

Lompoc Unified School District
Merit System Rules for the Classified Employees

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CHAPTER 20
THE PERSONNEL COMMISSION

20.100 Organization of Commission

20.100.1 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.

20.100.2 Terms

By law, the term of each Commissioner 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 Director for the Personnel Commission shall notify the Governing Board, the Employees' Exclusive Bargaining Agent, or the Personnel Commission of the name of the Commissioner whose term will expire and whether or not he/she will accept reappointment. The notification shall also list the appointing authority and indicate if the Board must follow the provisions of EDUCATION CODE Section 45246.

20.100.3 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.

20.100.4 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.

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20.100.5 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.
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.

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20.200 Meetings

20.200.1 Regular Meeting

Subject to cancellation or proper change the Commission shall meet monthly on the third Thursday of each month at 5:00 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.

20.200.2 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 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.

20.200.3 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 and may be called by written request of the other two members. Written notice of such meetings shall be delivered personally or by mail to each member of the Commission. Notice must also be given to the following who have filed written requests 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 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.

20.200.4 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 20.200.5. This rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings.

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20.200.5 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.

20.200.6 Agenda and Supporting Data

A. 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.

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 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.

20.200.7 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 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.

20.200.8 Distribution of Rules

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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.

20.200.9 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.

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20.300 Commission Employees

20.300.1 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 selected by the Commission or its designated representative, and shall be employees of the Personnel 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.

20.300.2 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 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.

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20.400 Miscellaneous Provisions

20.400.1 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 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.

20.400.2 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 30 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 in accordance with EDUCATION CODE Section 45253.

20.400.3 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.