

Lompoc Unified School District
Merit System Rules for the Classified Employees

CHAPTER 2 – RULE MAKING AUTHORITY

2.1 Statutory Authority for These Rules

The rules contained herein are established pursuant to the authority of the Personnel Commission under EDUCATION CODE Sections 45260, 45261, and other provisions governing the Merit System Act in the EDUCATION CODE. It is recognized that certain of these rules venture into substantive matters within the prerogative of the Board of Education. For that reason, the initially adopted set of rules and regulations were submitted to the Board of Education for its approval.

Thereafter, it shall be the policy of the Commission to submit all new rules or amendments or deletion of existing rules to the Board of Education when:

- A. The rule obviously requires Board approval, and
- B. It is difficult to define the division of Commission and Board authority regarding the rule in question.
- C. Whenever there is a complete revision of the Merit System Rules for Classified Employees.

In such cases, the rule(s) in question will not become effective until it has been approved by the Board of Education.

Section 45260 of EDUCATION CODE reads as follows:

(a) The Commission shall prescribe and amend, and interpret, subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness.....The rules shall be binding upon the governing board.....

Section 45261 of EDUCATION CODE reads as follows:

(a) The rules shall provide for the procedures to be followed by the governing board as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, suspensions, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analysis class and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article.

2.1.2 Interpretation and Application of Rules

The Commission recognizes that no set of rules can contemplate all possible combinations of

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circumstances affecting particular cases. These rules are to be applied with consideration of their intent; however, specific, applicable provisions of the rules shall not be waived, ignored, or superseded because of the special circumstances of particular cases. The Commission is open to responsible suggestions to amend the rules with prospective application; however, no rule amendment or new rule shall have retroactive applicability.

2.1.3 Judicial Review (Savings Clause)

If judicial review or a change in law invalidates any portion of these rules, such finding or amendment shall not affect the validity of other rules or provisions.

Effect of Data Contained in Addendum to Rules

The salary schedule, salary placement on the salary schedule, the classification plan, job description and related data contained in the addendum to these rules are to be interpreted as constituting commission rules in the same manner and effect as if they were a part hereof.

2.2 Appointment

Members of the Personnel Commission shall be appointed as follows:

One member shall be appointed by the Board of Education, one shall be appointed by the Employees' Exclusive Bargaining Agent and one member shall be appointed by the previous two commissioners.

Employees Exclusive Bargaining Agent shall mean an organization, which represents classified employees.

2.2.1 Appointment and Terms of Personnel Commissioners

In any school district which has a three-member personnel commission, one member of the Commission shall be appointed by the governing Board of the district and one member nominated by the classified employee representative of the District, shall be approved by the governing Board. Those two members shall, in turn, appoint the third member. The term of each of the three Commissioners 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 Personnel administrator shall notify the Governing Board of the name and home address of the Commissioner whose term will expire and whether or not they will accept reappointment. The notification shall also list the appointing authority and indicates that the Board must follow the provisions of Education Code Sections 45245, 45246, (b) (2), 45247, and 45248.

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2.2.2 Qualifications and Restrictions

To be eligible for appointment or reappointment to the Commission, a candidate must have the following qualifications:

1. Must be a registered voter.
2. Must be a resident of the school district.
3. Must be a known adherent to the principle of the Merit System.

A Personnel Commission may not be:

1. An employee of the same school district.
2. A board member of the same school district or the same county board of education.

A “known adherent to the principle of the Merit System” shall mean a person who, by nature of prior public or private service, has given evidence of supporting 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, it shall also mean a Commissioner who has clearly demonstrated support of the Merit system and its operation through meeting attendance and action.

Education Code 45247

2.2.3 Officers

At its first meeting following December 1 of each year, the Commission shall elect one of its members as Chairperson and another member as Vice Chairperson, to serve a term of one year or until successors are duly elected. The term of the Chair and Vice Chair then will begin on January 1 and end on December 31 of the following calendar year

Education Code 45247

2.2.4 Quorum and Majority

Two members shall constitute a quorum for any regular or special meeting of the Commission. The affirmative vote of two members shall be necessary for any action.

Education Codes: 45260 and 45261

2.2.5 Jurisdiction

The Commission shall have jurisdiction over and responsibility for the following:

1. Adopt the necessary rules and regulations for the administration of a comprehensive Merit System.

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2. Establish general policy and maintain general supervision over the administration of the Merit System.
3. Promote public understanding of the Merit System.
4. Provide for the hearing of all classified personnel appeals.
5. Review personnel operations and take any action necessary to enforce the provisions of these rules.

2.3 Regular Meeting

Subject to cancellation or proper change the Commission shall meet monthly on the third Thursday of each month at 4:30 p.m. in the Education Center located at 1301 North A Street, provided that at least 72 hours' notice has been given to employee and administration representatives and posted on the Commission's official bulletin board and at work sites. A yearly meeting schedule shall be approved at the meeting in September of each year and subsequently posted.

2.3.1 Adjourned Regular Meetings

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

Education Code: 45260

2.3.2 Special Meetings

In case of special need or urgency, the Commission may meet at some other time and/or place, provided that at least 24 hours' notice is given to employee and administration representatives and posted on the Commission's official bulletin board and at work sites.

Special meetings may be called at any time by the Chairperson or the other two Commission members. Written notice of such meetings shall be delivered. A copy of the notice shall be posted on the Commission's official bulletin board. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered other than what appears on the posted agenda at such meeting by the Commission.

Education Code: 45260

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2.3.3 Public Meetings

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 these rules. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings.

Insofar as possible, at least 72 hours prior to every regular or 24 hours prior to every special Commission meeting, the agenda shall be provided to the designated representatives of all employee organizations representing District classified employees. When practical, supporting data will be furnished in advance. The agenda will also be posted on the Commission's official bulletin board and distributed to news media, which have requested it.

Individual employees, employee organizations, and other interested parties may submit their written views on any matter before the Commission, except those matters listed in Rule 20.200.5, and will be provided reasonable opportunity to present their views orally. The Commission will consider their comments and recommendations prior to arriving at a course of action.

2.3.4 Closed Meetings

In accordance with Government Code 45957, the Commission may hold closed meetings to consider the employment or dismissal of an employee or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The Commission may also hold closed meetings to consider administrative matters relative to its own staff and to consider examination materials as provided in these rules.

2.3.5 Amendment, Deletion, or Addition to Rules

A. All proposals, from any source, to amend, delete, or add to these rules will be considered a "first reading" at the meeting in which they are first presented to the Commission. They will not, unless a critical emergency exists, be acted upon at that meeting.

B. At the "first reading" the Commission will set a date for Commission action which date shall not be less than two meetings later. The Personnel Director for the Personnel Commission shall refer all proposals to interested persons or organizations for comment and recommendation.

C. Insofar as possible, interested parties shall submit their reactions to proposals in writing on or before the stipulated agenda deadline date and shall have the right to present reactions to the Commission orally at the appropriate Commission meeting.

Education Code: 45260

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2.3.6 Distribution of Rules

The Merit System Rules for Classified Employees and relevant sections of the EDUCATION CODE shall be made available to each employee in the classified service at the work site. The information given to employees shall also be made available to the public and those concerned with the enforcement of this article.

2.3.7 Minutes

The Personnel Director for the Personnel 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 the votes of the Commissioners. When requested by him/her, a Commissioner's dissent or approval and his/her reasons shall be recorded. The minutes shall be written and presented for correction at the next regular meeting. The minutes or a true copy thereof shall be open to public inspection. Copies of the official minutes shall be distributed to recognized employee organization representatives who have requested them.

Education Code: 45260

2.4 Commission Employees

2.4.1 Status of Commission Employees

The Personnel Director for the Personnel Commission and other persons required to carry out the responsibilities of the Personnel Commission shall be 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 shall apply to Commission employees, except as the Commission may specifically direct.

Education Code: 45264

2.4.2 General Duties of the Personnel Director

A. The Personnel Director for the Personnel Commission shall perform all of the duties and carry out all of the functions imposed upon him/her by law, these rules and the Personnel Commission. He/she shall act as secretary to the Commission and shall issue and receive all notifications on its behalf. He/she 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 Commission.

B. The Personnel Director for the Personnel Commission shall conduct classification, salary, and

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rules studies, and shall make such other investigations as directed by the Commission or as he/she deems necessary in carrying out his/her responsibilities. He/she may be designated as a hearing officer in accordance with EDUCATION CODE Section 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 Personnel Director for the Personnel Commission subject to appeal to the Commission.

Education Code: 45260-45261, 45266 and 45312

2.4.3 Communications

A. Communications and requests shall, insofar as practicable, be in writing. Communications and requests shall be acknowledged and replied to, noting official Commission action when appropriate.

B. Individuals or groups who wish to present proposals for action by the Commission shall be encouraged to present them to the Personnel Director for the Personnel Commission for placement on the Commission agenda. It is against the policy of the Commission to take up proposals except at open meetings, although the Commission may designate one of its members to investigate a specific subject.

Education Code: 45260

2.4.4 Budget

A. The Personnel Director for the Personnel Commission shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year.

B. The budget shall be prepared for a public hearing by the Commission to be held not later than May 31 of each year. The Commission shall forward a copy of its proposed budget to the governing board indicating a time, date, and place for the public hearing of the budget and shall invite Board and district administration representatives to attend and present their views.

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. When approved by the Commission the budget shall then be submitted to the County Superintendent of Schools.

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Education Codes: 45253 and 45260

2.4.5 Annual Report

A. The Personnel Director for the Personnel Commission shall prepare, as required by EDUCATION CODE Section 45266, an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Education.

B. The report shall be prepared for Commission approval as soon after each fiscal year as possible and no later than a meeting in December. The report shall cover Commission activities for the preceding fiscal year.

Education Code: 45266

2.4.6 LEGAL COUNSEL

The legal counsel for the Board of Education 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 thereof shall constitute a legal charge against the District Board of Education's general funds, whether or not the costs of such legal services appear in the Commission's budget.

Education Code: 45313

2.5 STATEMENT OF ETHICS AND BELIEFS OF PERSONNEL COMMISSION AND PERSONNEL COMMISSION STAFF

We, the Personnel Commission and staff of the Personnel Commission of the Lompoc Unified School District, shall honor and support the goals of the Board of Education;

We will implement the merit system with a blind eye to any particular group, reinforcing the principle that favoritism shall not enter into any decisions made by staff or the Personnel Commission;

We will make all decisions on the merit, free from partiality, prejudice or conflicts of interest and we will fulfill our responsibilities and use our positions to advance public interest, not for personal gain;

We will conduct all business openly, efficiently, equitably, and honorably so the public can make informed judgments and hold public officials and employees accountable;

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We will honor and respect democratic principles; observe the letter and spirit of the laws, carry out in good faith all rules and regulations of the Personnel Commission and policies of the Governing Board in the mutual interest of the employees, students, and the community we serve;

We will safeguard the public confidence in the integrity of the merit system and public service by avoiding appearances of impropriety and conduct unbecoming public officials and public employees;

We will treat all persons fairly, with respect and dignity; we will honor our responsibilities by behaving in a trustworthy and responsible manner; and we will conduct ourselves in an ethical manner free of conflict of interest at all times;

We will support the education program of this District through efforts to recruit and provide to the District the most qualified classified employees possible;

We will ensure the efficiency of the classified service through well-defined processes free from partiality, prejudice, or conflicts of interest in recruiting, testing, selecting, promoting, and retaining qualified employees;

In that equal employment opportunity is a keystone of the merit system principles, and a diverse workplace is important in fostering strong relationships among people of different cultures, we will strive to ensure diversity in the candidates available for selection;

Service as an employee or a volunteer Commissioner in public schools is a noble one. We will fulfill our responsibility to the constituencies we serve, including students, parents, community, and the District to provide the best possible caring service in fulfilling our responsibilities.

Education Codes: 45221 to 45225, 45243 to 45249, 45253, 45260, 45264, 45266, 45310, 45312, 45313, and 45317

Government Codes: 54952 to 54957