

**BERKELEY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION OF THE MERIT SYSTEM
THURSDAY, APRIL 8, 2010, 3:30 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 | |
| 3. Move to Closed Session | 3:30P.M. | ACTION |
| a. Third Commissioner | | |
| b. Personnel Matter | | |
| 4. Report from Closed Session | 4:00 P.M. | INFORMATION |
| 5. Approval of Agenda | | ACTION |
| 6. Approval of Minutes | | ACTION 1-4 |
| a. Personnel Commission Meeting of March 4, 2010 | | |
| 7. Public Comments | | INFORMATION |
| 8. Reports | | INFORMATION |
| a. Collective Bargaining Units' Comments | | |
| b. Secretary's Comments | | |
| 1. Current Recruitment Report | | |
| c. Commissioners' Comments | | |
| 9. Approve the Following Eligibility Lists: | | DISCUSSION/ACTION 5-10 |
| a. Parent Liaison/Rec. and Culture Facilitator – Bilingual (Open) | | |
| b. Instructional Specialist - Dance (Open/Combined) | | |
| c. Instructional Assistant –Special Ed. (Open/Combined) | | |
| d. Food Service Assistant (Open/Combined) | | |
| e. Instructional Assistant –ECE (Open/Combined) | | |
| f. Instructional Technician – EDP (To Be Provided at Meeting) | | |
| g. Food Service Satellite Operator (To Be Provided at Meeting) | | |
| h. Sr. Food Service Assistant (To Be Provided at Meeting) | | |

10. Review Appointments of Provisional (50.300), limited Term, (60.300.1), and Temporary Appointments to Ensure Compliance with Ed Code and Merit Rules

Placed on Agenda by BCCE

DISCUSSION/ACTION 11-15

11. 2010-11 Proposed Personnel Commission Budget

DISCUSSION 16-17

12. Classified Employee Recognition Celebration

ACTION 18-18

13. 2010 Personnel Commission Meeting Dates

ACTION 19-21

14. Review BUSD Hazardous Communication Program for Commission's Role and Implementation

Placed on Agenda by BCCE

DISCUSSION/ACTION

15. Public Comments

INFORMATION

16. Adjournment

BY 7:00 P.M.

Personnel Commission of the Merit System Minutes

Thursday, March 4, 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

Degui Montrice Goodman, 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 Martinez, Director of Classified Personnel and Secretary of the Personnel Commission.

Present: Commissioner Shirley Van Bourg and Commissioner Dan Lee

3. Move to Closed Session

a. Selection of Third Commissioner

b. Personnel Matter

4. Report from Closed Session

No report from Closed Session

Commissioner Degui Montrice Goodman was present for open session

5. Approve Agenda

Motion: approve agenda

Unanimously approved

6. Approval of Minutes

a. Personnel Commission Meeting of February 4, 2010

Corrections: #6, line 4, add "and that employees do not know the process." #8, line 1, change "to cut" to "cutting." #10, line 1, change "vacate" to "discard." #14, line 5, change "Commission" to "Director."

Motion: To approve minutes from February 4, 2010 meeting as corrected.
Unanimously approved

7. Public Comments

Mr. Jonathan Staples, Maintenance Supervisor, stated that he was dissatisfied with Director Martinez's response to his letter requesting night differential pay. Mr. Staples provided information to the Commission in support of his request to qualify for night differential pay. Director Martinez referred to Merit Rule 70.100.7 in explanation as to why he denied Mr. Staples' request.

Paula Phillips, BCCE President, requested that the job posting for Merit Commissioner be made more visible and accessible to the public. She requested it be posted on the Berkeley High School ETree. Ms. Phillips also expressed concern about Berkeley High School using parent volunteers to do the job of classified employees.

Ms. Phillips also stated that she thought it was a conflict of interest for Director Martinez to be on the Berkeley Alliance Board. "The Berkeley Alliance is behind Vision 2020. They are pushing to create bilingual positions and to hire bilingual staff to create more parent involvement....friends of friends or relatives could be getting hired and nepotism could run rampant." Ms. Phillips requested that the possible conflict of interest be placed on the agenda for the next meeting.

8. Reports

a. Collective Bargaining Units' Comments

Ms. Paula Phillips, BCCE President, stated that BCCE members are being accused of assigning their family members to substitute positions. Ms. Phillips also expressed concern over the hiring of a long term substitute Delivery Driver and Buyer. Ms. Phillips believes that all long term substitute positions should be hired off of the eligibility list and/or be posted for current employees to apply.

b. Secretary's Comments

Filled Positions

Instructional Assistant –ECE

Hopkins

Instructional Technican-EDP	King Middle
Instructional Assistant-Special Ed.	BAM
Instructional Specialist-Vocal Music	Rosa Parks
Instructional Specialist-PE	Jefferson

Next week, the proposed budget cuts will be presented to the Board. The projected cuts are 2.6 million dollars in the next fiscal year. Classified layoffs are being proposed. Employees will be getting layoff notices at the end of April.

Director Martinez suggested that the Commission start planning for the employee appreciation awards ceremony.

c. Commissioners' Comments

There were no comments from the Commissioners

9. Approval of Eligibility Lists

- a. Parent Liaison/Rec. and Culture Facilitator-Bilingual (Open)
- b. Custodian II (Promotional)
- c. School Safety Officer (Open), Extend Eligibility list
- d.. Instructional Specialist -PE (open)

Motion: to approve eligibility list (b,c & d)

Unanimously approved

Paula Phillips, BCCE President, requested to pull list (a) because the District had not negotiated with BCCE regarding the new job class. List (a) was not approved.

10. Review Independent Contractor Agreement to Ensure Compliance with Ed Code 45103

Ms. Phillips, BCCE President, expressed concern that the new contract agreement does not require for the Director of Classified Personnel to review the contracts before they are approved. The lack of review by the Director is in violation of the contract and EdCode. Ms. Phillips requested that the contract agreement with NOVA be reviewed.

11. Review Appointments of Provisional (50.300), limited term, (60.300.1), and Temporary Appointments to Ensure Compliance with Ed Code and Merit Rules.

To be placed on the April 8th meeting agenda

12. Review BUSD Hazardous Communication Program for Commission's Role and Implementation.

To be placed on the April 8th meeting agenda

13. Adjournment

Meeting adjourned at 6:59 p.m.

Motion Summary

Motion: To approve agenda

Unanimously approved

Motion: to approve February 4, 2010 minutes as corrected

Unanimously approved

Motion: to approve eligibility list (b, c & d)

b. Custodian II (Promotional)

c. School Safety Officer (Open), Extend Eligibility list

d. Instructional Specialist -PE (open)

Unanimously approved

BERKELEY UNIFIED SCHOOL DISTRICT

MERIT SYSTEM

Eligibility List for: **PARENT LIAISON/ RECREATION & CULTURAL
FACILITATOR- BILINGUAL (Spanish/English) (Open)**

Written Examination: **January 27, 2010**
Performance Evaluation: **n/a**
Technical/General Fitness Oral: **February 24, 2010**

Lists established by Personnel Commission: **April 8, 2010** to expire **April 8, 2011**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Pacheco, Carol	_____	_____
2. Trowbridge, Christine	_____	_____
3. Amezcua, Leticia	_____	_____
4. Valenzuela, Eduardo	_____	_____

BERKELEY UNIFIED SCHOOL DISTRICT

MERIT SYSTEM

Eligibility List for: **INSTRUCTIONAL SPECIALIST – DANCE
(Open/Combined)**

Written Examination: **February 17, 2010**

Performance Evaluation: **March 2, 2010**

Technical/General Fitness Oral: **n/a**

Lists established by Personnel Commission: **April 8, 2010 to expire April 8, 2011**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Bastos, Stephanie*	_____	_____
2. Chudacoff, Sasha	_____	_____
3. Irwin, Catherine*	_____	_____
4. Greer, Laura*	_____	_____

*Expires 2/4/2011

BERKELEY UNIFIED SCHOOL DISTRICT

MERIT SYSTEM

Eligibility List for: **INSTRUCTIONAL ASSISTANT, Special Ed
(Open/Combined)
February 17, 2010**
Written Examination: **n/a**
Performance Evaluation: **March 11, 2010**
Technical/General Fitness Oral:

Lists established by Personnel Commission: **April 8, 2010 to expire April 8, 2011**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Everett, Elaine ****	_____	_____
2. Hanson, Abbey	_____	_____
3. Gardner, Emanuel	_____	_____
4. Bannerman, Harold ***	_____	_____
5. Gatison, Revina ****	_____	_____
6. Ligi, Aria	_____	_____
6. Chambers, Sabrina*****	_____	_____
7. Savage, Laura **	_____	_____
8. Freeman, Marina	_____	_____
9. Lewis, Rivkah	_____	_____
10. Marin, Ernesto	_____	_____
11. Jackson, Nancy ***	_____	_____
12. Chavis, Grace ***	_____	_____
13. De Joie, Paula ****	_____	_____
13. Johnson, Mbugua **	_____	_____
14. Lee, Laurel	_____	_____
15. Iglesias, Darren	_____	_____
16. Franco, Esmeraldo	_____	_____

BERKELEY UNIFIED SCHOOL DISTRICT

MERIT SYSTEM

17. Sturges, Gabriel **	_____	_____
17. Jamali, Yasamin **	_____	_____
17. Gurmeal, Deal*****	_____	_____
17. Hollis, Caitlin	_____	_____
18. Iraheta, David	_____	_____
18. Tran, Thuan	_____	_____
19. Bagum, Saeeda	_____	_____
20. Jackson, Gia*****	_____	_____

**Expires 4/15/10

***Expires 9/3/10

****Expires 11/05/10

*****Expires 12/10/10

BERKELEY UNIFIED SCHOOL DISTRICT

MERIT SYSTEM

Eligibility List for: **Food Service Assistant - Open/Combined**

Written Examination: **March 30, 2010**

Performance Evaluation: **n/a**

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

Lists established by Personnel Commission: **April 8, 2010** to expire **April 8, 2011**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Wilright, Keisha	_____	_____
2. Ma, Mei	_____	_____
3. King, Michael*	_____	_____
4. Miranda, Angel	_____	_____
5. Douglas, Ronnie*	_____	_____
6. Schlocker, Sheryl	_____	_____
7. Dyer, Dana	_____	_____
8. Blackburn, Jana	_____	_____
9. Reginato, Elizabeth	_____	_____
10. Adlawan, Nina	_____	_____
11. Jenkins, Charlene*	_____	_____

* Expires 04/16/10

BERKELEY UNIFIED SCHOOL DISTRICT

MERIT SYSTEM

Eligibility List for: **INSTRUCTIONAL ASSISTANT-ECE –
Open/Combined**

Written Examination: **n/a**
Performance Evaluation: **n/a**
Technical/General Fitness Oral: **April 5, 2010**

Lists established by Personnel Commission: **April 8, 2010 to expire April 8, 2011**

	<u>Date Certified To Position</u>	<u>Effective Date of Appointment</u>
1. Lee, Angie	_____	_____
2. Franz, Carly*	_____	_____
3. Long, Diane**	_____	_____

*Expires August 13, 2010

**Expires February 4, 2011

EDUCATION CODE 45287

45287. When no eligibility list exists for a position in the classified service, an employee may receive provisional appointments which may accumulate to a total of 90 working days. A 90-calendar-day interval shall then elapse during which the person will be ineligible to serve in any full-time provisional capacity. No person shall be employed in provisional capacities under a given governing board for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position, as defined in Section 45256, successive 90 working days provisional appointments may be made to the part-time position for a total of more than 126 working days in any one fiscal year.

EDUCATION CODE 45103

45103. (a) The governing board of any school district shall employ persons for positions not requiring certification qualifications. The governing board shall, except where Article 6 (commencing with Section 45240) or Section 45318 applies, classify all of these employees and positions. The employees and positions shall be known as the classified service.

(b) (1) Substitute and short-term employees, employed and paid for less than 75 percent of a school year, shall not be a part of the classified service.

(2) Apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment, shall not be a part of the classified service.

(3) Full-time students employed part time, and part-time students employed part time in any college workstudy program, or in a work experience **education** program conducted by a community college district pursuant to Article 7 (commencing with Section 51760) of Chapter 5 of Part 28 and that is financed by state or federal funds, shall not be a part of the classified service.

(4) Part-time playground positions shall not be a part of the classified service, where the employee is not otherwise employed in a classified position. Part-time playground positions shall be considered a part of the classified service when the employee in the position also works in the same school district in a classified position.

(c) Unless otherwise permitted, a person whose position does not require certification qualifications shall not be employed by a governing board, except as authorized by this section.

(d) As used in this section:

(1) "Substitute employee" means any person employed to replace any classified employee who is temporarily absent from duty. In addition, if the district is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the governing board may fill the vacancy through the employment, for not more than 60

calendar days, of one or more substitute employees, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.

(2) "Short-term employee" means any person who is employed to perform a service for the district, upon the completion of which, the service required or similar services will not be extended or needed on a continuing basis. Before employing a short-term employee, the governing board, at a regularly scheduled board meeting, shall specify the service required to be performed by the employee pursuant to the definition of "classification" in subdivision (a) of Section 45101, and shall certify the ending date of the service. The ending date may be shortened or extended by the governing board, but shall not extend beyond 75 percent of a school year.

(3) "Seventy-five percent of a school year" means 195 working days, including holidays, sick leave, vacation and other leaves of absence, irrespective of number of hours worked per day.

(e) Employment of either full-time or part-time students in any college workstudy program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.

(f) This section shall apply only to districts not incorporating the merit system as outlined in Article 6 (commencing with Section 45240).

50.300 **PROVISIONAL APPOINTMENTS (EC 45287) 50.300.1**

50.300.1 Restrictions

- A. The appointing authority may make a provisional appointment when the Personnel Director certifies that:
 - 1. No eligibility list exists for the class or
 - 2. An eligibility list exists, but there is an insufficient number of available eligibles (i.e., less than 3) and the appointing authority refused to appoint an available eligible.

- B. An employee may receive a provisional appointment or appointments which may accumulate to a total of 90 working days, after which a 90-calendar-day interval shall elapse during which he/she shall be ineligible to serve in any full-time provisional capacity.

- C. No person shall be employed in provisional capacities under a given Governing Board for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position as defined in Section 45256, successive 90-working-day provisional appointments may be made to the part-time position for a total of more than 126 working days in a fiscal year.

- D. Insofar as possible, provisional appointees shall be required to meet the minimum qualifications for the class of the appointment as stated in the class specifications.

- E. Notwithstanding Rules A and B above, the Commission may extend the 90-working-day provisional appointment for a period not to exceed 36 additional working days provided: (EC 45288)
 - A. An examination for the class was completed during the initial 90 work days of the employee's provisional assignment.

 - B. Satisfactory evidence is presented indicating:
 - a. Adequate recruitment effort has been and is being made.

 - b. Extension of this provisional assignment is necessary to carry on vital functions of the District.

 - c. The position cannot be satisfactorily filled by use of the eligibility list or other employment lists or procedures such as reinstatement, transfer, or other appropriate eligibility lists.

- F. Provisional employees are entitled to all fringe benefits accorded other classified employees.

50.300.2 Terminating Provisional Appointments

- A. The services of a provisional appointee shall be terminated within 15 working days after the date on which an eligibility list has been established, provided that this 15-day period does not extend beyond the 90-working-day provisional assignment or the additional 36 working days if authorized by Rule 50.300. IE.
- B. A provisional appointment may be terminated at any time, at the discretion of the appointing power.

50.300.3 Emergency Appointments (EC 45290)

- A. If it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Board of Education, through its authorized Department Heads, may make emergency appointments, without reference to eligibility lists, for a period not to exceed 15 working days.
- B. When such emergency appointments are made, it shall be the duty of the Board of Education to notify the Personnel Director in writing, naming the appointee or appointees, date of appointment, and nature of duties performed, and giving a statement justifying the emergency nature of such appointments.

60.300 LIMITED-TERM EMPLOYMENT

60.300.1 Types of Limited-term Appointments

- A. A substitute assignment may be made not to exceed in duration the authorized absence of the regular employee, but it need not coincide with the dates of that absence. Also a substitute assignment may be made in a lower class related to that of the absent employee if the assigned duties are reduced in level accordingly.
- B. The appointing authority may establish positions the duration of which is six months or less; such positions shall be designed "limited-term." Such positions are subject to classification by the Personnel Commission, except that the Personnel Director may classify them subject to later ratification if the good of the service demands expeditious action.

60.300.2 Rights and Benefits

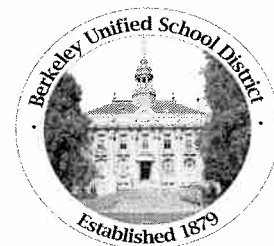
- A. Regular employees who are serving in limited-term appointments while retaining regular status in another class shall continue to earn and be granted all rights and benefits of a regular employee.
- B. All other limited-term employees shall be granted only those benefits provided by law, such as paid holidays and bereavement leave. No seniority or credit toward completion of probation or any other benefit shall accrue from service in a limited-term appointment, except as provided under Paragraph A of this rule.

60.300.3 Terminations

- A. Limited-term appointments shall be subject to termination at any time except during an assigned shift.
- B. Limited-term employees may be dismissed for cause, which cause shall be made known to them and to the Personnel Director in writing. The Personnel Director may remove the employee's name from the special list for limited-term appointments, if his/her investigation supports such an action.

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: April 8, 2010
SUBJECT: Personnel Commission Budget, FY 2010-11

Background Information:

Pursuant to Education Code 45253 and Merit Commission Rule 20.400.2.A. which states, "The Personnel Director shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year. The budget shall be submitted not later than the first Commission meeting in April."

Further, the Commission must hold a public hearing on its proposed budget for the following fiscal year not later than May 30th, forward a copy of the proposed budget to the Board of Education and notify the Board of the date, time and location of the public hearing so that the Board and administration representatives may attend the public hearing and present their views on the proposed budget.

Today's proposed budget is to comply with Merit Commission Rule 20.400.2.A. The District's Fiscal Services Director and I met to draft the proposed budget. The attached Personnel Commission budget details the 2010-11 expenditures.

Recommendation:

Receive for review and discussion the proposed 2010 -11 fiscal year Personnel Commission budget.

BERKELEY UNIFIED SCHOOL DISTRICT

FY 2010-2011 BUDGET REQUEST FORM

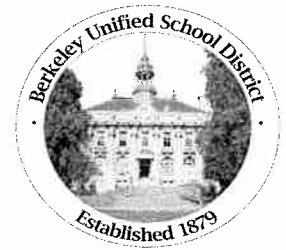
DEPARTMENT/SCHOOL: Personnel Commission

DATE: July 1 2010 - June 30, 2011

ITEMS REQUESTED	CODE	AMOUNT REQUESTED
Staffing FTE:		
1.0 FTE Director, Including Statutory Benefits	2302/7403	\$147,834.00
1.0 FTE Administrative Assistant, Including Statutory Benefits	2402/7403	\$62,501.00
Subs/Proctors, Including Statutory Benefits	2416/7403	\$4,697.00
Hourly Overtime	2412/7403	\$3,163.00
Total Salary Requests		\$218,195.00
Other Items:		
Books and Other Ref. Material	4200/7403	\$500.00
Other Supplies	4350/7403	\$9,800.00
Equipment	4400/7403	\$1,114.00
Travel and Conference	5200/7403	\$3,999.00
Dues and Memberships	5300/7403	\$3,000.00
Central Printing - Xerox	5712/7403	\$5,000.00
Copier Lease - Intrafund	5713/7403	\$8,640.00
Postage/Federal Express/Certified Mail	5910/7403	\$475.00
Total Other Items		\$32,528.00
Prof/Consulting Svcs & Operating Expenses:		
Prof/Consulting Svcs	5800/7403	\$4,600.00
Legal Counsel	5829/7403	\$10,000.00
Commissioner Fees	5800/7403	\$3,400.00
Hot Jobs	5800/7403	\$3,750.00
Recruiting/ Advertising	5800/7403	\$5,000.00
Applications/ Announcements/ Copying	5800/7403	\$3,200.00
Testing (CODESP)	5800/7403	\$1,900.00
Pre-employment Examinations (Kaiser)	5800/7403	\$3,500.00
Drug Testing (Bus Drivers per State Requirement and Union Contract Provisions)	5800/7403	\$2,000.00
Total Prof/Consulting Svcs & Operating Expenses		\$37,350.00
Grand Total		\$288,073.00

Berkeley Unified School District

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William Huyett
Superintendent

TO: Personnel Commissioners
FROM: Francisco Martínez, Director Classified Personnel
DATE: April 8, 2010
SUBJECT: Classified Employee Recognition Celebration

Background Information:

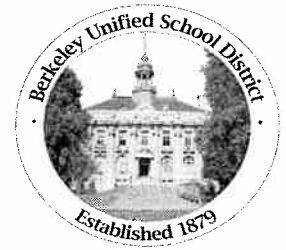
For the past two years, the Personnel Commission has held a classified employee recognition celebration. Staff is presently planning the employee recognition event. In order to notify employees of the pending celebration, the Personnel Commission needs to select the event's date.

Recommendation:

Select classified employee recognition celebration date.

Berkeley Unified School District

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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: April 8, 2010
SUBJECT: 2010 Personnel Commission Meeting Dates

Background Information:

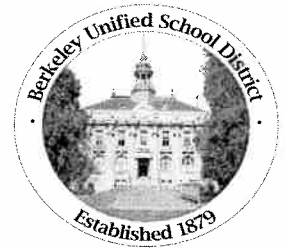
In January 2010, the Personnel Commission approved the meeting dates for 2010. Chairwoman Van Bourg has indicated that there might be a scheduling conflict with the July 1, 2010 meeting. The 2010 Personnel Commission meeting calendar is enclosed so the Personnel Commission can determine whether to keep the July 1, 2010 meeting date or select an alternative meeting date.

Recommendation:

Receive the 2010 Personnel Commission meeting dates calendar and determine whether a new meeting date should be scheduled instead of the July 1, 2010 meeting.

Berkeley Unified School District

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William Huyett
Superintendent

2010 Personnel Commission Meeting Dates

Date	Location
January 14, 2010	Supt. Conf. Room
February 4, 2010	Annex Conf. Room
March 4, 2010	Annex Conf. Room
April 8, 2010	Annex Conf. Room
May 6, 2010	Annex Conf. Room
June 3, 2010	Annex Conf. Room
July 1, 2010	Annex Conf. Room
August 5, 2010	Annex Conf. Room
September 2, 2010	Annex Conf. Room
October 7, 2010	Annex Conf. Room
November 4, 2010	Annex Conf. Room
December 9, 2010	Annex Conf. Room