

**BERKELEY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION OF THE MERIT SYSTEM
THURSDAY, NOVEMBER 4, 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 1-7 |
| a. Personnel Commission Meeting of October 7, 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 |
| a. School Secretary I (To be provided at Commission's meeting) | |
| b. Clerical Assistant III Bilingual (To be provided at Commission's meeting) | |
| c. Instructional Specialist –Vocal Music (To be provided at Commission's meeting) | |
| 8. BHS' Program Assistant Desk Audit | DISCUSSION/ACTION 8-12 |
| 9. Classification Study | DISCUSSION/ACTION |
| 10. Move to Closed Session | ACTION |
| a. Personnel Matter | |
| 11. Report from Closed Session | INFORMATION |
| 12. Public Comments | INFORMATION |
| 13. Adjournment | BY 7:00 P.M. |

Berkeley Unified School District

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: November 4, 2010
SUBJECT: Desk Audit

Background Information:

You have asked me to audit the duties and responsibilities of the Elizabeth James, Program Assistant - Berkeley High School. Ms. James works in the Attendance Office at Berkeley High. Ms. James has been working in the Attendance Office since August 17, 2010. Ms. James was hired to work in the Attendance Office upon the retirement of a different program assistant who worked in the Attendance Office from September 2002 until his retirement in June 2010.

Following your request, I met with Ms. James, Vice-Principal Jorge Melgoza (her immediate supervisor) and Principal, Pasquale Scuderi, to better ascertain Ms. James' responsibilities. After careful review, I have concluded that Ms. James is working in the appropriate classification. Below are the duties of a Program Assistant with the duties of Elizabeth James' duties italicized.

PROGRAM ASSISTANT

DEFINITION:

Under direction of assigned supervisor, assist in coordinating a project or program; provide staff assistance to educational and advisory groups.

ESSENTIAL JOB DUTIES:

The following tasks are essential for this position. Incumbents in this classification may not perform all of these tasks, or may perform similar related tasks not listed here.

1. Provide coordination and staff assistance by disseminating program information, preparing agendas, attending meetings, assisting a designated administrator in the fulfillment of programs and objectives.
 - *Compiles and disseminates student attendance reports for BHS' 3300+ student population. The attendance reports are provided to the Vice-Principal, Principal and District Office.*
2. Perform technical studies of District needs.
3. Analyze data and prepare technical reports.
 - *Prepares monthly excel and PowerSchool (Student Information System) attendance student reports. Informs BHS' administrative team of attendance patterns, areas of success and areas on need of improvement.*
4. Serves as an information resource on District planning.
 - *BHS earns the District about a third of its ADA (Average Daily Attendance). The District's Business Office depends on accurate student attendance reports in order to prepare the District Budget.*
5. Assist and may oversee curriculum development processes and procedures.
6. Recommend possible inclusions into the program and assist in determining compliance with program goals.
 - *Prepares attendance reports and assists Vice-Principal in ensuring student attendance rules and regulations compliance.*
7. Prepare oral, written and statistical reports of program effectiveness.
 - *Prepares monthly student reports for school and district dissemination.*
8. Work with school or community committee and agency representatives relative to program project effectiveness.
 - *Prepares monthly excel and PowerSchool attendance student reports. Informs BHS' administrative team of attendance patterns, areas of success and areas on need of improvement.*
9. Operate as liaison between the designated program and the community.
 - *Interacts with school parents and students on a daily basis to clear students' absences.*
10. Work with testing consultants and others in translating program results to school district personnel, parents, community persons and others.
 - *Works with District auditors to ensure ADA and Education Code compliance.*
11. Confer with department heads.
 - *Meets frequently with Vice-Principal to analyze and disseminate student attendance trends.*

12. Frequently work independently to complete varied assignments.
 - *Works independently to ensure accuracy of PowerSchool student attendance record keeping.*
13. Assist in or independently conduct pre-service and in-service training for school district personnel and others involved with a project or program.
 - *Prepares monthly excel and PowerSchool attendance student reports. Informs BHS' administrative team of attendance patterns, areas of success and areas on need of improvement.*
14. May participate in budget control within program categories.
15. Train and provide work direction to others as assigned.
16. Performs related duties as required.
 - *Prints student attendance scantrons as needed.*
 - *Scans student attendance scantrons as needed.*
 - *Answers telephone and provides information related to school and student attendance.*
 - *Interprets and explains student attendance rules and regulations to students, teachers and parents.*
 - *Gathers data and composes parent correspondence independently.*
 - *Prepares and maintains electronic and hard-copy student records and files.*
 - *Provides information and assignments to substitute teachers.*

Policy/Code:

Personnel Commission Rule 30.200

Recommendation:

Accept recommendation of desk audit which demonstrates that Elizabeth James is performing duties consistent with those enumerated in the Program Assistant Job Description.

PROGRAM ASSISTANT

DEFINITION:

Under direction of assigned supervisor, assist in coordinating a project or program; provide staff assistance to educational and advisory groups.

ESSENTIAL JOB DUTIES:

The following tasks are essential for this position. Incumbents in this classification may not perform all of these tasks, or any perform similar related tasks not listed here.

1. Provide coordination and staff assistance by disseminating program information, preparing agendas, attending meetings, assisting a designated administrator in the fulfillment of programs and objectives.
2. Perform technical studies of District needs.
3. Analyze data and prepare technical reports.
4. Service as an information resource on District planning.
5. Assist and may oversee curriculum development processes and procedures.
6. Recommend possible inclusions into the program and assist in determining compliance with program goals.
7. Prepare oral, written and statistical reports of program effectiveness.
8. Work with school or community committee and agency representatives relative to program project effectiveness.
9. Operate as liaison between the designated program and the community.
10. Work with testing consultants and others in translating program results to school district personnel, parents, community persons and others.
11. Confer with department heads.
12. Frequently work independently to complete varied assignments.
13. Assist in or independently conduct pre-service and in-service training for school district personnel and others involved with a project or program.
14. May participate in budget control within program categories.
15. Train and provide work direction to others as assigned.
16. Performs related duties as required.

Minimum Knowledge Skill and Ability

KNOWLEDGE OF:

- Personal computer and other office equipment.
- Community serviced by the school district.
- Techniques used to develop and maintain community plans.
- Interpersonal skills using tact, patience, and courtesy.
- Methods and techniques of training and work direction.

- Oral and written communications.
- Applicable local, state, and federal laws, rules, and regulations.
- District programs and services.
- Community resources.
- Assigned program objectives and organization.

SKILL AND ABILITY TO:

- Keyboard at 50 w.p.m.
- Operate personal computer and other office equipment.
- Conduct public meetings and explain proposed plans and policies.
- Prepare recommendations based on statistical findings, field observations and public contacts.
- Prepare and edit reports and other materials.
- Communicate effectively orally and in writing.
- Establish and maintain effective and cooperative working relationships with others.
- Analyze situations accurately and adopt an effective course of action.

EDUCATION AND EXPERIENCE:

Any combination equivalent to training and experience that could likely provide the required knowledge, skills and abilities would be qualifying. A typical way to obtain the knowledge, skills and abilities would be completion of two years of college and two years of responsible experience involving school or community planning, working with advisory groups, curriculum development, resources development or related work which demonstrates the knowledge and abilities listed above.

PHYSICAL REQUIREMENTS AND WORKING CONDITIONS:

- Require vision (which may be corrected) to read small print.
- Require mobility of arms to reach and dexterity of hands to grasp and manipulate small objects.
- Lower mobility may not be required.
- Perform work which is primarily sedentary.
- Is subject to inside environmental conditions.
- May be required to work at a video display terminal for prolonged periods.

Personnel Commission of the Merit System Minutes
Thursday, October 7, 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 pm)

4. Report from Closed Session (5:00 pm)

The Personnel Commission was unanimous in accepting the decision of the arbitrator in the case of Betty Ladzekpo and she will be reinstated.

Paula Phillips, BCCE President, thanked the commission for their decision regarding Ms. Ladzekpo.

5. Approval of Agenda

Motion: To approve agenda

Unanimously approved

6. Approval of Minutes

a. Personnel Commission Meeting of September 2, 2010:

Corrections:

Paula Phillips, BCCE President asked that the following items be changed:

Item #7, page 2 should read: Velma Butler, President of Council of Classified Employees CFT/AFT/AFL/CIO.

Item #7, page 2 should read: "She asked how BCCE can work with...

Item #7, page 2 should read "Irma Parker, BUSD employee, echoed Ms. Butler's concerns.

Item #8, page 2 should read: "...transferred to vacancies that were not posted. "

Item #8, page 2 should read: "...employees who were laid off or returned from leave are reemployed over outside applicants...."

Item #8, page 2 should read: "...are given to contract and substitute employees..."

Item #8, page 2 should read: "...Ms. Phillips is also concerned that employees are working out of class and that they are improperly classified."

Page 3 under Secretary's comments, take the word "and" out of sentence: "Mr. Martinez stated that he would like to hire an Administrative Coordinator instead of..."

Pages 3 and 4, under Secretary's Comments, Delia Ruiz, Assistant Superintendent, Human Resources, rephrased the final sentence beginning on Page 3 to read, "Due to no front desk coverage, Ms. Ruiz spoke to Cabinet about how best to deal with this and also asked Ms. Phillips for suggestions on how to best deal with the situation and look at different options."

Page 4 in second to last paragraph, change Johnny Phillips to Johnny Billups.

Page 5, item #9, Paula Phillips, BCCE President, added to the following sentence:

"...or hire someone into the current classification as a non-bilingual parent liaison..."

Page 6, item #9, Paula Phillips, BCCE President, added to the following paragraph:

After "...December of 2009." "Ms. Phillips stated that the Board never approved the new classification."

Page 7, item #12, Paula Phillips, BCCE President, changed and added the following:

"...has a practice of contracting out duties covered by *The BCCE Contract, including this position, and positions for para-educators and office/technical staff.*"

Paula Phillips, BCCE President, spoke on behalf of Denise Diggs-Ray. Ms. Diggs-Ray wanted it on record that the August 2010 minutes do not reflect that Denise and Monica would work together on appeals. Ms. Diggs-Ray would also like it noted that the September 2010 minutes do not reflect that she would like the tapes reviewed and give correct wording. She would also like it noted that there is no mention of physical requirements in the IA Fitness for Duty examination; Ms. Diggs-Ray says she will submit a written request for the aforementioned.

Motion: To approve minutes as amended
Unanimously approved

7. Public Comments

Scott Blake, community member, publically stated he supports Ms. Ladzekpo and was grateful for the decision of the Personnel Commission. He then made a personal attack on Francisco Martinez and accused him of lying.

Lorna Skantza-Neill, community member and former Principal of Berkeley Arts Magnet from 1991-2006, spoke in favor of the decision made by the Personnel Commission with regard to Betty Ladzekpo. She wanted it noted that she never saw Ms. Ladzekpo behave in an unprofessional manner.

Betty Ladzekpo thanked the commission for their decision.

Paula Phillips, BCCE President, thanked the Commission on behalf of BCCE.

Rhonda Cervantes, Human Resources Administrative Coordinator,

Tracie De Angelis, Human Resources Administrative Coordinator, Melissandra Leonardos, Local 21 member and Rose Garcia, Local 21 member spoke on behalf of Mr. Martinez and noted his integrity and the good working relationships with him over the years.

Community members and classified employees from Bargaining Units BCCE and Local 39 spoke in support of the decision made by the Personnel Commission with regards to the reinstatement of Ms. Ladzekpo.

8. Reports

a. Collective Bargaining Units' Comments

Paula Phillips, BCCE President, expressed concern regarding the process that was used during the recent lay-offs of Instructional Assistant, ECE employees. The concern is that bargaining unit members had their rights violated in terms of the lay-off process. She stated the District sent lay-off letters that offered the employees options; when it came time to exercise an option, they were told they no longer had an option and were forced to resign. Ms. Phillips stated employees were misinformed regarding ten (10) versus twelve (12) month positions and some have lost benefits because they were not allowed to exercise their rights. Finally, Ms. Phillips stated the classified service has little trust in the Human Resource Department.

b. Secretary's Comments

Francisco Martinez, Director of Classified Personnel and Secretary to the Personnel Commission, reported that the Board of Education decided to fund the Early Childhood Education program through January 31, 2011 at the September 22, 2010 Board Meeting. He wanted it noted for the record that employees in the ECE program may be receiving another lay-off notice to comply with the deadlines for this potential upcoming lay off. The District is looking at the budget on a month to month basis and is waiting for the state to pass its budget.

Shirley Van Bourg asked Mr. Martinez if he had been able to complete a desk audit at Berkeley High School. Mr. Martinez reported that he would get back to Ms. Van Bourg when he completes this task. He further stated he would bring a recruitment report for this month to the next commission meeting in November.

Paula Phillips, BCCE President, noted her concern that Tracie De Angelis is supporting the Director of Classified Personnel.

c. Commissioners' Comments

Commissioner Lee reported back from the Northern California Association of Personnel Commissioners Meeting that he attended in San Jose. He shared a handout called "Four Thing You Must Know about Retaining Employees Based on Merit and Fitness." Tracie De Angelis will mail copies to Mr. Phillips, BCCE President, and the commissioners for their information.

9. Approve the Following Eligibility Lists:

- Accounting Technician
- Administrative Assistant
- Education Occupational Therapist
- Instructional Technician-Cooking
- Instructional Technician-EDP
- Supervisor, Culturally and Linguistically Responsive Systems

Brazil McIntyre, BCCE employee, requested to pull the Accounting Technician (Open) list and Paula Phillips, BCCE President, requested to pull the Administrative Assistant list for discussion.

Ms. McIntyre's concern was that she was on a previous eligibility list (that has since expired) for this classification but was informed by Mr. Martinez, Director of Classified Personnel, that she did not meet the minimum requirements. She further commented the discrepancy with regards to being eligible as a Substitute Accountant, but not allowed to take the test for Account Technician. She requested a chance to take the test for this position.

Mr. Martinez reported to the commission he carefully re-reviewed Ms. McIntyre's inquiry and informed her in writing that she did not meet the qualifications. Ms. McIntyre's application and resume were provided to the commission. Her experience was discussed and it was determined that her qualifications did not meet the requirements listed on the job posting. Finally, Commission Hoffman Hintz noted that the letter sent to Ms. McIntyre from Mr. Martinez dated September 24, 2010 gives the Merit Rule explaining the appeals process. In this case, there is nothing the Personnel Commission can do to in this matter. The request for Ms. McIntyre was denied and the Eligibility list for Accounting Technician was unanimously approved.

Ms. Phillips, BCCE President, wanted it noted for the record that the goal of the Personnel Commission is to promote classified employees; she stated that classified employees are not being used as substitutes and/or being promoted and that contracted employees are being used instead.

Ms. Phillips spoke as an employee of Berkeley Unified Schools with regard to the Administrative Assistant eligibility list. She explained her history working in the Human Resource Department and stated she had submitted a transfer request for this vacancy. She requested an interview for this position with the Director of Classified Personnel. Mr. Martinez explained the transfer process, quoted language from the CBA with BCCE and went over the steps to take when Human Resources receives a Transfer Request. Commissioner Hoffman Hintz moved to pass the eligibility list because the issue of interviewing Ms. Phillips is mutually exclusive from approving the eligibility list. The commission moved to approve the Administrative Assistant list and it passed unanimously.

Ms. Phillips, BCCE employee, asked if the Personnel Commission was going to be interviewing for this position because this position is funded by the Personnel Commission. The response was that the Commission delegates this duty to the Director of Classified Personnel, Mr. Martinez.

Motion: To approve eligibility lists a, b, c, d, e, and f:
Unanimously approved

10. Classification Study

Mr. Martinez, Director of Classified Personnel, reported he is drafting a proposal to go out to select the firm that will do the classification study. The funds have been secured via Business Services.

Meeting adjourned at 6:30 PM.

Motion Summary

Motion: To approve agenda

Unanimously approved

Motion: To approve minutes as amended

Unanimously approved

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

Unanimously approved