

## CHAPTER 2

### THE PERSONNEL COMMISSION

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#### 2.1 ORGANIZATION OF THE COMMISSION

##### 2.1.A TERM(S) OF OFFICE AND GENERAL SELECTION PROCEDURES:

The Personnel Commission is composed of three individuals who must be registered voters, reside in the Long Beach Community College District, and be "known adherents to the principle of the Merit System." One member of the Commission is appointed by the Board of Trustees, one member is appointed by the Board of Trustees upon the recommendation of the classified employee organization which represents the largest number of the District's classified employees, and the third member is appointed by the other two (2) members of the Commission.

1. No member of the governing board of any community college 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 Community College District.
2. 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

appointing authority, and the procedures to be followed in filling the upcoming va

until such time as a permanent appointment can be made, but not to exceed sixty (60) calendar days.

3. THE COMMISSIONERS' APPOINTMENT: By September 30th, the appointee of the Board of Trustees and the appointee of the classified employees shall publicly announce the name of the person they intend to appoint or reappoint. At a Personnel Commission meeting to be held after thirty (30) and within forty-five (45) calendar days of the date the Commission publicly announced its candidate, the Commission shall hold a public hearing to provide the public, employees, employee organizations, and members of the Board of Trustees the opportunity to express their views on the qualifications of the person recommended by the Commission for appointment. The Commission at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

- (a) In the event that a vacancy would otherwise exist on the Personnel Commission as of December 1st because of the failure of the Commission to take action on a new appointment, the commissioners' prior appointee shall continue in office and to function as a member of the District's Personnel Commission until a qualified successor is appointed but for no more than ninety (90) calendar days and that person is prepared to assume the duties and responsibilities of the position. If the reason for the lack of appointment is an inability to agree upon a joint appointee, the appointment shall be made by the Chancellor of the California Community Colleges if no agreement is reached by December 15th.

- REFERENCE: 1. Education Code Sections 88064 - 88068  
2. Government Code Section 1302

2.1.C

FILLING OF VACANCIES DURING TERM OF OFFICE: 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 procedures noted below. The Director of Human Resources 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.

(30) and within forty-five (45) calendar days of the date the Board publicly announced its candidate, the Board shall hold a public hearing to provide the public, employees, and employee organizations the opportunity to express their views on the qualifications of the person recommended by the Board of Trustees for appointment. The Board at that time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

2. THE CLASSIFIED EMPLOYEES' APPOINTMENT: Within thirty (30) calendar days of notification of the vacancy, the classified employee organization having authority to nominate the classified employees' appointee to the Commission, shall publicly submit the name of the person it wishes to appoint to the Commission to fill the unexpired term. The Board shall appoint the nominee unless the classified employees voluntarily withdraw the name of the nominee and submit the name of a new nominee. In the latter case,2 349.278 537.90



elected. The Commission at this same meeting shall elect the Director of Human Resources as Secretary to the Personnel Commission.

- REFERENCE:
1. Education Code Sections 88080 and 88081
  2. Government Code Section 1302

2.1.F QUORUM AND MAJORITY VOTE: 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.

- REFERENCE:
1. Education Code Sections 88080 and 88081
  2. Government Code Section 54952.6

2.1.G COMPENSATION OF COMMISSION MEMBERS: The Board of Trustees may authorize payment to the members of the Personnel Commission at the rate of fifty dollars (\$50) per meeting, not to exceed two hundred-fifty dollars (\$250) per month. The Board of Trustees may authorize the members of the Commission to receive the same health insurance plans of the District as provided members of the Board of Trustees.

- REFERENCE: Education Code Sections 88070 and 88080

2.1.H EVENTS CAUSING VACANCY BEFORE EXPIRATION OF TERM: Personnel Commissioners shall be expected to attend all regular and special meetings of the Personnel Commission. If a member is unable to attend a scheduled meeting, the member shall contact the Director of Human Resources to inform the Commission of the expected absence. A member of the Personnel Commission shall be deemed to have vacated the seat of the Commission on the happening of any of the following events before the expiration of the prescribed term:

1. The death of the commissioner.
2. An adjudication pursuant to a quo warrant proceeding declaring that the commissioner is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the commissioner will not be able to perform the duties of the office for the remainder of the term.
3. The commissioner's resignation.
4. The commissioner's removal from office by a court of competent

6. The commissioner's absence exceeding four (4) total regular meetings in a fiscal year, except when prevented by sickness, or excused absence.
7. The commissioner's conviction of a felony or of any offense involving a violation of the official duties of a commissioner as required by these Rules and/or the law. A commissioner shall be deemed to have been convicted under this Rule when trial court judgment is entered.
8. The decision of a competent tribunal declaring void the commissioner's appointment.
9. The commissioner's commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict. In this event, the office shall not be deemed vacant until the order of commitment has become final.

- REFERENCE:
1. Government Code Sections 1060 et seq., 1750, 1770, 3000, 3001, and 3100
  2. Penal Code Sections 1026, 1368 et seq.
  3. Welfare and Institutions Code Sections 5008, 6300 et seq.
  4. Education Code Sections 88064, 88065, 88066 and 88067

2.1.1 FILLING A VACATED POSITION: Upon a Personnel Commission position becoming vacant pursuant to Government Code 1770, the Commission shall be required to declare the position vacant pursuant to this Rule. The Commission, and the proposed declaration of vacancy must be listed as an action item on the official published agenda for said meeting. A copy of the agenda must be delivered in the usual and prescribed manner required by these Rules to the Commissioner being subjected to possible removal. The Commission shall solicit input from the Board of Trustees and the employee organization(s), if any, prior to the final decision. The Director of Human Resources shall initiate the necessary legal steps to fill the vacancy as mandated by the Education Code and these Rules and Regulations.

- REFERENCE:
1. Government Code Sections 1060 et seq., 1750, 1770, 3000, 3001, 3100 and 3753
  2. Penal Code Sections 1026, 1368 et seq.
  3. Welfare and Institutions Code Sections 5008, 6300 et seq.
  4. Education Code Sections 88064, 88065, 88066 and 88067

## 2.2 MEETINGS OF THE COMMISSION









charges brought against employees by another person or employee unless such employee requests a public hearing. As a condition of holding a closed session on the co

placed on a Commission agenda by submitting the items to the Director of Human Resources not less than seven (7) calendar days prior to the scheduled Commission meeting at which the item is to be considered.

4. District personnel, representatives of recognized employee organizations, representatives of the Board of Trustees, District administrators, or other interested parties may request in accordanc

1. 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.
2. The minutes of each Commission meeting or a true copy thereof shall be open and available for public inspection.
3. 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 members, the Board of Trustees, the Superintendent-President, and others who have indicated their interest in such matters.

REFERENCE: Educ

Communications and requests shall be acknowledged and replied to, noting official Commission action whenever it is appropriate to do so.

1. Individuals or groups who wish to present proposals for action by the Commission shall present their requests to the Director of Human Resources for placement on the Commission agenda. Although the Personnel Commission may, on occasion, designate one of its members to investigate a s

concerns to the Los Angeles County Superintendent of Schools. The Los Angeles County Superintendent of Schools, upon receipt of the Board's objections or concerns, will schedule a public hearing on the budget concerns. The public hearing shall be held within the boundaries of the District.

REFERENCE: Education Code Sections 88073 and 88080

2.5.F ADOPTION OF BUDGET BY COUNTY: The County Superintendent 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, adjusted upward for any salary and fringe benefit increases granted to classified employees by the District, 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.

REFERENCE: Education Code Sections 88073 and 88080

2.5.G JUDICIAL REVIEW AND RELIEF: If the Commission's adopted budget is rejected by the County Superintendent of Schools, and the Personnel Commission by majority vote feels that the resulting budget does not provide sufficient funds to adequately carry out the functions of The Merit System Act, the Personnel Commission reserves the right to seek judicial review and relief.

REFERENCE: Education Code Sections 88073 and 88080

2.6 PERSONNEL COMMISSION ANNUAL REPORT:

2.6.A ANNUAL REPORT: The Director of Human Resources shall prepare an annual report of the Commission's activities. When approved by the Commission, the annual report shall be submitted to the Board of Trustees at a regular Board meeting for its review.

1. The report shall be prepared for Commission approval as soon as possible after the close of each fiscal year but no later than the Commission's first regularly scheduled meeting in November. The report shall cover the Personnel Commission's activities for the preceding fiscal year.

REFERENCE: Education Code Section 88086

2.7 LEGAL COUNSEL FOR THE PERSONNEL COMMISSION

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 Board of Trustees' general funds, whether or