

# **Santa Monica-Malibu Unified Personnel Commission**

## **Charge or Complaint Process**

The Santa Monica Malibu Personnel Commission is committed to providing opportunities for an employee to request a formal change of a classified personnel decision through a Charge or Complaint Process. Action will be determined by a majority vote of Commissioners in a posted closed conference meeting. The purpose of the Personnel Commission Charge or Complaint Process is to provide a just and equitable method for the resolution of a charge or complaint.

The charge or complaint process consists of the following:

1. Every statement containing a charge or complaint against a staff member of the Personnel Commission shall be in writing.
2. The statement shall be filed with the Director of Classified Personnel.
3. The Director of Classified Personnel shall review the charge or complaint.
4. When the Director of Classified Personnel review suggests that the charge or complaint is frivolous or otherwise without reasonable basis, the Director of Classified Personnel, shall, in writing, specifically identify the reasons for that judgment and so advise the Chairperson of the Personnel Commission.
5. If the Chairperson believes further consideration is appropriate, the affected individual will be provided a copy of the charge or complaint and requested to submit a written response.
6. The Chairperson of the Commission shall review the charge or complaint response and determine whether further consideration will be given to the matter.
7. If the Chairperson determines that **no** further consideration will be given to the charge or complaint, or that **no** further action is contemplated, the affected individual to the charge or complaint shall receive from the Chairperson a statement regarding the decision in the matter.
8. If the Chairperson determines that additional action in the matter is necessary, all Personnel Commissioners will be provided full written background.
9. If the Personnel Commission determines that it will **not** give further consideration to the charge or complaint, or that **no** further action is contemplated, the affected individual to the charge or complaint shall be notified in writing of the decision of the Personnel Commission.
10. If, after review of the charge or complaint, the Personnel Commission decides that it will give further consideration to the charge or complaint, it may direct the Chairperson to arrange for a closed meeting of the Personnel Commission (see below) to consider further action.

### **General Personnel Commission Charge or Complaint Closed Meeting Outline**

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|-----|---|-----------|
| 1.  | Open closed meeting   | Chair     |
|     | <input type="checkbox"/> Review process and timeline                      |           |
| 2.  | Complainant's remarks   | 5 minutes |
|     | <input type="checkbox"/> Commissioners' clarifying questions              |           |
| 3.  | Commission Staff's response   | 5 minutes |
|     | <input type="checkbox"/> Commissioners' clarifying questions              |           |
| 4.  | Complainant's - last remarks  | 2 minutes |
| 5.  | Complainant Designee's remarks  | 2 minutes |
| 6.  | Commission Staff's - last remarks   | 2 minutes |
| 7.  | Commissioner's last clarifying questions                                  |           |
| 8.  | Complainant, classified staff & complainant designee leave closed session |           |
| 9.  | Commissioner's discussion and action                                      |           |
| 10. | Adjourn closed session  | Chair     |

**Note:**

Closed meetings by the Commission are based on classified "personnel matters: i.e. appointment, employment and eligibility lists, evaluation of performance, charges or complaints of misconduct and conferences on disciplinary action." (Merit Rule: 2.2.5A.; Government Code 54957). The Commission action will be reported out at next scheduled opportunity for public session.