

**BERKELEY UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION OF THE MERIT SYSTEM  
THURSDAY, AUGUST 5, 2010, 4:00 P.M.**

**AGENDA**

1835 Allston Way  
Berkeley, CA 94703  
(Administrative Annex Conf. Room)

- |   |  |                              |
|---|--|------------------------------|
| <b>1. Call to Order</b>   |  | <b>INFORMATION</b>           |
| <b>2. Commissioner Roll Call</b>  |  | <b>INFORMATION</b>           |
| Shirley Van Bourg, Chair  | <input type="checkbox"/> present <input type="checkbox"/> absent |                              |
| Dan Lee, Vice-Chair   | <input type="checkbox"/> present <input type="checkbox"/> absent |                              |
| Heidi Hoffman Hintz   | <input type="checkbox"/> present <input type="checkbox"/> absent |                              |
| <b>3. Move to Closed Session</b>  | <b>4:00P.M.</b>  | <b>ACTION</b>                |
| a. Review Applications  |  |                              |
| <b>4. Report from Closed Session</b>  | <b>5:00 P.M.</b>   | <b>INFORMATION</b>           |
| <b>5. Approval of Agenda</b>  |  | <b>ACTION</b>                |
| <b>6. Approval of Minutes</b>   |  | <b>ACTION 1-5</b>            |
| a. Personnel Commission Meeting of June 3, 2010   |  |                              |
| <b>7. Public Comments</b>   |  | <b>INFORMATION</b>           |
| <b>8. Reports</b>   |  | <b>INFORMATION</b>           |
| a. Collective Bargaining Units' Comments  |  |                              |
| b. Secretary's Comments   |  |                              |
| 1. Current Recruitment Report   |  |                              |
| c. Commissioners' Comments  |  |                              |
| <b>9. Approve the Following Eligibility Lists:</b>  |  | <b>DISCUSSION/ACTION 6-8</b> |
| a. Parent Liaison/Rec. and Culture Facilitator – Bilingual (to be Provided at Commission's Meeting) |  |                              |
| b. Library Media Technician –Secondary (BHS) (Promotional)  |  |                              |
| c. Library Media Technician –Secondary (BHS) (Open)   |  |                              |
| d. Extended Day Program Coordinator (To be Provided at Commission's meeting)                        |  |                              |
| e. Instructional Media Technician (To be Provided at Commission's meeting)                          |  |                              |
| f. School Safety Officer (To be Provided at Commission's meeting)                                   |  |                              |
| g. Instructional Specialist Cooking (To be Provided at Commission's meeting)                        |  |                              |
| h. Executive Assistant to the Superintendent (To be Provided at Commission's meeting)               |  |                              |

- |  |                       |
|--|-----------------------|
| 10. Agenda Items – By Denise Diggs-Ray   | DISCUSSION/ACTION 9-9 |
| 11. Schedule Special Meeting – Presentation by the California School Personnel Commissioner Association (George Cole and John Caldecott) |                       |
| 12. Vacancy and Transfer Posting (Program Assistant) Placed on Agenda By BCCE  |                       |
| Placed on Agenda by BCCE   | DISCUSSION/ACTION     |
| 13. Update on Classification Study   | INFORMATION           |
| 14. Update on Personnel Commission Rules   | INFORMATION           |
| 15. Public Comments  | INFORMATION           |
| 16. Adjournment  | BY 7:00 P.M.          |

**Personnel Commission of the Merit System Minutes**

**Thursday, June 3, 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

**1. Call to Order**

Chairwoman Van Bourg called the meeting to order at 4:10

**2. Commissioner Roll Call**

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

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

**3. Approve Agenda**

**Motion:** approve agenda

*Unanimously approved*

**4. Approval of Minutes**

**a.** Personnel Commission Meeting of April 8, 2010

#9 change Vision 2020 to 2020 vision. #9 (second to last sentence) add “with regards to BCCE classified positions. #10 change “with out” to “without.”

*Unanimously approved as corrected*

**b.** Personnel Commission Meeting of May 6, 2010

#8 (last sentence) changed to: Commissioner Lee asked if staff working for the Commission are performing work outside of Merit duties. #10 (5<sup>th</sup> sentence) change: “granted” to “scheduled.”

*Unanimously approved as corrected*

**5. Public Comments**

Denise Diggs-Ray, BCCE, asked what employees should refer to in order to find out how to follow Merit processes and procedures. Commissioner Van Bourg

responded that processes and procedures will be sited in the amended Merit Rules.

A large group of parents and BOCA members were present at the meeting to inquire about the bilingual Parent Liaison positions at BHS and Cragmont. The eligibility list was first presented at the March 4, 2010 meeting and had not been approved. Staff are currently working provisionally in the positions, but have not been offered permanent assignments. The parent group wanted to know what was delaying the process. They expressed the extreme need for and desire to have bilingual staff at school sites to assist parents. Liz Fuentes, BOCA, recognized the need for and job of the union to protect employees, but felt that urgency was not being shown in getting the bilingual Parent Liaisons in place. Chairwoman Van Bourg stated that the Superintendent informed her that the approval of the bilingual positions needed to be worked out with BCCE and the District. A meeting had been scheduled for June 11, 2010. Rosario Tejada, BHS parent, wanted to know how they could help to move things forward to ensure the meeting takes place. Ms. Tejada expressed fear that the positions will be eliminated if not acted upon now. Miguel Angel Guerrero-Gonzalez, BHS alumni, "I do understand the concerns of the parents. If we do not provide adequate information to students we will lose the battle between the students and the streets. I understand that the parents are frustrated with due process and the lack of an agreement to meet to resolve the issues. I believe the due process in this district is taking too long. The problems are coming from the Superintendent and the Director of Personnel." Margarita Pedroza asked BCCE how they were going to help the process along. Paula Phillips, BCCE president, responded "we will meet with the district to work out a MOU to establish a differential for the bilingual positions. The district has chosen to not recruit for the two existing bilingual classifications. I asked the district to just focus on the two employees and get them benefits." Commissioner Lee responded, "We have been working on this since October. We have not been able to approve this list because of the collective bargaining unit." The parent group inquired who they needed to pressure to get the eligibility list approved. Chairwomen Van Bourg responded, "The Commission cannot do anything until other things are worked out."

## **6. Reports**

### **a. Collective Bargaining Units' Comments**

The bargaining agents and members have not had the opportunity to make comments on the Merit Commission appointee (Heidi Hoffman Hintz). The entire process of appointing a new commissioner has been done out of order. The appointment, selection and discussions have all been done behind closed

doors and not open to the public. BCCE is unhappy over the way the selection of an appointee who does not have a clear understanding of the Merit system. The union has concerns over what type of training will be provided to the new commissioner. We want to make sure that she knows and understands the goals and missions of the Merit Commission.

Paula Phillips, BCCE, Rafael Adames was denied an appeal hearing even though this body agreed to grant a hearing. The minutes reflect that an appeals hearing was to be scheduled. Chairwoman Van Bourg suggested the Commission set a date for a hearing. Mr. Martinez, Classified Director, requested that BCCE submit something in writing to request the hearing. The Commission set a hearing date for Thursday, August 5<sup>th</sup> at 2:00 p.m., prior to the Personnel Merit Commission meeting. BCCE is to provide hearing materials by Tuesday, July 6, 2010.

Paula Phillips, BCCE, to this date there have been 54 classified lay off notices. Some have not been done properly. The district did not approve some of the positions to be laid off. Mr. Martinez is responsible. Mr. Martinez has not been available to meet with the union.

**b. Secretary's Comments**

Funding for the BEARS program seems very dubious at this point. We have sent out lay off notices to BEARS program employees. Preschool IA's will be affected as well. We are still unsure about the funding for the preschools. The district is committed to funding the program through July. If state funding is pulled, we will have to lay off all the preschool staff. The classified employee appreciation party went well. The PMC budget was sent to the County for approval. The senior accountant candidate that was in question has been granted approval to take an oral panel examination.

**Filled Positions**

IA Special Education	Willard
IA Special Education	Franklin
Food Service Asst.	LeConte
Food Service Asst.	BAM
Food Service Satellite Operator	Malcolm X

**c. Commissioners' Comments**

The Merit Commission Oath was given to Ms. Heidi Hoffman Hintz by Beatriz Leyva-Cutler (BUSD Board of Education, Vice President). Chairwoman Van Bourg and Commissioner Lee welcomed Ms. Hintz.

The Commission announced there would not be a PMC meeting in July.

**7. Distribution of Merit Rules and Regulations:**

Chairwoman Van Bourg stated that they are nearing the end of the rules revision and that copies should be sent to each site soon. Mr. Martinez confirmed that a copy could be sent to all sites. Ms. Phillips, BCCE, requested that employees be notified via the newsletter when they are made available at the sites.

**8. Classification Study**

The purpose of the study is to communicate with the employee and to capture what the employee is doing. The estimated cost is \$70,000. We are diligently working to identify the funding source.

can hear an appeal. A written request for an appeal hearing will have to be submitted.

**9. Contracting BCCE Positions**

Paula Phillips, BCCE, the district is currently using temps to do BCCE work. We are asking that this practice end and that the district hire BCCE members into the positions. The district should be posting limited term jobs to cover these medical leaves and not hiring contractors. BCCE was addressing the positions staffed by Robert Half (Accountant) and Anova (Behavioral Special Ed- IA). Commissioner Lee inquired if there was an eligibility list for Accountant. Mr. Martinez responded "no." Commissioner Lee asked to receive additional information about the Anova IA's. Information was requested as to what the contract includes (supervision/training). Pauline Follansbee, Fiscal Services Director, addressed the Commission regarding the temporary accountant working in her department. She stated that the temp is covering for an employee on medical leave. The complete duration of the leave is undetermined; therefore, we cannot post for a specific period of time. There is also no time for training. Someone had to be brought in that could immediately do the job. Paula Phillips, BCCE, referenced Ed code 45103.1 (a), 45260, 45261 and 45272, as well as BUSD Merit Rules 50.200 – 60.500. See the agenda packet for more information. Chairwoman Van Bourg stated that contracting should not happen when there is any other way around it and we could use our own employees. There is currently no money for training. Chairwoman Van Bourg

requested information as to what type of training the Anova IA's have and specifically what services they are actually providing. This agenda item is to be brought back to the next meeting.

Meeting adjourned at 7:08

### **Motion Summary**

**Motion: to approve agenda**

*Unanimously approved*

**Motion: to approve minutes (04/8/2010 & 05/06/2010) as corrected**

*Unanimously approved*

**BERKELEY UNIFIED SCHOOL DISTRICT**

**MERIT SYSTEM**

Eligibility List for: **LIBRARY MEDIA TECHNICIAN - Secondary – BHS (Open)**

Written Examination: **June 23, 2010**

Performance Evaluation: **n/a**

Technical/General Fitness Oral: **July 1, 2010**

Lists established by Personnel Commission: **August 5, 2010 to expire August 5, 2011**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Jennifer Gordon	_____	_____
2. Sally Reed	_____	_____
3. Eleanor Hilton	_____	_____
4. Sienna Sydlaske	_____	_____
5. Mahal Watkins	_____	_____
6. Lisa Hubbell	_____	_____
7. Ana Lara	_____	_____



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1. Gordon, Jennifer	_____	_____

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1. Sally Reed	_____	_____
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3. Sienna Sydlaske	_____	_____
4. Mahal Watkins	_____	_____
5. Lisa Hubbell	_____	_____
6. Ana Lara	_____	_____

# MEMO

PERSONNEL SERVICES OFFICE  
10 MAY 25 PM 3:45

May 25, 2010

To: Personnel Commission of the Merit System

From: Denise Diggs-Ray

*Denise Diggs-Ray*

Subject: Requested Agenda Items for June 3, 2010

There has been discussion on these items since November, 2009 at least that I am aware of. I am requesting, again, in writing, they be placed on the agenda of the Personnel Merit Commission System for discussion and action to make a clear procedure for employees to follow.

## **A) Appeals Process – Clarification/Request for Detailed Outline of Procedure**

1) **Rejection of Application** – There is no clear and defined outline which details the appeals procedure once the meeting with the Director of Classified Personnel has taken place. There is a timeline when an employee must “make a written appeal of the rejection within 5 working days, to the Personnel Commission.” However, it does not specify when the 5 working days start/ends? There is no rule that indicates it is five days from the meeting date with the Director? There is nothing identified which informs employees the information has been given to Commissioners; or how long before a response will be received, like the 5 working days mentioned earlier. There is nothing indicating a time frame for a meeting to be set, mutual agreement as to the date/time, those who must be in attendance, etc.

2) **Rejection of Reclassification** – After Administrative review by the Director of Classified Personnel (listed as Personnel Director in Rules); again an employee may make a written appeal within 5 working days but doesn’t say when those days starts/ends. How and when does an employee know the Commission has received the information? If the meeting doesn’t include all involved parties, how can the Commission hear all of the evidence and render a fair decision?

Since the rules state the Commission decision is final, there should be an assurance of equality and impartiality when that decision is made. This type of decision is in the best interest of all.

**B) Proctor’s Responsibilities and Actions** - What are those responsibilities and what happens when a proctor alleges improprieties? What is the process once an allegation is made? Is the person taking the test disqualified at that time? What is done to determine any wrongdoing? How is the applicant notified? This item is to make sure employees are aware of the policy H.R./Commission has developed so we know what will be followed, as approved by the Commission.