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CHAPTER 2

THE PERSONNEL COMMISSION

2.1 ORGANIZATION OF THE COMMISSION

2.1.1 TERMS

By law, the term of each Commissioner is for three (3) years and expires at noon, December 1. The term of one of the Commissioners expires each year. On or about September 1, of each year, the Personnel Director shall notify the Governing Board of the name and home address of the Commissioner whose term will expire and whether or not he will accept appointment. The notification shall also list the appointing authority and indicated that the Board must follow the provisions of Education Code Sections 45245, 45246, 45247, and 45248.

2.1.2 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 (1) year or until their successors are duly elected.

2.1.3 QUALIFICATIONS

In order to serve as a Bassett Unified School District Personnel Commissioner, an individual must be a registered voter, reside in the Bassett Unified School District territorial boundaries, be a known adherent to the principles of the Merit System, may not be an employee of the District, may not be a member of the District's Board of Trustees, and must be eligible to serve as a public officer in the State of California.

2.1.4 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 to any action.

(References: Ed. Code Sections 45244, 45245, 45246, 45247, and 45248).

2.1.2 **VOTING**

Commissioners present shall vote upon each action item on the agenda. A vote may be taken for or against the motion, or a Commissioner may abstain from voting. An abstention vote shall not be counted for a against the motion, or a commissioner may abstain from voting. A Commissioner shall abstain if he/she has a personal or pecuniary interest. In voting on the disposition of disciplinary cases, a Commissioner shall abstain if he/she had his/her objectivity prejudiced prior to the case being heard.

2.2 **MEETINGS**

2.2.1 **REGULAR MEETINGS**

Subject to cancellation or proper change, the Commission shall meet on a date each month, which will be set by the Commission. The meetings will be held in the Board Room at 904 North Willow Avenue. 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 employees and administration representatives and posted on the Commission's official bulletin board. Minimum of one meeting per month.

2.2.2 **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 of 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.

2.2.3 **SPECIAL MEETINGS**

Special meetings may be called at any time by the Chairperson and shall be called upon the written request of any two members. 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 requests for such notice: each local newspaper of general circulation, and recognized employee or other organization. Such notice must be delivered personally or by mail at least 24 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 and public, and all persons shall be permitted to attend any meetings of the Commission, 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.

2.2.5 CLOSED SESSIONS

- A. The Commission may hold closed sessions to consider the employment or dismissal of any employee or to hear complaints or charges brought against such employee, unless such employee requests a public hearing. The Commission shall not consider, where practicable, any matter in closed session relating to any employee unless the employee has been notified of his right to a public hearing and has declined the public hearing or properly failed to request same. The Commission may hold closed sessions also to consider administrative matters relative to its own staff and to consider examination materials as provided in these rules.
- B. The Commission may hold closed sessions regarding all matters covered under the Rodda Act (Gov't. Code 3540).

2.2.6 AGENDA AND SUPPORTING DATA

- A. Insofar as possible, at least seventy two (72) hours prior to every regular or twenty-four (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 practicable, 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.
- B. 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 2.2.5, 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.

- C. Individuals, employee organizations and all other interested parties who wish to place an item(s) on an agenda shall submit their request in writing. Each request must include the subject, reason(s) for wanting item on the agenda, and any material available to support subject item. Upon receipt of a request, the Personnel Director shall determine if the item is within the authority and responsibility of the Personnel Commission. If the item is not within the Commission's authority, the submitting party will be directed to the proper authority.

All requests to place an item on the Commission's agenda shall be received by the Personnel Director no later than the Wednesday preceding the regular meeting of the Commission.

Items received late or at the Commission meeting will not be placed on the agenda except in an emergency.

2.2.7 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 an emergency exists, be acted upon at that meeting.
- B. At the "first reading" the Commission will set a date for Commission action on the proposal. It shall also instruct the Personnel Director to refer the proposal 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.
- D. The Personnel Director is authorized to reorganize the Rules by adding, deleting, modifying, or consolidating Chapters, Rules, numbers, or the numbering system for the Rules, make formatting changes, and correct grammatically errors without approval of the Commission provided that there are no substantive changes to the Rules. Changes to the Rules as provided herein are not considered to be an amendment, deletion, or addition to the Rules if there are no substantive changes to the Rules. The Personnel Director will inform the Commission of changes made pursuant to this Rule.

[Rule Revision: First Reading March 2, 2004, second reading and adoption April 6, 2004.]

2.2.8 MINUTES

The Personnel Director 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, a Commissioner's dissent or approval and his reasons shall be recorded. The minutes shall be written and presented for correction and approval 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.

2.3 COMMISSION EMPLOYEES

2.3.1 STATUS OF COMMISSION EMPLOYEES

- A. The Personnel Director and other persons required to carry out the day-to-day responsibilities of the Personnel Commission shall be employees of the Commission.
- B. The Commission shall decide on how those employees will be utilized and determine the assigned time and working hours of each employee of the Commission.
- C. 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: Education Code Sections 45109 and 45264) [Revision: First Reading 10/08/03; Second Reading and Adoption 11/5/03]

2.3.2 GENERAL DUTIES OF THE PERSONNEL DIRECTOR

- A. The Personnel Director shall perform all of the duties and carry out all of the functions imposed upon him by law and these rules. He shall act as secretary to the 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 Commission.

- B. No warrant shall be drawn by or on behalf of the governing board of the district to any assignment in the classified service, and the governing board shall not approve or ratify any assignment in the classified service until the Personnel Director has certified that the person named in the assignment has been employed and assigned pursuant to Article 6 of the Education Code and the Rules of the Commission. The Personnel Director shall establish procedures to ensure that he is able to properly certify that all such assignments are made as indicated.
- C. The Personnel Director shall conduct classification, salary and rules studies and shall make such other investigations as directed by the commission or as he deems necessary to his responsibilities. He may be designated as a hearing officer in accordance with Education Code Section 45312.
- D. 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, subject to appeal to the Commission.

(Reference: Ed. Code Sections 45261, 45266, 45310) [Revision: First Reading 10/08/03; Second Reading and Adoption 11/5/03]

2.4 MISCELLANEOUS PROVISIONS

2.4.1 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 present their requests to the Director of Classified Personnel for placement on the Commission agenda.
- C. It is against the policy of the Commission to take up or consider any proposals or matters except at regular or special meetings.
- D. Individuals or groups who seek interviews with or action by particular commissioners regarding matters which may later be placed before the Personnel Commission for consideration or that involve the operations or administration of the Commission Office and staff, shall be referred to the Personnel Director. 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 if the Commission staff cannot resolve the matter without Commission action or to the satisfaction of the individuals.

- E. The Personnel Commission may designate one of its members or the Personnel Director to investigate a specific subject or matter and, if appropriate, report to the Commission at a public meeting.

(Reference: Education Code Section 45260; Government Code Sections 54952.2, 54954.2, and 54956)

2.4.2 BUDGET

- A. The Personnel Director 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 not later than the first Commission meeting in April.
- B. The Personnel Director shall forward a copy of the Commission's proposed budget to the Board indicating the time, date and place during the month of May for a public hearing regarding the proposed budget and shall invite board and district administrative representatives to attend and present their views.
- C. After approval by the Commission, the budget shall be submitted to the County Superintendent of Schools as provided in Education Code Section 45253.

(Reference: Ed. Code 45253) [Revision: First Reading 10/08/03; Second Reading and Adoption 11/5/03]

2.4.3 LEGAL COUNSEL

The legal counsel of the governing board shall aid and advise the Commission in all legal matters. If the legal counsel does not respond to a written request by the Commission for aid or representation within 15 working days of receipt of the written request, the counsel is deemed to have refused to aid or represent the Commission in that matter.

The legal counsel shall refuse to represent the Commission in circumstances in which the counsel knows, or has reason to know, that at the time the request is made a conflict exists between the interests of the Commission and the interests of the Governing Board of the school district.

If the legal counsel refuses or is unable to aid or represent the Commission in a legal matter, the Commission may employ its own attorney, and the reasonable costs thereof shall constitute a legal charge against the general funds of the school district.

All opinions from any legal counsel shall be provided to the commission in writing as soon as possible. Opinions are informational and not binding on the commission until action is agendized and acted upon in a regular or special meeting.

2.4.4 ANNUAL REPORT

- A. The Personnel Director shall prepare 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 not later than a meeting in November. The report shall cover Commission activities for the Preceding fiscal year. (Reference: Ed. Code 45266)

2.4.5 ANNUAL CLASSIFIED SALARY SURVEY

The Classified Personnel Director may upon request of the district or the bargaining unit(s) cause an annual classified salary survey to be conducted. Such salary survey shall be made available to both parties.

(References: Ed. Code 45261 and 45268)

2.4.6 COMPENSATION FOR MISSED MEETINGS

- A. Personnel Commissioners may receive payment in an amount not to exceed fifty (\$50) dollars per meeting and not exceed two hundred and fifty (\$250) dollars per month if authorized by the Governing Board.
- B. A Personnel Commissioner may request compensation for two (2) meetings per calendar year for which the Personnel Commissioner was absent if the Personnel commission duly adopted and included in its minutes that the Personnel Commissioner was absent due to his/her illness, illness or demise of a immediate family member of the Personnel Commissioner. A Personnel Commissioner may not receive compensation for any missed meeting after the first two (2) in any calendar year.

(Reference: Ed. Code 45250, 45260)

Revision: First Reading 2/1/05; Second Reading and adoption 3/1/05

2.4.7 PERSONNEL FILES

- A. Personnel files are District property. The Commission shall establish and maintain, through the Executive Director, a service record for each classified employee showing name, title, organizational unit, salary, changes in status, service rating, and such other personnel information as may be considered pertinent.
 - B. Every recommendation for temporary or permanent change in status of an employee shall be submitted on prescribed forms to the Commission office.
 - C. Materials in employee personnel files that may serve as a basis for affecting the status of their employment shall be made available for inspection by the employee concerned upon request, provided the request gives reasonable notice to the custodian of the file(s) and is made so that the inspection will occur during a time when the office of the custodian of records is open for business and does not take place during time the employee would normally be performing his/her work duties. Materials available for such inspection shall not include ratings, reports or records which were either obtained prior to or in connection with the employment of the individual concerned and/or prepared by identifiable examination committee members in a regular or promotional examination.
- A. No information of a derogatory nature shall be placed into an employee's personnel file unless and until the employee has been provided with reasonable prior notice and an opportunity to review and comment thereon. An employee shall be provided reasonable release time without loss of pay for purposes for reviewing and/or commenting on such information. Any written comment provided by the employee concerned shall be permanently attached to the document(s) concerned.
 - B. Prior to examination of a personnel file, the following data shall be removed:
 - Ratings, reports or records which;
 - a. Were obtained prior to employment with the District
 - b. Were prepared by identifiable examination committee members.
 - c. Were obtained in connection with a promotional examination.

2.5 DISTRIBUTION

A copy of these Rules and Regulations will be distributed to each school/department/office for loan to employees. Information

regarding changes to these Rules will be distributed to each school/department/office as soon as practicable after they are approved by the Personnel Commission

2.6 RULES ENFORCEMENT

2.6.1 ENFORCEMENT OF RULES

- A. The Commission shall enforce the provisions of the Act and these Rules and hold such hearings and conduct such investigations as may be necessary to these purposes.
- B. The Commission shall prescribe, amend, revoke, interrupt, or suspend such Rules as may be necessary to ensure the efficiency of the service, including but not limited to the selection and retention of employees on the basis of merit and fitness.
- C. Proposals to amend, delete, suspend, 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.
- D. At the “first reading” the Commission will set a date for Commission action on the proposal, which date shall be as soon as practicable. The Commission may also instruct the Executive Director to refer the proposal to interested persons and/or organizations for comments and recommendation.
- E. Insofar as possible, interested parties shall be requested to 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.
- F. Commission Rules shall not apply to bargaining unit members if the subject matter is within the scope of representation (as defined in Section 3543.2 of the Government Code) and is included in a negotiated Agreement between the Board of Trustees and the exclusive representative of employees in that bargaining unit.
- G. Commission rules shall be binding upon employees and the Board of Trustees, but shall not otherwise preclude or restrict the authority of such Board, individual employees, and/or their exclusive representative which may be provided to them pursuant to provisions of the Act or other applicable law.