

CHAPTER II

THE PERSONNEL COMMISSION

- Rule 2.1 COMMISSION ORGANIZATION AND PROCEDURE – BY LAWS
- 2.1.1 ORGANIZATION (EDUCATION CODE 45243, 45247)
- A. The Personnel Commission of the Santa Monica-Malibu Unified School District shall consist of three members.
- 2.1.2 APPOINTMENT (EDUCATION CODE 45240, 45248, 45249)
- A. Members of the Commission are appointed alternately by the State Superintendent of Public Instruction and by the Executive Officer of the State Personnel Board, each of whom may consider the recommendation of the Board and other interested parties.
- B. The District shall select nominees for the Commission according to the joint guidelines of the State Personnel Board and State Superintendent of Public Instruction for selection and nomination of school district personnel commissioners.
1. The recruitment process shall be open.
 2. A prescreening panel shall be appointed and shall consist of a representative from each of the following: Board; Commission; each recognized employee organization; the community.
 3. The prescreening panel shall review the qualifications of all candidates and shall recommend a nominee to the Board for approval and transmittal to Sacramento for appointments.
- 2.1.3 QUALIFICATIONS FOR MEMBERSHIP (EDUCATION CODE 45244)
- A. A member of the Commission shall be a registered voter, resident within the District and shall be a known adherent to the principle of the merit system. No member of the Board shall be a member of the Commission nor shall any commission member, during his/her term of service, be an employee of the District.

2.1.4 TERMS OF OFFICE (EDUCATION CODE 45247)

- A. The term of each Commissioner is for three years and expires at noon, December 1. The term of one Commissioner expires each year. On or about September 1 of each year the Director of Classified Personnel shall notify the Board and concerned employee groups of the name and home address of the Commissioner whose term will expire and whether he/she will accept reappointment. The notification shall also list the appointing authority and indicate that the Board must follow the provisions of the joint guidelines.

2.1.5 ELECTION OF OFFICERS

- A. At the first meeting following December 1 of each year, the Commission shall elect one member as Chairperson and one member as Vice Chairperson to serve a term of one year or until a successor is duly elected. The Chairperson shall be the presiding officer of all regular and special meetings. In the event of the absence of the Chairperson, the Vice Chairperson shall preside.

2.1.6 REMOVAL OF A COMMISSIONER (GOVERNMENT CODE 3060)

- A. An accusation in writing may be presented to the Grand Jury of Los Angeles County if a commissioner is incompetent, fails to attend meetings or becomes incapacitated and is unable to fulfill the duties of the office.

Rule 2.2 MEETINGS

2.2.1 REGULAR MEETINGS (GOVERNMENT CODE 54953)

- A. The Commission shall regularly meet once each month. The Commission shall announce in advance the date and location of each meeting and post the monthly schedule of meetings on the Commission's official bulletin boards.

2.2.2 SPECIAL MEETINGS (GOVERNMENT CODE 54956-54956.5)

- A. The Secretary of the Commission may call a special meeting of the Commission whenever he/she considers it necessary. He/She shall call such a meeting if requested to do so by the Chairperson of the Commission.
- B. The members of the Commission shall be notified of each special meeting by written notice delivered to them personally, or by mail, at least twenty four (24) hours in advance of the meeting. The time and place shall be specified. Only those items of business listed in the special agenda will be considered at the meeting.
- C. Newspapers, radio stations, and other agencies specified in Government Code 54956 shall be notified twenty-four (24) hours in advance of special meetings if they have requested such notification prior to the meeting.

2.2.3 ADJOURNMENT

- A. The Commission may adjourn any regular meeting to a time and place specified in the order of adjournment.

2.2.4 PUBLIC MEETINGS (GOVERNMENT CODE 54953)

- A. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission except as provided in Rule 2.2.5. This Rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings without proper authorization, unless such employee has business before the commission.
- B. Individual employees, employee organizations, and other interested parties may submit their written views on any

matter before the Commission and will be granted five (5) minutes to present their views at the appropriate time in the meeting.

2.2.5 CLOSED SESSIONS (GOVERNMENT CODE 54957-54957.1)

- A. Upon request of the majority of the Commission members present, or the Secretary, the Chairperson shall declare the Commission in closed session. He/She may then clear the room of any non-members whom the Commission does not wish to have present. The items to be deliberated shall be limited to personnel matters: i.e., appointment, employment and eligibility lists, evaluation of performance, charges or complaints of misconduct and hearings on disciplinary action. Action taken while in closed session, and the roll call vote thereon, shall be reported at the conclusion of the closed session or at the next public meeting.
- B. The Commission may also meet in closed session to hear advice of its legal counsel during consultations and discussions regarding salaries or salary schedules as provided in Government Code 54957.6 and when considering matters properly within collective bargaining negotiations.

2.2.6 RULES OF ORDER

- A. The Commission shall be governed by the Rules of Order approved by the Commission.

2.2.7 ORDER OF BUSINESS AND AGENDA (GOVERNMENT CODE 54957.5)

- A. The order of business at each meeting of the Commission shall be established in the agenda for the meeting.
- B. The Secretary to the Commission shall prepare an agenda for each regular meeting. The agenda shall be delivered to each Commission member at least twenty-four (24) hours prior to the meeting. The Secretary shall prepare an agenda for all special meetings which he/she calls or is requested to call.

- C. The Secretary may submit addenda to the agenda in writing prior to a regular meeting. The Commission may act on the addenda.
- D. The agenda and any addenda shall be posted twenty four (24) hours prior to the meeting.
- E. A copy of the official agenda shall be provided to the designated representative of any recognized employee organization(s). The designee shall be identified in writing to the Commission.

2.2.8 ITEMS FROM THE FLOOR

- A. Any person appearing before the Commission may request consideration of an item presented by him/her. The Commission will allow the individual five (5) minutes to make a presentation. Additional time may be allowed by unanimous consent of the Commission.
- B. Action shall not be taken on items not posted in accordance with Rule 2.2.7.

2.2.9 QUORUM

- A. Two (2) members of the Commission shall constitute a quorum and may transact business.

2.2.10 REORDING OF MOTIONS

- A. Motions or resolutions shall be recorded as having carried or failed. Dissenting votes shall be recorded if the action is not unanimous.

2.2.11 MINUTES (GOVERNMENT CODE 54957.5)

- A. The Secretary to the Commission shall record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission and votes of the Commissioners. When requested, a Commissioner's dissent or approval and his/her reasons shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting. The minutes or a true copy thereof shall be open to public inspection. A copy of the official

minutes shall be provided to the designated representative of any recognized employee organization(s). the designee shall be identified in writing to the Commission.

2.2.12 PAYMENT FOR MEETING ATTENDANCE (EDUCATION CODE 45250)

- A. Each Commissioner shall receive the sum of \$15.00 for each meeting attended, including regular, adjourned or special meetings but not to exceed a total of \$75.00 per month.

Rule 2.3 COMMISSION EMPLOYEES

2.3.1 STATUS OF COMMISSION EMPLOYEES (EDUCATION CODE 45264)

- A. The Director of Classified Personnel and other persons required to carry out the responsibilities of the Commission shall be appointed by the responsible to the Commission. However, they shall be considered part of the classified service, and the Rules, procedures, benefits and burdens pertinent to the classified service of the District shall apply.
- B. The Director of Classified Personnel shall be responsible for conducting classification, salary and rules studies; for planning and administering examinations; for selecting classified employees, monitoring the assignment and transfer of employees by the Board; for conducting such other investigations of protests and non-contract grievances as directed by the Commission and for investigating such other matters as he/she deems necessary. He/she may be designated as a hearing officer in accordance with Education Code 45312.
- C. In cases where two or more rules appear to be in conflict, or when no Rule provides a clear-cut answer to a problem, the matter shall be decided by the Director of Classified Personnel, subject to appeal to the Commission.

Rule 2.4 MISCELLANEOUS PROVISIONS

2.4.1 BUDGET (EDUCATION CONDE 45253)

- A. The Director of Classified Personnel shall prepare and submit a proposed operating budget to the Commission for the next fiscal year. The budget shall be submitted not later than the appropriate Commission meeting in April.
- B. The Commission shall designate a meeting in May at which a public hearing on its proposed budget will be held. At the time the Commission schedules the public hearing a copy of the proposed budget shall be forwarded to the Board notifying the Board of the time, date and place of the public hearing. Board and administration representatives shall be invited to attend the public hearing and present their views on the proposed budget.
- C. Prior to adoption of its budget, the Commission will hear and fully consider all comments and suggestions that may be offered by district administration, the Board or other concerned persons or organizations. Efforts shall be made to resolve any differences that may exist between the Commission and the Board.
- D. Upon approval by the Commission, the budget shall be submitted to the County Superintendent of Schools for approval.
- E. Upon approval by the County Superintendent of Schools, the Commission budget shall be incorporated into the budget of the District.

2.4.2 ANNUAL REPORT (EDUCATION CODE 45266)

- A. The Director of Classified Personnel shall prepare an annual report of Commission activities. Upon approval by the Commission, the annual report shall be submitted to the Board.
- B. The report shall be prepared for Commission approval as soon after each fiscal year as possible and no later than the last meeting in September. The report shall cover all

significant commission activities for the preceding fiscal year.

2.4.3 COUNSEL FOR THE COMMISSION (EDUCATION CODE 45313)

- A. The counsel of the Board shall aid and represent the Commission in all legal matters.
- B. If the counsel of the Board refuses to represent the Commission, the Commission may employ its own attorney to be paid from the general funds of the District.

2.4.4 OFFICE ACCOMODATION (EDUCATION CODE 45252)

- A. The Board shall provide the Commission with suitable office accommodations.