Berkeley Unified School District 2020 Bonar Street, The Tech Lab, Room 126 Berkeley, CA 94702
Personnel Commission

Timothy Carter, Chairperson Heidi Goldstein, Vice-Chairperson Dr. Reynaldo Ortiz, Commissioner
Peter Rogosin, Secretary

Meeting Agenda
April 6,2017 — 4:30 pm

1. Call to Order Chairperson Carter

2. Roll Call & Establishment of Quorum Secretary Rogosin
3. Public Comments (15 minute limit) Public
This is an opportunity for the public to comment on Personnel Commission business not on the agenda. The time limit is five minutes per individual and a total of fifteen minutes per subject. No action can be taken by the Commission.

4. Approval & Adoption of Agenda Chairperson Carter

5. Closed Session (2 matters)

a) Employee Discipline and Legal Matters -Government Code § 54954.5
The Personnel Commission will meet in closed session to discuss a matter related to the termination and subsequent appeal hearing of a classified employee (2016-1-AH).
b) Public Employment - Government Code § 54957 (b)(1)
The Personnel Commission will meet in closed session to discuss the recruitment of Director, Classified
Personnel and provide direction to staff.

6. Report from Closed Session Chairperson Carter

7. Approval of Meeting Minutes Chairperson Carter
Approve the Personnel Commission Meeting Minutes for the following:

9. Discussion Items Chairperson Carter This item is presented for discussion only and may be carried over from a prior meeting. No action will be taken on this
item at this time.

a) Personnel Commission Budget for Fiscal Year 201T2018- First reading, p. 16

10. Conference Items Chairperson Carter These items are presented for discussion and action and may be carried over from a previous meeting.
a) Request for Appeal of Removal from Eligibility List.
b) Informational Report on the “WRIT”, Attachment A
c) WRIT Agreement, Attachment B
d) Proposed revision of Merit Rule 40.20013 and 50.200.4b, Ties in Examination Results Attachment C
e) Proposed revision of Merit Rule 70.700.1, Advanced Step Salary Placement, Attachment D
fl Agenda Item Request — M. Ferguson — Attachment E
g)

Carter

UNOFFICIAL VERSION

Berkeley Unified School District Personnel Commission Meeting Minutes
March 1, 2017 — 8:30 am

2. Roll Call & Establishment of Quorum

Chairperson Carter, ViceChairperson Goldstein and Commissioner Ortiz were present and a quorum was established.

3. Public Comments
None.

4. Approval & Adoption of Agenda

Commissioner Ortiz made a motion to approve the agenda; Vice Chairperson Goldstein seconded the motion)

Approved, 3-0

5. Closed Session Item (1 Matter): Government Code § 54957
a) The Personnel Commission went into closed session to conduct an appeal hearing for an employee who has
requested an appeal pursuant to Merit Rule 40.100,4 (2016-1-AH).

6. Report from Closed Session

Chairperson Carter commented that follow up dates to resume the appeal hearing were scheduled for 4/10/17 and
4/11/17.

7. Public Comments
None

8. Adjournment
The meeting was adjourned at 12:06 pm.

Respectfully Submitted,

I 7 1

/ /.... C

Peter Rogosin
Secretary, Personnel Commission

Approved,

//3/ J//
Date

Date

1. Call to Order
The meeting was called to order at 8:30 am.

Timothy Carter
Chairperson, Personnel Commission

3

UNOFFICIAL VERSION

Berkeley Unified School District Personnel Commission Meeting Minutes March 2,2017 — 4:30 pm
1. CalltoOrder

The meeting was called to order at 4:30 pm.
2. RoIl Call & Establishment of Quorum

Chairperson Carter, Vice-Chairperson Goldstein and Commissioner Ortiz were present and a quorum was established.

3. Public Comments
None.

4. Approval & Adoption of Agenda

Chairperson Carter requested to remove Conference Items 10. a) and 10. b) and bring them back to the next regular
Personnel Commission meeting to allow input from BCCE.

Commissioner Ortiz made a motion to approve agenda with the removal of Conference Items 10 a) and lob) as requested by Chairperson Carter; Vice Chairperson Goldstein seconded the motion,

Approved, 3-0

S. Closed Session (4 matters)
a) Employee Discipline and Legal Matters - Government Code § 54954.5
The Personnel Commission met in closed session to discuss a matter related to the termination and subsequent appeal hearing of a classified employee (20l6-1-AH), and the status of an upcoming appeal hearing (2017-1-
AH).

b) Public Employment -Government Code § 54957 (b)(1)
The Personnel Commission received the status of PERB complaint (2017-1-C).
c) Public Employment -Government Code § 54957 (b)(1)
The Personnel Commission discussed the recruitment of Director, Classified Personnel.

6. Report from Closed Session

The Personnel Commission reconvened at 5:45 pm. Chairperson Carter reported that the Commission will hear an appeal of the removal of a name from an eligibility list from a candidate at the next regular meeting. He also reported that direction was given to Erin Arinez, Classified Personnel Supervisor, regarding the next steps for recruftment of the
Director of Classified Personnel.

7. Approval of Meeting Minutes
a) February 03, 2017

Vice-Chairperson Goldstein commented that the date the stipulation meeting was set to be held was on
1/12/17, and that it should be added to the minutes under item 7. a)
Commissioner Ortiz moved to approve the minutes as amended; Vice Chairperson Goldstein seconded the
motion,
Approved, 3-0

4

UNOFFICIAL VERSION

8. Consent Items

Ratification of Eligibility Lists
a) Compliance Officer and Title IX Coordinator
b) Student Body Account Technician
c) Attendance Technician
d) Clerical Assistant Ill
e) Maintenance Technician
1) Media Technology Technician

Vice-Chairperson Goldstein made a motion to approve the eligibility lists; Commissioner Ortiz seconded the motion,
Approved, 3-0

9. Discussion Items

a) Request for Appeal of Removal from Eligibility List.
Chairperson Carter commented that the Personnel Commission will hear this appeal in the next scheduled
regular Personnel Commission meeting.

10. Conference Items

These items are presented for discussion and action and may be carried over from a previous meeting.
a) Information (of) Tj 1 (a)) Tj679.7 2T1 9.7 421.8 419.5 Tm (a) Tj 10.(hear) Tj 10.7 -eepor.7 Tm (fommented) Tj 11.5 -01

UNOFFICIAL VERSION

11. Reports
a) Union
None.

b) Commissioners Reports

Vice Chairperson Goldstein gave thanks to the Personnel Commission staff for their support during the appeal hearing.
c) Personnel Director
i. New Hires and Examinations administered in the month of February
Secretary Rogosin commented that Personnel Commission staff has been working hard to administer exams and
lists and commended them for their efforts to produce lists sooner.

12. Public Comments
None

13. Next Meeting
The next Personnel Commission meeting is to be held on April 6, 2017 at 4:30 pm.

14. Adjournment
The meeting was adjourned at 6:31 pm.

Respectfully Submitted,

I

Peter Rogosin D4e Secretary, Personnel Commission

Approved,

Timothy Carter Date Chairperson, Personnel Commission

6

Berkeley Unified School District
Merit System

Eligibility List for: Custodian I
(Open)

Written Examination: February 23, 2017
Oral Examination: March 7, 2017

List Established by Personnel Commission: April 6, 2017 tQ expire April 5, 2018

Open
1 Raul Morones
2 Stafont Smith
3 Ryan Williams
4 Aaron Camargo
S Michael Turner
6 Erwin Mis
7 Reynaldo Lontok

expi017

Berkeley Unified School District Merit System
Eligibility List for

Written Examination:
Oral Examination:

School

Berkeley Unified School District
Merit System

Eligibility List for School Administrative Assistant II
(Open and Promotional)

Written Examination: March 10, 2017
Oral Examination: March 21, 2017

List Established by Personnel Commission: April 6, 2017 to expire April 5, 2018

Promotional

1 Monique Jordan-Araujo

Qpcfl
1 Maria Sabeh
2 sandra Spiker
3 Kimberli McKinzie
4 Hannah Bastienne
5 Gabriella Arechiga*
6 Shamika iohnson

* Eligibility to expire June 7, 2017

/Th

/ / 4N

3/2,7/7
Peter Rogosin Dá’te Secretary, Personnel Commission

Timothy Carter Date Chairperson, Personnel Commission

10

Berkeley Unified School

Berkeley Unified School District

Merit System

Eligibility List for: Instructional Assistant II, SPED
(Open)

Written Examination: March 21, 2017
Oral Examination: March 30, 2017

List Established by Personnel Commission: August 6, 2017 to expire August 5, 2018

Open
1 Angela Madonia
2 Jillissa Bostic
3 Courtney Williams
4 Simon Tran

5 Saidy Guillen
6 Sylvia Robinson *
7 Khlood Salah
S Man Kakei

*

Berkeley Unified School District Merit System

Eligibility List for

Written Examination:
Oral Examination:

Maintenance Engineer

February 16, 2017
March 17, 2017

List Established by Personnel Commission: April 6, 2017 to expire April 5, 2018

Promotional
1 Roderick Carraway

Timothy Carter
Chairperson, Personnel Commission

)/41 //
Dte

Date

Peter Rogosin
Secretary, Personnel Commission

14

Berkeley Unified School District

Merit System

Eligibility List for: Clerical Assistant I
(Open and Promotional)

Written Examination: March 2, 2017
Oral Examination: March 17, 2017

List Established by Personnel Commission: April 6, 2017 to expire April 5, 2018

Promotional
1 Marian Willis

Open
1 Kimberli Mckinzie

2 Christine Graupman
3 Christine Bausta
4 Cecilia Hernandez
5 Antoine Antonia

%2A ()C%-- ;A

Peter Rosin / Secretary, Personnel Commission

Timothy Carter Date Chairperson, Personnel Commission

15

Fiscal Year Fiscal Year Fiscal Year

ITEMS REQUESTED CODE 2015-2016 2016-2017 2017-2018

Staffing FiT:
1.0 FEE Director, Including Statutory Benefits 2302/7403 5169,210.10 5185,387.23 $185,387.23
1.0 ElF Classified Personnel Supervisor, Including Statutory Benefits 2302/7403 $79,187.37 $87,777.76 $95,454.59
1.0 FTE Human Resources Tecirnician, Including Statutory Benefits 2402/7403 $59,923.03 $65,093.83 73,765M9
Subs/Proctors, Including Statutory Benefits 2416/7403 $12,000.00 $7,500.00 $7,500.00
Hourly Overtime 2412/7403 $3,000.00 $1,500.00 $1,500.00
Total Sala;y Requests S323,320.50 5347,258.82 5363,606.91

Other Items:

Books and Other Ref. Material 4200/7403 $500.00 $500.00 $500.00
Other Supplies 4350/7403

Examinations Administered in the Month of March:

ck,ssifjggn Written Oral ±fQLmonce
Clerical Ass!stant 6 6
School Administrative Assistant II 12 5
School Administrative Assistant-ECE 11 3
Budget Analyst 7 4
Custodian! 11 13
School Bus Driver 1 1
Instructional Yechnician-BASP 6 5
Maintenance Engineer 6 1
Instructional Assistant lI-SPED 10 8

New Hires/New Assignments/Promotions Processed in the Month of March:
Name- Employment Tyoe- Classification- LcsnhioaDet.
Luis Ruiz Promotion Lead Grounds Gardener Maintenance
Dana Clark New-Hire Compliance Officer and Title IX Coordinator Superintendents Office
Erica Contreras New-Hire Student Records Assistant, Bilingual King Middle
Christopher Costello New-Hire Instructional Assistant II, SPED King Middle
Courtney King New-Hire School Services Assistant Thousand Oaks

17

ATrACHMENT A

To: The Personnel Commission

From: Peter Rogosin, Interim Personnel Director

Date: April 6, 2017

Subject: Informational Report on the “WRIT” Agreement

The Personnel Commission, at their meeting of February 3, 2017, requested an informative report on the Agreement between the Berkeley Unified School District and the Berkeley Council of Classified Employees commonly referred to as, “The WRIT.”

The Personnel Commission is not a signatory to the WRIT. However, the WRIT does refer to the Personnel Commission and does obligate the District to “request that the Classified Director [Personnel Director], on behalf of the Personnel Commission” initiate the production of an eligibility list to fill any limited-term assignments lasting more than 15 days [See WRIT §3-a]. The WRIT also specifically allows any Limited-Term assignment to be filled

WRIT37Tj 11.2 L0.0,6 -0.1.2 248.6 535.5 Tm1.3 T37Tj 11.2 a0 0.0 11.2 429.0 467.9 T10m 0e3m (Directj 1vis 11.2 -0.0 0.1.2 144.0 579.5 T6WR6 3(Date:) T1pjoint -0.0 0.0 0.0 0.0 11.2 77.4 6773 T37er) Tj 1may0 0.0 11.2 429.0 467.9 T25.6 Tm 4 Dim 4 o330RIT.dutie.8 -0.0 0.0 11.2 360.3 4833.5 T330R7(thatj d.4 -0.0 11.2 389.9 484.6 5 T4 33WRficallrespons 12.5 ie.8 -0.00.11.2 487.6 534.6 36C1s330) Tj 11.utsid 11.7 -0.1.2 144.0 579.5 476T4 330ict Inf31 Tj 12.2j d.4 -0.0 an Tm (164.9e314j (lastpa.0 0.0 11.0 11.2 246.9 571an) T314j10.8 -0j m 0.0 11.2 147.9 -67.7 T Tm (o314j6reement) Tj 10.0 11.2 237.6 502.2707.614ry) Tj 1ccordanc0.8 -0.0 1.2 307.9 518.4 Tm (7.614r4 (allwith-0.0 0.0 11.2 109.4 579.3.-0.2313ified) Tj 11.4 -0..0 0.0 11.2 407.631(7.614r Tj 11.ork-Out-Of-Cor) 7 -0.00 1.2 463.3 578.3 T2 (Dim13 Tj 11.j 1vis 11.8 -0.0 00 11.2 385.2 5784eemenm13 6) Tj 9.6 -0.-0..0 0.0 11.2 407.493(7.613 6) Tj E0.7at3 -0.0 0.-0.2 97.0 536.5 Tm .9 T29856Tm (inid -0.0 08.7.264j 11.2 -0.0100.9e2985he) Tj 9.918.767 -0.0 11.2 215.0 518.8 T4(I3e2985ity) Tj d.4 -0.0 0.0 11.2 286.3 5165.9e29n Tj 12.sion”) Tj 11.8 -0.0 0.0 11.2 32trict29n 7Tm (inij 12.3 -0.0 0.0 .2 429.0 467.9 T28207.29m Tj 11.Rul 11.7 -0. 11.2 363.8 535.10j 929j 9.6 -18m01168 -0.0 00 11.2 385.2 578353.9e29n 5Tj 11.ork1 -0.0 0.-0.2 97.0 536.5 Tm39907.29m ity) TOut8 -0.0 00 11.2 385.2 57842407.296 Tj 12.9.6 -0.-0..0 0.0 11.2 407.4oweve296 Tj 12.tor a28WRct

ATFACHMENT B

MUTUAL SETTLEMENT AGREEMENT AND RELEASE

TH]S MUTUAL SETTLEMENT AGREEMENT AND RELEASE (“Release”) is made by and between. Petitioner BERKELEY COUNCIL OF CLASSIFIED EMPLOYEES
LOCAL 6192, AFT, AFL-CIO, (“ECCE”) and Respondent BERKELEY UNIFIED SCHOOL DISThICT (“BUSD”). Hereinafter, BCCE and

ATTACHMENT B

2. BCCE Obligations

a. BCCE waives and releases any and all claims, causes of action, lawsuits,
obligations, damages, judgments and liabilities of any nature or kind whatsoever (including but not limited to declaratory and equitable relief), attorneys’ fees, and costs which in any way arise out of or relate to the matters contained in the Writ Petition.

b. On the Court day following the date on which this agreement is executed
by all Parties, ECCE shall file with the Court a dismissal of the Writ Petition with prejudice.

3. District Obligations

a. Whenever the District receives reasonable notice that a BCCE unit position
in a limited term appointment (i.e. a position lasting not more than six (6) months, or not exceeding the duration of authorized absence of an employee) will last more than fifteen (15) working days, the District shall, within five (5) working days of receiving said notice, request that the Classified Director, on behalf of the Personnel Commission, take the following actions:

1) if there is an existing eligibility list in the classification with at least three (3) ranks, begin the process of developing a list of employees
on such existing, regular term eligibility list who have expressed their willingness to accept appointments in such positions as limited
term employees; or

2) if there is not an existing eligibility list with at least three (3) ranks,
begin the process of developing and ceztiIring such a regular term
eligibility list while simultaneously certiing which individuals on

on

such list are willing to serve in a limited term capacity0.7 228.4 Tm (on)e Tj 14.9 -0.1 0..

ws T Tj 11.9 -0.1 0.1.1 12.66 termwithWrit

ATTACHMENT B

d. Prospectively ensure that, except where

ATtACHMENT B

5. Representation and Warranties

a. Each party herein represents and warrants that as ofthe date of execution of
this Release, no portion of any matter released hereby, nor any portion of
any recovery or settlement to which they might be entitled, has been assigned or transferred to any other person or entity by operation of law or otherwise. In the event any party breaches this warranty and representation,
the breaching party shall indenu* and hold the non-breaching party or parties hamiless from any claims, suits, liabilities, losses or damages resulting from such breach.

b. Each party herein represents and warrants that it has not flied, instituted or
joined any claim in any state or federal court, administrative agency or any other forum arising out of; or relating in any way to any claim that is the
subject matter of this Release which may exist against one another.
Further, each party herein covenants that it shall not file, institute or join
the same.

6. Gencral Provisions

a. This Release is the product of

0 j 29j 12.1 00.0 -0.0 1.9 186.6 552.1 Tm (a2 29j 8) Tj 9.7 0.0 -0.0.9 186.6 552.1 Tm8Genc29j

j 12271.s

i18f

i13

ATTACHMENT B

e. If any provision or any part of any provision of this Release is for any reason held to be invalid, unenforceable or contrary to any public policy,
law, statute, or ordinance, then the remainder of this Release shall not be affected thereby and shall remain valid and fUlly enforceable.

ATTACHMENT 8

Dated: litva,L

Dated:_________

BERKELEY COUNCIL OF CLASSWWD EMPLOYEES LOCAL 6192, AFT, AFL-Cio

By:
Title:

BERKELEY UNIFIED SCHOOL DISThICT

By:
riue:

Approved as to form:

Dated: WEINBERG, ROGER & ROSENFELD

By:
Stewart Weinberg

Counsel for BCCE)

Dated: tI anhtr 9 1’)iI

Counsel for BUSD

Z:1201 flflckdey USD’BCcE WRThSEfltEMENtScttlcmu,tAwzcmcntFThlALM 1041 113$

Paul Gant

6

ATTACHMENT D

the service and the selection and retention of employees upon a basis of merit ard fitness.” [Reference Education Code §45260]

The recommended revised language is,

An eligible may be hired above the lowest step of the applicable salary range when the qua.ifications of the selected eligible exceed the education and/or experience standards established by the Personnel Commission in the class description. Whenever an advanced
step placement is made, the qualifications of current regular employees in the class shall be revewcd and those who arc below the step for which the employee would quality as a new hire10.8 465.2 595.2 Tm (then.8 515.9 578.7 Tm 8) Tj t Tm (hir) Tj 11M25.9 578.7 T4e(new) -0.1

ATTACHMENT E

Personnel Commission of the

Berkeley Unified School District

2134 Martin Luther King Jr. Way, Berkeley, California 94704-1180

Agenda Item Request Form
You may fax this form to (510) 644-6151 attention to Peter Rogosin, hand deliver it to the address above or scan and email to The Human Resources Department is open Monday through Friday from 8:00am to 4:30pm.

The deadline for submitting a request for items to be included in a Personnel Commission Meeting is 4:00pm 7 calendar days prior to the Personnel Commission Meeting you are considering. This form can be obtained from the Secretary to the Personnel Commission or by downloading the form from the Berkeley Unified School District website under the Personnel
Commission.

ATtACHMENT F

To: The Personnel Commission

From: Peter Rogosin, Interim Personnel Director

Date: April 6, 2017

Subject: Request for Work-Out-Of-Class -Marie Ferguson

Recommendation:

It is recommended that the Personnel Commission find that Ms. Marie Ferguson, working within her classification as a School Administrative Assistant II at Berkeley High

ArFACHMENT

F

Education Code §45110 states:

ATTACHMENT C

To: The Personnel Commission
From: Peter Rogosin, Interim Personnel Director
Date: April 6, 2017
Subject: Advanced Salary Step Placement

ATtACHMENT H

To: The Personnel Commission

From: Peter Rogosin, Interim Personnel Director

Date: April 6, 2017

Subject: Revision of the Class Description — Delivery Driver

Recommendation:

It is recommended that the Personnel Commission revise the requirement in the Delivery Driver class description for possession of a Forklift Certificate at time of application from must possess a valid Forklift Operator Certificate to “Some positions in the class require a valid Forklift Operator Certificate to be obtained during the first six months of employment.”

ATrACHMENT I

To: The Personnel Commission

From: Peter Rogosin, Interim Personnel Director

Date: April 6, 2017

Subject: Revision of the Class Description Nutritional Services Assistant

Recommendation:

It is recommended that the Personnel Commission revise the requirement in the Nutritional Services Assistant class description for possession of a “ServSafe” (food handlers) Certification at time of application from must possess a ServSafe Certificate to “Positions in the class require ServSafe Certification to be obtained during the first 30 days of employment.”

Background:

The primary duties and responsibilities of the Nutritional Services Assistant are to prepare and serve food at an assigned school site or within the production kitchen and maintain food service facilities, equipment and utensils in a clean and sanitary condition. This requires knowledge of safe food handling practices. This knowledge is best demonstrated by possession of the ServSafe certification. In order to obtain the certification the employee must take and pass a qualifying test administered by the National Restaurant Association.

Staff has reviewed the duties and responsibilities and spoken with the Nutritional Services Assistant

supervisor who confirmed that the certification is not a mandated requirement during during

ts

fron

at