

Meeting Minutes

February 11, 2013

1. Call to Order

The meeting was called to order at 4:09PM.

2. Roll Call & Establishment of Quorum

Chairperson Aoyagi, Vice Chairperson Carter and Commissioner Lee were all present and a quorum was established.

3. Closed Session Item to Discuss Request for Appeals Hearing for Two Classified Employees

The meeting was ordered into closed session by Chairperson Aoyagi

4. Report from Closed Session and Open of Public Meeting 4:30pm

The Public Meeting was established at 4:35PM. During the Closed Session, a hearing officer was assigned to each of the two hearings.

5. Public Comments

No public comments were made.

6. Swearing In of Joint Appointed Commissioner

Beatriz Leyva Cutler, Director/Clerk of the Board of Education, swore in Ann Aoyagi as the joint appointed Personnel Commissioner of the Berkeley Unified School District

7. Approval & Adoption of Agenda

The Agenda was approved and adopted without change.

Approved: 30

8. Approval of Minutes

The January 10, 2013 meeting minutes were approved without change.

Approved: 30

9. Consent Items

Secretary Perez provided a corrected copy of the eligibility list for the Senior Budget Analyst position, due to a candidate inadvertently being listed twice on the original list. Chairperson Aoyagi motioned to ratify the following

Eligibility Lists:

- a) Account Technician
- b) Senior Budget Analyst
- c) Grounds Gardener
- d) Facilities Security Worker
- e) Instructional Media Technician
- f) Accountant
- h) Instructional Technician, Cooking
- i) Maintenance Engineer

Approved 3-0

10. Discussion Items

a) Agenda Item Request from BCCE

Paula Phillips, President, Berkeley Council of Classified Employees commented that allowing the District to create positions without following the established Merit Rules is an abuse of the Merit Rules. President Phillips also commented that the Director, Classified Personnel abused his authority in appointing a provisional employee a limited-term assignment instead of hiring employees from an eligibility list. President Phillips stated that all limited-term and provision assignments be brought before the commission before appointment. Chairperson Aoyagi inquired on how the provisional employee was appointed without being on the eligibility list.

applied for the position in question and had met all of the minimum qualifications for the position. Secretary Perez stated that she was appointed to the position provisionally due to the urgent need from Principal Scuderi. Commissioner Lee commented that the initial appointment, due to its urgency and limited term, was within the scope of responsibility of the Classified Personnel Director. With regard to the provisional appointment, Chairperson Carter expressed concern that the Director Perez had not complied with the directions the Commission ordered at the last meeting regarding this position and he stated that all future directions from the Commission are to be followed. Vice Chairperson Carter stated that communication between Director Perez and the Commission regarding these types of urgent issues should be done via email. Secretary Perez pointed out that the Brown Act prohibited polling of Commissioners and seeking permission via email would constitute polling.

b) Personnel Commission Budget

Commissioner Lee asked if the Personnel Commission has sufficient staffing to fully accomplish its work. Secretary Perez stated that (in addition to his) TJ Sesezy <ohim

