

**CHAPTER II**  
**PERSONNEL COMMISSION ORGANIZATION AND PROCEDURES**

**2.1 QUALIFICATIONS FOR MEMBERSHIP ON A PERSONNEL COMMISSION**

To be eligible for appointment or reappointment on the Long Beach Unified School District Personnel Commission a person must be: a registered voter and resident within the boundaries of the Long Beach Unified School District and a known adherent to the principle of the merit system.

- A. 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 Long Beach Unified School District.
- B. 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/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. As used in this chapter, "known adherent to the principle of the merit system," with respect to a candidate for reappointment, shall mean a commissioner who has clearly demonstrated through meeting attendance and actions that he/she does, in fact, support the merit system and its operation.
- C. 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.

Reference: California Education Code 45244, 45247

**2.2 APPOINTMENT PROCEDURES**

- A. The Superintendent of Public Instruction is responsible for notifying school districts of the expiration of Personnel Commissioners' terms. Members of the Personnel Commission are appointed by the State Superintendent of Public Instruction who shall consider the recommendation of the governing board and other interested parties.
- B. On or about September 1st of each year, the Executive Officer of the Personnel Commission shall notify the Superintendent and the recognized classified employee organization(s) of the name of the Commissioner whose term will be expiring and whether or not that Commissioner will accept reappointment for another three (3) year term.

- C. If a vacancy occurs during the term of a member of the Personnel Commission, The Superintendent of Public Instruction may appoint a new member after providing a notice no later than 30 days before making the appointment.
- D. A commissioner whose term has expired may continue to discharge the duties of the office until a successor is appointed, but for no more than 90 calendar days.

Reference: California Education Code Section 45259

### **2.3 COMPENSATION OF MEMBERS OF PERSONNEL COMMISSION**

The governing board may authorize payment to members of the Commission an amount not to exceed fifty dollars (\$50) per meeting and not to exceed two hundred fifty dollars (\$250) per month.

The members of the Personnel Commission may also elect to participate in the District's health insurance and benefits plans at the same rate and contribution level as classified employees.

Reference: California Education Code 45250

### **2.4 OFFICE ACCOMMODATION OF PERSONNEL COMMISSION**

The governing board shall provide the Commission with suitable office accommodations.

Reference: California Education Code 45252

### **2.5 PERSONNEL COMMISSION BUDGET**

- A. The Commission shall prepare an annual budget for its own office which, upon the approval of the county superintendent of schools, shall be included by the governing board in the regular budget of the school district. The annual budget of the Commission may include amounts for the purpose of staff training.
- B. The budget shall be prepared for a public hearing by the Commission to be held not later than May 30 of each year, or at a date agreed upon between the governing board and the Personnel Commission to coincide with the process of adoption of the school district budget. The Commission shall forward a copy of its proposed budget to the governing board indicating the 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. The Commission shall fully consider the views of the governing board prior to adoption of its proposed budget. The Commission shall then forward its proposed budget to the county superintendent of schools for action.
- C. If the county superintendent of schools proposes to reject the budget as submitted by the Commission of a school district, he or she shall, within 30 days after the

Commission's submission of the budget, hold a public hearing on the proposed rejection within the affected district. He or she shall have informed both the Commission and the governing board of the date, time and place of the hearing. He or she may after the public hearing either reject, or, with the concurrence of the Commission, amend the proposed budget. In the absence of agreement between the Personnel Commission and the county superintendent, the budget of the preceding year shall determine the amount of the new budget, and the items of expenditure shall be determined by the Commission.

- D. If the county superintendent of schools proposes to reject the budget as submitted by the Personnel Commission of a county office of education, the county superintendent shall contract with the Office of Administrative Hearings of the State of California for an administrative law judge to conduct a public hearing on the proposed rejection. The administrative law judge shall render findings and any proposed amendments, if any, to the proposed budget. The Personnel Commission may accept or reject the findings and proposed amendments. If the Personnel Commission rejects the findings and proposed amendments, if any, of the administrative law judge, the budget of the preceding year shall determine the amount of the new budget, and the items of expenditure shall be determined by the Commission.
- E. The procedures of subdivision (d) apply if an individual serves as both the county superintendent of schools and the superintendent of a school district within the county.

Reference: California Education Code 45253, 45255

## **2.6 ELECTION OF OFFICERS**

The Commission shall elect one of its members as chairperson and another as vice-chairperson at the first meeting of each May.

## **2.7 PERSONNEL COMMISSION MEETINGS**

### **A. QUORUM AND MAJORITY**

Two members shall constitute a quorum for any regular or special meeting of the Commission, and the affirmative vote of two members shall be required to make any motion of the Commission effective.

### **B. REGULAR AND SPECIAL MEETINGS**

Regular meetings shall be open and public and be held at such times and places as may be ordered by the Commission, in accordance with this Act or with Government Code Sections 54953 to 54956, inclusive.

1. When the regular meeting date falls on a holiday, the Commission shall meet on the next succeeding business day, unless at a prior regular meeting it designates some other day for its meeting.
2. Adjourned regular meetings may be held when the time and place are specified in the order of adjournment of any regular or adjourned meeting. When so adjourned, the adjourned meeting is a regular meeting for all purposes.

C. SPECIAL MEETINGS

Special meetings may be ordered in accordance with the provisions of Government Code Section 54956.

D. CLOSED SESSIONS

Closed sessions may be held in accordance with the provisions of Government Code Section 54957.

E. PERSONNEL COMMISSION SECRETARY

The Executive Officer shall serve as the Secretary of the Personnel Commission and 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 so requested. 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.

F. COMMUNICATIONS AND REQUESTS

Communications and requests shall, insofar as practicable, be in writing. Communications and request shall be acknowledged and replied to noting official Commission action when appropriate. Individuals or groups who wish to present proposals for action by the Commission shall be encouraged to present them to the Executive Officer at least two weeks prior to the Commission meeting for placement on the agenda. The Commission will not take up proposals except at open meetings, although the Commission may designate one of its members to investigate a specific project.

## **2.8 RULES, STANDARDS AND AUTHORITY OF COMMISSION**

- A. The Commission shall prescribe, 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 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 governing board and that unit. The rules shall be binding upon the governing board, but shall not restrict the authority of the governing board provided pursuant to other sections of this code.

- B. No rule or amendment which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the Commission until the exclusive bargaining representative and the public school employer of the classified employees who would be affected have been given reasonable notice of the proposal.

Reference: California Education Code 45260

## **2.9 SUBJECTS OF RULES**

- 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, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses 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.
- B. With respect to those matters set forth in subdivision (a) which are a subject of negotiation under the provisions of Section 3543.2 of the Government Code, such rules as apply to each bargaining unit shall be in accordance with the negotiated agreement, if any, between the exclusive representative for that unit and the public school employer.

Reference: California Education Code 45261

## **2.10 PRINTING AND DISTRIBUTION OF RULES**

- A. The rules of the Commission and copies of this article (commencing with Section 45240) shall be printed and made available to each school, office, and permanent worksite where employees report and shall be distributed to school libraries for loan to employees.
- B. Within one year of when a district adopts the merit system, the Commission shall adopt rules and regulations pursuant to Section 45260, shall give to each new regular employee a handbook which summarizes the basic rules and working conditions for classified employees and provides information regarding access to copies of the complete rules and merit system.

Reference: California Education Code 45262

## **2.11 ADOPTION, AMENDMENT AND SUSPENSION OF RULES**

- A. If any provision of these Rules, or the application thereof to any person or circumstance, is held invalid, the remainder of the Rules and application of such provision to other persons or circumstances, shall not be affected thereby.
- B. 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. At the "first reading", the Commission will set a date for Commission action on the proposal and the personnel director shall refer the proposal to interested parties or organizations for comment and recommendation. Insofar as possible, interested parties shall submit their reactions in writing on or before the stipulated deadline date.
- C. The Commission shall enforce the provisions of the Act of these rules and hold such hearings and conduct such investigations as may be necessary to this end.
- D. No adoption, amendment or suspension of a rule or rules shall have retroactivity.

## **2.12 PERSONNEL COMMISSION EMPLOYEES**

The Commission shall appoint a personnel director within 90 days after the adoption of a merit system from an eligibility list established from a competitive examination given under the auspices of the Commission. The Commission shall appoint all employees paid from funds budgeted for the support of the Commission and shall supervise the activities of those employees that are performed as part of the functions of the Commission. Such employees shall be appointed from eligibility lists established pursuant to the provisions of this article, be classified employees of the school district and be accorded all the rights, benefits, and burdens of any other classified employee serving in the regular service of the district, including representation by the appropriate exclusive representative, if any.

Reference: California Education Code 45264

## **2.13 DUTIES OF EXECUTIVE OFFICER**

- A. The Executive Officer shall be responsible to the Commission for carrying out all procedures in the administration of the classified personnel in conformity with this article and the rules of the Commission, and shall be free of prejudgment or bias in order to ensure the impartiality of the Commission. He or she shall also act as secretary of the Commission and shall prepare, or cause to be prepared, an annual report which shall be sent by the Commission to the governing board.
- B. The Executive Officer shall not advise or make recommendations to the Commission regarding any disciplinary action appealed to the Commission under

Section 45305, if the personnel director is the party who brought the action against the employee.

Reference: California Education Code 45266

#### **2.14 POWERS OF COMMISSION IN CONDUCTING HEARINGS AND INSPECTING RECORDS OF GOVERNING BOARD**

The Commission may conduct hearings, subpoena witnesses, require the production of records or information pertinent to investigation, and may administer oaths. It may, at will, inspect any records of the governing board that may be necessary to ensure compliance with the rules and regulations as prescribed by the Personnel Commission. Hearings may be held by the Commission on any subject to which its authority may extend as described in this article (commencing with Section 45240).

Reference: California Education Code 45311

#### **2.15 HEARINGS OR INVESTIGATION BY HEARING OFFICER**

The Commission may authorize a hearing officer or other representative to conduct any hearing or investigation which the Commission itself is authorized by this article (commencing at Section 45240) to conduct. Any such authorized person conducting such hearing or investigation may administer oaths, subpoena and require the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses to be taken in the manner prescribed by law for like depositions in civil cases in the superior court of this State. The Commission may instruct such authorized representative to present findings or recommendations. The Commission may accept, reject or amend any of the findings or recommendations of the said authorized representative. Any rejection or amendment of findings or recommendations shall be based either on a review of the transcript of the hearing or investigation or upon the results of such supplementary hearing or investigation as the Commission may order.

The Commission may employ by contract or as professional experts or otherwise any such hearing officers or other representatives and may adopt and amend such rules and procedures as may be necessary to effectuate this section.

Reference: California Education Code 45312

#### **2.16 COUNSEL FOR THE COMMISSION**

The legal counsel of the governing board shall aid and represent 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 or the school district.

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

Reference: California Education Code 45313