**American Indian Model Schools**

171 12th Street 3rd Floor

Oakland, CA 94607

February 27, 2018

**RE: Staff Analysis – Employee Lacking Minimum Qualification**

When the job description for “Educational Coordinator – College Bound Kids” was brought for Board approval, the item was tabled due to concerns that the incumbent, Mr. Matthew Gordon, does not meet the minimum requirement of holding a valid California Teaching or Administrative Services Credential. The Board wanted to change this qualification from “required” to “preferred” for fear of union backlash. However, the Administration recommended that, rather than modify the requirements for the job, the Board invoke its authority to waive this requirement for this employee in this case. Here is our rationale:

* This is a Management position that is not in the TAIMS bargaining unit. This is not a matter that TAIMS has jurisdiction over.
* The companion position, “Educational Coordinator”, has the same credential requirement as the “Educational Coordinator - College Bound Kids” position. Both positions occupy the same position on the salary schedule. Changing the qualification for a credential on one of the positions would create an unfair pay inequity between the 2 positions.
* Pursuant to the waiver statement that is placed on every job description, the Board has the authority to waive any minimum qualification if the Board decides there is good cause to do so.
* Best practice is to build job descriptions around the needs of the employer, not around the qualifications of individual employees or candidates.

The Board again tabled the item and asked for a legal review by way of the Legal Committee.