

## CHAPTER 20

### THE PERSONNEL COMMISSION

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#### 20.1 ORGANIZATION OF THE COMMISSION

**20.1.1 TERM(S) OF OFFICE AND GENERAL SELECTION PROCEDURES:** The Personnel Commission is composed of three members who must be registered voters, reside in the Victor Valley Union High School District, and be known adherents to the principle of the merit system. One (1) member of the Commission is appointed by the Board of Trustees, classified employee organization which represents the largest number of the District's classified employees, and the third member is appointed by the other two (2) members of the Commission.

**20.1.1.1** No member of the Board of Trustees of Victor Valley Union High School District shall be eligible for appointment, reappointment, or continuance as a member of the Commission. During his term of office, a member of the Personnel Commission shall not be an employee of the Victor Valley Union High School District.

**20.1.1.2** As used in this chapter, known adherent to the principle of the merit system, with respect to a new appointee, shall mean a person who by the nature of his prior public or private service has given evidence that he supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness. With respect to a candidate for reappointment, shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he supports the merit system and its operation.

**20.1.1.3** The term of office for each of the Commissioners is for a three (3) year period and expires at Noon on December 1st of the third year. The terms of office have been scheduled so that the term of office of not more than one (1) Commissioner expires each December 1st.

**20.1.2 SPECIFIC APPOINTMENT PROCEDURES:** On or about September 1st of each year, the Director of Classified Personnel Services shall notify the Board of Trustees and the recognized classified employee organization of the name and home address of the commissioner whose term will be expiring, and whether or not he will accept reappointment for another three-year term. The

notification will also provide the name of the appointing authority, and the procedures to be followed in filling the upcoming vacancy or vacancies.

**20.1.2.1 THE BOARD OF TRUSTEES' APPOINTMENT:** By September 30th, the Board of Trustees shall publicly announce the name of the person it intends to appoint or reappoint. At a Board meeting to be held after 30 and within 45 days of the date the Board publicly announced its candidate, the Board shall hold a public hearing to provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of the person recommended by the Board of Trustees for appointment. The Board at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

**20.1.2.2 THE CLASSIFIED EMPLOYEES' APPOINTMENT:** By November 1st, the classified employee organization having authority to nominate the classified employees' appointee to the Commission, shall publicly submit in writing the name of the person it wishes to appoint to the position to the Board of Trustees. At a board meeting to be held after thirty (30) and within forty-five (45) days of the date the employees' nominee was submitted to the Board, the Board shall hold a public hearing to provide the public, employees, Board, and employee organization the opportunity to express their views on the qualifications of the person nominated by the classified employee organization for appointment. The Board shall appoint the nominee, unless the classified employees voluntarily withdraw the name of the nominee and submit the name of a new nominee. In the latter case, the Board shall then appoint the new nominee.

**20.1.2.2.1 CLASSIFIED EMPLOYEES APPOINTMENT** In the event that the classified employees of the District are represented by one or more recognized employee organizations, the employee organization which represents the largest number of the District's classified staff on September 1st of the year in which the classified employees' appointment is to be made shall be the one authorized to submit the recommended appointment to the Board of Trustees for action.

**20.1.2.2.2 CLASSIFIED EMPLOYEES APPOINTMENT** In the event that the classified employees have no exclusive representative, the Director of Classified Personnel Services shall solicit nominees from the classified employees. Those qualified nominees accepting the nomination shall be placed on a ballot for a vote by all

classified employees of the District. The name of the nominee receiving the greatest number of votes cast in a secret ballot shall be submitted to the Board of Trustees for appointment to fill the vacancy.

**20.1.2.2.3 CLASSIFIED EMPLOYEES APPOINTMENT** In the event that a vacancy is created on the Personnel Commission because of the classified employees' failure to agree upon a nominee, the Board of Trustees, upon the recommendation of the Director of Classified Personnel Services may make an emergency appointment until such time as a permanent appointment can be made, but not to exceed (60) days.

**20.1.2.3 THE COMMISSIONERS' APPOINTMENT:** By September 30th, the appointee of the Board and the appointee of the classified employees shall publicly announce the name of the person they intend to appoint or reappoint. At a Personnel Commission meeting to be held after thirty (30) and within forty-five (45) days of the date the Commission publicly announced its candidate, the Commission shall hold a public hearing to provide the public, employees, employee organizations, and members of the Board of Trustees the opportunity to express their views on the qualifications of the person recommended by the Commission for appointment. The Commission at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

**20.1.2.3.1** In the event that a vacancy would otherwise exist on the Personnel Commission as of December 1st because of the failure of the Commission to take action on a new appointment, the Commissioners' prior appointee shall continue in office and to function as a member of the District's Personnel Commission until such time as the Commissioners take the necessary actions to appoint a qualified successor and that person is prepared to assume the duties and responsibilities of the position. If the reason for the lack of appointment is an inability to agree upon a joint appointee, the appointment shall be made by the State Superintendent of Public Instruction if no agreement is reached by December 15th.

**REFERENCE:**

1. Education Code Sections 45244 - 45248
2. Government Code Section 1302 and 1770

**20.1.3 FILLING OF VACANCIES DURING TERM OF OFFICE:** In the event that a vacancy occurs during the term of office of any of the commissioners, a new appointee shall be selected by the original appointing authority to complete the unexpired term in accordance with the procedures noted below. The Director of Classified Personnel Services, shall immediately notify the other Commissioners, the Board of Education, and the recognized classified employee organizations of the name of the Commissioner, the effective date of the vacancy, the duration of the unexpired term, the name of the appointing authority, and the procedures to be followed in filling the vacancy.

**20.1.3.1 THE BOARD OF TRUSTEES' APPOINTMENT:** Within thirty (30) days of notification of the vacancy, the Board of Trustees shall publicly announce the name of the person it intends to appoint to fill the unexpired term. At a board meeting to be held after thirty (30) and within forty-five (45) days of the date the Board publicly announced its candidate, the Board shall hold a public hearing to provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of the person recommended by the Board of Trustees for appointment. The Board at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

**20.1.3.2 THE CLASSIFIED EMPLOYEES' APPOINTMENT:** Within thirty (30) days of notification of the vacancy, the classified employee organization having authority to nominate the classified employees' appointee to the Commission, shall publicly submit the name of the person it wishes to appoint to the Board of Trustees to fill the unexpired term. At a Board meeting to be held after thirty (30) and within forty-five (45) days of the date the employees' nominee was submitted to the Board, the Board shall hold a public hearing to provide the public, employees, Board, District Administration and employee organizations the opportunity to express their views on the qualifications of the person nominated by the classified employee organization for appointment. The Board shall appoint the nominee, unless the classified employees voluntarily withdraw the name of the nominee and submit the name of a new nominee. In the latter case, the Board shall then appoint the new nominee.

**20.1.3.2.1 CLASSIFIED EMPLOYEES APPOINTMENT** In the event that the classified employees of the District are represented by one or more recognized employee organizations, the employee organization which represents the largest number of the District's classified staff on September 1st, of the year in which the classified employees' appointment is to be made, shall

be the one authorized to submit the recommended appointment to the Board of Trustees for action.

**20.1.3.2.2 CLASSIFIED EMPLOYEES APPOINTMENT** In the event that the classified employees have no exclusive representative, the Director of Classified Personnel Services shall solicit nominees from the classified. Those qualified nominees accepting the nomination shall be a ballot for a vote by all classified employees of the District. The name of the nominee receiving the greatest number of cast in a secret ballot shall be submitted to the Board of Trustees for appointment to fill the vacancy.

**20.1.3.3 THE COMMISSIONERS' APPOINTMENT:** Within fifteen (15) days of notification of the vacancy, the Board's appointee—and the classified employee's appointee shall publicly announce the name of the person they intend to appoint to fill the vacancy. At a Personnel Commission meeting to be held after thirty (30) and within forty-five (45) days of the date the Commission publicly announced its candidate, the Commission shall hold a public hearing to provide the public, employees, employee organizations, and members of the Board of Trustees the opportunity to express their the qualifications of the person recommended by the Commission for appointment. The Commission at that time may make its substitute appointment or recommendation without further notification or public hearing.

**20.1.3.3.1** If the commissioners are unable to agree upon a joint appointment within 45 days after the notification of the vacancy, the appointment to fill the unexpired term shall be made by the State Superintendent of Public Instruction.

**20.1.3.4 UNFILLED VACANCIES:** In the event that the vacancy goes unfilled because of the failure to agree upon a nominee, the Board of Trustees, upon the recommendation of the Director of Classified Personnel Services, may make an emergency appointment until such time as a permanent appointment can be made, but not to exceed sixty (60) days.

**REFERENCE:**

1. Education Code Sections 45244 - 45248 and 45260
2. Government Code Section 1302 and 1770

**20.1.4 OFFICERS:** At the first regularly scheduled meeting in December of each year, the Commission shall elect one of its members to serve as Chairperson and another of its members to serve as Vice-Chairperson for a period of one (1) year or until such time as their successors are duly elected.

**REFERENCE:** 1. Education Code Sections 45260 - 45261  
2. Government code Section 1302

**20.1.5 QUORUM AND MAJORITY VOTE:** Two members of the Commission shall constitute a quorum for any regular or special meeting of the Personnel Commission. The affirmative vote of at least two (2) members of the Commission is required to carry any motion or action.

**REFERENCE:** 1. Education Code Sections 45260 - 45261  
2. Government Code Section 54952.6

**20.1.6 COMPENSATION OF COMMISSION MEMBERS:** The members of the Personnel Commission shall receive compensation at the rate of fifty dollars (\$50) per meeting, not to exceed two hundred fifty dollars (\$250) per month.

**REFERENCE:** Education Code Section 45250 and 45260

## **20.2 MEETINGS OF THE COMMISSION**

**20.2.1 REGULAR MEETINGS:** The Personnel Commission shall regularly meet on a date and time determined by the Personnel Commission of the Victor Valley Union High School District and shall be held in the Victor Valley Union High School District Office, 16350 Mojave Drive, Victorville, California, or other location as deemed appropriate by the Personnel Commission. Whenever the regularly scheduled meeting date happens to fall on a holiday, the Commission shall meet on the next succeeding business day unless the Commission, at a prior regular meeting, takes an action to designate some other day for its meeting.

**20.2.1.1** In cases of emergency, the Commission may meet at another time and/or place, provided that at least twenty-four (24) hours notice is given to representatives of the employee organizations and the District's administration as well as being posted on the Commission's official bulletin board.

**REFERENCE:**

1. Education Code Section 45260
2. Government Code Section 54952 - 54952.3 and 54956.5

**20.2.2 ADJOURNED REGULAR MEETINGS:** The Commission may adjourn any regular or previously adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the reconvened meeting is a regular meeting for all intents and purposes. When an order of adjournment of a regular meeting or of a previously adjourned meeting fails to state the hour at which the reconvened meeting is to be held, it shall be held at the hour normally designated for regular Commission meetings.

**REFERENCE:**

1. Education Code Section 45260
2. Government Code Section 54952, 54953.3 and 54956.5

**20.2.3 SPECIAL MEETINGS:** Special meetings may be called at any time by the Commission Chairperson or by the written request of any two members of the Commission. Written notice for any such meeting shall be delivered personally or by mail to each member of the Commission. A written notice of such meeting shall also be provided to any of the following persons or organizations if they have filed written requests to be notified of the dates and times of the Commission meetings: each local newspaper of general distribution, radio or television stations, as well as representatives of any recognized employee organization or group. Such notice must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice. A copy of the notice shall also be posted on the Commission's official bulletin board. The meeting notice shall specify the time and place of the special meeting as well as the business to be transacted, and no other business shall be considered at that meeting.

**REFERENCE:**

1. Education Code Section 45260
2. Government Code Section 54956

**20.2.4 PUBLIC MEETINGS:** All regular and special meetings of the Commission shall be open to the public, and all persons shall be permitted to attend any of the Commission's meetings except as provided for in Personnel Commission Rule 20.2.5. This rule shall not be construed as authorizing employees to be absent from duty for attendance at Personnel Commission meetings, unless they have specific business before the Commission.

**REFERENCE:**

1. Education Code Section 45260
2. Government Code Section 54952 and 54953

**20.2.5 CLOSED SESSIONS:** A closed session may be conducted only during a regular or special meeting of the Personnel Commission that has been called with proper notification. Prior to or after holding a closed session, the Commission shall state the general reasons for the closed session and may cite the statutory or other legal authority under which the session is/was being held. In the closed session, the Commission may consider only those matters covered in its statement of reasons. In the case of a special or an adjourned meeting, the statement of reasons shall be made as part of the written meeting notice for such special or adjourned meeting. In giving the general reasons for holding a closed session, the Commission is not required or authorized to give names or other information which might constitute an invasion of privacy or otherwise unnecessarily divulge protected facts and information for which the closed session is being held.

**20.2.5.1** The Commission shall publicly report, in the public portion of the meeting in which the closed session is being held or at its next public meeting, any action taken by the Commission in the closed session and any roll call vote taken on such items as appointment,

employment or dismissal of any classified employee arising during the closed session.

**20.2.5.2** The following are authorized exceptions to the open meeting requirement:

- A.** Appointment, employment, dismissal, or evaluation of employees.
- B.** Consideration of complaints brought against employees, unless the affected employee requests the matter to be heard in open session.

**Note:** The Commission may hold closed sessions during any regular or special meeting to consider the appointment, employment, performance evaluation, dismissal or the hearing of complaints or charges brought against employees by another person or employee unless such employee requests a public hearing. As a condition of holding a closed session on the complaint, formal charges, or a disciplinary matter, the affected employee shall be given a written notice regarding the matter, and his right to have a public hearing rather than a closed session; which notice shall be delivered to the employee personally or by mail at least twenty-four (24) hours before the time scheduled to hold the regular or special Commission meeting. If notice is not given as prescribed, any punitive action taken relative to the employee shall be null and void. During the examination of a witness, the Commission may exclude other witnesses even though the hearing is held as part of a public meeting. If a hearing is held in closed session, the Commission may exclude other witnesses as well as the general public while the matter is being investigated. Following the public hearing or closed session, the Commission may deliberate on the matter and reach its decision in a closed session.

- C.** Consideration of legal matters coming within the purview of the attorney/client relationship.

**20.2.5.3** A violation of the confidentiality of a closed session by a member of the Personnel Commission constitutes a misdemeanor under the provisions of Government Code Sections 1222. Repeated violation of the confidentiality of a closed session by a commissioner may be considered grounds for removal from office.

- REFERENCE:**
- 1. Education Code Sections 35146, 49073, 54957, 54957.1, 54957.2, 54957.6, and 54957.7
  - 2. Government Code Sections 1222, 3543, 3543.2, 3549.1

**20.2.6 AGENDA AND SUPPORTING DATA:** Insofar as possible, at least seventy-two (72) hours prior to every regular or special Commission meeting, the agenda shall be provided to the designated representatives of all employee organizations representing classified employees, the Commission members, and the Superintendent of Schools. The agenda(s) will be posted on the Commission's official bulletin board, and distributed to the news media having requested it/them.

**20.2.6.1** Supporting data for agenda items will be furnished prior to the meeting date.

**20.2.6.2** Individual employees, employee organizations, and other interested parties may submit their written views on any item on the agenda, except for those matters listed in Personnel Commission Rule 20.2.5 Closed Sessions, and/or given a reasonable opportunity to present their views orally during the Commission meeting. In reaching its decisions, the Commission has made it a policy to consider all comments and recommendations made to it in this manner.

**20.2.6.3** District personnel, representatives of recognized employee organizations, representatives of the Board of Trustees, District administrators, or other interested parties may submit items to be placed on a Commission agenda by submitting the items to the Director of Classified Personnel Services not less than seven (7) calendar days prior to scheduled Commission meeting at which the item is to be considered.

**REFERENCE:**

1. Education Code Section 45260
2. Government Code Section 54954.2

**20.2.7 AMENDMENTS, DELETIONS, OR ADDITIONS TO RULES:** All proposals, from any source, to amend, delete, or add to these rules and regulations will be considered for a first reading at the meeting in which they are first presented to the Personnel Commission. They will not, unless an emergency exists, be acted upon when presented for first reading.

**20.2.7.1** On a first reading, the Personnel Commission will set a date for Commission action on the proposal, which date shall normally be the next regularly scheduled Commission meeting. The Director of Classified Personnel Services will refer the proposed rule changes to the designated representatives of recognized employee organizations representing the District's classified employees, the Superintendent of Schools, and others who have indicated their interest in such matters in order to provide them with an opportunity to submit their comments or recommendations.

**20.2.7.2** Insofar as possible, the interested parties shall submit their written responses and/or recommendations to proposed rule changes in writing on or before the stipulated agenda deadline date in accordance with Personnel Commission Rule 20.2.6. However, those who also want to speak to the items at the Commission meeting will be given that opportunity as provided in Personnel Commission Rule 20.2.6.

**REFERENCE:** Education Code Section 45260

**20.2.8 MINUTES:** The Director of Classified Personnel Services, in his capacity as Secretary to the Personnel Commission, shall record in the minutes the time and place of each Personnel Commission meeting, the names of the Commissioners present, all official acts of the Commission, and the votes of the Commissioners. When requested by a Commissioner, the Director of Classified Personnel Services shall record that Commissioner's approval or dissent and any expressed reasons therefore.

**20.2.8.1** The minutes of each meeting shall be reduced to written form and presented to the Commission for correction and/or approval at the next regularly scheduled meeting of the Commission.

**20.2.8.2** The minutes of each Commission meeting or a true copy thereof shall be open and available for public inspection.

**20.2.8.3** Copies of the Commission's Minutes shall be distributed to the designated representatives of all employee organizations representing the District's classified employees, the Commission members, the Board of Trustees, the Superintendent of Schools, and others who have indicated their interest in such matters.

**REFERENCE:** Education Code Section 45260

## **20.3 COMMISSION EMPLOYEES**

**20.3.1 STATUS OF COMMISSION EMPLOYEES:** The Director of Classified Personnel Services and other staff who are required to carry out the day-to-day responsibilities of the Personnel Commission shall be selected by the Commission, and shall be an employee of the Personnel Commission. However, these staff so employed shall also be a part of the District's classified service and subject to all of the rules, procedures, benefits, and burdens pertinent to the classified service, except as the Commission may specifically direct.

**REFERENCE:** Education Code Sections 45260 and 45264

**20.3.2 GENERAL DUTIES OF THE PERSONNEL DIRECTOR:** The Director of Classified Personnel Services shall perform all of the duties assigned and carry out all of the functions imposed upon him by law and these rules and regulations. He shall act as Chief Executive Officer and Secretary to the Personnel Commission, and shall issue and receive all notifications on its behalf. He shall direct and supervise the employees of the Commission, and conduct administrative transactions consistent with the law and necessary to the proper functioning of the office and staff of the Personnel Commission.

**20.3.2.1** The Director of Classified Personnel Services shall also perform all Board-related functions of administering the classified personnel management program, and shall serve as the advisor to the Superintendent and the Board of Trustees on classified personnel matters.

**20.3.2.2** In cases where two or more rules or regulations 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 Personnel Commission.

**REFERENCE:** Education Code Sections 45260 - 45261, 45266 and 45312

## **20.4 COMMUNICATIONS:**

**20.4.1 COMMUNICATIONS:** Communications and requests shall, when practicable, be in writing. Communications and requests shall be acknowledged and replied to, noting official Commission action whenever it is appropriate to do so.

**20.4.1.1.** Since it is against the policy of the Personnel Commission to take up or consider matters except at open meetings, individuals or groups who seek interviews with particular commissioners regarding matters which may later be placed before the Personnel Commission for consideration shall be referred to the Commission Office. Such individuals or groups will be asked to put the matters in writing in accordance with Personnel Commission Rule 20.2.6.3.

**REFERENCE:** Education Code Section 45260

## **20.5 PERSONNEL COMMISSION BUDGET:**

- 20.5.1 BUDGET:** The Director of Classified Personnel Services 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 last regular meeting in April.
- 20.5.2** After preparation and study, the Commission shall provide for a public hearing on its proposed budget, to be held not later than May 30th.
- 20.5.3** Prior to the public hearing on its budget, the Personnel Commission shall forward a copy of its proposed budget to the Board of Trustees indicating the time, date, and place of the public hearing, and shall invite the Board and District Administration representatives to attend the meeting and to present their views regarding the proposed budget. The Commission shall fully consider the views and opinions expressed by the Board and Administration representatives in adopting its budget for the ensuing fiscal year.
- 20.5.4** Following its adoption of a budget for the ensuing year, the Commission shall then forward its adopted budget to the San Bernardino County Superintendent of Schools for action.
- 20.5.5** Upon approval by the San Bernardino County Superintendent of Schools, the Commission budget shall be incorporated into the budget of the Victor Valley Union High School District.
- 20.5.6** If the Board of Education of the Victor Valley Union High School District does not feel that its views as expressed during the Commission's public hearing on the budget have been fully considered by the Personnel Commission in the adoption of the budget, the Board may then forward its concerns to the San Bernardino County Superintendent of Schools.
- 20.5.7** The San Bernardino County Superintendent may reject the Personnel Commission's adopted budget, but may not amend the budget without the approval of the Commission. In the absence of agreement between the Personnel Commission and the San Bernardino County Superintendent of Schools regarding the amount of money to be budgeted for the Commission's operations, the amount of the prior year's budget shall determine the amount of the new Personnel Commission budget. However, the items of expenditure within that new budget shall be determined by the Commission.

**20.5.8** If the Commission's adopted budget is rejected by the San Bernardino County Superintendent of Schools, and the Personnel Commission by majority vote feels that the resulting budget does not provide sufficient funds to adequately carry out the functions of the Act, the Personnel Commission reserves the right to seek judicial review and relief.

**REFERENCE:** Education Code Sections 45253 and 45260

**20.6 PERSONNEL COMMISSION ANNUAL REPORT:**

**20.6.1 ANNUAL REPORT:** The Director of Classified Personnel Services shall prepare an annual report of the Commission's activities. When approved by the Commission, the annual report shall be submitted to the Board of Trustees.

**20.6.1.1** The report shall be prepared for Commission approval as soon as possible after the close of each fiscal year, but no later than the Commission's first regularly scheduled meeting in November. The report shall cover the Personnel Commission's activities for the preceding fiscal year.

**REFERENCE:** Education Code Section 45266

**20.7 LEGAL COUNSEL FOR THE PERSONNEL COMMISSION:**

**20.7.1 LEGAL COUNSEL:** The legal counsel for the Board of Trustees shall also aid and represent the Personnel Commission in all legal matters. If such counsel refuses, or if the Commission or legal counsel determines that a conflict of interest may exist, the Commission may employ its own legal counsel and the reasonable cost therefore shall constitute a legal charge against the District's general funds, whether or not the costs for such legal services appear in the Commission's budget.

**REFERENCE:** Education Code Section 45313