

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER II

Merit Rule 2.1 Revisions Approved by the Personnel Commission on February 15, 2017.

Merit Rule 2.2 through 2.4 Revisions Approved by the Personnel Commission on March 15, 2017.

CHAPTER II – THE PERSONNEL COMMISSION

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CHAPTER II

THE ORGANIZATION AND BYLAWS OF THE COMMISSION

Rule 2.1 PERSONNEL COMMISSION ORGANIZATION
(Education Code Division 7, Part 51, Chapter 4. Article 3)

2.1.1 MEMBERSHIP OF THE PERSONNEL COMMISSION

The Personnel Commission of the Santa Monica Community College District shall consist of five members (Ed Code 88067)

2.1.2 APPOINTMENT OF MEMBERS OF THE PERSONNEL COMMISSION (Education Code 88065, 88066, 88068)

Appointments to the Personnel Commission shall be made in accordance with the Education Code.

A. Initial Appointment

1. Personnel Commission members for the Personnel Commission shall be appointed as follows:

- a. Two members appointed by the governing board of the district,
- b. Two members appointed by the classified employees of the district,
- c. Those four members shall, in turn, appoint the fifth member.

B. Subsequent Vacancies

1. When a vacancy will exist on December 1, a candidate shall be nominated by the appointing authority, no later than September 30:

- a. The Personnel Commission shall, as much as possible, notify the governing board and/or the classified employees of a vacancy at least 120-days prior to the vacancy occurring in order to allow sufficient time for the body to nominate, vote, and appoint a member to the Commission.

- b. The governing board and classified employees shall follow the procedures outlined in the Education Code, the CSEA contract, and any subsequent legally binding agreements between the bodies as to the nomination, election, selection, and appointment of Commissioners.
- c. In all other situations where a vacancy shall occur, the Personnel Commission shall, as much as possible, notify and provide for sufficient notice of the vacancy to the governing board and classified employees.

2.1.3 QUALIFICATIONS FOR MEMBERSHIP (Education Code 88064)

Members of the Commission shall be registered voters, residents within the District, and shall be "known adherents of the principle of the merit system." For purposes of this Rule the following definitions shall apply:

- 1. "Known adherents to the principle of the merit system," with respect to a candidate for new appointment, shall mean a person who by nature of their prior public or private service has given evidence that they support the concept of employment, continuance in employment, in service promotional opportunities, and other related matters on the basis of merit and fitness.
- 2. With respect to a candidate for reappointment, "known adherent of the merit system" shall mean a Commissioner who has clearly demonstrated through meeting attendance and actions that they do, in fact, support the merit system and its operation.
- 3. No member of the governing board of any school district or county board of education shall be eligible for appointment, reappointment, or continuance as a member of the Commission nor shall a Commissioner be an employee of the District during his or her terms of service.

2.1.4 TERMS OF OFFICE

By law, the term of each Commissioner is for three years. The five terms are staggered and one Commissioner's term expires each year at noon on December 1. The two appointees of each appointing body shall serve staggered three year terms.

On or about August 1 of each year, the Director of Classified Personnel shall notify the governing board and the classified employees of the name and address of the Commissioner(s) whose term(s) will expire and whether he or she, if offered, will accept reappointment. The notification shall also indicate that the governing board and classified employees shall follow the procedures as provided for in Education Code Section 88068 and as agreed upon in any subsequent agreements between the bodies.

2.1.5 ELECTION OF OFFICERS

At the first meeting following December 1 of each year, the Commission shall elect one of its members as Chair and another member as Vice Chair, to serve for a term of one year or until their successors are elected. The Chair shall be the presiding officer of all regular and special meetings. In the absence of the Chair, the Vice Chair shall preside.

2.1.6 CONDUCT OF BUSINESS

The Commission is committed to the deliberation of matters of business in an open and orderly manner. To this end, the Commission will be guided by the following code of conduct:

1. The Commission is made up of individuals with differing values and beliefs, debate is natural and expected; however, Commissioners will work with the Chair and fellow members in a spirit of respect, harmony and cooperation.
2. The Commission has authority to act only in official meetings; an individual Commissioner cannot bind the Commission outside such meetings.
3. The Commission encourages dialogue with the governing board, the District administration, and employee representatives; however, decisions should only be made after all facts have been presented and discussed. Statements or promises as to how a member will vote prior to a meeting are inappropriate.

4. Members of the Commission should recognize that deliberations held in closed session are confidential and discussion in public or release to parties outside the deliberations is unlawful unless previously authorized by a majority vote of the Commission.

2.1.7 CAUSES FOR REMOVAL OF A COMMISSIONER

A Commissioner may be removed from office for any of the reasons set forth in Government Code 1770.

2.1.8 QUORUM AND MAJORITY

Three (3) members shall constitute a quorum for any regular or special meeting of the Commission. The affirmative vote of three (3) members shall be necessary to any action.

Rev. approved by Personnel Commission on 2/15/17

Rule 2.2 MEETINGS

2.2.1 REGULAR MEETINGS

The Commission shall adopt a calendar of regular meetings in July of each year for the following year.

2.2.2 SPECIAL MEETINGS

- A. The Secretary or the Chair of the Commission may call a special meeting of the Commission.
- B. The members of the Commission shall be notified of each special meeting by written notice delivered to them personally, by mail, or by email at least 24 hours in advance of the meeting. A copy of the written notice shall be posted on the Commission's official bulletin board which shall specify the time and place and the business to be transacted. Only those items of business listed in the notice will be considered at the meeting.
- C. Newspapers, radio stations, and other agencies specified in Government Code Section 54956 shall be notified 24 hours in advance of a special meeting if they have requested such notification prior to the meeting.

2.2.3 ADJOURNMENT

- A. The Commission may adjourn any regular meeting to a time and place specified in the order of adjournment. The adjourned meeting is for all purposes, a regular meeting.

2.2.4 PUBLIC MEETINGS

- A. All regular and special meetings of the Commission shall be open and public, and all persons shall be permitted to attend the Commission meetings, except as provided in Rule 2.2.5 below. This Rule shall not be construed as permitting employees to be absent from duty to attend Commission meetings without authorization.
- B. Individual employees, employee organizations, and other interested parties may submit their written comments on any matter before the Commission and will be granted a reasonable time to present their views at the appropriate time in the meeting.

2.2.5 CLOSED SESSION

- A. The Commission may hold a closed session for any of the following reasons:
 - 1. To consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee.
 - 2. To hear charges or complaints brought against a person or employee by another, unless such person or employee requests a public hearing.
 - 3. To discuss legal matters that come within the attorney-client privilege.
 - 4. For discussions with a state conciliator who has intervened as authorized by law.
 - 5. To review and discuss its position and instruct its representatives on items within the scope of negotiations.
- B. The vote or abstention of every member present on action taken in closed session shall be publicly reported.

2.2.6 RULES OF ORDER

The Commission shall be governed by the rules of order approved by the Commission.

2.2.7 ORDER OF BUSINESS AND AGENDA

- A. The order of business at each meeting of the Commission shall be established in the agenda for the meeting.
- B. The Director of Classified Personnel shall prepare an agenda for each regular and special meeting of the Commission. The agenda shall insofar as possible be delivered to each Commission member at least 48 hours prior to the meeting.

- C. The Director of Classified Personnel may submit addenda to the agenda in writing prior to a regular meeting. The Commission may act on the addenda.

2.2.8 BUSINESS FROM THE FLOOR

- A. The Commission will set aside a portion of each regular meeting for public comments. Any person requesting to speak to the Commission will be allowed a reasonable time, as determined by the Commission, to present their issue(s).

2.2.9 RECORDING OF MOTIONS

- A. Motions or resolutions shall be recorded as having carried or failed. Individual votes shall be recorded unless the action is unanimous.

2.2.10 MINUTES

- A. The Director of Classified Personnel 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 votes of the Commissioners. When requested, a Commissioner's dissent or approval and their reasons shall be recorded. The minutes shall be written and presented, whenever possible, for correction and approval at the next regular meeting. The minutes and 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 filed a written request for them.

2.2.11 PAYMENT FOR MEETING ATTENDANCE

- A. Each Commissioner shall receive the sum of \$50.00 for each meeting attended in any one month, including regular, adjourned or special meetings but not to exceed a total of \$250.00 per month. (Approved by Board of Trustees on 6/14/93).

Rule 2.3 COMMISSION EMPLOYEES

2.3.1 STATUS OF COMMISSION EMPLOYEES

- A. The Director of Classified Personnel and other persons required to carry out the responsibilities of the Commission shall be appointed by and be responsible to 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 of the Santa Monica Community College District shall apply to Commission employees.

2.3.2 GENERAL DUTIES OF THE DIRECTOR OF CLASSIFIED PERSONNEL

- A. The Director of Classified Personnel shall perform all of the duties and carry out all of the functions imposed by law and these rules and shall be free of prejudgement or bias in order to ensure the impartiality of the Commission. The Director shall act as secretary to the 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 and rules and necessary to the proper functioning of the office and staff of the Commission.
- B. The Director of Classified Personnel shall conduct classification, salary, and rules studies. The Director shall plan and administer examinations for the selection of classified employees, monitor the assignment and transfer of employees by the Board and shall make such other investigations as directed by the Commission or as are deemed necessary by the Director. The Director may be designated as a hearing officer in accordance with Education Code Section 88131.
- 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 Director of Classified Personnel, subject to appeal to the Commission.

Rule 2.4

MISCELLANEOUS PROVISIONS (EDUCATION CODE SECTIONS 88073, 88086)

2.4.1

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 appropriate Commission meeting in April.
- B. The Commission shall designate one of its meetings in May at which a public hearing on its proposed budget will be held. At the time the Commission schedules the public hearing as required in Education Code Section 88073, it shall direct the Director of Classified Personnel to forward a copy of the proposed budget to the Board of Trustees and notify the Board of the time, date, and place of the public hearing. Board and administration representatives shall be invited to attend the public hearing and present their views on the proposed budget.
- 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 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 88073.

2.4.2

ANNUAL REPORT

- A. The Personnel Director shall prepare, as required by Education Code Section 88086, an annual report of Commission activities. When approved by the Commission, the annual report shall be submitted to the Board of Trustees and the college community.
- B. The report shall be prepared for Commission approval as soon after each fiscal year as possible and no later than the last meeting in September. The report shall cover Commission activities for the preceding fiscal year.

2.4.3

LEGAL COUNSEL FOR THE PERSONNEL COMMISSION

- A. 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.
- B. 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.
- C. 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, whether or not the many costs for such legal services appear on the Commission's budget.

Rev. approved by Personnel Commission on 3/15/17