

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

**AGENDA**

**Thursday, May 14, 2009  
Meeting 3:30 p.m.**

**Personnel Commission of the Merit System  
Closed Session  
1835 Allston Way– Open Session  
Berkeley, CA 94703  
(Annex Conf. Room)**

**Personnel Commission Members**  
Margaret Rowland, Chairwoman  
Dan Lee, Commissioner  
Shirley Van Bourg, Commissioner

**Closed Session: 3:30 pm**

**Page No.**

**Call to Order and Roll Call**

- |   |                  |                         |
|---|------------------|-------------------------|
| <b>1. Move to Closed Session</b>                                      | <b>3:30 p.m.</b> |                         |
| a. Evaluation of Classified Personnel Director                        |                  |                         |
| <b>2. Move to Open Session</b>  | <b>4:00 p.m.</b> |                         |
| <b>3. Report from Closed Session</b>                                  |                  |                         |
| <b>4. Secretary's Report</b>  |                  |                         |
| <b>5. Approval/Ratification of Eligibility Lists</b>                  |                  | <b>Action.. 1-1</b>     |
| a. School Bus Driver  |                  |                         |
| <b>6. Approval Minutes</b>  |                  | <b>Action.. 2-5</b>     |
| a. April 16, 2009   |                  |                         |
| <b>7. Public Comments</b>   |                  |                         |
| <b>8. 2009-10 Proposed Personnel Commission Budget Public Hearing</b> |                  | <b>Discussion.. 6-6</b> |
| <b>9. Adoption of 2009-10 Personnel Commission Budget</b>             |                  | <b>Action.. 7-8</b>     |
| <b>10. Invitation to Attend an ACOE Personnel Commission Meeting</b>  |                  | <b>Action..9-9</b>      |

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

**11. Salary Market Survey and Classification Study Update Information..**

**ADJOURNMENT**

**BERKELEY UNIFIED SCHOOL DISTRICT**

**MERIT SYSTEM**

Eligibility List for: **School Bus Driver - Open**

Written Examination: **N/A**  
Performance Evaluation: **N/A**  
Technical/General Fitness Oral: **5/8/09**

Lists established by Personnel Commission: **May 14, 2009 to expire May 14, 2010**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Kenneth Achukwu	_____	_____
	_____	_____

**Personnel Commission Minutes**

**Regular Session**

Thursday, April 16, 2009

4:00 PM

Berkeley Unified School District

Administrative Annex

1835 Allston Way

Berkeley, CA 94703

**Personnel Commission Members**

Margaret Rowland, Chairwoman

Dan Lee, Vice-Chairman

Shirley Van Bourg, Commissioner

**Call to Order and Roll Call**

The meeting was called to order by Commissioner Rowland at 4:00 p.m.

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

Present: Commissioners Dan Lee, Shirley Van Bourg and Margaret Rowland

**1. Secretary's Report**

Director Martinez announced that he delivered the layoff letters to the sites for the positions that were approved at the Board meeting the previous night.

**2. Eligibility Lists**

The following eligibility lists were approved:

Food Service Assistant

Senior Budget Analyst

Instructional Technician (Open/Combined)

Instructional Assistant – Special Education (Open/Combined)

Extension of Food Service Satellite Operator - May 1, 2009 – May 1, 2010

**3. Approval of Minutes – March 5, 2009**

The Minutes of the March 5, 2009 were approved subject to the following changes:

Under Item 8, insert the word "it" in the first sentence of item 8 "*court case as "it" pertains to an employee.*

## **Limited Term Appointment**

The Commission was asked to approve the hiring of a Confidential Administrative Coordinator for up to 6 months to help with the lay-off process and assist BUSD with attorney confidential communication. This has been budgeted and has been approved by cabinet. Paula Phillips, BCCE President, commented that this position was not posted, overtime was not offered, and there are three people in Human Resources capable of performing this work. Cliff Wong, Acting Assistant Superintendent, explained that this job includes complex, legal ramifications and wanted to hire a sub already trained in the Human Resources Office. Pat Robertson, BCCE, said that this position needs could be limited term but not a confidential position. Paula Phillips, BCCE President, reported that last year the employee was not required to be confidential but this year it is. She went on to say that someone on the eligibility list may decide to take advantage of this position. Director Martinez explained that we needed someone as soon as possible and the recommended person has worked in human resources before and can perform the assigned duties without any additional training. Cliff Wong agreed that overtime should go to a BCCE member but this was a different situation. Pat Robertson, BCCE, said that emergency positions can be granted. BCCE members cannot hold confidential status while being part of BCCE.

### **4. Public Comments:**

Paula Phillips, BCCE president, stated that she was not allowed to review her test for Director of Classified Personnel. Commissioner Rowland asked Director Martinez to call ACOE to determine whether more information could be provided to Ms. Phillips. Ms. Phillips said that when she was in HR, she would go over the areas where applicants did not do well and make suggestions on what they should concentrate on for the next test. Director Martinez said the agreement the district made with CODESP was that we could not share the test answers with the applicants because it invalidates the test for future use.

### **5. Vacancy /Transfer Notification Format**

Director Martinez stated that this item first came to the commission in February as a discussion item. At the March meeting, it came back again as an action item and resulted in the same discussion. Now it is scheduled again as an action item. He believes that the transfer notification is an administrative function. The differences between “transfer” and “vacancy” were discussed. The eligibility list is separate from the transfer list. They are two different processes. Someone on the eligibility list still has to interview for a vacant position but someone requesting a lateral transfer is considered first. Paula Phillips, BCCE president, mentioned the use of an asterisk to indicate there is an eligibility list to clarify for current employees that they may need to check with HR to see if they are on a list. The Commissioners requested that an asterisk be used on the vacancy/transfer notice.

### **6. 2009-10 Proposed Personnel Commission Budget**

Director Martinez presented the proposed 2009-10 Personnel Commission budget. He met with the Fiscal Services Director and they came up with a budget similar to last year's but with a small reduction. Part of his budget includes 20% of front desk person (1 day) and a full time administrative assistant. The Commission requested whether the budget would go to the Board

before the May 14, 2009 meeting. The Commission would like to hold a public meeting on May 14, 2009 and adopt the Commission's budget on the same day.

**7. Classification of Student Systems Specialist**

Director Martinez stated that the duties for this new position have been approved by the Board. The Technology Department is now supporting SASI and the telephone communication system (NTI). Previously, the manager of Admissions and Attendance supported and maintained SASI and NTI. Jay Nitschke, Technology Director, said that SASI will be replaced by Powerschool. He stated that the student information system has become increasingly more complex. Paula Phillips, BCCE President, said that this classification should be higher on the salary schedule. BCCE sent a letter demanding to bargain over the Student Systems Specialist classification. Director Martinez said that it is in the purview of the merit commissioner to classify this position.

Action: Accept the classification as recommended – all approved.

**8. Test Result for Written and Oral Examinations**

Paula Phillips, BCCE President, said that applicants are not getting test results and written notification of exams in a timely manner or not at all. Director Martinez stated that when he came to Human Resources there was a four month backlog of test result notifications. He is now only a few weeks behind sending notifications. There was discussion on the process of challenging the results of the written exam in time to be included in the oral exam if the results are changing to a passing score. Director Martinez explained that he wants our hiring process to move a little faster.

**9. Exam Notification**

Paula Phillips, BCCE President, said that there is not a date on the job announcement of when the exam is going to take place. Director Martinez explained that is because we want to make sure there are enough applicants before a test is given. He also explained that the applicants are generally given 5 working days notice of a written and oral exam. This is done by email or a letter if no email is provided. Paula Phillips, BCCE President, said that the typical life cycle of hiring is 60-90 days. She also said that most public employers post jobs for a longer period and perhaps we should do that to attract more qualified applicants. Director Martinez stated that he would like to post in different places but it is expensive. He also explained that we have continuous exams for some positions like IT and IA.

**10. Vacancy List**

Paula Phillips, BCCE president, said that vacancy and layoff lists that she received from HR were not accurate and she has been trying to get an accurate list of vacancies for two months. Director Martinez explained that some of the positions that appear to be vacant are not going to be filled because of budgetary issues. He has also requested BCCE to submit specific concerns so that they can be addressed. Paula Phillips, BCCE President, mentioned that some sites are still hiring subs instead of hiring regular employees. Monica Thyberg, BSEP Manager, stated that position control has not been updated.

**11. Payroll mistakes**

Paula Phillips, BCCE President, said that the Director of Classified Personnel should be auditing payroll monthly because there has never been so many mistakes. She said that she has gone to everyone and nothing has been done. Sometimes employees are overpaid and then they are asked to give money back. Director Martinez explained the process of employees getting into the payroll system. The personnel requisition first goes to position control, then to the payroll department. He said that recent discussions with the payroll department have helped to catch the problems before payday. He also stated that if BCCE has specific issues to bring them forward.

**12. Job announcements during recess periods**

Paula Phillips, BCCE President, said that we should extend the time jobs are posted during the winter and spring breaks because many employees are not working. Director Martinez explained that jobs are posted for 10 working days in accordance with Merit Rules and the labor contracts. Director Martinez said that we need to post as usual because we have to post during summer and many employees do not work during that time either. The Commission decided to post for 15 days during the winter and spring recess.

**13. Salary Market Survey and Classification Study Update**

Director Martinez stated that the attorneys for the district are reviewing a letter submitted by a union.

**14. Motions Passed at this Meeting**

Minutes: one set approved

Eligibility Lists: Four lists approved and one list extended for one year

**15. Next meeting - Thursday, June 4, 2009 4:00 PM**

**16. Adjournment**

# Berkeley Unified School District

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2134 Martin Luther King Jr. Way, Berkeley, California 94704-1180  
Phone: (510) 644-6150 Fax: (510) 644-6151 www.berkeley.k12.ca.us



**William Huyett**  
Superintendent

**TO:** Personnel Commissioners  
**FROM:** Francisco Martínez, Director Classified Personnel  
**DATE:** May 14, 2009  
**SUBJECT:** FY 2010 Personnel Commission Budget Public Hearing

## **Background Information:**

Pursuant to Education Code 45253 and Merit Commission Rule 20.400.2.B. which states, "The [Personnel] Commission shall hold a public hearing on its proposed budget not later than May 30." Education Code 45253 also requires that the Personnel Director forward a copy of the proposed budget to the Board of Education and notify the Board of the date, time and location of the public hearing so that the Board and administration representatives may attend the public hearing and present their views on the proposed budget. The Director of Classified Personnel submitted and presented the FY 2010 proposed Personnel Commission's budget to the Berkeley Unified School District Board of Education on April 29, 2009. The Director also informed the Board of the time, date and place where the public hearing would take place.

## **Recommendation**

Hold a public hearing on the FY 2010 proposed Personnel Commission budget.



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William Huyett  
Superintendent

**TO:** Personnel Commissioners  
**FROM:** Francisco Martínez, Director Classified Personnel  
**DATE:** May 14, 2009  
**SUBJECT:** Personnel Commission Budget, FY 2010

## **Background Information:**

Pursuant to Education Code 45253 and Merit Commission Rule 20.400.2.A. which states, "The Personnel Director shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year. The budget shall be submitted not later than the first Commission meeting in April." Merit Commission Rule 20.400.2.B. also requires the Commission to "hear and fully consider all comments and suggestions that may be offered by district administration, the Board, or other concerned persons or organizations."

Today's proposed budget is to comply with Merit Commission Rule 20.400.2. The District's Fiscal Services Director and the Director of Classified Personnel have met and drafted the proposed budget. The Director of Classified Personnel has already submitted the proposed Personnel Commission's budget to the Board of Education. The attached Personnel Commission budget details the 2009-10 expenditures.

## **Recommendation**

Staff recommends that the FY 2010 Personnel Commission budget be approved as presented and forwarded to the County Superintendent.

**BERKELEY UNIFIED SCHOOL DISTRICT**

**FY 2009- 2010 BUDGET REQUEST FORM**

**DEPARTMENT/SCHOOL:** Personnel Commission    **NAME:** Francisco Martínez

**DATE:** July 1, 2009 – June 30, 2010                      **PHONE:** 510-644-8636

ITEMS REQUESTED	CODE	AMOUNTS REQUESTED
<b>Staffing FTE:</b>		
1.0 FTE Director	2302/7403	\$141,372
1.0 FTE Administrative Assistant	2402/7403	\$65,333
0.20 FTE Clerical Specialist	2402/7403	\$11,037
Subs/Proctors Including Statutory Benefits	2416/7403	\$7,133
Hourly Overtime	2412/7403	\$2,229
<b>Total Salary Salaries Request</b>		<b>\$227,104</b>
<b>Other Items:</b>		
Books and Other Ref. Material	4200/7403	\$500
Other Supplies	4350/7403	\$3,000
Equipment	4400/7403	\$1,000
Travel and Conference	5200/7403	\$2,500
Dues and Memberships	5300/7403	\$3,800
Copier Lease	5713/7403	\$2,500
Postage/Federal Express/Certified Mail	5910/7403	\$475
<b>Total Other Items Request</b>		<b>\$13,775</b>
<b>5800 Prof/Consulting Svcs &amp; Operating Expenses:</b>		
Prof/Consulting Svcs and Operating Expenses	5800/7403	\$10,000
Legal Counsel	5829/7403	\$10,000
Commissioner fees	5800/7403	\$ 3,400
Hot jobs	5800/7403	\$ 4,750
Recruiting/Advertising	5800/7403	\$ 7,600
Applications/ Announcements/Copying	5800/7403	\$ 3,800
Testing (CODESP)	5800/7403	\$ 1,900
Pre-employment examinations (Kaiser)	5800/7403	\$ 4,750
Drug testing (Bus Drivers per State Requirement and Union Contract provisions)	5800/7403	\$ 4,000
Fingerprinting/DOJ Live Scan	5800/7403	\$19,000
<b>Total Prof/Consulting Svcs &amp; Operating Expenses</b>		<b>\$69,200</b>

**Grand Total: \$310,079**

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**William Huyett**  
Superintendent

**TO:** Personnel Commissioners  
**FROM:** Francisco Martínez, Director Classified Personnel  
**DATE:** May 14, 2009  
**SUBJECT:** Invitation to Attend an Alameda County Office of Education Personnel Commission Meeting

## **Background Information:**

Rick Minnis, Chief Human Resources Officer from Alameda County Office of Education (ACOE), has invited the Berkeley Unified School District Personnel Commission to attend one of its Personnel Commission meetings. ACOE can host the Commission on May 21, 2009 or June 18, 2009. ACOE Personnel Commission holds its meetings at 12:00 p.m. I would highly recommend that the Commission take advantage of this invitation. This opportunity would allow the Commission to observe the workings of a different Personnel Commission.

## **Recommendation**

Attend an ACOE Personnel Commission meeting.