

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE II
THE PERSONNEL COMMISSION**

Section 1 Organization of the Commission

2.1.1 Term(s) of Office and Selection Procedures

The Personnel Commission is composed of three individuals who must be registered voters and reside within the Westminster School District boundaries.

The members of the Commission are appointed by the State Superintendent of Public Instruction, upon the recommendation of the Westminster School District Board of Trustees.

To be a member of the Commission, a person cannot be an employee of the Westminster School District or a member of the governing board of any school district or county board of education, but must be a known adherent of the "merit system."

By law, the term of office for each of the commissioners is for a period of three (3) years and expires at noon on December 1 of the third year. The terms of office have been scheduled so that the term of office of only one of the commissioners expires each December 1.

On or about August 1 of each year, the Director, Human Resources, shall notify the Board of Trustees and recognized classified employee organization(s) of the name and address of the Commissioner whose term will be expiring, and whether or not they will accept reappointment to another three-year term. The notification will also designate the procedures to be followed in filling the upcoming vacancy.

The Board of Trustees shall make its nomination in accordance with the provisions of Education Code Section #45246 which provide that: (a) the governing board shall announce the name of the person it intends to nominate for appointment or reappointment no later than September 30; (b) at a board meeting to be held after 30 days and within 45 days (of the date on which the Board of Trustees announced the name of its nominee), the governing board in open hearing shall provide the public, the employees of the school district and representatives of the employee organization(s) to express their views on the qualifications of the nominee; (c) following the public hearing, the governing board may then take action to approve the name of its nominee for submission to the Superintendent of Public Instruction for approval, or to name some other qualified person; without further notification or other public hearing.

In the event that a vacancy would otherwise exist on the Personnel Commission as of December 1 because of the failure of the appointing authority to take action on a new appointment, the prior appointee shall continue in office and to function as a member of the District's Personnel Commission until such time as a qualified successor has been appointed and that person is prepared to assume the duties and responsibilities of the position.

References: E.C. #45244, #45245, #45246, #45247, #45248, and G.C. #1302.
Adopted: June 15, 1965
Amended: March 31, 1981; June 27, 1989; February 15, 1994; August 19, 2014
Revised: November 25, 2008

2.1.2 Officers

- A. The officers of the Personnel Commission are the Chairperson and Vice-chairperson, which serve one-year terms commencing December 1 and continuing through November 30.
- B. The offices of Chairperson and Vice-chairperson are filled in the following manner:
 - (1) The Commissioner who is completing the third year of their three-year term on the Commission serves as Chairperson during that year.

(2) The Commissioner who is completing the second year of their three-year term on the Commission serves as Vice-chairperson during that year.

C. In the event that a vacancy occurs during the term of either of the officers noted in "A" above, the vacancy shall be filled by a vote of the Commissioners at any regular meeting or special meeting called for such purpose. Such election shall be for the duration of the unexpired term.

References: E. C. #45260, #45261, and G.C. #1302
Adopted: June 15, 1965
Amended: June 27, 1989; March 25, 1992
Reviewed: November 25, 2008

2.1.3 Quorum and Majority:

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.

References: E. C. #45260, #45261, and G.C. #45952.6
Adopted: June 15, 1965
Amended: June 27, 1989
Reviewed: November 25, 2008

2.1.4 Vacancies

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 following procedures:

- A. The Director shall immediately notify the other Commissioners, the Board of Trustees, and the recognized classified employee organization(s) 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.
- B. Appointment Procedures: The Board of Trustees shall make its nomination in accordance with the provisions of Education Code Section No. 45246 as noted in Section 2.1.1 of these Rules and Regulations.

References: E. C. #45244, #45245, #45246, #45247, #45248, and #45260
Adopted: June 27, 1989
Reviewed: November 25, 2008

2.1.5 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. The members of the Commission have also been approved (by the Board of Trustees) to participate in the district-paid health, life, dental, and eye-care programs.

References: E.C. #45250 and #45260
Adopted: June 27, 1989
Reviewed: November 25, 2008

Section 2 Meetings

2.2.1 Regular Meetings

Subject to cancellation or proper change, the Personnel Commission shall meet on the fourth Tuesday of each month at 3:00 p.m., in the Westminster School District Board Room, 14121 Cedarwood Street, Westminster, California. 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 action to designate some other day for its meeting.

In cases of emergency, the Commission may meet at some other time and/or place; provided that at least forty-eight (48) hours notice is given to representatives of the employee organization(s) and the District's administration, as well as being posted on the Commission's official bulletin board and/or in the lobby of the District Office of the Westminster School District and/or the Westminster School District Website.

References: E. C. #45260 as well as G.C. #54952, #54952.3, and #54956.5
Adopted: June 15, 1965
Amended: March 31, 1981; June 27, 1989; Sept. 21, 1993; May 24, 1994; Sept. 2005; October 2006
Revised: November 25, 2008; February 25, 2014, September 23, 2025

2.2.2 Adjourned Regular Meetings

The Commission may adjourn any regular meeting 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.

References: E. C. #45260, as well as G. C. #54952, #54952.3, #54956.5, #54955, and #54955.1
Adopted: June 27, 1989
Reviewed: November 25, 2008

2.2.3 Special Meetings

Special meetings may be called at any time by the Commission Chairperson or by written request of any two members of the Personnel 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 and/or posted in the lobby of the District office of the Westminster School District and/or the Westminster School District Website. 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.

References: E. C. #45260 and G.C. #45959
Adopted: June 27, 1989
Revised: November 25, 2008

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 for in Personnel Commission Rule #2.2.5. This rule shall not be construed as authorizing employees to be absent from duty for attendance at Personnel Commission meetings.

All votes or abstentions of the Commissioners relative to any actions during a meeting of the Commission, whether in open or authorized closed session, shall be recorded in the minutes of the meeting. No secret ballots are permitted.

References: E.C. #45260, as well as G.C. #54952, #54952.3, #54952.5, and #54953
Adopted: June 27, 1989
Amended: February 15, 1994
Reviewed: November 25, 2008

2.2.5 Closed Session

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 the holding of a closed session, the Commission shall state the general reason(s) for the closed session and must cite the statutory or legal authority under which the session is 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, an adjourned, or a continued meeting, the statement of reasons shall be made as part of the written meeting notice for such special, adjourned, or continued meeting.

In giving the general reason or reasons for holding a closed session, the Commission is not required or authorized to give the 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.

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.

The following are legally authorized exceptions to the open meeting requirement:

- A. Consideration of appointment, employment, dismissal or evaluation of an employee. However, any action taken to appoint, employ, dismiss, accept the resignation of or otherwise affect the employment status of an employee must be reported at a public meeting following the closed session. Such report must include the title of the position and any changes in compensation. The reporting of actions on disciplinary matters may be deferred until the first public meeting following the exhaustion of any administrative remedies.

- B. Consideration of complaints brought against an employee. The Commission will consider such matters in open 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 (against whom charges or complaints are brought) requests that the matter be considered in a closed session. 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/her right to have the matter heard in closed session rather than an open 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 the complainant or 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 matters affecting national security.
- D. Consideration of legal matters coming within the purview of the attorney/client relationship. The Commission has the right to consider any legal matter(s) within the scope of the attorney/client privilege. This exception, though not expressed in the Brown Act, was found by the California Appellate Court to be implied by the Act (the Sacramento Newspaper Case). According to the Court, "there is a public entitlement to the effective use of legal counsel in civil litigation. Effective aid is impossible if opportunity for confidential legal advice is banned."
- E. Discussion relative to negotiations, conciliation, mediation, or other matters affecting classified employee labor relations as provided for in Government Code Sections #3500 et seq. However, the District's budget, funding priorities and/or available funds are not proper subjects and shall not be a matter of a closed session discussion.

NOTE: Government Code Section #3549.1 specifically exempts certain activities (a part of the collective bargaining process) from the application of the Brown Act as follows:

Any meeting and negotiating discussion between a public school employer and a recognized or certified employee organization.

Any meeting of a mediator with either party or both parties to the meeting and negotiating process.

Any hearing, meeting, or investigation conducted by a fact-finder or arbitrator.

Any meeting in which the agency and its representative are discussing matters within the scope of representation.

NOTE: A meeting on this item may only be held if the Commission has a representative involved in the negotiating process. If the Commission has no representative and is not conducting negotiations itself, it cannot hold a closed session relative to discussing matters within the scope of negotiations.

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 #1222 and #1770(h). Repeated violation of the confidentiality of a closed session by a Commissioner may be considered grounds for removal from office.

References: E.C. #35146, #49073, #54957, #54957.1, #54957.2, #54957.6, #54957.7, as well as G.C. #1222, #1770, #3543, #3543.2, and #3549.1
Adopted: June 27, 1989
Amended: February 15, 1994
Revised: November 25, 2008

2.2.6 Agenda and Supporting Data

At least seventy-two (72) hours prior to every regular Commission meeting, or twenty-four (24) hours prior to every special meeting, the agenda shall be provided to the designated representatives of all employee organizations representing classified employees, the Commission members, and the District's Superintendent. The agenda(s) will be posted on the Commission's official bulletin board and/or Westminster School District Website, and distributed to the news media having requested it/them. Each item on the agenda shall contain a brief general description of the item.

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

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 #2.2.5 (Closed Sessions), and/or given a reasonable opportunity to present their views orally during the Commission meeting. Presentations before the Commission will normally be limited to ten (10) minutes per person for any one item on the agenda. However, the Commission Chairperson may allow additional time at his/her discretion (in the event that it appears important or necessary to do so). In reaching its decisions, the Commission has hereby made it a policy to consider all comments and recommendations made to it in this manner.

District personnel, representatives of recognized employee organizations, representatives of the Board of Education or of the District's administrative staff, or other interested parties may submit items to be placed on a Commission agenda by submitting the items to the Director not less than seven (7) days prior to the scheduled Commission meeting (at which the item is to be considered).

References: E.C. #45260
Adopted: June 27, 1989
Amended: February 15, 1994
Revised: November 25, 2008

2.2.7 Amendment(s), Deletion(s), or Addition(s) 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 a "first reading."

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 will refer the proposed rule changes to the designated representatives of recognized employee organizations representing the District's classified employees, the Superintendent of Schools, the Board of Education, and others (who have indicated their interest in such matters) in order to provide them with an opportunity to submit their comments or recommendations.

Insofar as possible, the interested parties shall submit their reactions and/or recommendations to proposed rule changes in writing on or before the stipulated agenda deadline date (see P.C. #2.2.6); particularly, if the reactions and recommendations are lengthy or involved. However, those who also want to speak to the item(s) at the Commission meeting will be given an opportunity as provided in P.C. Rule #2.2.6 (Agenda and Supporting Data).

References: E.C. #45260
Adopted: June 27, 1989
Reviewed: November 25, 2008

2.2.8 Minutes

The Personnel Director, in his/her 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 or abstentions of the Commissioners. When requested by a Commissioner, the Director shall record that Commissioner's approval or dissent and any expressed reasons therefore. 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.

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

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, the District's Superintendent, and others (who have indicated their interest in such matters).

References: E.C. #45260
Adopted: June 27, 1989
Amended: February 15, 1994
Revised: November 25, 2008

Section 3 Commission Employees

2.3.1 Status of Commission Employees

The Director and other persons required to carry out the day-to-day responsibilities of the Personnel Commission shall be selected by the Commission or its designated representative, and shall be employees of the Personnel Commission. However, the persons so employed shall be 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.

References: E.C. #45260 and #45264
Adopted: June 27, 1989
Reviewed: November 25, 2008

2.3.2 General Duties of the Director, Human Resources Classified

The Director shall perform all of the duties assigned and carry out all of the functions imposed upon him/her by law and these rules and regulations. The Director shall act as Secretary to the Personnel Commission, and shall issue and receive all notifications on its behalf. The Director shall direct and supervise the employees of the Commission, and conduct administrative transactions consistent with the law as well as the proper functioning of the office and staff of the Personnel Commission.

The Director shall conduct classification, salary, and rules studies, and shall make such other investigations as directed by the Commission or as deemed necessary in carrying out the responsibilities. The Director may be designated to act as a hearing officer in disciplinary matters effectuated under the provisions of these rules and regulations if so directed by the Commission.

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; subject to appeal to the Personnel Commission.

References: E.C. #45260, #45261, #45266, and #45312
Adopted: June 27, 1989
Revised: November 25, 2008

Section 4 Miscellaneous Provisions

2.4.1 Communications

Communications and requests shall, when practical (in the opinion of the Commission), be in writing. Communications and requests shall be acknowledged and replied to; noting official Commission action whenever it is appropriate to do so.

Individuals or groups who wish to present proposals for action by the Commission shall present their requests to the Director 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.

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 referenced 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.

References: E.C. #45260
Adopted: June 27, 1989
Revised: November 25, 2008

2.4.2 Budget

The Director shall, prior to the regular Commission meeting in April (of each year), prepare and submit to the members of the Commission a proposed operating budget for the next ensuing fiscal year.

After presentation and study, the Commission shall provide for a public hearing on its proposed budget; such hearing to be held not later than May 30 (of each year).

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.

Following its adoption of a budget for the ensuing fiscal year, the Commission shall forward its adopted budget to the Orange County Superintendent of Schools for action.

If the Board of Trustees of the Westminster 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 Orange County Superintendent of Schools. The Orange County Superintendent, upon receipt of the Board's objections or concerns, will schedule a public hearing on the budget concerns; such public hearing to be held within the boundaries of the Westminster School District.

The County Superintendent of Schools 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 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.

References: E.C. #45253 and #45260
Adopted: June 27, 1989
Reviewed: November 25, 2008

2.4.3 Legal Counsel for the Personnel Commission

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 it is determined 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.

References: E.C. #45313
Adopted: June 27, 1989
Reviewed: November 25, 2008

2.4.4 Organizational Memberships and Membership Dues

- A. The Personnel Commission shall become and shall remain members of each of the following organizations:
 - 1. The California School Personnel Commissioner's Association (CSPCA).
 - 2. The Personnel Commissioner's Association of Southern California (PCASC).
 - 3. The Cooperative Organization for the Development of Employee Selection Procedures (CODESP).
- B. In preparing the Annual Personnel Commission Budget (for adoption by the Personnel Commission each year), the Director shall include sufficient monies to cover the annual costs of membership (dues and fees) for participation in each and all of the above-noted organizations.

References: E.C. #45253 and #45260
Adopted: June 27, 1989
Revised: November 25, 2008