

**BERKELEY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION OF THE MERIT SYSTEM
Thursday, January 13, 2011**

AGENDA

**Personnel Commission of the Merit System
2134 Martin Luther King Jr. Way – Open Session
Berkeley, CA 94704
Annex—1835 Allston Way**

Meeting 4:00 pm

Personnel Commission Members

Dan Lee, Commissioner
Shirley Van Bourg, Commissioner
Heidi Hoffman Hintz, Commissioner

Open Session: 4:00pm

- 1. Call to Order and Roll Call**
- 2. Commissioner's Swearing in**
- 3. Approval of Agenda** **ACTION**
- 4. Approval of Minutes** **ACTION 1-6**
 - a. Personnel Commission Meeting of November 4, 2010
 - b. Personnel Commission Meeting of December 9, 2010
- 5. Public Comments** **INFORMATION**
- 6. Reports** **INFORMATION**
 - a. Collective Bargaining Units' Comments
 - b. Secretary's Comments
 1. Current Recruitment Report
 - c. Commissioners' Comments
- 7. Approve the following Eligibility Lists** **DISCUSSION/ACTION**
 - a. BSEP Manager (to be provided at Commission Meeting)
 - b. School Bus Driver (to be provided at Commission Meeting)
- 8. Election of Commissioner Chair and Vice-Chair** **ACTION**



**BERKELEY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION OF THE MERIT SYSTEM**

- 9. **2011 Proposed Personnel Commission Meeting Dates** **ACTION**
- 10. **Set Date for Appeal by Mr. Tom Landis** **ACTION**
- 11. **Advisor, College and Career** **ACTION**
- 12. **Move to Closed Session**
 - a. Personnel Matters
 - b. Existing Litigation – Conference with Legal Counsel (Case No. RG10543258, BCCE v. BUSD and BUSD Personnel Commission)
- 13. **Report from Closed Session**
- 14. **Public Comments**

ADJOURNMENT



Personnel Commission of the Merit System Minutes

Thursday, November 4, 2010

BUSD Admin Annex Conf. Room

2134 Martin Luther King Jr. Way– Open Session

Berkeley, CA 94703

Personnel Commission Members

Shirley Van Bourg, Chairwoman

Dan Lee, Commissioner

Heidi Hoffman Hintz, Commissioner

1. Call to Order

Chairwoman Van Bourg called the meeting to order at 4:04 PM.

2. Commissioner Roll Call

Roll call was taken by Francisco Martínez, Director of Classified Personnel and Secretary of the Personnel Commission.

Present: Commissioner Shirley Van Bourg and Commissioner Heidi Hoffman Hintz. Commissioner Lee was absent.

3. Approval of Agenda

Motion: To approve agenda

Unanimously approved

4. Approval of Minutes

a. Personnel Commission Meeting of October 7, 2010.

Corrections:

Paula Phillips, BCCE President, asked that the following items be changed:

Page 5, she asked that "*because she is not a Commission employee*" be added to last sentence under item b (secretary's comments).

Page 5, change *Mr.* to *Ms.* under Commissioner's comments.

Page 6, 2nd paragraph, should read, "*In this case.....Commission can do in this matter.*"

Page 6, 3rd paragraph should read, "...is to promote classified employees for Limited Term or Temporary positions and are not being promoted; she stated that BCCE classified...are being used in place of BCCE classified employees."

Motion: To approve minutes as amended
Unanimously approved

5. Public Comments

There were no public comments.

Commissioner, Shirley Van Bourg, made a speech for the record to explain the purpose of Public Comments. She said that public comments are just that: public comments; they cannot be answered by the Director or by a Commissioner. For this reason, it is important that when a person is speaking during this portion of a meeting, that the speaker be sure they are not leaving issues unanswered. There are other avenues to use if a member of the public has an issue that needs to be addressed. This also encompasses the inappropriate practice of vilifying a public employee during public comments. Members of the public can ask that an agenda item be placed on the agenda. She also stated the public be within the parameters of the Personnel Commission meeting.

6. Reports

a. Collective Bargaining Units' Comments

Paula Phillips, BCCE President, stated that the Personnel Commission has failed in serving BUSD employees. She quoted from Education Code 45240 that states all classified vacancies shall be filled according to a particular set of rules and that the District and the Personnel Commission have not adhered to those rules. She further noted that all the positions presented on the October 27, 2010 Board documents have not been hired according to these rules. On October 22, 2010, BCCE went to an outside agency to voice their concerns. Ms. Phillips passed out a document that spelled out the alleged violations. Finally, she stated these concerns had been addressed to both the Personnel Commission and to the Governing Board with no results.

b. Secretary's Comments

Francisco Martinez, Director of Classified Personnel and Secretary to the Personnel Commission, introduced Mark Devereaux, the new Administrative

Assistant, in Human Resources. He started October 28, 2010. He also announced that Dan Lee was reappointed by the Board of Education to serve a 3-year term to commence on December 1, 2010.

Francisco Martinez also reported the recruitment report for October and November 2010:

October:

Interpreter for the Deaf
IT-Cooking at John Muir
Delivery Driver for Nutrition Services
2 Instructional Technicians at CNN
Microcomputer Technician
Bilingual Parent Liaison – BHS
Bilingual Parent Liaison – Cragmont
Administrative Assistant, Human Resources

November:

Educational Occupational Therapist
IT – Thousand Oaks
IT-Cooking at Emerson
Supervisor, Cultural and Linguistically Responsive Systems
2 Custodians - King and Berkeley Adult School
IT at John Muir
2 IT at Berkeley Arts Magnet
2 IT at Le Conte
IT at Cragmont
IT at Malcolm X

Kris Amaral, Local 39, asked about the Delivery Driver that was hired. Mr. Martinez stated that the employee who had been laid off was rehired into this position.

Ms. Phillips, BCCE President, asked why there are Provisional IT employees at Washington Elementary when there is an eligibility list. Mr. Martinez stated that interviews are being conducted on November 5th to fill these positions and that those on the eligibility list are the persons to be interviewed.

c. Commissioners' Comments

There were no Commissioner comments.

7. Approve the Following Eligibility Lists:

School Secretary I
Clerical Assistant III – Bilingual
Instructional Specialist – Vocal Music

Motion: To approve eligibility lists a, b, and c.

Unanimously approved

8. Berkeley High School Desk Audit

Francisco Martinez, Director of Classified Personnel, audited the desk of the Program Assistant at Berkeley High School. This position is held by Elizabeth James, BCCE member. Mr. Martinez described the duties of this job outlined in a memo that was provided to the commission and to the public. Mr. Martinez conducted interviews of Elizabeth James, her immediate supervisor, Jorge Melgoza, Vice Principal for Berkeley High School, and Pasquale Scuderi, High School Principal. After these interviews and a review of the Job Description details, it was determined that Ms. James is performing the duties of a Program Assistant.

Ms. Paula Phillips, BCCE President, responded by asking why the current Program Assistant Job Description and a comparison of the Senior Records Clerk description was not included in his memo. She stated the union has requested the District add a position to the attendance office because Ms. James is overwhelmed. She provided a document dated February 4, 2003 that was provided for the commission at that time with background information on "Upgrade and Reclassification of Three Specific Clerical III Employees."

Ms. Phillips wanted it noted for the record that the Job Description of the Program Assistant is not reflective of the duties being performed by Ms. James. She also wanted it noted for the record that at no time did BCCE ask for Ms. James to be demoted. Ms. Phillips then asked the Commission to look at highlighted areas of the aforementioned document in an effort to support the notion that Ms. James was not performing the duties of a Program Assistant. It was noted for the record

that BCCE and the District is in agreement as to the range that Ms. James is currently being paid; this is not an issue. The issue is that Ms. Phillips would like members classified in the correct classifications.

Jorge Melgoza, Vice Principal of BHS, asked for clarification on how this desk audit took place without either he or Ms. James requesting it. Commissioner Van Bourg replied that this was something the commission asked for. Mr. Melgoza asked if, in the future, he could be alerted ahead of time so he could be prepared for such a process.

Commissioner Hoffman-Hintz expressed confusion as to why the agenda item for the Desk Audit was being mixed with the February 4, 2003 memo which appeared to be a separate issue altogether from the issue of Ms. James desk audit. Mr. Martinez echoed this statement and reiterated that asking for extra support in the attendance office is a separate issue from the desk audit. The request initially from Ms. Phillips was very narrow and called only for a desk audit of Ms. James position.

Further, Mr. Martinez noted for the commission that there is now a Budget Analyst who is ½ time at Berkeley Adult School and ½ time at Berkeley High School.

Further, Ms. Hoffman Hintz reiterated that the desk audit and the idea of reclassification were two separate issues and stated that the desk audit for the position at Berkeley High School had been done.

Elizabeth James, Program Assistant at Berkeley High School, stated she feels she is doing the duties of a Program Assistant and does them well. She also stated she feels she could use a 2nd person to assist her in her office.

Paula Phillips, BCCE President, asked for an individual desk audit from an outside agency for this position. Delia Ruiz, Assistant Superintendent for Human Resources, recommended that the desk audit be done and included in the upcoming classification study.

9. Classification Study

Francisco Martinez is working on the specifics of what is required of the classification study. This study will include both classification and compensation study. Paula Phillips, BCCE President, asked how much

money was allocated to this study. Francisco Martinez responded that \$70,000 had been allocated.

5:00 PM – Moved to closed session

5:42 – returned from closed session to report the decision by the District had been upheld.

Meeting Adjourned at 5:43 PM.

Motions passed:

Motion: To approve agenda
Unanimously approved

Motion: To approve minutes as amended
Unanimously approved

Motion: To approve eligibility lists a, b, and c.
Unanimously approved

Berkeley Unified School District

2134 Martin Luther King Jr. Way, Berkeley, California 94704-1180
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**William Huyett
Superintendent**

To: Personnel Commission of the Merit System
From: Francisco Martínez
Director of Classified Personnel
Date: December 9, 2010
Subject: Election of Commission Chairperson and Vice Chairperson

Background

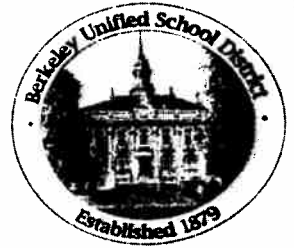
Merit Commission rule 20.100.2 states that "At its first meeting following December 1st of each year, the Commission shall elect one of its members as Chairperson and another member as Vice Chairperson, to serve a term of one year or until their successors are duly elected." The December 9, 2010 Personnel Commission meeting is the first meeting after December 1st. The Personnel Commission is within its authority to elect the Commission's Chair and Vice-Chair.

Recommendation

Elect a Chairperson and a Vice Chairperson.

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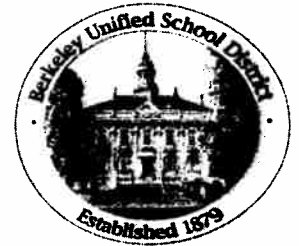
William Huyett
Superintendent

2011 Personnel Commission Meeting Dates

Date	Location
January 13, 2011	Annex Conf. Room
February 3, 2011	Annex Conf. Room
March 3, 2011	Annex Conf. Room
April 7, 2011	Annex Conf. Room
May 5, 2011	Annex Conf. Room
June 2, 2011	Annex Conf. Room
July 7, 2011	Annex Conf. Room
August 4, 2011	Annex Conf. Room
September 1, 2011	Annex Conf. Room
October 6, 2011	Annex Conf. Room
November 3, 2011	Annex Conf. Room
December 8, 2011	Annex Conf. Room

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William Huyett
Superintendent

To: Personnel Commission of the Merit System
From: Francisco Martínez
Director of Classified Personnel
Date: December 9, 2010
Subject: New Position of Advisor, College and Career

BACKGROUND INFORMATION

Berkeley High School has been providing services to students and families in the area of College and Career Readiness as part of the school counseling program. The position of Advisor, College and Career is being presented for approval and is included within the counseling department. The work scope addresses only the college and career area of student support for which a certificated employee is not required.

The job description submitted for approval defines the role of the Advisor for College and Career in a manner that will provide specific and aligned services to students. The Advisor promotes a "college going culture" by leveraging relationships within the local and national community to ensure that all secondary school students, including those with alternative educational needs, have the means, opportunity and preparation for college and career. The goal is for all students to graduate prepared to succeed in college and the workplace. The Advisor will manage, develop, implement and evaluate District systems to address the college and career readiness needs of our students and their families. The Advisor will schedule visits for over 100 colleges and maintain ongoing relationships with college admission representatives on behalf of students and their families. In addition, the Advisor will work collaboratively with staff at Berkeley High School to assist them as they incorporate college and career information into instructional programs.

A focus for the Advisor will be to develop and implement outreach to low-income and first-generation students interested in applying to colleges and to provide parents with information and resources so that they are able to understand how to support their child.

Policy/Code

Education Code Section 45276 and 45256

Recommendation

Approve the new classification of College and Career Advisor



BERKELEY UNIFIED SCHOOL DISTRICT

Human Resources Department

CLASSIFICATION AND POSITION DESCRIPTION

TITLE:	Advisor, College and Career	REPORTS TO:	Assigned Supervisor
DEPARTMENT/SCHOOL:	As Assigned	CLASSIFICATION:	Classified Management
Fair Labor Standards Act Classification:	Exempt	WORK YEAR/HOURS	10 months/7.5 hours per day or Duty days/hours as assigned
APPROVED: Board Commission	01/12/2011 *Agendized for 01/13/2011	SALARY GRADE:	Local 21 Schedule (54) Range 60

BASIC FUNCTION: Under direction of assigned supervisor, manage, develop, implement and evaluate District systems to address the college and career readiness needs of our students and families.

REPRESENTATIVE DUTIES: Incumbents may perform any combination of the essential functions listed below. This description is not intended to be an exhaustive list of all duties, knowledge or abilities associated with this classification, but is intended to reflect accurately the principal job elements.

Essential Functions

- Advocate for the needs of all students to enable students to make college and career choices
- Apprise faculty, staff, students, and general community about the college process
- Work collaboratively with counselors, teachers and administrators
- Advise juniors and seniors via individual advising appointments
- Develop, plan and implement the college process presentations including financial aid information
- Provide parent information sessions each academic year
- Provide college information to junior and senior English classes
- Schedule college visits and maintain ongoing relationships with college admission representatives
- Develop and present workshops to assist students to complete college applications
- Provide day-to-day management of the College/Career Center
- Write college recommendations, scholarship recommendations, and summer enrichment program recommendations
- Manage Fee Waiver Program for college entrance exam fees
- Implement and supervise college/university initiatives
- Implement and manage the National Merit Program
- Develop and implement process to send student information to colleges (recommendations, transcripts and school profiles)
- Develop and implement outreach to low-income and first-generation students applying to college
- Serve as advisor for school clubs
- Provide support for students and families in academic preparation, college application, and locating financial aid for post-secondary education and training
- Develop resources and training to promote college and career readiness
- Abide by the ASCA Ethical Standards for School Counseling
- Provide classroom guidance lessons or school wide assemblies, in collaboration with other counselors at the school, based on the ASCA National Standards in the areas of academic, career and personal social/development
- Conduct individual or small group counseling as needed; topics may include self-concept, academic issues, career choices, college readiness, attendance and behavior patterns, conflict resolution, family issues, prevention and intervention

- Provide information and support to parent groups to understand college and career readiness concepts
- Ensure that all parent groups have access to information in appropriate languages about college and career readiness
- Coordinate college-going culture activities such as college day/fair, career day and lesson plans for classroom presentations
- Participate in District and school professional development opportunities
- Consult, collaborate with and be a resource to teachers in meeting the college/career needs of students
- Use school-wide and specific student data to design college and career counseling activities

MINIMUM QUALIFICATIONS

TRAINING, EDUCATION AND EXPERIENCE:

Any combination of education, training and/or experience equivalent to: a bachelor's degree and three years of successful experience in college and career counseling. Master's degree preferred.

LICENSES AND OTHER REQUIREMENTS:

Valid California Driver's License

Employment eligibility will include fingerprints, tuberculosis and/or other employment clearance

KNOWLEDGE AND ABILITIES

KNOWLEDGE OF:

Successful strategies for college/career advising

Successful strategies for working with diverse students, especially African American, Latino, English Learners and other underserved populations

District policies, applicable sections of the State Education Code and other laws and regulations

Computer software, hardware, and related technology

Presentation, communication and public speaking techniques

Research methods, report writing and record-keeping techniques

Principles and practices of effective leadership

ABILITY TO:

Implement and evaluate programs and professional development

Interpret, explain and apply rules, regulations, policies and procedures for college enrollment

Deliver high quality, high-value services

Communicate effectively orally and in writing

Plan, organize, and coordinate programs

Network to obtain resources and funding

WORKING CONDITIONS:

ENVIRONMENT:

Office environment, fast-paced work, constant interruptions, home visits, driving a vehicle to conduct District business

PHYSICAL REQUIREMENTS:

Hearing and speaking to exchange information in person or on the telephone; seeing to read, write and use the computer; reaching overhead, above the shoulders and horizontally, or bending at the waist to retrieve or store records or files; dexterity of hands and fingers to operate standard office equipment; lifting, carrying, pushing and pulling moderate-weight objects.

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William Huyett
Superintendent

TO: PERSONNEL COMMISSIONERS

FROM: CLIFF WONG
INTERIM DIRECTOR

DATE: JANUARY 10, 2011

SUBJECT: EMPLOYEE APPEAL

BACKGROUND INFORMATION:

The meeting that was scheduled for January 6, 2011 to hear the appeal of Mr. Thomas Landis has been postponed.

At this time, the Personnel Commission must set a new appeal hearing for Mr. Landis.

RECOMMENDATION:

Schedule a new date for Mr. Thomas Landis to hear his appeal.

Personnel Commission of the Merit System Minutes
Thursday, December 9, 2010
BUSD Admin Annex Conf. Room
2134 Martin Luther King Jr. Way-- Open Session
Berkeley, CA 94703

Personnel Commission Members
Shirley Van Bourg, Chairwoman
Dan Lee, Commissioner
Heidi Hoffman Hintz, Commissioner

1. Call to Order

Chairwoman Van Bourg called the meeting to order at 4:12 PM.

2. Commissioner Roll Call

Roll call was taken by Cliff Wong.

Present: Commissioner Shirley Van Bourg, Commissioner Heidi Hoffman Hintz and Commissioner Lee present.

Cliff Wong made an announcement that Dana Malone, Senior Personnel Specialist in Human Resources , was honored today at CASBO as a recipient of The Magnificent 7 Award for outstanding service as a Classified employee!

3. Approval of Agenda

There was a request to go from item #4 to Public Comments then to Item #11.

Motion: To approve agenda

Unanimously approved

Dan Lee was sworn in by School Board President, Beatriz Leyva-Cutler.

4. Public Comments

Paula Phillips, BCCE President, commented on the Commissions conference with legal counsel. The union was informed that Mr. Gant represents both the District and the Personnel Commission and that his firm has been informed that BCCE considers this to be a conflict of interest.

Ms. Phillips also asked for more information on the agenda when it comes to items addressed in closed session.

Ms. Phillips stated the union was informed that Mr. Martinez is on a Leave of Absence and is unclear who is acting as the Secretary to the Commission. She also stated there are reemployment and payroll issues that remain unresolved. She also asked for clarification on the role of Mr. Wong.

Shirley Van Bourg responded by letting the union know that these items would be addressed in closed session and reported on at the end of that session.

Moved to closed session at 4:20 PM.

At 6:20 PM, Shirley Van Bourg announced they were still in closed session and that the remaining agenda items would be tabled until the January 13, 2011 meeting.

At 7:00 PM, the report out from closed session included the following:

The commission met with and hired Mr. Paul Gant as counsel.
The commission appointed Cliff Wong as Secretary to the Commission.
There was no report on the personnel issue.

Meeting adjourned at 8:00 PM.

Motions passed:

Motion: To approve agenda
Unanimously approved

