

## CHAPTER II

### THE PERSONNEL COMMISSION

Rule 2.1 COMMISSION ORGANIZATION AND PROCEDURE – BY LAWS

2.1.1 ORGANIZATION

- A. The Personnel Commission of the Santa Monica-Malibu Unified School District shall consist of three (3) members.

Reference: Education Code Sections 45243, 45247

2.1.2 APPOINTMENT

- A. By law, the term of each Commissioner is for three (3) years and expires at noon, December 1. The term of one (1) Commissioner expires each year. On or about September 1 of each year, the Director of Classified Personnel shall notify the Governing Board of the name of the Commissioner whose term will expire and whether or not he/she will seek re-appointment.

The following steps shall be followed when the Personnel Commission announces there is a vacancy on the Commission.

1. The Commission will set an application period and will advertise the opportunity to serve as a Personnel Commissioner through an announcement on the Personnel Commission's agenda, a press release, and online.
2. The Commission will notify the Board of Education, any recognized classified bargaining units, confidential classified employees, classified managers, at least one major parent association, and the community, about the application period and opportunity for a representative from their group to participate on the Commissioner Selection Panel. The opportunity will be announced through District email and a classified advertisement in at least one local newspaper for both Santa Monica and Malibu.
3. Applications will be available in the Personnel Commission Department and through the District website.

4. All candidates must submit a complete application by the deadline.
5. The Secretary to the Personnel Commission (Director of Classified Personnel) will screen the applications received by the deadline to determine if the applicants meet the following minimum requirements:
  - a. Known adherent to the principles of the merit system;
  - b. Legal resident and registered voter within the geographic boundaries of the School District;
  - c. Not an active employee in SMMUSD, including membership on the Board of Education
6. The Commission will schedule applicants who meet the minimum qualifications to participate in a structured interview with the Commissioner Selection Panel.
7. The Commissioner Selection Panel shall be composed of not more than one representative from any of the following groups: recognized classified bargaining units, confidential employees, classified managers, the Board of Education, the Personnel Commission, one major parent association, the community of Santa Monica, or the community of Malibu. The Panel will score the applicants based upon their responses to the interview questions.
8. The Commission will submit the name of the candidate selected by the Commissioner Selection Panel to the Board of Education for official approval of the nomination. The name will be placed on the agenda at a regular or special Board of Education meeting with a rationale describing the steps taken to recruit the nominee.
9. The Board shall take action to approve the candidate recommended by the Selection Panel as the District's official nominee to the State Superintendent of Public Instruction
10. The Commission staff will submit a Nomination Package to the Office of the State Superintendent. The Package will consist of a statement of Board approval, a copy of the approved Board agenda item regarding the nomination, a statement of consent from the recognized classified

bargaining unit, the initial Commissioner job posting, and the nominee's application used in the recruitment.

Reference: Education Code Sections 45240, 45244, 45248, 45249

### 2.1.3 TERMS OF OFFICE

- A. The term of each Commissioner is for three (3) 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.

Reference: Education Code Sections 45247

### 2.1.4 ELECTION OF OFFICERS

- A. At the first meeting following December 1 of each year, the Commission shall elect one (1) member as Chairperson and one (1) 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.

### 2.1.5 REMOVAL OF A COMMISSIONER

- A. A member of the Commission shall be deemed to have vacated the seat on the Commission if any of the following circumstances occur:
  - 1. The death of the Commissioner.
  - 2. An adjudication declaring that the Commissioner is physically or mentally incapacitated due to disease, illness, or accident, AND that there is reasonable cause to believe that the Commissioner will not be able to perform the duties of the office for the remainder of his/her term.
  - 3. The Commissioner's resignation.
  - 4. The Commissioner's removal from office by a court of competent jurisdiction.
  - 5. The Commissioner's absences exceed five (5) total regular meetings in a fiscal year, except when prevented by illness or other excused absence.

6. Commissioner's conviction of an offense involving a violation of the official duties of a commissioner as required by these rules and law or a conviction of an offense that would preclude employment in a public school.
7. The Commissioner becomes an employee of SMMUSD.
8. The Commissioner is elected or appointed to the SMMUSD Board of Education.

In addition, if a Commissioner violates the confidentiality of a closed session, the remaining Commissioners may consider removing said Commissioner from the Commission.

- B. A written accusation regarding willful or corrupt misconduct by a Commissioner may be presented to the Grand Jury of Los Angeles County.

**Reference: Government Code 3060**

Rule 2.2 **MEETINGS**

2.2.1 **REGULAR MEETINGS**

- A. The Commission shall hold a regular meeting once each month. At least seventy-two (72) hours prior to the regular meeting, the Commission shall post an agenda containing the date and location of the meeting and brief descriptions of each matter to be considered or discussed on the Commission's official bulletin board and website.
- B. The schedule of regular meetings for each fiscal year shall be adopted by the Commission at a regular meeting before the start of each fiscal year and shall be posted on the Commission's official bulletin board and in each meeting agenda.

**Reference: Government Code 54953**

2.2.2 **SPECIAL MEETINGS**

- A. The Commission may hold special meetings. At least twenty-four (24) hours prior to the special meeting, the Commission shall post an agenda containing the date and location of the meeting and brief descriptions of each matter to be considered or discussed.
- B. 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.

- C. 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.
- D. 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.

**Reference: Government Code 54956-54956.5**

**2.2.3 ADJOURNMENT**

- A. The Commission may adjourn any regular meeting to a specified time and place.

**2.2.4 PUBLIC MEETINGS**

- 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.

**Reference: Government Code 54953**

**2.2.5 CLOSED SESSIONS**

- A. Other provisions of the Brown act authorizing closed sessions (for example, real estate negotiations) do not apply to the Personnel Commission. Items to be discussed in closed sessions must be on the agenda and must include the reason for the closed session.

Closed sessions should include only commissioners, plus any additional support staff required. No one in attendance at a closed session may disclose confidential information acquired by being present in the closed session unless authorized by the body to disclose the information.

- B. 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 therein, shall be reported at the conclusion of the closed session upon reconvening to open session, or at the next public meeting.
- C. The Commission may also meet in closed session to consult with its legal counsel.

**Reference: Government Code 54954.5, 54957-54957.1, 54963**

## 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

- 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 all regular and special meetings. The agenda shall be delivered to each Commission member at least seventy-two (72) hours before regular meetings and at least twenty-four (24) hours before special meetings.
- C. A copy of the official agenda shall be provided to the Assistant Superintendent of Human Resources and the designated representative of any recognized classified employee organization(s). The designee shall be identified in writing to the Commission.

**Reference: Government Code 54957.5**

## 2.2.8 PUBLIC COMMENTS

- A. Any person may address the Personnel Commission on any item appearing on the meeting agenda.
- B. The “Public Comments” agenda item is designated as the time when members of the audience may address the Personnel Commission on items not scheduled on the meeting agenda.
- C. The Commission will allow the individual five (5) minutes to make a presentation. Additional time may be allowed by majority consent of the Commission.
- D. Action shall not be taken on items not posted in accordance with the Brown Act.

2.2.9 QUORUM

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

2.2.10 RECORDING OF MOTIONS

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

2.2.11 MINUTES

- 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 classified employee organization(s). The designee shall be identified in writing to the Commission.

**Reference: Government Code 54957.5**

2.2.12 PAYMENT FOR MEETING ATTENDANCE

- A. Each Commissioner shall receive the sum of \$50.00 for each meeting attended, including regular, adjourned or special meetings but not to exceed a total of \$250.00 per month.

**Reference: Education Code Section 45250**

Rule 2.3 **COMMISSION EMPLOYEES**

2.3.1 STATUS OF COMMISSION EMPLOYEES

- A. The Commission shall appoint the Director of Classified Personnel.
- B. The Commission shall appoint all employees paid from funds budgeted for the support of the Commission, who shall be considered classified employees of the District and accorded all the rights, benefits, and burdens of any other classified employee serving in the regular service of the District, including representation by the recognized classified employee organization(s) representative, if any.
- C. 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-contractual 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.
- D. In cases where two (2) 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.

**Reference: Education Code Section 45264**

Rule 2.4 **MISCELLANEOUS PROVISIONS**

2.4.1 BUDGET

- 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.

**Reference: Education Code Section 45253**

#### 2.4.2 ANNUAL REPORT

- 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.

**Reference: Education Code Section 45266**

#### 2.4.3 COUNSEL FOR THE COMMISSION

- A. The legal counsel of the Board shall aid and represent the Commission in all legal matters. If the legal counsel does not respond to a written request by the Commission for aid or representation within 15 working days of receipt of the written request, the counsel is deemed to have refused to aid or represent the Commission in that matter.

- B. The legal counsel shall refuse to represent the Commission in circumstances in which the counsel knows, or has reason to know, that at the time the request is made a conflict exists between the interests of the Commission and the interests of the Board or the District.
  
- C. If the legal counsel of the Board refuses to represent the Commission or if the Commission determines that a conflict of interests exists with the legal counsel, the Commission may employ its own attorney to be paid from the general funds of the District.

**Reference: Education Code Section 45313**

2.4.4 OFFICE ACCOMMODATION

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

**Reference: Education Code Section 45252**