

Personnel Commission of the Merit System Minutes
Thursday, January 13, 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 4:06 PM.

2. Commissioner Roll Call

Roll call was taken by Cliff Wong.

Present: Commissioner Shirley Van Bourg and Commissioner Lee were present. Commissioner Hoffman Hintz will arrive late and Roy Doolan was also in attendance.

Cliff Wong announced that the President of the Board of Education, Beatriz Leyva-Cutler would arrive at approximately 4:15 for the swearing in of Roy Doolan as a new Commissioner.

Denise Diggs-Ray, BCCE member, asked that the classification study be an agenda item at each commission meeting. Cliff Wong assured her it would be on every agenda going forward.

Roy Doolan stated he will be unable to make a commission meeting on February 3, 2011 and would like to discuss upcoming commission meeting dates later in the meeting.

3. Approval of Agenda

Motion: To approve agenda
Unanimously approved

4. Approval of Minutes-November 4, 2010 and December 9, 2010

Motion to approve minutes of November 4, 2010 with no changes:

IV.1.

Unanimously approved

December 9, 2010 minutes corrections:

Need to add, "Report from closed session: item passed: 2 commissioners in favor and 1 opposed."

Need to add, "Cliff Wong was appointed Interim Director, Classified Personnel, which by default makes him the Secretary to the Personnel Commission."

Motion to approve minutes of December 9, 2010 as amended:

Unanimously approved

5. Public Comments

Paula Phillips, BCCE President, stated on behalf of her members, she was sorry to see Shirley Van Bourg leave the Personnel Commission. The BCCE appreciated her dedication and commitment. Ms. Phillips also stated they were pleased to announce the nomination of Roy Doolan to serve on the commission. She stated she trusts he will restore equity to the Merit System.

Margaret Rowland, former commission member, thanked Shirley Van Bourg and stated she has been an inspiration to her. Ms. Rowland also congratulated Mr. Doolan for his return to the commission.

Carol Niehus, John Muir Elementary School Secretary, stated she was sorry to see Shirley Van Bourg leave the commission.

Johnny Billups, transportation department employee, stated to Roy Doolan that he found him knowledgable and was looking forward to his return.

Roy Doolan stated he enjoyed working with Ms. Van Bourg on the rules revision committee and that his goal is to represent all interests in Berkeley. He stated his primary concern is for the students, the public, that there are fair rules for the employees and reasonable latitude and support for management; he noted there is a balance of interest and that we all have a duty to follow Education Code.

Roy Doolan was sworn in by School Board President, Beatriz Leyva-Cutler.

Dan Lee stated to Shirley Van Bourg that he enjoyed working with her and she will be missed!

6. Reports

Paula Phillips, BCCE President, commented regarding the New Employee Orientation that took place January 13, 2011. She stated it went well and noted that the presence of the Superintendent, the Assistant Superintendent of HR and having the orientation facilitated by the Interim Director, shows a change in the culture and placed an emphasis on the importance of classified employees.

Paula Phillips, BCCE President, announced the BCCE shoe drive that is ongoing until January 22, 2011. BCCE is accepting not only shoes, but cash donations of any amount, socks, tights and anything having to do with the promotion of healthy feet! She announced a \$500 donation was made at the Board of Education meeting on January 12, 2011 by Dulce Jublio. The ultimate goal of this first annual shoe drive is to promote the emotional well-being of our students.

Paula Phillips, BCCE President, reported that special study sessions were being calendared at the January 12, 2011 Board Meeting. BCCE is requesting that George Cole, President of CSPCA, facilitate a study session for the Merit Rules. She further reported that BCCE is part of AFT and that AFT offers training in first aid and CPR. Ms. Phillips would like two BCCE members to be a part of this first aid/CPR training. Part of the intent of the Merit Commission is to offer ongoing training for its classified employees. Ms. Phillips thanked Mary Buttler for her hard work on staff development for classified employees.

Paula Phillips, BCCE President, stated the union has an issue with the role of the Commission staff and who is performing duties. Tracie De Angelis is not part of the Commission staff but is taking the minutes for the Personnel Commission meetings. She further stated it should be Mark Devereaux who takes the minutes. Ms. Phillips also stated she has a concern that test scores are being shared with management and that this is in violation of Education Code. All scores should be confidential. Finally, Ms. Phillips stated classified employees are being screened out of the testing process. She asked the Merit Commission to investigate the application/examination process.

Paula Phillips, BCCE President, stated the union feels the classification for the College Career Advisor is misclassified and asked that this item be taken off the agenda. She stated that PERB has two checklists which should be used when classifying positions and that neither form was used by the District. BCCE does not think this is a Local 21 position as it does not play a supervisory role. She is asking that a market salary survey be done for this position.

Cliff Wong regretfully announced the resignation of Commissioner Heidi Hoffman. Her term will be over at the end of January 2011. We will be working with Mark Coplan to seek her replacement.

Cliff Wong reported the list of new hires as follows:

All in Instructional Technician-After School positions:

Jessica Mc Coy
Javon Stephens
Mai Sou
Chris Suttice
Nicole Riddick
Shaela Stephens

Roy Doolan commented on George Cole and agreed he would be the best person to do the training on Merit Rules.

Dan Lee welcomed Roy Doolan back and stated he was sorry to see Heidi Hoffman leave.

Heidi Hoffman apologized to all for her early departure.

Dan Lee mentioned he will be attending the annual CSPCA conference from February 25-27 and is excited as the format is different and he feels will serve him well!

Dan Lee also mentioned he is not aware of what the "personnel matter" for the closed session is and he also asked for clarification on why Francisco Martinez was placed on leave. He further stated the Personnel Commission is extremely concerned because they have been given no information with

regard to his leave and may look into hiring legal counsel. A Special Session will be called to hire legal counsel if no clarification is given in the closed session. This will go on the agenda as an action item.

7. Eligibility Lists

Paula Phillips, BCCE President, asked why eligibility lists are being published and distributed late. She requested that lists be ready before the commission meeting and included in the packet. If they are not ready, they should be held until the next meeting.

Mark Devereaux, Administrative Assistant, explained that due to time constraints, there may be situations that require lists to be provided at the meeting as opposed to with the packet.

Paula Phillips suggested that employees be placed into Provisional positions if a list cannot be completed in time for the packet.

Roy Doolan made a motion to accept eligibility lists a and b (School Bus Driver and School Enrichment Project Manager)

Unanimously passed

8. Election of Commissioner Chair and Vice Chair

Roy Doolan would be willing to serve as Chair but nominated Dan Lee. Dan Lee accepted and nominated Roy Doolan as Vice Chair. Roy Doolan accepted. Heidi Hoffman agreed and nominations passed.

9. 2011 Proposed Commission Meeting Dates

This item was pulled by request of Roy Doolan and will be presented at the February meeting as an agenda item.

10. Set Date for Thomas Landis Appeal

Mr. Landis will have his appeal in an open session of February 10, 2011.

11. Advisor, College and Career

There as much dialogue about the position of Advisor, College and Career. Tim Mull, Local 21, stated he feels this position fits into the Local 21 unit. Delia Ruiz, Assistant Superintendent of Human Resources, and Mary Buttler, Director of Personnel Services, spoke about how they came to the determination of the classification of this new position. Salary schedules across each bargaining unit were researched as were minimum qualifications. Ms. Phillips, BCCE President, referred to the PERB checklists mentioned earlier in the meeting. Ms. Ruiz said she would look at the checklist to see if there are concerns.

There was discussion around whether or not this position would play a supervisory role and who would this position report to.

The classification of this position as a Local 21 position was put to vote. The commission voted 2 to 1 in favor of passing.

Moved to closed session at 5:40 PM.

Return from Closed session at 6:39 PM with nothing to report.

Paula Phillips, BCCE President, asked if there had been a policy change with regard to Human Resources accepting Substitute applications. After much discussion, it was determined no policy change has occurred. It was verified that applications for permanent positions are accepted only when there is an active posting. The Commission has established a list of which positions w accept applications for on an ongoing basis. Cliff Wong stated we will follow what has already been established.

Paula Phillips, BCCE President, requested that if there is going to be a change in policy that the District include the unions in the discussion.

Cliff Wong stated that if Ms. Phillips brings him specific names and/or cases, then he can and will address them. It is not possible for Human Resources to respond to broad cases.

There was an issue of fitness for duty tests that was raised for Instructional Assistants; it was reported that it could be found in the Merit Rules in the same location the rules for TB tests is located.

Meeting adjourned at 6:55 pm.

IV 1.1

Motions passed:

Motion: To approve agenda

Unanimously approved

Motion: Approval of both sets of minutes:

Unanimously approved

Motion: Approval of eligibility lists

Unanimously approved

Motion: Nominations of Dan Lee and Roy Doolan as Chair and Vice Chair Respectively

Unanimously approved

Motion: Approve Job Classification for Advisor, College and Career

Passed 2 to 1