

## CHAPTER 2

### THE PERSONNEL COMMISSION

#### 2.1 ORGANIZATION OF COMMISSION

##### 2.1.1 **TERMS**

The Personnel Commission is comprised of three (3) individuals who must be registered voters, reside within the boundaries of the Santa Paula Unified School District, and must be “known adherents to the principle of the merit system.” One (1) member of the Commission is appointed by the Board of Education, one member is nominated by the classified employee organization, and the third member is appointed by the other two (2) members of the Commission.

2.1.1.1 No member of the governing board of any school district or a county board of education shall be eligible for appointment, reappointment, or continuance as a member of the Commission. During a commissioner’s term of office, a member of the Personnel Commission shall not be an employee of the Santa Paula Unified School District.

2.1.1.2 “Known adherent to the principle of the merit system,” shall mean a person who by the nature of his/her prior public or private service has given evidence that he/she supports the concept of employment, continuance in employment, in-service promotional opportunities, and other related matters on the basis of merit and fitness.

2.1.1.3 By law, the term of each Commissioner is for three (3) years and expires at noon, December 1 of the third year. The term of one (1) Commissioner expires each year. Appointments to the Commission shall be governed by Education Code Section 45240, et seq. In the event 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.

Reference: EC§ 45244, 45245, 45246, 45247

##### 2.1.2 **OFFICERS**

At its first regularly scheduled meeting in December, the Commission shall elect one (1) of its members as Chair and another member as Vice-Chair, to serve a term of one (1) year.

The Secretary to the Personnel Commission shall be the Director of Human Resources-Classified.

Reference: EC§ 45260, 45261

2.1.3 **QUORUM AND MAJORITY VOTE**

Two (2) 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 is required to carry any motion or action.

Reference: EC§ 45260, 45261

2.1.4 **COMPENSATION OF COMMISSION MEMBERS**

Each Commissioner shall receive the sum of \$50 for each meeting attended in any one (1) month, including regular, adjourned, or special meetings, but not to exceed a total of \$250 per month.

Reference: EC§ 45250, 45260

2.2 **MEETINGS OF THE COMMISSION**

2.2.1 **REGULAR MEETINGS**

Subject to cancellation or proper change, the Commission shall meet on the 2<sup>nd</sup> Thursday of each month at 4:00 p.m. in the Santa Paula Unified School District Human Resources Office, 500 E. Santa Barbara Street, Santa Paula. Whenever the regularly scheduled meeting date happens to fall on a holiday, the Commission shall (at a prior regular meeting) take an action to designate another date for its meeting. In cases of emergency, the Commission may meet at some other time and/or place, provided that at least seventy-two (72) hours' notice is given to employee and administration representatives and posted on the Commission's official bulletin board.

2.2.2 **ADJOURNED REGULAR MEETINGS**

The Commission may adjourn any regular or special 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 or adjourned meeting fails to state the hours at which the adjourned meeting is to be held, it shall be held at the hour designated for regular Commission meetings.

2.2.3 **SPECIAL MEETINGS**

Special meetings may be called any time by the Commission Chairperson or by the written request of any member of the Personnel Commission. Written notice shall be delivered personally or by mail to each member of the Commission. Notice must also be given to each of the following who have filed written request for such notice: each local newspaper of general circulation, radio or television station, and recognized employee or other organizations. Such notice must be delivered personally or by mail at least seventy-two (72) hours before the time of such meeting as specified in the notice. 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 at such meeting by the Commission.

2.2.4 **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 in Rule 2.2.5. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings.



Reference: EC§ 45260

**2.2.5 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 reason(s) 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. 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.

2.2.5.1 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.

2.2.5.2 The Commission may hold closed session 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.

2.2.5.3 A violation of the confidentiality of a closed session item by a member of the Personnel Commission constitutes a misdemeanor under the provisions of the Government Code Sections 1222 and 1770(h). Repeated violation of the confidentiality of a closed session item by a commission member may be considered grounds for removal from office.

Reference: EC§ 35146, 49073, 54957, 54957.1, 54957.2, 54957.6, 54957.7

**2.2.6 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 District classified employees, the Commission members, and the Superintendent. The agenda will also be posted on the District's website, Commission's official bulletin board and distributed to news media which have requested it.

2.2.6.1 When practical, supporting data for agenda items will be furnished prior to the meeting date.

Reference: EC§ 45260

**2.2.7 AMENDMENTS, DELETIONS, OR ADDITIONS TO RULES**

2.2.7.1 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.

2.2.7.2 At the “first reading” the Commission will set a date for Commission action on the proposal, which shall normally be the next regularly scheduled Commission meeting. The H.R. Director will refer the proposed rule changes to the designated representatives of recognized employee organizations representing the District’s classified employees and others (who have indicated their interest in such matters) in order to provide them with an opportunity to submit their comments or recommendations.

2.2.7.3 Insofar as possible, interested parties shall submit their reactions and/or recommendations to proposed rule changes in writing on or before the agenda deadline date.

Reference: EC§ 45260

## 2.2.8 **MINUTES**

The Director of Human Resources-Classified 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 Human Resources-Classified shall record that Commissioner’s dissent and any expressed reasons therefore.

2.2.8.1 The minutes shall be in written form and presented to the Commission for correction and/or approval at the next regularly scheduled meeting of the Commission.

2.2.8.2 The minutes of each Commission meeting or a true copy thereof shall be open to public inspection.

2.2.8.3 Copies of the Commission’s minutes shall be distributed to designated representatives of all employee organizations representing District classified employees, the Commission members, and the Superintendent and others (who have indicated their interest in such matter).

Reference: EC§ 45260

## 2.3 **COMMISSION EMPLOYEES**

### 2.3.1 **STATUS OF COMMISSION EMPLOYEES**

The Director of Human Resources-Classified and other persons required to carry out the day-to-day responsibilities of the Personnel Commission shall be selected by the Commission, and shall be employees of the Personnel Commission. The Commission shall decide on how those employees will be utilized and determine the assigned time of each employee reporting to the Commission, as well as the compensation to be paid the employees. However, the persons so employed shall 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: EC§ 45260, 45264

**2.3.2 GENERAL DUTIES OF THE DIRECTOR OF HUMAN RESOURCES-CLASSIFIED**

The Director of Human Resources-Classified shall perform all the duties assigned and carry out all of the functions imposed by law and these rules and regulations. The Director of Human Resources-Classified shall act as secretary to the Commission and shall issue and receive all notifications on its behalf. The Director of Human Resources-Classified 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.

**2.3.3** The Director of Human Resources-Classified 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 on classified personnel matters.

**2.3.4** In cases where two or more rules or regulations appear to be in conflict, or when no rule provides a clear-cut answer to the problem, the matter shall be decided by the Director of Human Resources-Classified, subject to appeal to the Personnel Commission.

Reference: EC§ 45260, 45261, 45266, 45312

**2.4 COMMUNICATIONS**

**2.4.1 COMMUNICATIONS**

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

**2.4.2** Individuals or groups who wish to present proposals for action by the Commission shall present their requests to the Director of Human Resources-Classified for placement on the Commission agenda. Although the Personnel Commission may, on occasion, designate one of its members to investigate a specific subject or matter, it is against the policy of the Commission to take up or consider any proposals except at open public meetings.

**2.4.3** 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 matter(s) in writing so that they may properly be placed on a Commission agenda.

Reference: EC§ 45260

**2.5 PERSONNEL COMMISSION BUDGET**

**2.5.1 BUDGET**

The Director of Human Resources-Classified shall prepare and submit to the Commission a proposed operating budget for the Commission for the next ensuing fiscal year. The budget shall be submitted no later than the first Commission meeting in April.

**2.5.2 PUBLIC HEARING IN MAY**

After preparation and study, the Commission shall provide for a public hearing on its proposed budget, such hearing to be held not later than the first regular Commission meeting in May of each year. 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.

**2.5.3 ADOPTED BUDGET**

Following its adoption of a budget for the ensuing year, the Commission shall then forward its adopted budget to the Ventura County Superintendent of Schools for action, not later than May 31 of each year.

**2.5.4 COUNTY MAY HOLD PUBLIC HEARING**

If the Board of Education of the 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, the Board may then forward its concerns to the Ventura County Superintendent of Schools. The Ventura County Superintendent, upon receipt of the Board's objections or concerns, will schedule a public hearing on the budget. The public hearing shall be held within the boundaries of the District.

**2.5.5 ADOPTION OF BUDGET BY COUNTY**

The 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 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 (adjusted upward for any salary and fringe benefit increases granted to classified employees by the District) shall determine the amount of the new Personnel Commission budget. However, the items of expenditure within the new budget shall be determined by the Commission.

**2.5.6 JUDICIAL REVIEW AND RELIEF**

If the Commission's adopted budget is rejected by the Ventura 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: EC§ 45253, 45260

**2.6 PERSONNEL COMMISSION ANNUAL REPORT**

**2.6.1** The Director of Human Resources-Classified shall prepare an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Education.

**2.6.2** The report shall be prepared for Commission approval not 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: EC§ 45266

**2.7           LEGAL COUNSEL FOR THE PERSONNEL COMMISSION**

**2.7.1        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 therefore shall constitute a legal charge against the District Board of Education general funds, whether or not the money-costs for such legal services appear in the Commission's budget.

Reference:     EC§ 45313