

CHAPTER 2

THE PERSONNEL COMMISSION

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 a commissioner who has clearly demonstrated through meeting attendance and actions that he/she does, in fact, support the Merit System and its operation.
3. By law, 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: Education Code Sections 88064, 88065, 88066, and 88067

2.1.B SPECIFIC APPOINTMENT PROCEDURES: On or about July 1st of each year, the Director of Human Resources shall notify the Board of Trustees and the recognized classified employee organizations(s) of the name and home address of the commissioner whose term will be expiring and whether or not that commissioner will accept reappointment for another three-year term. The notification will also provide the name of the

appointing authority, and the procedures to be followed in filling the upcoming vacancy. Amended April 2000

1. THE BOARD OF TRUSTEES' APPOINTMENT: By September 30th, the Board of Trustees shall publicly announce the name of the person it intends to appoint or reappoint. At a Board meeting to be held after thirty (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: By November 1, the classified employee organization having authority to nominate the classified employees' appointee to the Commission shall submit to the Board the name of the person it wishes to appoint to the Commission. 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, the Board shall then appoint the new nominee, to be effective on the date on which the vacancy would occur.
 - (a) In the event that the classified employees of the District are represented by one or more recognized employee organizations, the employee organization which represents the largest number of the District's classified staff on ~~July~~ June 15 of the year in which the classified employees' appointment is to be made shall be the one authorized to submit the recommended appointment to the Board of Trustees for action as required by law and these Rules and Regulations.

 - (b) In the event that the classified employees have no exclusive representative, the Director of Human Resources shall solicit nominees from the classified employees. Those qualified nominees accepting the nomination shall be placed on a ballot for a vote by all classified employees of the District. The name of the nominee receiving the greatest number of votes cast in a secret ballot shall be submitted to the Board of Trustees for appointment to fill the vacancy.

 - (c) In the event that a vacancy is created on the Personnel Commission because of the classified employees' failure to agree upon a nominee, the Board of Trustees, upon the recommendation of the Director of Human Resources, may make an emergency appointment for hiring purposes only

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 to be followed in filling the vacancy.

1. THE BOARD OF TRUSTEES' APPOINTMENT: Within thirty (30) calendar days of notification of the vacancy, the Board of Trustees shall publicly announce the name of the person it intends to appoint to fill the unexpired term. At a Board meeting to be held after thirty

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(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, the Board shall then appoint the new nominee.
- (a) If the Board and the classified employees are unable to agree upon a nominee because the Board has made a legitimate claim as to the lack of mandated qualifications of the nominee or the classified employee organization has refused to submit a nominee within thirty (30) calendar days of notification of the vacancy, the Chancellor of the California Community Colleges shall, within thirty (30) calendar days, make the necessary appointment.
 - (b) In the event that the classified employees of the District are represented by one or more recognized employee organizations, the employee organization which represents the largest number of the District's classified staff on July 15 of the year in which the classified employees' original appointment was made shall be the one authorized to submit the recommended appointment to the Board of Trustees for action as required by law and these Rules and Regulations.
 - (c) In the event that the classified employees have no exclusive representative, the Director of Human Resources shall solicit nominees from the classified employees. Those qualified nominees accepting the nomination shall be placed on a ballot for a vote by all classified employees of the District. The name of the nominee receiving the greatest number of votes cast in a secret ballot shall be submitted to the Board of Trustees for appointment to fill the vacancy.
 - (d) In the event that the vacancy goes unfilled because of the classified employees' failure to agree upon a nominee, the Board of Trustees, upon the recommendation of the Director of Human Resources, may make an emergency appointment

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

3. THE COMMISSIONERS' APPOINTMENT: Within thirty (30) calendar days of notification of the vacancy, 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 to fill the vacancy. 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) If the commissioners are unable to agree upon a joint appointment within forty-five (45) calendar days after the notification of the vacancy, the appointment to fill the unexpired term shall be made by the Chancellor of the California Community Colleges.

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

2.1.D EMERGENCY APPOINTMENT OF COMMISSIONERS: If there are two vacancies on the Personnel Commission notwithstanding these Rules, the Board of Trustees at the request of the Director of Human Resources shall declare that an emergency exists and shall make one interim appointment to fill a vacancy to insure the continuance of the hiring functions of the Personnel Commission. An interim appointment shall terminate on the date the notification of permanent appointment. An interim appointment in no event shall be valid for more than sixty (60) calendar days.

1. An interim appointee must meet the requirements of Section 88064 of the Education Code and Rule 2.1.A, and be free of the restrictions contained therein.
2. An interim appointment in no event shall be valid for more than sixty (60) calendar days.

REFERENCE: Education Code Section 88064, 88068, 88080 and
 88081

2.1.E OFFICERS: At its first regularly scheduled meeting in December of each year, the Commission shall elect one of its members to serve as Chairperson and another of its members to serve as Vice-Chairperson for a period of one (1) year or until such time as their successors are duly

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 jurisdiction.
5. The commissioner ceasing to meet all the legal requirements to continue to be a commissioner as outlined in Chapter 2.1.A.

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

2.2.A REGULAR MEETINGS: Subject to cancellation or proper change, the Personnel Commission shall meet on the first (1st) and third (3rd) Monday of each month at 5:15 p.m. in the Long Beach Community College District Board Room. Whenever the regularly scheduled meeting date happens to fall on a holiday, the Commission shall meet on the next succeeding Tuesday unless the Commission at the prior regular meeting takes an action to designate some other day for its meeting. Amended Jan 8, 2001

1. In cases of emergency, the Commission may meet at some other time and/or place, provided that at least seventy-two (72) hours notice is given to representatives of the employee organizations and the District's administration as well as being posted on the Commission's official bulletin board.

REFERENCE: 1. Education Code Section 88080
 2. Government Code Sections 54952 - 54952.3
 and 54956.5

2.2.B ADJOURNED REGULAR MEETINGS: The Commission may adjourn any regular or previously adjourned meeting to a time and place specified in the order of adjournment. When so adjourned, the reconvened meeting is a regular meeting for all intents and purposes. When an order of adjournment of a regular meeting or of a previously adjourned meeting fails to state the hour at which the reconvened meeting is to be held, it shall be held at the hour normally designated for regular Commission meetings.

2.2.C SPECIAL MEETINGS: Special meetings may be called at any time by the Commission Chairperson or by the written request of two members of the Personnel Commission. Written notice for any such meeting shall be delivered personally or by mail to each member of the Commission. A written notice of such meeting shall also be provided to any of the following persons or organizations if they have filed written requests to be notified of the dates and times of the Commission meetings: each local newspaper of general distribution, as well as representatives of any recognized employee organization or group, the Board of Trustees, and the Superintendent-President. Such notice must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice. A copy of the notice shall also be posted on the Commission's official bulletin board. The meeting notice shall specify the time and place of the special meeting as well as the business to be transacted, and no other business shall be considered at the meeting.

REFERENCE: 1. Education Code Section 88080
 2. Government Code Section 54956

2.2.D PUBLIC MEETINGS: All regular and special meetings of the Commission shall be open to the public, and all persons shall be permitted to attend any of the meetings. This Rule shall not be construed as authorizing

employees to be absent from duty for attendance at Personnel Commission meetings, unless they have specific business before the Commission.

All votes or abstentions to any actions of the Commission during a meeting of the Commission whether in open or authorized closed session shall be recorded in the minutes of the meeting. No secret ballots are permitted.

REFERENCE: 1. Education Code Section 88080
 2. Government Code Sections 54952, 54952.3,
 54952.5 and 54953

2.2.E

CLOSED SESSIONS: A closed session may be conducted only during a regular or special meeting of the Personnel Commission that has been called with proper notification. Prior to the holding of a closed session, the Commission shall state the general reason(s) for the closed session and may cite the statutory or other legal authority under which the session is being held. In the closed session, the Commission may consider only those matters covered in its statement of reasons. In the case of a special, an adjourned, or a continued meeting, the statement of reasons shall be made as part of the written meeting notice for such special, adjourned, or continued meeting. In giving the general reason or reasons for holding a closed session, the Commission is not required or authorized to give names or other information which might constitute an invasion of privacy or otherwise unnecessarily divulge protected facts and information for which the closed session is being held.

1. The Commission shall publicly report, in the public portion of the meeting in which the closed session is being held or at its next public meeting, any action taken by the Commission in the closed session and any roll call vote taken on such items as appointment, employment or dismissal of any classified employee arising during the closed session.
2. The following are legally authorized exceptions to the open meeting requirement:
 - (a) Consideration of appointment, employment, dismissal, or evaluation of an employee.

However, any action taken to appoint, employ, dismiss, accept the resignation of or otherwise affect the employment status of an employee must be reported at a public meeting following the closed session. Such report must include the title of the position and any changes in compensation. The reporting of actions on disciplinary matters may be deferred until the first public meeting following the public meeting following the exhaustion of any administrative remedies.

- (b) Consideration of complaints brought against employees.

The Commission will consider such matters in open session during any regular or special meeting to consider the appointment, employment, performance evaluation, dismissal, or the hearing of complaints or charges brought against employees by another person or employee unless such employee (against whom charges or complaints are brought) requests that the matter be considered in a closed session. As a condition of holding a closed session on the complaint, formal charges, or a disciplinary matter, the affected employee shall be given a written notice regarding the matter and his/her right to have the matter heard in closed session rather than in open session; said notice shall be delivered to the employee personally or by mail at least twenty-four (24) hours before the time scheduled to hold the regular or special Commission meeting. If notice is not given as prescribed, any punitive action taken relative to the employee shall be null and void. During the examination of the complainant or a witness, the Commission may exclude other witnesses even though the hearing is held as part of a public meeting. If a hearing is held in closed session, the Commission may exclude other witnesses as well as the general public while the matter is being investigated. Following the public hearing or closed session, the Commission may deliberate on the matter and reach its decision in a closed session.

- (c) Consideration of matters affecting national security.
- (d) Consideration of legal matters coming within the purview of the attorney/client relationship.

The Commission has the right to consider any legal matter(s) within the scope of the attorney/client privilege. This exception, though not expressed in the Brown Act, was found by the California Appellate Court to be implied by the Act (The Sacramento Newspaper Case). According to the Court, "There is a public entitlement to the effective use of legal counsel in civil litigation. Effective aid is impossible if opportunity for confidential legal advice is banned."

- (e) The District's budget, funding priorities and/or available funds are not proper subjects and shall not be matters of a closed session discussion.

- 3. The Commission may hold closed sessions during any regular or special meeting to consider the appointment, employment, performance evaluation, dismissal, or the hearing of complaints or

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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 complaint, formal charges, or a disciplinary matter, the affected employee shall be given a written notice regarding the matter and the right to have a public hearing rather than a closed session; said notice shall be delivered to the employee personally or by mail at least twenty-four (24) hours before the time scheduled to hold the regular or special Commission meeting. If notice is not given as prescribed, any punitive action taken relative to the employee shall be null and void. During the examination of a witness, the Commission may exclude other witnesses even though the hearing is held as part of a public meeting. If a hearing is held in closed session, the Commission may exclude other witnesses as well as the general public while the matter is being investigated. Following the public hearing or closed session, the Commission may deliberate on the matter and reach its decision in a closed session.

4. A violation of the confidentiality of a closed session by a member of the Personnel Commission constitutes a misdemeanor under the provisions of Government Code Sections 1222 and 1770(h). Repeated violation of the confidentiality of a closed session by a commissioner may be considered grounds for removal from office.

REFERENCE: Government Code Sections 1222, 1770, 54950et seq.

2.2.F AGENDA AND SUPPORTING DATA: At least seventy-two (72) hours prior to every regular or special Commission meeting, the agenda shall be provided to the designated representatives of all employee organizations representing classified employees, the Commission members, and the Superintendent-President. The agenda(s) will be posted on the Commission's official bulletin board, and distributed to the news media having requested it/them. Each item on the agenda shall contain a brief general description of the item.

1. Normally, supporting data for agenda items will be furnished prior to the meeting date to recognized exclusive bargaining unit for their appropriate areas.
2. Individual employees, employee organizations, and other interested parties may submit their written views on any item on the agenda, except for those matters listed in Personnel Commission Rule 2.2.E, and/or given a reasonable opportunity to present their views orally during the Commission meeting. In reaching its decisions, the Commission has made it a policy to consider all comments and recommendations made in this manner.
3. District personnel, representatives of recognized employee organizations, representatives of the Board of Trustees, District administrators, or other interested parties may submit items to be

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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 accordance with Government Code Section 6254 to inspect documents provided as part of the Commission agenda by submitting a written request to the Director of Human Resources.

REFERENCE: Education Code Section 88080

2.2.G AMENDMENTS, DELETIONS, OR ADDITIONS TO RULES: All proposals, from any source, to amend, delete, or add to these Rules and Regulations will be considered for a "first reading" at the meeting in which they are first presented to the Personnel Commission. They will not, unless an emergency exists, be acted upon when presented for a "first reading."

1. On a first reading, the Personnel Commission will set a date for Commission action on the proposal, said date shall normally be at least thirty (30) calendar days to the next regularly scheduled Commission meeting. The Director of Human Resources will refer the proposed rule changes to the designated representatives of recognized employee organizations representing the District's classified employees, the Superintendent-President, and others who have indicated their interest in such matters in order to provide them with an opportunity to submit their comments or recommendations.
2. Insofar as possible, the interested parties shall submit their reactions and/or recommendations to proposed Rule changes in writing on or before the stipulated agenda deadline date (see Personnel Commission Rule 2.2.F). However, those who also want to speak to the item(s) at the Commission meeting will be given that opportunity as provided in Personnel Commission Rule 2.2.F (Agenda and Supporting Data).

REFERENCE: Education Code Section 88080

2.2.H MINUTES: The Director of Human Resources, in his/her capacity as Secretary to the Personnel Commission, shall record in the minutes the time and place of each Personnel Commission meeting, the names of the Commissioners present, all official acts of the Commission, and the votes or abstentions of the Commissioners. When requested by a Commissioner, the Director of Human Resources shall record that Commissioner's approval or dissent and any expressed reasons therefore.

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: Education Code Section 88080

2.3 COMMISSION EMPLOYEES

- 2.3.A STATUS OF COMMISSION EMPLOYEES: The Director of Human Resources and other persons required to carry out the day-to-day responsibilities of the Personnel Commission shall be selected by the Commission. The Commission shall decide on how those employees will be utilized and determine the assigned time of each employee reporting to the Commission. However, 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 88080 and 88084

- 2.3.B GENERAL DUTIES OF THE DIRECTOR OF HUMAN RESOURCES: The Director of Human Resources shall perform all of the duties assigned and carry out all of the functions imposed upon this position by law and these Rules and Regulations. The Director of Human Resources shall act as Secretary to the Personnel Commission, and shall issue and receive all notifications on its behalf. The Director of Human Resources shall direct and supervise the employees of the Commission, and conduct administrative transactions consistent with the law as well as the proper functioning of the office and staff of the Personnel Commission.

1. In cases where two or more Rules or Regulations appear to be in conflict, or when no Rule provides a clear-cut answer to the problem, the matter shall be decided by the Director of Human Resources, subject to appeal to the Personnel Commission.

REFERENCE: Education Code Sections 88080, 88081, 88086 and 88131

2.4 COMMUNICATIONS

- 2.4A COMMUNICATIONS AND REQUESTS: Communications and requests shall, when practicable in the opinion of the Commission, be in writing.

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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 specific subject or matter, it is against the policy of the Commission to take up or consider any proposals except at open meetings.

REFERENCE: Education Code Section 88080

2.5 PERSONNEL COMMISSION BUDGET:

- 2.5.A BUDGET: The Director of Human Resources shall, prior to the first Commission meeting in May of each year, prepare and submit to the members of the Commission a proposed operating budget for the next ensuing fiscal year.

REFERENCE: Education Code Sections 88073 and 88080

- 2.5.B PUBLIC HEARING IN MAY: After preparation and study, the Commission shall provide for a public hearing on its proposed budget, such hearing to be held not later than May 30 of each year.

REFERENCE: Education Code Sections 88073 and 88080

- 2.5.C INPUT SOUGHT: Prior to the public hearing on its budget, the Personnel Commission shall forward a copy of its proposed budget to the Board of Trustees indicating the time, date and place of the public hearing, and shall invite the Board and District Administration representatives to attend the meeting and to present their views regarding the proposed budget. The Commission shall fully consider the views and opinions expressed by the Board and Administration representatives, or other concerned persons or organizations in adopting its budget for the ensuing fiscal year.

REFERENCE: Education Code Sections 88073 and 88080

- 2.5.D ADOPTED BUDGET FORWARDED TO COUNTY SUPERINTENDENT: Following its adoption of a proposed budget for the ensuing year, the Commission shall then forward its proposed budget to the Los Angeles County Superintendent of Schools for action.

REFERENCE: Education Code Sections 88073 and 88080

- 2.5.E COUNTY MAY HOLD PUBLIC HEARING: If the Board of Trustees of the District does not feel that its views as expressed during the Commission's public hearing on the budget have been fully considered by the Personnel Commission in the adoption of the budget, the Board may then forward its

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

- 2.7.A LEGAL COUNSEL: The legal counsel for the Board of Trustees shall also aid and represent the Personnel Commission in all legal matters. If such counsel refuses, or if the Commission or legal counsel determines

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 not the costs of such legal services appear in the Commission's budget.

REFERENCE: Education Code Section 88132