

**Personnel Commission Minutes  
Regular Session  
Thursday, August 7, 2008  
4:00 PM  
Berkeley Unified School District  
BUSD Annex  
1835 Allston Way  
Berkeley, CA 94704**

**1. Call to Order**

Meeting called to order at 3:00 PM

**Roll Call**

Commissioners Shirley Van Bourg, Margaret Rowland, and Dan Lee were present.

**2. Report on Closed Session**

The meeting returned from closed session at 4:02 PM.

It was announced that hearings would be granted for both appeals brought to the Commission. A hearing officer will conduct the hearings and all three commissioners will be in attendance. Unions should get in touch with Lisa Udell to find the hearing officer.

It was announced that the commission decided in closed session on August 6, 2008 that Francisco Martinez will be offered position of Director of Classified Personnel.

**2. Public Comments**

Anne Calligeri asked about Merit rules on limited-term positions. Commissioner said that she would give her a citation after the meeting.

There was a discussion related to the new structure of the Human Resources Department. The matter will be discussed further and more information will be provided at a later date.

Denise Diggs-Ray, BCCE, commented on follow-up of discussions, stating that sometimes topics that are to be discussed at a future meeting are dropped. It was suggested that the format of the agendas for the meetings be changed to allow for a "Report Back" section.

Someone asked how soon the commission should expect to wait to receive the PR for a position once the commission has approved it so that recruitment for position can start. There was a discussion about positions that have been filled by employees that have not gone through the posting, recruitment, and testing process. A Commissioner said that this is something that they will have to look into. Paula Phillips, Human Resources, said that she will be able to provide information. Phillips stated that positions have been approved recently for which she has not received a PR to post the position.

It was stated that if a position is created and there is no list, the district can hire provisionally for 90 days. This does not make the appointment permanent.

There was some discussion about who will be responsible for issuing the newsletter. The current practice was determined to be correct.

**3. Approval of Minutes**

Minutes approved for July 10, 2008  
Minutes approved for July 16, 2008  
Minutes approved for July 24, 2008

**4. Approval/Ratification of Eligibility Lists**

The eligibility lists were unanimously approved.

**5. Higher Classification Differentials**

In response to a letter from Tim Donnelly, BCCE, Paula Phillips explained that the employee in the Nutrition Services Department Clerical Assistant I position was approved by the deputy superintendent to receive a five percent differential for a six month period of time. Phillips stated that the employee did not realize that in order to continue to receive differential after the six month period the employee needed to submit a timesheet. The employee had been told by her manager that she should be receiving a bilingual differential and that she should be doing Clerical Assistant II higher duties and be receiving a bilingual stipend for the two years that she had been working in that classification. Phillips stated that this was brought forth to the previous Classified Personnel Directors and was denied. The Commission determined that an investigation was needed.

Phillips stated that the Clerical Assistant III was promoted into a Clerical Specialist position recently. During the time that she was receiving a

differential she was submitting a timesheet. However, these timesheets are supposed to be approved by the Director of Classified Personnel and this was not the case. Employee is concerned that her PERS contribution may have been affected had she been reclassified back then. Employee has alluded to asking for retroactive seniority beginning from when she was doing higher duty and receiving the differential. It was brought up that a person has to stay in their job for a year to be “locked in” for PERS.

**6. Human Resources Testing Procedures**

Tim Donnelly, BCCE, brought up the case of one member that asked to review her test and was told that it was not possible. Phillips stated that when she reviews tests with candidates she goes through exams to see which areas the candidate missed and counsels them on the areas that were missed so they can study those areas. If the candidate remembers a specific question that they want to go over, she will show them the question but will not go over what the answer is supposed to be because it is in violation of the security agreement with CODESP. It is not recommended by CODESP that she go over the test line by line because this puts the test security at risk. Past Personnel Directors have gone over the test line-by-line with people who challenge the test.

Pat Robertson cited Merit Commission rules governing test protests. These rules state that people are allowed to review the test and that the Personnel Director shall review and act on all protests. Applicant can appeal to the Commission if the Director rules against protest, but this process shall not delay hiring.

Francisco Martinez asked if the same people continue to protest the test. Phillips stated that her experience has been that the same people continue to review and protest, and that these are people that have failed the same test twice.

It was suggested the rules be examined because of the conflict between CODES requirements and Merit Commission rules.

**7. Market and Classification Study Update**

Wong stated that the company that is working on the classification study is waiting for information from all districts cited. The company sent a letter to BUSD saying they have not been able to get the West Contra Costa School District to submit information. Wong recommended to the company that they proceed without WCCUSD.

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Diggs-Ray asked where the District is in the process. Wong said that we are in the portion of the study that requires study of market salaries and that all data has been collected with the exception of WCCUSD and now needs to be reviewed.

Phillips asked how salaries can be determined for new classifications if the Merit Commission has not yet determined education and experience requirements. Someone suggested the transferring of employees to a higher classification be done piecemeal so that employees that are transferring from one classification to another, both with determined salaries, can make the transition sooner. Others commented that some changes have been made piecemeal.

Commissioner requested a copy of the document summarizing the results of study so far.

Donnelly expressed dissatisfaction with the classification study because job descriptions are too narrow, there are too many of them and they are task-based rather than skill-based.

**8. New Employee Orientation and Training**

It was agreed that a New Employee Orientation would be beneficial for the District. A letter to the Board will be drafted to recommend this.

**9. Rules Revision Committee Update**

It was suggested that the name of the Rules Revision Committee is misleading because the function of the committee is primarily to clarify rather than make large changes.

Rules are being reviewed chapter by chapter. Committee is currently working on Chapter 3.

**10. School Board vs. Personnel Commission Purview**

There was discussion of a document that specifies what falls under the purview of the School Board, the Personnel Commission, and both. Everyone was encouraged to review the document.

**11. Class Study – Existing Positions**

Discussed above.

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**Continuous Examination – Instructional Technician, After School,  
Instructional Assistant-Special Education and Food Service Assistant**

It was recommended that the District and the Director of Classified Personnel be allowed to hire from a previous list for some positions prior to coming to Merit Commission for final approval. The positions listed were: Instructional Technician, After School, Instructional Assistant-Special Education and Food Service Assistant. Phillips stated that this practice would help to resolve problems related to high turn-over and reduce the need for provisional employees.

The commission decided to add Bus Drivers to the Continuous Examination list.

The motion to approve the Continuous Examination list was unanimously approved.

Meeting was adjourned at 5:25 PM.



**Personnel Commission Minutes  
Regular Session  
Thursday, September 4, 2008  
4:00 PM  
Berkeley Unified School District  
BUSD Annex  
1835 Allston Way  
Berkeley, CA 94704**

**1. Call to Order**

Meeting called to order by Commissioner Margaret Rowland at 3:30 PM and the Commissioners adjourned to closed session.

**Roll Call**

Roll call was taken by the Director of Classified Personnel. Commissioners Shirley Van Bourg, Margaret Rowland, and Dan Lee were present.

The meeting returned from closed session at 4:00 PM. Commissioner Rowland announced that there was nothing to report from closed session.

**2. Public Comments**

Paula Phillips, Human Resources, stated "at this time I'd like to announce my resignation in anticipation of becoming the president of the union . . . to take effect October 1." Ms. Phillips recommended that before hiring another qualified person to fill the position, the commission should review the job responsibilities. Pat Robertson, BCCE, added that Ms. Phillips is not resigning, but taking a leave of absence and that the rules state she will be able to return to a district position once her term has finished.

In response to questions about the classification study, Francisco Martinez, Director of Classified Personnel, said that the Reward Strategy Group salary indications are just estimates and that Koff and Associates are doing a market salary survey. Commissioner Van Bourg asked what the timeline is for the results of the market survey, and Mr. Martinez said that an update should be available next week. Commissioner Van Bourg requested a timeline of the Markey survey. Tim Donnelly, BCCE, explained that the Class Study Recommendations are just a review of the documents submitted by RSG to the School Board on January 9, 2008. Commissioner Rowland said that the salary survey will be discussed at a future meeting.

Tim Donnelly, BCCE, spoke regarding Cassandra Webster serving for several months in an open position for a couple of months. She is an 11-year employee who resigned under good circumstances and would like to get back onto an eligibility list for Instructional Assistant. There is discussion as to whether the 39 month re-hire rules apply to employees who have resigned. Commissioner Rowland said they will do more research and address it at a later date

Bernadette Cormier, Transportation Manager, spoke about the implementation of the Classification Study between positions that already exist.

**3. Approval/Ratification of Eligibility Lists**

Victor Diaz, Berkeley Technology Academy, asked the Commission about the possibility of combining the School Secretary III promotional and open lists. It was explained that lists can only be combined if the Commission approves the combination before recruitment begins. The different ways other merit entities implement open and promotional lists were discussed. The commission expressed a desire to investigate merging open and promotional lists, and will be discussed in the Rules Revision Committee.

The eligibility lists were unanimously accepted.

**4. Higher Classification Differentials**

Discussion of the Early Childhood Education Clerical Assistant III was moved to the next meeting.

Paula Phillips explained that the employee in the Nutrition Services Department Clerical Assistant I position had requested two years ago to be reclassified to Clerical Assistant II as the duties had changed and to be paid a bilingual differential. As advised, she had been recording her higher duty and differential on a time sheet since then. Not all time sheets were signed by the correct administrator, and so she was paid some months and not others. The personnel requisition for the higher duty and bilingual differential cannot be located. Francisco Martinez indicated that further investigation was necessary.

**5. Consultants in Classified Positions**

Tim Donnelly, BCCE, explained that a Payroll Specialist has been asked to train four temporary agency Payroll Specialists in the last year. They petitioned that his position be changed to reflect the extra duty. There has not yet been an investigation into creating a Lead position. There was discussion

regarding the difficulty finding a permanent Payroll Specialist. It was recommended that the employee make his request to the school board.

**6. New Employee Orientation and Training Letter to Board**

Francisco Martinez informed the Commission that he met with the Superintendent and the Assistant Superintendent of Human Resources. Mr. Martinez will be in charge of new employee orientation and training for the classified staff.

**7. Rules Revision Committee Update**

Commissioner Van Bourg said that the Rules Revision Committee has met monthly and has made progress. Very few changes are being made, and most changes are updates to include the pertaining California Education Code.

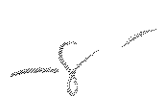
**8. School Board vs. Personnel Commission Purview**

The Commission received a document outlining the responsibilities of the school board and the personnel commission according to California Education Code. There is hope that this document can be used to educate the community about the role of the Personnel Commission. There was extensive discussion about the responsibilities of the School Board and the Personnel Commission, focusing on the Classification Study and job reclassifications.

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

There was discussion around the timeline and completion of the salary market survey and the anxiety it was giving employees not knowing when their positions or salaries might change. Denise Diggs-Ray, BCCE, clarified that the new job descriptions and titles were already approved by the School Board. The discussion included the responsibility of the Commission to approve new job descriptions and titles, the budget allocated for the Classification Study, the union's role in negotiating salary changes, and the possibility of approving reclassifications where a job description already exists. Commissioner Rowland expressed a desire to bring together (marry) the work done by RSP and Koff and Associates in the near future.

Meeting was adjourned at 6:10 PM.





**BERKELEY UNIFIED SCHOOL DISTRICT**

**Merit System**

Eligibility List for: **Instructional Technician – Afterschool (Open) - Combined**

Written Examination: **September 3, 2008**

Performance Evaluation: **N/A**

Technical/General Fitness Oral: **September 19, 2008**

List established by Classified Personnel Director **September 22, 2008**

List established by Personnel Commission **October 2, 2008** to expire **October 2, 2009**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Eda M. Levenson	_____	_____
2. Camille Dreux (6/5/08)	_____	_____
3. Timothy W. Orr	_____	_____
4. Ivery Smith (5/1/08)	_____	_____
4. Jacqueline E. Brown	_____	_____
5. Sarah Phykitt (8/7/08)	_____	_____
6. Jesscia D. Johnson	_____	_____
7. Ronald D. Amey	_____	_____
8. Jason Bennett	_____	_____
8. Asenath Wiggins	_____	_____
9. Kulele Owens	_____	_____
9. Rasheeda Staples	_____	_____
9. Edward P. Noonan	_____	_____
10. Sara E. Richardson (8/7/08)	_____	_____
11. Chester Miller (5/1/08)	_____	_____
12. Merrilen Taylor (8/7/08)	_____	_____
13. Roxanne Burks (6/5/08)	_____	_____
13. Gloria Latham (6/5/08)	_____	_____
13. Buford Buntin (5/1/08)	_____	_____
13. Gina M. Storelli	_____	_____
13. La'Shay McClinton	_____	_____
14. Joseph L. Greco	_____	_____

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**BERKELEY UNIFIED SCHOOL DISTRICT**

**Merit System**

Eligibility List for: **Instructional Assistant, Special Education (Open) - Combined**

Written Examination: **Various**

Performance Evaluation: **N/A**

Technical/General Fitness Oral: **September 18, 2008**

List established by Classified Personnel Director **September 24, 2008**

List established by Personnel Commission **October 2, 2008** to expire **October 2, 2009**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Jana D. Jandra	_____	_____
2. Luke Hehemann (6/5/08)	_____	_____
2. Jennifer Cooper (6/5/08)	_____	_____
3. Lois Segal	_____	_____
3. Kenyatta Muenda (6/5/08)	_____	_____
3. Camille Deux (6/5/08)	_____	_____
4. Ryan Farrell	_____	_____
5. Marian R. Smith	_____	_____
5. Nova K. Reeves	_____	_____
5. Cynthia Rivera	_____	_____
6. Fulani Offut (6/5/08)	_____	_____
7. Pamela Grigsby Amaku (12/6/07)	_____	_____
8. Sanna Murcia (10/4/07)	_____	_____
9. Linnette Robinson (12/6/07)	_____	_____
10. Gloria Frothingham (10/4/07)	_____	_____
10. Ronald D. Amey	_____	_____

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**BERKELEY UNIFIED SCHOOL DISTRICT**

**Merit System**

Eligibility List for: **Sr. Records Clerk - Open**

Written Examination: **August 5, 2008**

Performance Evaluation: **N/A**

Technical/General Fitness Oral: **September 9, 2008**

List established by Personnel Commission **October 2, 2008** to expire **October 2, 2009**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Dalvin Hayes	_____	_____
2. Angela Willoughby	_____	_____
3. Darrione Glover	_____	_____
4. Desiri Moret-Blyden	_____	_____

**BERKELEY UNIFIED SCHOOL DISTRICT**

**Merit System**

Eligibility List for: **Library Media Technician – Elementary (Promotional)**

Written Examination: **September 2, 2008**

Performance Evaluation: **N/A**

Technical/General Fitness Oral: **September 5, 2008**

List established by Personnel Commission **October 2, 2008** To Expire: **October 2, 2009**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Sandra Wilson	_____	_____
2. Melanie M. Hernandez (Exp. 7/2/09*)	_____	_____
3. HaiQing Chen (Exp.7/2/09*)	_____	_____

*\*Eligibility List extended by Personnel Commission for one year*

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BERKELEY UNIFIED SCHOOL DISTRICT

Merit System

Eligibility List for: Library Media Technician – Elementary (Open)

Written Examination: September 2, 2008

Performance Evaluation: N/A

Technical/General Fitness Oral: September 5, 2008

List established by Personnel Commission October 2, 2008 To Expire: October 2, 2009

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Michelle Coleman	_____	_____
2. Maureen Pettit	_____	_____
2. Dianna Miranda	_____	_____
3. Dianne Curtain	_____	_____
4. Catherine Ference	_____	_____
5. Patricia Littlefield (Exp.7/2/09*)	_____	_____

*\*Eligibility List extended by Personnel Commission for one year*

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**BERKELEY UNIFIED SCHOOL DISTRICT**

**Merit System**

Eligibility List for: **Library Media Technician – Secondary (Promotional)**

Written Examination: **September 2, 2008**

Performance Evaluation: **N/A**

Technical/General Fitness Oral: **September 5, 2008**

List established by Personnel Commission **October 2, 2008** To Expire: **October 2, 2009**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Sandra Wilson	_____	_____

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**BERKELEY UNIFIED SCHOOL DISTRICT**

**Merit System**

Eligibility List for: **Library Media Technician – Secondary (Open)**

Written Examination: **September 2, 2008**

Performance Evaluation: **N/A**

Technical/General Fitness Oral: **September 5, 2008**

List established by Personnel Commission **October 2, 2008** To Expire: **October 2, 2009**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Michelle Coleman	_____	_____
2. Maureen Pettit	_____	_____
2. Dianna Miranda	_____	_____
3. Dianne Curtain	_____	_____

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**BERKELEY UNIFIED SCHOOL DISTRICT**

**Merit System**

Eligibility List for: **Sr. Food Service Assistant- Open (Combined)**

Written Examination: **September 5, 2008**

Performance Evaluation: **N/A**

Technical/General Fitness Oral: **September 9, 2008**

List established by Personnel Commission **October 2, 2008** to expire **October 2, 2009**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Kristen Lindquist (8/7/08)	_____	_____
2. Kathleen Caletti	_____	_____
3. Jimmy Fuentes	_____	_____
3. Sinette White	_____	_____

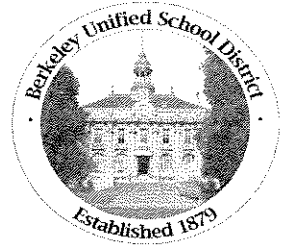
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# Berkeley Unified School District

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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 Commission of the Merit System  
From: Francisco Martínez  
Director of Classified Personnel  
Date: October 2, 2008  
Subject: The Rules and Regulations of the Personnel Commission

## **Background**

I would like to inform the Personnel Commission that I plan to implement the Rules and Regulations of the Personnel Commission in a consistent manner. Applying the rules and regulations consistently will benefit both the classified employees and the school district. At times, the rules have been interpreted in different ways. Thus, attempting to follow precedent has proven to be difficult. I have consulted the district's counsel legal and I have informed that it is always safe to return to the written Rules and Regulations and its principles.

## **Recommendation**

Receive this memorandum about the Rules and Regulations of the Personnel Commission for information.



## **Berkeley Council of Classified Employees**

AFT Local 6192, AFL-CIO

2530 San Pablo Ave. Ste. A, Berkeley, CA 94702

Phone (510) 540-5002 FAX (510) 549-2308 BCCE@LMI.net

Date: September 22, 2008  
To: Personnel Commission, BUSD  
From: Tim Donnelly, BCCE President  
Subject: BCCE Positions at Berkeley Technical High School

Dear Commissioners

Mr. Diaz, in his presentation to the Personnel Commission last month, made several disturbing assertions. He was suspiciously certain that the outside candidate, his preferred candidate, had out-performed the inside candidates in testing. This certainty bears investigation because test scores are, by law, confidential.

We understand that Mr. Diaz has kept his preferred candidate on site despite unequivocal directives from Human Resources. This also bears investigation.

Now that one inside candidate has declined the position, Mr. Diaz invokes the Merit Rules to disqualify another inside candidate. Has this administrator ever hired an inside candidate?

It was particularly discouraging that our Superintendent joined Mr. Diaz to insult BCCE members seeking promotion. Two of these candidates work at King Middle School, where they presumably worked with some of the students and families served by Berkeley Tech.

Our Merit Rules and Collective Bargaining Agreement give an advantage to experienced and trained employees of the district. This administrator has kept employees provisional beyond the limits allowed by the Merit rules in the past. We believe he should be compelled to hire from the promotional list.

In light of the August 2008 Personnel Commission meeting, we must also request a reconsideration of the new class specification approved on July 10:

### **Site Coordinator After School Program, Continuation HS**

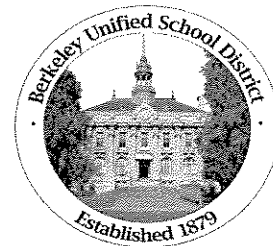
We feel the case should be made in some detail, why this position is distinct from other Site Coordinators in the after school program. Otherwise we feel this is just one more opportunity for the principal to hand pick and groom his own candidate.

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# 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 Commission of the Merit System  
From: Francisco Martínez  
Director of Classified Personnel  
Date: October 2, 2008  
Subject: Bemail

## Background Information

Bemail is the Berkeley Unified School District's electronic mail service. There have been discussions as to whether the Personnel Commission members should each establish a Bemail account. Should the Personnel Commission members receive a Bemail account, BUSD employees would have easy and direct access to the Commissioners. Further, it is difficult to predict the number of questions and requests that the Commissioners would receive and the amount of time involved reading and replying to emails.

## Staff Recommendation

Receive this information for discussion and determine whether the Personnel Commission members should subscribe to Bemail.

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