Present: Regina Bess, Robert Dixon (Chair), Anita Eblé, Charles Robinson, Henry Silver and Robert Smith

Absent: Pamela Moore-Gaines, Jaime Reyes and Isaiah Roter

Staff: David Abel, Mary Bogen, David Hodgkins and Frank Vargas

I. Call to Order

7:03 pm

II. Approval of Minutes of Special Meeting on July 13, 2009

Mr. Dixon recommended combining Item II., Approval of Minutes of Meeting on July 13, 2009, with Item VIII., Minutes Approval Process. The Board agreed.

III. Public Comments

Carmella Rejwan, Architect, in the Public Works Department, said she came to the meeting to find out about the process of scheduling a public hearing on a petition to modify a representation unit. She and the other city architects would like to petition to modify the representation of the Architect classification from SEIU 1021, Community Services and Part-time Recreation Leaders Association, to Public Employees Union, Local One. The Architects feel this is a more appropriate representation for the Architect classification.

Mr. David Hodgkins, Director of Human Resources, explained that the unit modification process is involved and that a petition for unit modification may be filed with the Human Resources Director from September 1 to October 31 in any year. He gave Ms. Rejwan a copy of Resolution No 43,397-N.S., Rules and Regulations for Administering Employer-Employee Relations, and told Ms. Rejwan that Mr. David Abel, Human Resources Manager, or he will call her tomorrow to further explain the unit modification process. Mr. Robinson suggested to Ms. Rejwan that she may want to stay for the discussion of Item VI., Recommendation to Schedule a Public Hearing on a Petition to Modify a Representation Unit. Ms. Rejwan said she would stay for this discussion.

Ms. Diane Hayes, Assistant Management Analyst, Department of Health Services, Mental Health Division, said she came to the meeting to observe how the Personnel Board meetings are held.
IV. Recommendation to Approve an Extension of a Principal Planner in the Planning Department

Mr. Dan Marks, Director of Planning and Development, presented the item and answered questions from the Board. Mr. Marks said that this temporary employee was hired to complete the Downtown Area Plan (DAP), and that the adoption of the DAP is on hold. The Temporary Principal Planner is funded by U.C Berkeley until September 26, 2009. The City received a grant from the Association of Bay Area Governments/Metropolitan Transportation Committee that will be used to fund follow-up projects necessary to implement the DAP, and the grant will be used to fund this temporary position until January 1, 2010. These projects include the strategic parking plan and the adoption of a streets and open space plan. Mr. Marks said the department does not have any other qualified staff to do this work, and that he is requesting an extension of this Temporary Principal Planner through March 1, 2010 to continue to work on the follow-up projects.

Ms. Eblé motioned to approve the recommendation to extend the Temporary Principal Planner in the Planning and Development Department for six-months, to March 1, 2010. Ms. Bess seconded the motion. Vote: Yes: Regina Bess, Robert Dixon, Anita Eblé, Charles Robinson, and Robert Smith; No: None; Abstain: Henry Silver; Absent: Pamela Moore-Gaines, Jaime Reyes and Isaiah Roter. Motion carried.

V. Recommendation to Approve an Extension of a Drafting Technician in the Public Works Department

Mr. Hamid Mostowfi, Supervising Traffic Engineer in the Transportation Division of the Public Works Department, presented the item and answered questions from the Board. Mr. Mostowfi said this temporary employee provides all the drafting services to the following subgroups of the Public Works Department’s Transportation Division: Traffic Engineering, Transportation Planning and Traffic Maintenance. Key functions of this position are to produce all the striping and signage plans for the City’s annual street rehabilitation program, to provide the special events plans, and to gather data on citizens’ complaints. There are two permanent Drafting Technicians in the Engineering Division of the Public Works Department, but these employees have a full workload. Two days ago the Department identified funding that will be used to make this position permanent, but the formal process has not been started.

Mr. Robinson said it would be helpful when the Board discusses extensions of temporary employees to state that the Director of the Department requesting an extension has sent a back-up memo requesting the extension.

Mr. Silver motioned to approve the recommendation to extend the Temporary Drafting Technician in the Public Works Department, Transportation Division, for six-months, to March 31, 2010. Mr. Smith seconded the motion. Vote: Yes: Regina Bess, Robert Dixon, Anita Eblé, Charles Robinson, Henry Silver and Robert Smith; No: None; Abstain: None; Absent: Pamela Moore-Gaines, Jaime Reyes and Isaiah Roter. Motion carried.
VI. Recommendation to Schedule a Public Hearing on a Petition to Modify a Representation Unit

Mr. Hodgkins presented the item and answered questions from the Board. He said under the City’s Resolution No 43,397-N.S., Adopting Rules and Regulations for Administration of Employer-Employee Relations, there is a process to modify representation units. Mr. Hodgkins said he received a petition on September 1, 2009, from the City Manager to modify the representation of the Library Services Manager, the Circulation Services Manager and the Library Information Systems Administrator from Public Employees Union, Local One, Unit P1 (Professional), to Public Employees Union Local One, Unit M (Management). The Employer-Employee Relations Resolution provides that petitions for representation unit modification occur between September 1 and October 31 of any calendar year, and that the Personnel Board must schedule a public hearing not less than fifteen days or more than forty-five days from when the petition was submitted. Mr. Hodgkins recommended that the Personnel Board schedule the public hearing for the next regular Personnel Board meeting on October 5.

Mr. Hodgkins said Mr. Roter sent him an email stating that Mr. Roter would like to attend this public hearing. In his email, Mr. Roter indicated that he would miss the September 8 and the October 5 Personnel Board meetings. Mr. Roter provided dates he would be available to attend the public hearing, and he stated that he would understand if the Personnel Board could not schedule the public hearing on any of these dates. Mr. Hodgkins said he is asking the Board to schedule the public hearing at tonight’s meeting. The earliest date the public hearing could be scheduled would be September 24.

Mr. Hodgkins and the Board members discussed the dates that the Board members, staff and Mr. Roter would be available to attend the public hearing. Mr. Robinson said the Board is obligated to be as expedient possible in scheduling this hearing and that the Board is obligated to accommodate a Board member’s wishes.

The Board concluded that the only date possible to schedule the public hearing is October 5, the date of the next scheduled regular meeting of the Personnel Board. Mr. Dixon asked if the Board needed to schedule the public hearing to modifying the representation unit of the Architect classification. Mr. Abel said no because a petition needs to be filed before a public hearing can be scheduled.

Mr. Silver motioned to schedule a public hearing on the petition to modify the representation of the Library Services Manager, the Circulation Services Manager and the Library Information Systems Administrator from representation Unit P1 (Professional), to Unit M (Management) on October 5, 2009. Mr. Robinson seconded the motion. Vote: Yes: Regina Bess, Robert Dixon, Anita Eblé, Charles Robinson, Henry Silver and Robert Smith; No: None; Abstain: None; Absent: Pamela Moore-Gaines, Jaime Reyes and Isaiah Roter. Motion carried.

Mr. Silver asked Mr. Hodgkins to consider the time constraints needed for this public hearing when he prepares the October 5 agenda. Mr. Hodgkins said the item for the public hearing will be first on the agenda.
VII. Status of Champions for Kids

Mr. Frank Vargas, Associate Human Resources Analyst, presented the item and answered questions from the Board. He said the Champions for Kids (CFK) Program is an employee volunteer program started by the Mayor about four years ago. The Mayor asked Human Resources create a policy which would give City employees volunteer time to mentor and tutor Berkeley’s “at risk” youth. After an employee volunteered forty hours in the program, an employee would then be allowed to use an additional forty hours of paid time to continue to volunteer.

Human Resources drafted the policy, and the CFK Program was promoted by the Human Resources Department in conjunction with the Mayor’s Office. Mr. Vargas said only six to ten employees expressed interest in the CFK Program. The Berkeley Unified School District (BUSD) and the CFK Program were to work together to create a procedure to track employees’ volunteer hours, to train the City’s employee volunteers, and to assign employees to students participating in the program. Unfortunately, these duties were never carried out by the BUSD.

Mr. Vargas said he recently met with Ms. Julie Sinai, Assistant to the Mayor. Ms. Sinai was invited to attend tonight’s meeting, but she could not attend because she is on vacation. Ms. Sinai told Mr. Vargas that CFK Program is not active, and there is no effort to revive it. Mr. Vargas and Mr. Hodgkins concluded that this is not a viable program and the Board should consider the CFK Program closed.

ITEMS II. AND VIII. WERE JOINTLY PRESENTED AND JOINTLY DISCUSSED

II. Approval of Minutes of Special Meeting on July 13, 2009

VIII. Minutes Approval Process

Mr. Hodgkins presented the items and discussed them with the Board. Mr. Dixon said at the July 13, 2009 Personnel Board meeting the Board discussed how the draft of a meeting’s minutes, which included in the Personnel Board agenda, is prepared. He said his sense of a Board’s role in respect to minutes is to make sure that the minutes accurately reflect what actually happened at the meeting. He felt the Board was spending a lot of time at Board meetings correcting grammar and syntax. He suggested to Mr. Hodgkins, via email, that the note-taker send a draft of the minutes to Ms. Eblé and to him. He and Ms. Eblé would then only look for grammatical and syntax errors. Mr. Hodgkins agreed to his suggestion, with the limitation that nothing substantive would be changed. Ms. Eblé and Mr. Dixon would then send their corrections back to the note-taker, and the note-taker would then incorporate their corrections into the draft of the meeting minutes included in the agenda.

At the July 13, 2009 Personnel Board meeting, Mr. Silver objected to this method because he felt there is no history available to other Board members as to what corrections Mr. Dixon and Ms. Eblé had asked the note-taker to make. Mr. Dixon said Ms. Eblé and he did not edit the minutes of the special meeting on July 13, 2009.
Mr. Dixon said he reviewed all of the last two meeting minutes of all of the City’s Commissions. He found that the average number of pages of the City Commissions’ meeting minutes to be two or three pages. The Personnel Board’s minutes usually number around ten pages.

He said it is important to decide how to best spend the Board’s meeting time, and the Board needs to decide what is important to reflect in the Board’s minutes. Mr. Dixon said Ms. Eblé suggested that the minutes could be adopted without commenting on grammar and syntax, and that any corrections of grammar and syntax could subsequently be sent to the note-taker to incorporate into the approved minutes. He feels it is time that the Board look at how the minutes are prepared and approved. He suggested that the Board appoint a subcommittee to decide how the Board’s minutes should be prepared. He reminded the Board that the City Manager is concerned with how the commissions use staff time.

Mr. Silver said he is concerned with the issue of transparency. He is not concerned with the amount of time the Board takes to approve the minutes and he is not concerned with the total number of pages of the minutes. Other commissions are not advisory to the City Manager, and therefore, the Personnel Board’s meeting minutes should be as complete and as thorough as possible. He said he is satisfied with the current process of having Ms. Eblé and Mr. Dixon review the minutes for grammar and syntax.

Mr. Hodgkins said he appreciates the efforts of Ms. Eblé and Mr. Dixon, but the meeting minutes are taking up a lot of staff time. Mr. Abel and he review the minutes before the minutes become part of the Personnel Board’s agenda.

Mr. Dixon asked Mr. Silver to explain what he means by “transparency” as it relates to the minutes. Mr. Silver said that having the minutes reviewed by Mr. Dixon and Ms. Eblé left out a public view of the minutes. Mr. Dixon emphasized that he and Ms. Eblé do not change anything of substance in the minutes. Ms. Eblé said that she could not approve minutes that have grammar and syntax errors, but that she is willing to approve the minutes if it is stated that the vote is a vote for only substance. Otherwise, she will have to abstain in the vote for approving the Board’s meeting minutes.

There is a difference between the spoken work and the written word. Mr. Smith suggested that Ms. Eblé take the minutes; Ms. Eblé declined. Mr. Hodgkins said it is not possible to have staff write straight transcription of the minutes.

Mr. Dixon said he would like to continue with the process of having the note-taker send a draft of the meeting minutes to Ms. Eblé and to him. He said that the minutes for the July 13, 2009 meeting were not sent to Ms. Eblé or to him.

He said Mr. Roter should be present at a meeting to further discuss how the minutes might be prepared, and that the Board should consider appointing a subcommittee to discuss this matter. Mr. Dixon said there are two options for preparing the meeting minutes: 1) to continue to have the note-taker send the minutes to Ms. Eblé and to him to check for grammar and syntax errors. Ms. Eblé and Mr. Dixon would then send the meeting minutes back to the note-taker to incorporate their corrections into the draft that is included in the
Personnel Board Agenda; or 2) to approve the minutes for substance and essence only with a sub clause stating that grammatical and syntax errors are excluded in the vote for the approval of the minutes. Mr. Dixon suggested that the Board move on to Item II., Approval of Minutes of Special Meeting on July 13, 2009.

Mr. Robinson pointed out that City commissions have different roles, and there is a lack of participation by commission members at some of the commission meetings. He is satisfied with the content of the minutes, and he stressed that it is the Board’s responsibility to approve or not to approve the minutes as to content.

Mr. Dixon said he thinks the Board has reached a conclusion that the Board would like the note-taker to continue send the minutes to Ms. Eblé and to him. He said it is important to have input from Ms. Moore-Gaines, Mr. Reyes and Mr. Roter on this matter.

Mr. Dixon called attention to Item II., Approval of Minutes of Special Meeting on July 13, 2009. He requested the text, “He suggested that with the technology now available, this should not happen.” be changed to “He suggested that with the technology now available, contacting physicians in an untimely manner should not happen.” (Page nine, second paragraph from the bottom of the page, line three)

Mr. Dixon said the text, “The City does not have any problem with granting disability retirement, and City employees do not take advantage of this benefit.” is not clear (Page ten, third paragraph, line twelve). Mr. Hodgkins said he meant that City employees are not abusing this benefit. Mr. Hodgkins suggested that the text could be changed to “The City does not have any problem with granting disability retirement, and City employees do not abuse this benefit.”

Mr. Silver requested that the text, “…to add five additional Voluntary Days Off (VTO) days…” be changed to “…to add five additional Voluntary Time Off (VTO) days…” (Page ten, last paragraph, line one)

Mr. Robinson motioned to approve the minutes of the special meeting on July 13, 2009. Included in the motion were the corrections requested by the Board. Mr. Silver seconded the motion. Vote: Yes: Robert Dixon, Charles Robinson, Henry Silver and Robert Smith; No: None; Abstain: Regina Bess and Anita Eblé; Absent: Pamela Moore-Gaines, Jaime Reyes and Isaiah Roter. Motion failed due to the lack of a majority vote by Personnel Board members. The approval of the minutes of July 13, 2009 will be carried over to the next Personnel Board meeting scheduled for October 5, 2009.

IX. Director’s Report

Mr. Hodgkins said a discussion of the City’s Flexible Placement Policy will be an item on the October 5 agenda. Mr. Silver said he had contacted Mr. Hodgkins about this topic. Mr. Hodgkins said the discussion will be done in a generic manner as opposed to focusing on an individual case which is going through an internal grievance process at this time. He is hopeful that this grievance will be resolved by the end of this month.
Mr. Silver clarified that he suggested this topic as a generic issue in the light of the fact that he was aware that there was a grievance in process based on this policy. He understood that this particular grievance would be resolved during the month of September. He felt that if this grievance was resolved prior to the October 5 meeting, the topic of the City’s Flexible Placement Policy could be discussed as a generic policy issue and could be possibly discussed in the context of this one particular case. If the grievance is not resolved and goes to arbitration, then the substance of this grievance cannot be discussed.

Mr. Hodgkins said the grievance’s City Manager meeting occurred today. The City Manager will render a decision on this grievance prior to the Personnel Board’s October 5 meeting. The Union will then have the opportunity to review the decision and to decide whether to accept or not to accept the decision and to decide if arbitration will or will not occur.

The City is in the process of preparing an item for the October 13 City Council meeting on the impact of the State’s budget on the City. There will be an emphasis on the impact of the State’s budget on the City Health Department’s funding and emphasis on the revenue coming into the City during the first quarter of this fiscal year. The revenue coming into the City is relatively flat, and the City Manager is maintaining a hiring freeze.

The City is recruiting for Associate Management Analyst and for Office Specialist III. The Human Resources Department is taking advantage of the lull in recruitment activity by doing classification maintenance work and by continuing to work on the Clerical Classification Series Study.

The Police Chief is retiring on September 24, and the City Manager is involved with interviewing candidates for Police Chief this week. The City Manager will probably make a recommendation to hire a new Police Chief in October. The recommendation to retitle and revise the Director of Health and Human Services to Director of Health will go to the City Council on September 23, and recruitment for this position will open shortly thereafter.

X. Temporary Employee Report

Mr. Hodgkins said the extensions for the Temporary Principal Planner in the Planning Department and the extension for the Temporary Drafting Technician in the Public Works Department, Transportation Division, were dealt with at tonight’s meeting.

XI. New Agenda Items

Mr. Robinson asked if a report on the status of training could be on the November agenda. Mr. Hodgkins said the Training Officer had already given a report to the Board, and he would let Mr. Robinson know the date that the report took place. Mr. Hodgkins said Mr. Feggans, the Equal Employment Opportunity and Diversity Officer, would do a report at the November 2 meeting.
XII.  Adjournment

8:37 pm