

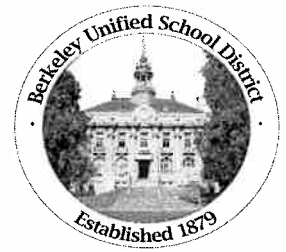
PERSONNEL COMMISSION OF THE MERIT SYSTEM
TUESDAY, NOVEMBER 10, 2009, 1:00 P.M.

AGENDA, SPECIAL SESSION
2134 Martin Luther King Jr. Way
Berkeley, CA 94704
(Old BSEP Conf. Room)

- | | |
|--|--|
| 1. Call to Order | INFORMATION |
| 2. Commissioner Roll Call | INFORMATION |
| Dan Lee, Chair | <input type="checkbox"/> present <input type="checkbox"/> absent |
| Shirley Van Bourg | <input type="checkbox"/> present <input type="checkbox"/> absent |
| Degui Montrice Goodman | <input type="checkbox"/> present <input type="checkbox"/> absent |
| 3. Approve Agenda | ACTION |
| <i>Moved:</i> | |
| <i>Seconded:</i> | |
| <i>Ayes:</i> | |
| <i>Noes:</i> | |
| <i>Abstentions:</i> | |
| 4. Denise Diggs-Ray's Appeal Hearing | ACTION 1-10 |
| <i>Moved:</i> | |
| <i>Seconded:</i> | |
| <i>Ayes:</i> | |
| <i>Noes:</i> | |
| <i>Abstentions:</i> | |
| 5. Approve the Following Eligibility Lists: | ACTION 11-11 |
| a. Administrative Assistant (Open/combined) | |
| 6. 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 Commissioners
FROM: Francisco Martínez, Director Classified Personnel
DATE: November 10, 2009
SUBJECT: Administrative Assistant Appeal Hearing – Denise Diggs-Ray

Background Information:

Ms. Denise Diggs-Ray submitted an application for an Administrative Assistant opening in the Human Resources Department. I informed Ms. Diggs-Ray that she did not submit the necessary documents to meet the minimum qualification as detailed in the job announcement and the job description for Administrative Assistant. She submitted a timely appeal requesting I reconsider my decision. I met with Ms. Diggs-Ray to consider her appeal. However, after carefully consulting Merit Commission Rule 40.100.2.A (General Qualifications of Applicants), job description and the job announcement requirements, I determined that she did not meet the minimum qualifications. Moreover, I informed Ms. Diggs-Ray that Merit Commission Rule 40.100.4.B.2 permitted her to "make a written appeal of the rejection within 5 working days, to the Personnel Commission. The appeal may be based on any of the following reasons:"

- a. Discrimination because of political or religious acts or affiliations or opinions, race, color, sex, marital status, national origin or ancestry
- b. Abuse of discretion
- c. Inconsistency of the reasons given for the rejection with the facts.

I have asked legal counsel to investigate the merit of Ms. Diggs-Ray's Personnel Commission appeal. The legal counsel memorandum is attached for your review.

Merit Commission Rule/Ed. Code

Rule 40.100.2(A)
Rule 40.100.3(A)
Rule 40.100.4.B(2)

Recommendation

Receive Ms. Denise Diggs-Ray appeal hearing and accept legal counsel's advice.

Confidential Attorney/Client Communication

TO: Berkeley Unified School District Personnel Commission
FROM: John R. Yeh
DATE: October 22, 2009
OUR FILE: 1385.20407
RE: Administrative Assistant Appeal

This memorandum addresses the appeal of Denise Diggs-Ray of the rejection of her application for the position of Administrative Assistant due to her failure to include official verification of her typing speed.

Merit Commission Rule 40.100.2(A) (“General Qualifications of Applicants”) states as follows:

Applicants must possess all requirements that may be specified in the minimum qualifications established for the class. Every applicant must be in all respects mentally and physically competent to perform the duties of the position for which he/she applies.

The job description for the Administrative Assistant position states “keyboard at 50 WPM” as a job requirement. Furthermore, the job announcement for the position also required applicants to “attach official verification of your typing speed (within the last six months) to your application.” This requirement is placed in in bold and italicized type.

Merit Commission Rule 40.100.3(A) authorizes the Personnel Director to refuse examination to an applicant or candidate, or certification or appointment to an eligible, for “[f]ailure to meet the general qualifications of Rule 40.100.2.”

A party appealing a rejection is limited to appealing on the following three grounds:

- (1) Discrimination because of political or religious acts or affiliations or opinions, race, color, sex, marital status, national origin or ancestry.
- (2) Abuse of Discretion.
- (3) Inconsistency of the reasons given for the rejection with the facts.

The appeal is based on the appealing party’s claim that she already possesses the necessary typing skills by virtue of her current position at the District, and that therefore she should be exempt from the requirement of providing official verification of her typing speed.

This argument does not fit into any of the above-listed grounds for appealing a rejection of an application. The rejection of the appealing party’s application was

not based on discrimination, and she has not made this allegation. The rejection also did not constitute an “abuse of discretion” since the requirement of providing official verification of typing speed is plain and unambiguous, and the Personnel Director was well within his discretion to enforce this clear requirement. The requirement of obtaining written verification of typing speed is not so burdensome so as to be unfair to applicants, and bears a direct relationship to the performance of the duties of the position in question. Finally, the Personnel Director was consistent in citing the reason for the rejection of the application, and the reasons were based on undisputable evidence. Therefore, there are no grounds to appeal the rejection based on inconsistency with the facts.

For the above reasons, we do not believe that there is any merit to the appeal, and that the decision to reject the application was consistent with the rules of the Merit Commission and should be upheld to allow the Commission to approve the eligibility list for the position.

Denise Diggs-Ray

1612 Parker St. #A
Berkeley, CA 94703

(510) 848-0313
diggsray@aol.com

September 29, 2009

PERSONNEL SERVICES OFFICE
09 SEP 29 PM 1:12

To: Personnel Commissioners
From: Denise Diggs-Ray, BUSD Administrative Secretary w/o Shorthand
Subject: Appeal of Application Rejection due to Inconsistency of Reason - Typing Requirement for Administrative Assistant Position

Background Information:

I am submitting a written appeal of rejection regarding my application for Administrative Assistant. It was rejected because I did not attach official verification of my typing speed. As a permanent employee in the clerical field with the District for five (5) years, three (3) years as an Administrative Secretary w/o shorthand, my current job description requires me to have the ability to key 50 WPM net. It is the same requirement for the Administrative Assistant position (see attachments). This evidence should serve as official proof which overturns the reason given for rejection and inconsistency.

Although the District should frequently promote permanent employees, it rarely happens. Permanent employees are often overlooked and outside employees chosen instead. The reality of permanent employees possessing additional knowledge, abilities and already meeting specific requirements has little impact when being considered for a higher position. Questions continue to be raised regarding the District's practice of not promoting from within. I hope the Commission considers this question and will assist permanent staff in their struggle of moving up by eliminating unnecessary required skills obviously obtained.

Personnel Commission Rule/Education Code:

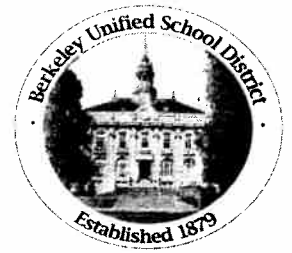
Merit Rule 40.100.2 General Qualifications of Applicants A: Applicants must possess all requirements that may be specified in the minimum qualifications established for the class. Accordingly, as a permanent employee, I meet the typing requirement as indicated by my current job description (class 48) and the Administrative Assistant position (class 50).

Recommendation:

I ask the Personnel Commission to approve my appeal by overturning the rejection and accepting my Administrative Assistant application, based on the fact I have met the minimum typing requirement. It is also requested the Personnel Commission remove that requirement for permanent employees, in office appropriate classes, who have met the 50 WPM of minimum typing condition by evidence of current position.

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

September 28, 2009

Denise Diggs-Ray
1612 Parker Street #A
Berkeley, CA 94703

Dear Ms. Denise Diggs-Ray:

I regret to inform you that you do not meet the minimum qualification as detailed in the job announcement and the job description for an Administrative Assistant. The Administrative Assistant job description requires "keyboard at 50 WPM." The job announcement required applicants to "attach official verification of your typing speed (within the last sixth months) to your application." You did not include an official typing verification of your typing speed with your application. Merit Commission Rule 40.100.2 (A) General Qualifications of Applicants states that "applicants must possess all requirements that may be specified in the minimum qualifications established for the class."

Please also know that Merit Commission Rule 40.100.4.B.2 permits you to "make a written appeal of the rejection within 5 working days, to the Personnel Commission. The appeal may be based on any of the following reasons:"

- a. *Discrimination because of political or religious acts or affiliations or opinions, race, color, sex, marital status, national origin or ancestry*
- b. *Abuse of discretion*
- c. *Inconsistency of the reasons given for the rejection with the facts.*

Sincerely,

A handwritten signature in black ink that reads "Francisco Martinez". The signature is written in a cursive style with a long horizontal line extending from the start of the name.

Francisco Martinez
Director, Classified Personnel

Attachments: Job Description
Job Announcement

Title: ADMINISTRATIVE SECRETARY

Definition:

Under direction of an assigned supervisor, perform skilled and complex secretarial duties for an administrator of diverse District-wide programs; plan, organize, coordinate and participate in the secretarial and clerical operations to relieve the administrator of routine administrative detail.

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. Process administrative details not requiring immediate attention of the administrator.
2. Collect, compile and digest information pertaining to assigned administrative activities and prepare drafts of reports.
3. Expedite transmittal of information.
4. Facilitate implementation of policies and programs.
5. Independently answer and prepare correspondence.
6. Arrange committee and other meetings.
7. Review and prepare information for meetings and conferences.
8. Attend meetings and take and prepare minutes and summaries of actions taken.
9. Assist in coordinating communication with other District offices.
10. Compile information for master schedules or calendars of events.
11. Provide specialized information to visitors and callers concerning State and District policies, regulations and program requirements.
12. Receive and attempt to resolve complaints.
13. Schedule appointments and maintain the administrator's calendar.
14. Exercise discretion in arranging appointments, conferences, meetings and itinerary for officials.
15. Receive and screen telephone calls and visitors.
16. Maintain complex records and files.
17. Refer inquiries to appropriate sources for consideration and action.
18. Keyboard a wide variety of materials.
19. Provide work direction to assigned personnel.
20. Performs related duties as required.

Minimum Knowledge, Skill and Ability:

Knowledge of:

- . Modern office practices, procedures and equipment, such as computer and related software.
- . District policies, procedures and organization.
- . Oral and written communication techniques.
- . Administrative report writing.
- . Interpersonal skills including tact, diplomacy and courtesy.

Skill and Ability to:

- . Perform skilled and complex administrative secretarial duties.
- . Interpret, apply, and explain laws, rules, regulations, policies and procedures.
- . Organize and maintain complex record-keeping and filing systems.

Skill and Ability to:

- Compose correspondence independently.
- Prepare and edit reports and other written materials.
- Keyboard at 50 words per minute net.
- Operate a variety of office equipment including computer terminals.
- Establish and maintain effective and cooperative working relationships with officials, employees and the public.
- Communicate effectively with others.
- Organize and coordinate work to meet priorities and deadlines.

Training 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: graduation from high school including or supplemented by course work in secretarial science and two years increasingly responsible secretarial experience.

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 body 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.

Approved by Personnel Commission: _____

Salary Range: _____

Title: ADMINISTRATIVE ASSISTANT

Salary Range: Class 50

Definition:

Under direction of an assigned supervisor, assist in projects, programs or the administration and operations of a department. Provides administrative support services requiring initiative and independent judgment in accord with general guidelines and procedures, including assignments related to employee/employer relations.

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 assistance by disseminating department, program or project information, preparing agendas, attending meetings, taking minutes, assisting a designated administrator in the fulfillment of programs or projects and their objectives. E
2. Perform specialized departmental administrative services including administrative clerical work for an assigned supervisor. E
3. Analyze data and prepare regular reports, recaps and updates as assigned. E
4. Assist and oversee department and or project development processes and procedures. E
5. Monitor the implementation of District policies and procedures related to the department. E
6. Recommend possible policies and direction for a department or project and assist in determining compliance with department or project goals. E
7. Prepare oral, written and statistical reports of department or project effectiveness. E
8. Work with school or community committee and agency representatives relative to department or project effectiveness. E
9. Operate as liaison between the department or project and the community. E
10. Frequently work independently to complete varied assignments. E
11. Assist in or independently conduct pre-service and in service training for school district personnel and others involved with the department. E
12. May participate in budget control within department or project categories. E
13. Train and provide work directions to others as assigned. E
14. Assist in support of all office functions including customer service, purchase order processing and coordination with personnel office. E
15. Assist in the drafting of Board documentation. E
16. Assist in Merit Commission scheduling, coordination, agenda, annual report and minutes preparation. Attend Merit Commission meetings.
17. Composes correspondence and memoranda independently from verbal instructions.
18. Oversee timelines for employee performance reviews in department.
19. 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 WPM.
- 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.

Training 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 body 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.

Approved by Personnel Commission: May 7, 2002
 Salary Range: _____



**BERKELEY UNIFIED SCHOOL DISTRICT
OFFICE OF HUMAN RESOURCES**

2134 Martin Luther King Jr. Way, Berkeley, CA 94704-1180 • (510) 644-6150



**NOTICE OF OPEN AND PROMOTIONAL COMPETITIVE EXAMINATION
TO ESTABLISH AN ELIGIBILITY LIST FROM WHICH APPOINTMENTS WILL BE MADE**

**ADMINISTRATIVE ASSISTANT
1.00 FTE, 12 Month Position – Human Resources**

SALARY RANGE 50: \$3,679 - \$4,487 Monthly (Maximum reached in 5 years). It is the intent of the Personnel Commission for the Berkeley Unified School District to start new hires at Step 1 of the salary schedule. Exceptions must meet one of the following criteria: 1) The position is one that District has a difficult time recruiting quality qualified applicants, or 2) The position is one that the District has had difficulty retaining employees.

FINAL FILING DATE: Friday, August 28, 2009, 4:00 p.m. **HOW TO APPLY:** (See reverse)

EXAMINATION DATE: Qualified applicants will be notified of date, time, and place of examination.

Written - 50% • Oral - 50% • Typing - 50 wpm*

DEFINITION: Under direction of an assigned supervisor, assist in projects, programs or the administration and operations of a department. Provides administrative support services requiring initiative and independent judgment in accord with general guidelines and procedures, including assignments related to employee/employer relations.

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. Provide assistance by disseminating department, program or project information, preparing agendas, attending meetings, taking minutes, assisting a designated administrator in the fulfillment of programs or projects and their objectives; perform specialized departmental administrative services including administrative clerical work for an assigned supervisor; analyze data and prepare regular reports, recaps and updates as assigned; assist and oversee department and or project development processes and procedures; monitor the implementation of District policies and procedures related to the department; recommend possible policies and direction for a department or project and assist in determining compliance with department or project goals; prepare oral, written and statistical reports of department or project effectiveness; work with school or community committee and agency representatives relative to department or project effectiveness; operate as liaison between the department or project and the community; frequently work independently to complete varied assignments; assist in or independently conduct pre-service and in service training for school district personnel and others involved with the department; may participate in budget control within department or project categories; train and provide work directions to others as assigned; assist in support of all office functions including customer service, purchase order processing and coordination with personnel office; assist in the drafting of Board documentation; assist in Merit Commission scheduling, coordination, agenda, annual report and minutes preparation; attend Merit Commission meetings; composes correspondence and memoranda independently from verbal instructions; oversee timelines for employee performance reviews in department; performs related duties as required.

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 WPM; 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.

Attach official verification of your typing speed (within the last six months) to your application.

TRAINING 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. Benefits experience is desired

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 body 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.

**The Office of Human Resources reserves the right to modify this announcement.
In the event a revision is necessary, the affected persons will be notified.**

BERKELEY UNIFIED SCHOOL DISTRICT

MERIT SYSTEM

Eligibility List for: **ADMINISTRATIVE ASSISTANT – (Open/Combined)**

Written Examination: **September 15, 2009**

Performance Evaluation: **n/a**

Technical/General Fitness Oral: **September 25, 2009**

Lists established by Personnel Commission: **November 10, 2009 to expire November 10, 2010**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Jandra, Jandra	_____	_____
2. Pham, Kurt	_____	_____
3. Davis, Sarah Jane*	_____	_____

*Expires 12-11-09