

Berkeley Unified School District
Personnel Commission Special Meeting Minutes

March 13, 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

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 and adopt the meeting agenda; Vice-Chairperson Goldstein seconded the motion,
Approved, 3-0

5. Discussion Items

a.) Updated Classification: Investigator

Secretary Castillo explained that the role of Investigator had been expanded to include all aspects of investigations, with no change in salary or salary grade. He and Jasmina Viteskic, Compliance Officer & Title IX Coordinator, agreed that the position should be reevaluated in the current Classification & Compensation Study. Vice Chairperson Goldstein said the changes are consistent with the more extensive charter of the office of Title IX and compliance. Commissioner Roter expressed concern about whether or not this position should be exempt from overtime pay. Vice Chairperson Goldstein said the exempt status was appropriate when the position was created based on the duties and responsibilities in the job description. Secretary Castillo said that he and Ms. Viteskic did not analyze that aspect of the job description, but he believes it is accurate given the nature of the role. He suggested that further analysis can happen during the Study. Commissioner Roter said that it is the Personnel Commission's responsibility for salary schedules to determine if the position is or is not exempt. He cited education code 45.130 and determined it was unclear to him if this position is exempt.

Vice Chairperson Goldstein made a motion to approve the classification, subject to confirmation from the Assistant Superintendent of Human Resources that the FLSA status has been reviewed; Chairperson Zenor-Davis seconded the motion,
Approved 3-0.

Secretary Castillo asked permission to clarify two points that came back as feedback from his March 8 Board meeting presentation. First, he did not intend to imply that classified employees are uneducated. He was responding to an inaccurate statement made by the President of the Teacher's Association concerning Classified staff. Second, Secretary Castillo attempted to make the point that the classified hiring process is much different than for certificated positions; classified recruitments are broad in scope (a wide variety of positions), whereas certificated recruitment is very specific (hiring for a specific teaching credential). Classified employees come from diverse backgrounds of education and experience. He said he has the utmost respect and admiration for the Classified staff. Secondly, he did not intend to imply that the District should forgo the examination process to expedite the process of hiring IA II SPED candidates. In response to a question from the Board about how they could work together to hire IA SPEDs faster, he suggested that as the employer, the District could offer a contract to the top 3 ranks on the eligibility list. He said that no part of his suggestion meant the testing process should be skipped. The Personnel Commission was under scrutiny at the meeting, and if Secretary Castillo misspoke, it was out of passion and frustration with what he had heard earlier in the meeting.

Commissioner Roter thanked Secretary Castillo for the presentation and Vice Chairperson Goldstein for her candid remarks. He suggested exploring collaborative methods between the Union, District and the Personnel Commission to facilitate and improve the hiring and retention of classified employees as a discussion item for the next Personnel Commission meeting.

Chairperson Zenor Davis appreciated the presentation and the clarification. He said it is essential to continue to "open up" the Personnel Commission to be as transparent as possible. He said that a person could feel as if a system is against them if they do not understand how that system works in the first place.

b.) Working Session: Revision of Personnel Commission Merit Rules and Regulations.

The Personnel Commission continued to review Chapter 10, Hours of Employment and Overtime of the CSPCA Model Merit Rules.

5. Public Comments

Frank Hernandez inquired about the status of Margo Wilson's desk audit.

Mildred Scheer asked for clarification about hybrid special meetings and requested that the public have access to the chat function during meetings. Chairperson Zenor-Davis explained that for meeting security, it is not a good idea. Commissioner Roter said that the Brown Act might stipulate, if possible and suggested the Personnel Commission follow the Board of Education's model for hybrid meetings.

Mr. Hernandez reiterated his disappointment that the Personnel Commission voted to conduct a desk audit instead of reclassing Margo Wilson automatically per the merit rules. Commissioner Roter said he greatly respects BCCE, particularly Ms. Scheer and Mr. Hernandez, and that he usually agrees with them. But as it concerns 30.300.4, there is disagreement on the rule's proper interpretation, and he suggested a complete discussion with BCCE regarding this rule. In addition, he would like it to be an agenda item unrelated to a particular person. Secretary Castillo said he had communicated with Ms. Wilson.

Vice Chairperson Goldstein officially requested her absence from the 4/13 meeting.

7. Next Meeting

The next regular meeting is scheduled for April 13 at 4:30 in the Boardroom. In addition, special meetings will be held on April 20 and May 3 at 4:30 in Room 126 to continue work on the merit rules revision project.

8. Adjournment

The meeting was adjourned at 6:30 pm.