

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

AGENDA, Regular Session
Closed Session
Personnel Commission of the Merit System
Annex – Closed Session
1835 Allston Way – Open Session
Berkeley, CA 94704

Thursday, November 6, 2008
Meeting 3:30 pm
Meeting 4:00 pm

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

Open Session: 3:30 pm

Page No.

- 1. Call to Order and Roll Call**
- 2. Public Comments**

MOVE TO CLOSED SESSION

- a. Compensation of Commission Employee

Move to Open Session at 4:00 pm

Report from Closed Session

- 3. Classification Study Process in Alameda County Office of Education** **Discussion...1**
- 4. Approval Minutes** **Action...2---7**
 - a. October 2, 2008
- 5. Response to Questions from Previous Commission Meeting**
- 6. Approval/Ratification of Eligibility Lists** **Action...8---12**
 - a. Grounds Gardener – (Promotional)
 - b. Grounds Gardener – (Open)
 - c. Program Coordinator – Student Court (Promotional)
 - d. Program Coordinator – Student Court (Open)
 - e. Student Assignment Project Manager (Open)
 - f. Data Processing Manager (Open) To be provided at Commission’s meeting
- 7. Policy on Placement of Items on the Personnel Commission Agenda** **Discussion/Action...13**
- 8. Clarification of 1/9/08 School Board Discussion on the Classification Study** **Discussion...14**
- 9. Revised Job Description of Health Education Assistant (to Be Provided at Mtg)** **Action**

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

10. Hiring of Professional Experts (Memo to be provided at Commission Mtg by BCCE)

Discussion/Action

11. Data Concerning the Classification Study

Discussion/Action

12. Salary Market Survey and Classification Study Update

Discussion

a. Koff and Associates Update on Salary Market Survey

ADJOURNMENT

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 Commission of the Merit System
From: Francisco Martínez
Director of Classified Personnel
Date: November 6, 2008
Subject: Classification Study Process in Alameda County Office of Education

Background

The Alameda County Office of Education is a merit public entity. The County conducts timely classification studies. Rick Minnis, the County's Chief Personnel Officer, has agreed to attend the regularly scheduled November 6, 2008 Personnel Commission meeting to discuss how the County carries out its employee classification study. This is an excellent opportunity to inquire about the process, implementation and the role the Alameda County Personnel Commission plays during its classification study.

Recommendation

Receive the information provided by Rick Minnis for discussion.

Personnel Commission Minutes
Regular Session
Thursday, October 2, 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 3:35 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 4:04 PM. Commissioner Rowland announced that there was nothing to report from closed session.

2. Public Comments

Paula Phillips, BCCE, inquired about items that had been submitted by Tim Donnelly on the 22nd and 23rd of September that were not on the agenda. Commissioner Rowland and Francisco Martinez, Director of Classified Personnel, did not receive those items. Paula Phillips elaborates that the missing items were regarding school secretaries performing tasks outside of their job description, specifically administering medication. Commissioner Rowland requested that it be resubmitted.

William Huyett, Superintendent, commented on the seriousness of the Classification Study, and that the desire of the School Board and

administration was for competitive and equitable pay, while under the constraints of limited resources.

Jocelyn Foreman, Instructional Assistant, requested that she be allowed to apply for a position whose closing date has past, that had been posted over the summer, when her site was closed for the summer and then for construction. There was discussion of other ways to notify current employees of open positions. Francisco Martinez will inquire as to whether there is a way to send notifications via email. Commissioner Rowland requested that the Director of Classified Personnel investigate if an exception could be made, and he will make a recommendation at a future meeting.

3. Approval of Minutes

In the August 7th minutes, the last sentence in Human Resources Testing Procedures should be corrected to "CODESP requirements" instead of "CODES requirements". In School Board vs. Personnel Commission purview, it should be corrected to add "Denise Diggs-Ray asked that the Commission review the re-classification of the Administrative Assistant position for implementation since this came under their purview."

The minutes were accepted as corrected.

In the September 4th minutes, the first sentence in Public Comments should be corrected to include "Paula will follow up with a formal letter." The first sentence in the third paragraph in Public Comments should be corrected to omit "for a couple of months." The third sentence in Salary Market Survey and Classification Study Update section should be amended to say "responsibility of the Commission to approve" instead of "responsibility of the Commission the approve." The Salary Market Survey and Classification Study Update section should also include "Denise Diggs-Ray requested the Commission to review the Administrative Assistant job description and to take action on reclassifying those employees affected."

The minutes were accepted as corrected.

4. Response to Questions from Previous Commission Meeting

This section is intended to function as a “Report Back” section to address concerns raised at previous meetings. Francisco Martinez reported that at a previous meeting, there was a question regarding an employee who was being paid at a Clerical II, and the manager has been informed that they cannot assign Clerical II duties or pay that employee at a Clerical II level. There was no paperwork for approving a language differential of 5%, which is not district policy.

District policy is that if a job description indicates that a second language is necessary for a job, \$10 a month is paid for speaking that language and \$15 for speaking and writing. Currently, there is no test to have employees qualify for the language differential. Commissioner Rowland requested that Francisco Martinez work towards a test to ensure consistent application of the language differential. Johnny Phillips, Transportation, inquired as to whether employees can ever work out of their class on a time sheet. Francisco Martinez replied that employees can work out of class on a temporary basis, and are paid a 5% differential.

An Instructional Assistant who had resigned requested to be re-instated under Rule 60200.3. There are three requirements to re-instate an employee: the person needs to be a former employee, they need to have left in good standing, and it is discretionary. The second and third criteria were not met in this case. Commissioner Van Bourg inquired why the supervisor was consulted with instead of the personnel file, and how an employee would know they did not leave in good standing. Francisco Martinez said that not all actions are entered into the personnel file, but the supervisor can inform the employee. Pat Robinson, BCCE, emphasized that the re-hire of an employee who resigned is at the discretion of the school district, regardless of good standing. Tim Donnelly, BCCE, and Commissioner Van Bourg noted their concern about the lack of good standing when there is no supporting documentation in the personnel file.

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

Commissioner Rowland inquired into the process of creating combined lists. Francisco Martinez explained that if a position was posted and a list already exists, a new list includes the new applicants and those on the existing list. A combined list is either all external applicants or all internal applicants.

All eligibility lists remained on the consent calendar and were unanimously approved.

6. **Implementation of the Rules & Regulations of the Personnel Commission**

Francisco Martinez informed the Commission that it is his intention to abide by the rules and regulations of the Commission, and to expect the same of the administration. Johnny Phillips, Transportation, asked if the Commission was aware that some of the rules and regulations were out of compliance with California Education Code. The previously-named Rules Revision Committee is working on updating the rules and regulations to be in compliance, and they will be available after they have been approved by the Personnel Commission. At the present time, the Commission abides by the current rules, except when they are in conflict with the Education Code, and then the Education Code will take precedence. Denise Diggs-Ray asked if the intent of the letter on page 17 was to disregard past practice. Commissioners Rowland and Lee replied that past practice will be disregarded when it is contrary to the Commission rules.

7. **Clarification of Duties of the Personnel Director**

Tim Donnelly, BCCE, had inquired if the Director of Personnel Services, a certificated position, is involved in classified recruitment, training and retention and if so, to what degree. The Director of Classified Personnel is in charge of classified recruitment, and will be

involved in training and retention in the future. Commissioner Rowland mentioned a document from a Human Resources retreat listed the name of a certificated person under training of classified personnel, which she believes to be mistaken. Francisco Martinez indicated that the staff of the Human Resources Office will all work with the employees to provide good customer service, while not making decisions. Denise Diggs-Ray asked about the duties of the Director of Personnel Services, and Francisco Martinez answered that at this time discipline falls under the purview of the Director of Personnel Services. Paula Phillips, BCCE, noted that the Director of Personnel Services, a certificated position, includes the duties previously assigned to the Director of Labor Relations, a classified position, eliminating a classified position. Commissioner Rowland requested that Paula Phillips investigate if moving duties, not a position, from classified to certificated is a violation of Education Code.

8. Memorandum by Tim Donnelly, BCCE President

Tim Donnelly requested an investigation into how an administrator knew test scores, how the administrator kept a provisional employees after being instructed not to, and also requested that the administrator be instructed to hire from the existing promotional list. He also inquired why the After School program position at Berkeley Technology Academy is different enough from the other After School Coordinators to require a new class. Francisco Martinez indicated that the student population at Berkeley Technology Academy is very different than the other schools with After School Coordinators, and that was why the Personnel Commission had approved a new class.

There was discussion around the rules regarding transfers of probationary employees, and the history of the Secretary III position at Berkeley Technology Academy. Paula Phillips, BCCE, also stated that an outside candidate had been identified for the After School Coordinator at Berkeley Technology Academy without considering internal candidates. Francisco Martinez replied that the hiring process would be followed for that position and the administrator had been

informed that the provisional employee could only fill the position for ninety days.

9. Bemail Access for Personnel Commission Members

Commissioner Rowland said that she is satisfied with having information forwarded from the Human Resources office, and made a motion that the Personnel Commissioners not have individual Bemail accounts. The motion was unanimously approved.

10. Salary Market Survey and Classification Study Update

Francisco Martinez is reviewing documents related to the salary survey, and he will be sending an email to revive the Classification Study Advisory Committee. He is working with the Assistant Superintendent of Human Resources to disseminate the results on the salary survey. The timeline and division of responsibilities of the Classification Study and Salary Market Survey were discussed.

Denise Diggs-Ray asked the Commission to implement the reclassification of existing job titles, and create an appeal process. Paula Phillips, BCCE, recommended that the Personnel Commission review job titles and descriptions a few at a time to make progress on re-classification. Additionally, she was concerned that the School Board has access to the Salary Markey Survey before the bargaining units.

Commissioner Van Bourg proposed that the Commission hold another meeting in October to review the results of the Salary Market Survey. Paula Phillips, BCCE, suggested that the Commission consult with the California Association of Personnel Commissions.

Meeting was adjourned at 6:30 PM.

BERKELEY UNIFIED SCHOOL DISTRICT

Merit System

Eligibility List for: **Grounds Gardener (Promotional)**

Examination Completed: Written Examination: **5/29/08**

Performance Evaluation: **N/A**

Technical/General Fitness Oral: **10/30/08**

List established by Personnel Commission **November 6, 2008** To Expire: **November 6, 2009**

	Date Certified <u>To Position</u>	Effective Date <u>of Appointment</u>
1. Wanda McAfee	_____	_____

BERKELEY UNIFIED SCHOOL DISTRICT

Merit System

Eligibility List for: **Grounds Gardener (Open)**
Examination Completed: Written Examination: **3/20/08 and 5/5/08**
Performance Evaluation: **N/A**
Technical/General Fitness Oral: **10/30/08**

List established by Personnel Commission **November 6, 2008** To Expire: **November 6, 2009**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. James Wilson	_____	_____
2. Pamela Thomas	_____	_____

BERKELEY UNIFIED SCHOOL DISTRICT

Merit System

Eligibility List for: **Program Coordinator – Student Court - Promotional**

Examination Completed: Written Examination: **9/2/08**

Performance Evaluation:

Technical/General Fitness Oral: **10/23/08**

List established by Personnel Commission **November 6, 2008** To Expire: **November 6, 2009**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Brazil McIntyre	_____	_____
1. Marsha Montgomery	_____	_____
	_____	_____
	_____	_____

BERKELEY UNIFIED SCHOOL DISTRICT

Merit System

Eligibility List for: **Program Coordinator – Student Court - Open**

Examination Completed: Written Examination: **9/2/08**

Performance Evaluation:

Technical/General Fitness Oral: **10/23/08**

List established by Personnel Commission **November 6, 2008** To Expire: **November 6, 2009**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. David Luu	_____	_____
2. Lisa Baty	_____	_____
3. Paula deJoie	_____	_____
4. Matthew Akuluze	_____	_____
5. Marqueaux Wilson	_____	_____

BERKELEY UNIFIED SCHOOL DISTRICT

Merit System

Eligibility List for: **Student Assignment Project Manager (Open)**

Examination Completed: Written Examination: **10/24/08**

Performance Evaluation: **N/A**

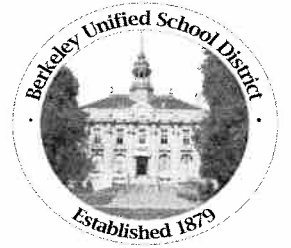
Technical/General Fitness Oral: **10/31/08**

List established by Personnel Commission **November 6, 2008** To Expire: **November 6, 2009**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Melisandra Leonardos	_____	_____
2. Clement Mok	_____	_____

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William Huyett
Superintendent

To: Personnel Commission of the Merit System
From: Francisco Martínez
Director of Classified Personnel
Date: November 6, 2008
Subject: Policy on Placement of Items on the Personnel Commission Agenda

Background

I am working on creating a process for placement of items on the Personnel Commission's agenda. Some classified employees attend the Personnel Commission meeting asking for action on requests that have not been added to the agenda. However, the Personnel Commission can only take action on items that have been placed on the agenda. The Personnel Commission's agenda is finalized the Friday before the first Thursday of the month. The week before the first Thursday of the month, I meet with the Chairperson of the Personnel Commission to review and finalize the agenda. I am requesting that Non-Personnel Commission members submit their agenda requests on the Monday (or Tuesday if Monday is a District holiday) before the first Thursday of the month in order for staff to prepare for the Commission's meeting. If agenda items are submitted in this manner, it may be possible to resolve classified employees' concerns at the Personnel Commission meeting or before the requests are placed on the Commission's agenda.

Recommendation

Placement of agenda requests by Non-Personnel Commission members are submitted on the Monday, or Tuesday if Monday is a District holiday, before the first Thursday of the month.

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William Huyett
Superintendent

To: Personnel Commission of the Merit System
From: Francisco Martínez
Director of Classified Personnel
Date: November 6, 2008
Subject: Clarification of the January 9, 2008 School Board Discussion on the
Classification Study's Job Descriptions

Background

On January 9, 2008, Dick Dodson, Director of Labor, and Alan Levinson, Director of Classified Personnel, submitted a memorandum to the Berkeley Board of Education requesting that they "accept for information and review the classification study presented by Reward Strategy Group." The Classification Study information was placed on the Board's agenda as a conference item and the School Board did not take any action. Since then, there has been confusion as to what took place at the Board meeting on January 9, 2008. I have made a copy of the DVD of the January 9, 2008 Board meeting. I will play the DVD at the Personnel Commission meeting so that we can verify that there was no action taken by the Berkeley School Board on the job descriptions recommended by Reward Strategy Group.

Recommendation

Watch the DVD as evidence that the Berkeley School Board did not approve the job descriptions recommended by Reward Strategy Group.