Goldstein responded that the merit system is a carefully drawn out system with standards and requirements and is different from a system working by popular acclaim. She said it is important to remember that the merit system exists because the Union voted it in. The Personnel Commission will continue to explain the standards, the rules and the decisions it makes, but it cannot control whether or not people choose to listen or take offense. Mark Ramia, Instructional Assistant I at Berkeley High, affirmed Ms. Ferguson's workload and said that she informs many people in the front office.

Vice Chairperson Goldstein made a motion to agree with the recommendation to take no action in the matter of Marie Ferguson's reclassification request; Commissioner Roter seconded the motion,
Approved 2-0

c) Agenda Item Request - T. Sutherland

Secretary Castillo provided background information on Ms. Sutherland's agenda item request. He said that this is a matter of MOU language stating the employee with seniority in the current class has the right to transfer into the position. He said the Personnel Commission has no authority in this matter but wanted to allow Ms. Sutherland to present her position. Ms. Sutherland said she hopes the language of the MOU will be reevaluated so that site knowledge is considered along with seniority when a position becomes vacant. Commissioner Roter said Ms. Sutherland explained her position clearly and that previous CBA language allowed some discretion to consider the site's needs and experience. However, the new CBA language, adopted by all sides, removed that discretion and now calls for an automatic transfer based on seniority. He said that having that kind of discretion can lead to abuse.

Vice Chairperson Goldstein said that Ms. Sutherland had described the issue well. She cited the Washington school example, reiterating that the systems do not always give the best outcome. She is committed to reexamining this as it pertains to the merit system and hopes there can be a collaboration with the Union, but confirmed the MOU is the guiding set of rules and will be enforced.

9. Discussion Items

a) 2023 - 2024 Personnel Commission Meeting Dates

Secretary Castillo said that considering the availability of the Board Room, he recommends moving the Personnel Commission's regular meetings to the last Wednesday of the month starting in July 2023. Vice Chairperson Goldstein expressed concern about when holidays could impact the schedule for November and December. Secretary Castillo reassured that accommodations could be made for those months. Vice Chairperson Goldstein said she would not be at the April meeting but would be amenable to the other commissioners' decision.

12. Public Comments

Jocelyn Foreman, BCCE President, expressed thanks for the Classification & Compensation Study, working alongside Executive Director Castillo, Samantha Tobias Espinosa, and other Union counterparts to bring this to the District and encouraged classified employees to participate. She thanked Samantha Tobias Espinosa and Angie Wan for their speedy work on the MOU for SuperScience Saturday. She announced a pathway forward for staffing issues at Cragmont. She spoke about safety concerns at BHS, saying that security is understaffed, cameras are not functioning, and since the supervisor is excluded from the management meeting, staff does not trust her because she cannot elevate their concerns.

10. Closed Session

a) California Government Code §54954.5

The Personnel Commission went into a closed session at 6:05 pm.

11. Report from Closed Session

The Personnel Commission reconvened at 6:44 pm. Vice Chairperson Goldstein reported that the Commissioners received an update from Secretary Castillo, and the Commissioners gave a recommendation.

Please note that a technical difficulty in the Boardroom left Zoom audio on mute for the remainder of the meeting.

13. Next Meeting

A special meeting was tentatively scheduled for March 13th at 4:30 pm in the Boardroom to discuss the updated Investigator classification and continue work on the merit rules revision project.

14. Adjournment

The meeting was adjourned at 6:52 pm.