

**BERKELEY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION OF THE MERIT SYSTEM
THURSDAY, OCTOBER 7, 2010, 4:00 P.M.**

AGENDA

1835 Allston Way
Berkeley, CA 94703

(Administrative Annex Conf. Room)

- | | |
|--|--|
| 1. Call to Order | INFORMATION |
| 2. Commissioner Roll Call | INFORMATION |
| 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 |
| 3. Approval of Agenda | ACTION |
| 4. Approval of Minutes | ACTION 1-9 |
| a. Personnel Commission Meeting of September 2, 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 10-10 |
| a. Accounting Technician (Open) | |
| b. Administrative Assistant (To be provided at Commission's meeting) | |
| c. Education Occupational Therapist (To be provided at Commission's meeting) | |
| d. Instructional Technician - Cooking (To be provided at Commission's meeting) | |
| e. Instructional Technician - EDP(To be provided at Commission's meeting) | |
| f. Supervisor, Culturally and Linguistically Responsive Systems (To be provided at Commissions' meeting) | |
| 8. Classification Study | DISCUSSION/ACTION |

9. Move to Closed Session

- a. Personnel Matter
- b. Personnel Matter
- c. Personnel Matter

ACTION

10. Report from Closed Session

INFORMATION

11. Public Comments

INFORMATION

12. Adjournment

BY 7:00 P.M.

Personnel Commission of the Merit System Minutes

Thursday, September 2, 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 4:00

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, Commissioner Dan Lee, and Commissioner Heidi Hoffman Hintz

3. Moved to Closed Session (4:05)

4. Report from Closed Session (4:45)

5. Approval of Agenda

Motion: To approve agenda

Unanimously approved

6. Approval of Minutes

a. Personnel Commission Meeting of July 22, 2010

Corrections:

Page 5, #7 Change first paragraph to: “Monica Thyberg, BSEP Manager, explained that the district has two tax measures on the ballot in the upcoming November election. They are for a renewal or continuation of the current parcel tax (Measure BB of 2000) which funds the district's entire Maintenance Department, and a General Obligation bond to build new buildings and many other building improvement projects at our schools. A kick-off meeting is scheduled for Saturday, August 7th, at Saint John's Church from 10 a.m. - noon.”

b. Personnel Commission Meeting of August 5, 2010

Corrections:

Page 8, #11, change John Caledcott to John Caldecott

Motion: To approve minutes as amended

Unanimously approved

7. Public Comments

Velma Butler, with BFT Classified, expressed concern over whether the Personnel Merit Commission is working independently of the District and whether employees feel protected and have confidence in the Commission. She feels that the District is playing a role in establishing the Commission's policies and procedures. She asked how the BFT can work with the Commission to make sure they are working on behalf of the employees.

Irma Parker, BUSD employee, echoed Velma's concerns. She said that she felt she was treated disrespectfully and wasn't valued by Human Resources, and believed the Commission should address what Human Resources does not.

Delia Ruiz, Assistant Superintendent – Human Resources, apologized that Ms. Parker felt disrespected and reiterated her commitment to be responsive to Berkeley Unified employees.

8. Reports

a. Collective Bargaining Units' Comments

Paula Phillips, BCCE President, expressed concern that vacancies were not being posted according to contract, and that employees were involuntarily transferred to vacancies that had not been posted. She said that the District should insure that employees who were laid off or back from leave are re-employed. She is concerned that positions are given to contract employees instead of to BCCE members. Ms. Phillips is also worried that employees are working out of class or improperly classified. She also said that at the last meeting, an employee requested a review of a written examination, and it has not happened.

b. Secretary's Comments

The district has re-called all but four Instructional Assistants -ECE from lay-off. However, the School Board only approved money to finance the positions through the 31st of October.

1. Current Recruitment Report

EDP Coordinator	Longfellow
Executive Assistant to Supt	Superintendent's Office
Program Assistant	BHS
Instructional Media Tech.	BHS
Instructional Specialist - Dance	Rosa Parks
Library Media Technician	Emerson
Instructional Specialist-Garden	Washington
School Safety Officer	Longfellow
Instructional Technician -EDP	Oxford
Library Media Tech. (secondary)	BHS
Library Media Technician	Cragmont
Custodian II	Emerson
School Bus Driver	Transportation
Senior Budget Analyst	Business Services

Mr. Martínez noted that the Administrative Assistant serving the Merit Commission, Jana Jandra, had been promoted to another position. There used to be an Administrative Coordinator supporting the Commission instead of an Administrative Assistant and provided higher support. Mr. Martínez stated that he would like to hire an Administrative Coordinator and instead of filling the Administrative Assistant and that there was funding available in the budget. Ms. Phillips said that BCCE is opposed to changing the position because (1) the Commission had agreed to eliminate it's .2 FTE of clerical support, (2) this change would prevent other Administrative Assistants the opportunity to transfer and (3) would lose a BCCE member. Mr. Martínez said that the Administrative Coordinator position would still be a BCCE position and there were Administrative Coordinators who could transfer.

Ms. Phillips says that the District eliminated a Clerical Specialist due to budget cuts and has had substitutes in that position doing the same function as the laid off employee. Ms. Ruíz responded that the cut had been due to budget cuts, but when she began in Human Resources she found that there was no one to cover the front of the office. Ms. Ruíz said that she spoke to the

Cabinet and to Ms. Phillips, and they agreed to temporarily have a person in the front provisionally until she could submit a job description to the School Board that met the current needs of the office and the needs when we moved to a new building. Ms. Ruíz said she is crafting a job description that would cover both the current situation and the future situation. Denise Diggs-Ray, BCCE, asked why the person who had been at that desk wasn't hired as a substitute, and was instead laid off for two months and what level of pay the position was receiving. Ms. Ruíz said that she believed that the substitute had experience in Human Resources. Ms. Phillips said that the person serving as substitute did not have seniority for that position.

Ms. Phillips said that employees should be assigned to vacancies from an eligibility list, including from a re-employment list. Ms. Ruíz said that anyone who had been laid off can be in the substitute pool, but the District can determine which substitute to employ. Ms. Phillips said that the District needs to post all vacancies, and Ms. Ruíz said that there wasn't a vacancy, that is was an emergency need.

Ms. Butler said that when there has been an employee laid off, and then another person does the exact same job, that is a violation of the law and the Commission is supposed to provide that protection to employees. Employees who are going to be laid off are supposed to be given other options, including a decrease in assignment in time or demotion.

Mr. Martínez said that the person who had been laid off moved into an eleven-month position, and the lay-offs are outside the purview of the Personnel Commission and are governed by the union contract, which takes precedence over the Merit Rules.

Ms. Butler said that the rights outlined in Education Code could not be undermined by a contract. Johnny Phillips, Local 39, asked whether there was anything that prevented the Merit Commission from being independent from the Board, and was told that the Merit Commission is an independent body with certain rights and responsibilities under Merit Rules. Commissioner Van Bourg stated that her understanding was that the union contracts are outside the domain of the Merit Commission.

Ms. Diggs-Ray clarified that the concern was that a Clerical Specialist position in Human Resources was laid off due to lack of funds, but there were funds being used to pay a substitute to perform the same duties. Commissioner

Hoffman Hintz stated that you wouldn't want to have staff working out of class, it would be better to have them correctly classified. Commissioner Van Bourg asked whether the employee that was laid off was out of work for two months.

There was additional discussion about whether the current item should be brought back to a future meeting.

Ms. Phillips said that the Personnel Merit Commission staff should not do work for both the Commission and the District. Ms. Ruíz stated that the Admin Coordinator position reporting to the Director, Personnel Services was funded by the district, while the Commission funds the position Mr. Martínez is requesting, and will direct that person's work.

c. Commissioners' Comments

Commissioner Lee and Commissioner Hoffman Hintz had no comments. Commissioner Van Bourg reported that the Commissioners, along with previous Commissioners, will be holding Special Meetings that will only be for the purpose of updating the Ed Code citations in the Merit Rules. They would appreciate old versions of California Education Code. Ms. Butler suggested that the Commission confer with the Personnel Commission lobbyist, Judy Larson.

9. Approve the Following Eligibility Lists

- a. Parent Liaison/Rec. and Culture Facilitator – Bilingual (Open)
- b. Interpreter for the Deaf (Open)
- c. Micro-computer Technician (Open)
- d. Instructional Technician – Cooking (Open and Promotional)

BCCE requested to pull list (a).

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

Unanimously approved

Ms. Phillips said that the union and District are still negotiating over an MOU regarding bilingual classifications, so a bilingual classification doesn't exist yet. The union proposed that the District revise the eligibility list, or hire someone into the current classification, and the District disagreed. Commissioner Lee expressed the necessity of getting an employee hired into the position quickly. Ms. Ruíz said that the District wants to pay the

employees for their additional skills, and hire them into the appropriate classification, with the understanding that their compensation will be settled when the MOU is finalized. Commissioner Van Bourg said that she didn't think the Commission can vote on a position that doesn't exist, and Mr. Martínez said that the Personnel Commission approved the classifications in December of 2009. Ms. Phillips added that under the current Merit Rules, the District can hire bilingual applicants over others on the eligibility list when the need exists, and be compensated for those, which is the union's suggestion. Mr. Martínez said that this classification did not go to the Board because the only change was in minimum classifications, which is under the purview of the Merit Commission. Monica Thyberg, BUSD employee, said that all Berkeley Unified schools have 15% or more families whose primary language is Spanish, and the district is legally required to serve those families.

Ms. Diggs-Ray asked whether these positions would serve the entire district, and Mr. Martínez responded that they would only serve the school sites they were assigned to, Cragmont and Berkeley High. Mr. Martínez said that a translator classification would be coming forward at a later date.

Motion: To approve eligibility list 9a: Parent Liaison/ Rec. and Cultural Facilitator - Bilingual

Hoffman Hintz and Lee: Yes

Van Bourg: No

List approved

10. New Instructional Assistant – Special Education Classifications

Mr. Martínez reported that the District and BCCE negotiated a new transfer article, and it included two new classifications. These classifications are now being presented to Commission for approval. These classifications existed before and were paid with a differential, and now they have separate classifications. The classifications will now be Instructional Assistant-Special Education, and existing classification, and two new classifications Instructional Assistant- Special Education Attendant, and Instructional Assistant – Special Education Specialized Health Care.

Ms. Phillips, BCCE, questioned whether the language included all the possible ways to meet NCLB certification requirements. Commissioner Hoffman Heintz recommended changing "training health care" to "training in health care." There was discussion about what language would best

communicate the requirements. Commissioner Hoffman-Heintz asked whether the language would prevent employees from being moved into these classifications, and Ms. Ruíz, said that it would not.

Motion: To approve Instructional Assistant – Special Education Attendant classification

Unanimously approved

Motion: To approve Instructional Assistant – Special Education Specialized Health Care classification

Unanimously approved

11. Supervisor of Culturally and Linguistically Responsive Systems

Neil Smith, Assistant Superintendent – Educational Services, presented on the new classification. He reported that this new position is based on the district and City's belief that this is an area where systems investment is needed. Previously, there was a teacher on special assignment position, but this position will address a broader range of needs, including culture in not just the schools but also District offices and departments, and hiring employees of color. The position is management level because the issue is important, the employee will need to work with principals and management, and lead this initiative. Mr. Martínez added that the District consulted with Local 21, and they are in agreement with the creation of this classification since there are no comparable classifications.

Motion: To approve the Supervisor of Culturally and Linguistically Responsive Systems classification

Unanimously approved

12. Accelerated Step in Pay

Mr. Martínez reported that the district continues to have difficulty hiring Interpreters for the Deaf, and is currently paying \$100 per hour to hire from an agency. There is an applicant interested in an open position, but would need to be paid at Step 5. Ms. Phillips added that BCCE is in agreement with this accelerated step, and wanted the record to reflect that BCCE believes that the District has a practice of contracting out duties covered by BCCE members, including this position and clerical office staff.

Motion: To approve accelerated step in pay for Interpreter for the Deaf

Unanimously approved

13. Vacancy and Transfer Posting (Program Assistant)

Ms. Phillips said that this position was posted as a vacancy, and that BCCE members were not being employed from the re-employment list, although they were qualified for the position. Additionally, the union believes that the position in the Berkeley High attendance office was misclassified, and is calling for a desk audit by Commission staff.

Mr. Martínez said that Berkeley High has a third of the ADA for the District, and that a Program Assistant classification was needed to prepare the necessary financial reports that comprise such a large portion of the district's funding. Marie Ferguson, BCCE, said that she has worked in that position, and believes it is mis-classified. Ms. Phillips said that the duties are more accurately reflected in the job description of Senior Records Clerk, and that a laid-off employee could have transferred if it had been correctly classified.

Ms. Phillips clarified that the posting was an increase to FTE, not a vacancy. The district is reviewing the work done in that office, and BCCE was asking that a desk audit be included in the review.

Motion: To direct the Director of Classified Personnel to conduct a desk audit of the Program Assistant at Berkeley High School Attendance Office

Hoffman Hintz and Van Bourg: Yes

Lee: No

Motion approved

14. Public Comments

Ms. Diggs-Ray requested that the Classification Study remain an item on the Merit Commission agendas so that employees can remain informed. Ms. Phillips requested a recording of the August 5th meeting and September 2nd.

Meeting adjourned at 7:02

Motion Summary

Motion: To approve agenda

Unanimously approved

Motion: To approve minutes as amended

Unanimously approved

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

Unanimously approved

Motion: To approve eligibility list 9a: Parent Liaison/ Rec. and Cultural Facilitator - Bilingual

Hoffman Hintz and Lee: Yes

Van Bourg: No

List approved

Motion: To approve Instructional Assistant – Special Education Attendant classification

Unanimously approved

Motion: To approve Instructional Assistant – Special Education Specialized Health Care classification

Unanimously approved

Motion: To approve the Supervisor of Culturally and Linguistically Responsive Systems classification

Unanimously approved

Motion: To approve accelerated step in pay for Interpreter for the Deaf

Unanimously approved

Motion: To direct the Director of Classified Personnel to conduct a desk audit of the Program Assistant at Berkeley High School Attendance Office

Hoffman Hintz and Van Bourg: Yes

Lee: No

Motion approved

BERKELEY UNIFIED SCHOOL DISTRICT

MERIT SYSTEM

Eligibility List for: **ACCOUNTING TECHNICIAN – (Open)**

Written Examination: **September 20, 2010**

Performance Evaluation: **n/a**

Technical/General Fitness Oral: **September 30, 2010**

Lists established by Personnel Commission: **October 7, 2010 to expire October 7, 2011**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Faviana, M. Helena	_____	_____
2. Woo, Raymond	_____	_____
3. Vafadari, Nahid	_____	_____