

1.1.3 GENERAL TERMINOLOGY

As used in these Rules, singular terms shall be construed to include the plural, and plural terms shall be construed to include the singular.

1.1.4 SEVERABILITY

If during the life of these Rules, any law or any order issued by a court or other tribunal of competent Jurisdiction other than the District, shall render invalid or restrain compliance with or enforcement of any provision of these Rules, such provisions shall be inoperative so long as such law or order shall remain in effect, but all other provisions of this Agreement shall not be affected thereby and shall continue in full force and effect. The Commission shall periodically review these Rules to ensure compliance with applicable laws and orders. If a judicial review or a change in law causes any portion of these Rules to become invalid or unenforceable, such finding or amendment shall not affect the validity or the enforceability of the other Rules.

1.1.5 PRINTING AND DISTRIBUTION OF RULES

The Rules of the Personnel Commission shall be made available on the District website and distributed electronically to every personnel commissioner, board member of the District and any exclusive representative of the classified employees. A reasonable number of printed copies may be provided upon request.

Copies of Article 3 (commencing with Section 88060 of Chapter 4 of Part 51 of Division 7 of the California Education Code (commencing with Section 88060) shall also be provided to the same individuals outlined in the preceding paragraph.

REFERENCE: Education Code Section 88082

1.1.6 SUBJECTS OF RULES

The rules shall provide for the procedures to be followed as they pertain to the classified service as may be necessary to ensure the efficiency of the service and the

1.2.2 OTHER UNLAWFUL ACTS

In addition to the prohibition on unlawful acts outlined in Rule 1.2.1, it is also unlawful for any person to do any of the following:

- (a) Willfully, by themselves or in cooperation with another person, to defeat, deceive, or obstruct any person with respect to their right of examination, application, or employment under Article 3, commencing with Section 88060 of the Education Code or the Rules established by the Personnel Commission.
- (b) Willfully and falsely, to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under Article 3, commencing with Section 88060 of the Education Code or the Rules established by the Personnel Commission, or to aid in so doing, or to make any false representation concerning the same or the person examined.
- (c) Willfully, to furnish to any person any special or confidential information regarding contents of any examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under Article 3, commencing with Section 88060 of the Education Code or the Rules established by the Personnel Commission.

REFERENCE: Education Code Section 88136

1.3 ORGANIZATION OF THE PERSONNEL COMMISSION

1.3.1

(3) At the time of appointment, or reappointment, an appointee must not have relationships or business or financial interest that would create a conflict of interest, call into question the appointee's ability to adhere to merit system principles, or create the appearance that the appointee may not be able to adhere to merit system principles.

(c) Term of Appointment

The term of office for each of the commissioners is for a three (3) year period, commencing at noon on December 1. The terms of office have been scheduled so that the term of office of not more than one (1) commissioner expires each December 1.

(d) Attendance Requirements at Personnel Commission Meetings

Personnel Commissioners shall be expected to attend all regular and special meetings of the Personnel Commission (io,wf)2 (f)12 (-f)12 (-f)12 (-06.1 (ger)7 (1)6 (s

A member of the Personnel Commission shall be deemed to have vacated the seat of the Commission due to any of the following events happening before the expiration of the prescribed term:

- (1) The death of the commissioner;
- (2) An adjudication pursuant to a quo warranto 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 section 1.3.1 of these Rules;
- (6) The commissioner's absence exceeding four (4) total regular meetings in a fiscal year, except when prevented by illness, or other excused

- (1) At the next regularly scheduled Personnel Commission meeting to be held after thirty (30) calendar days of the date the commissioners publicly announced their 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 Commissioners for appointment. The candidate shall be invited to this meeting.
- (2) If the commissioners are unable to agree upon a joint appointment at the next Personnel Commission meeting after notification of the vacancy, or within ()4 hg0 Tc 0 Tw ()Tj0.004 Tc -0.012051485 7.351[I]2 D28.--1n (e010(P)E)70(s)4 (on)1nr

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Chancellor, or their designee. Such notice must be delivered personally or by any other means and must be received 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, freely accessible to members of the public, and the Commission's website.

The meeting notice shall specify the time and place of the special meeting as well as the business to be transacted or discussed. No other business shall be considered by the Commission at special the meeting.

REFERENCE: Government Code Section 54952, 54956; Education Code Section 88080

1.4.4 PUBLIC MEETINGS

(a) Public Attendance

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, except as otherwise provided by Section 1.4.5, or of before t6 (mnt)2.1ona be s,mnta-0.002 Tw

- (4) Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.
- (5) No member of the public may speak without being recognized by the Chair of the Personnel Commission.
- (6) The Chair of the Personnel Commission may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Personnel Commission or if their remarks are unduly repetitive.
- (7) Public speakers are requested to complete a form to address the Personnel Commission at the beginning of the meeting at which they wish to speak. The request should include the person's name and name of the organization or group represented, if any, and a statement noting the agenda item or topic to be addressed. Individuals who do not wish to provide their name and affiliation may provide a "call name" for the purpose of logistically organizing the speaker list.
- (8) Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted with the original request.
- (9) In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of those individuals who are willfully interrupting the meeting, the Personnel Commission may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session after the room is cleared. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this

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

(e) Violation of Confidentiality

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 subdivision (h). Repeated violation of the confidentiality of a closed session by a commissioner is grounds for removal from office.

REFERENCE: Government Code Sections 1222, 1770, 54954.2, 54954.5, 54956.7, 54957.2, 54957.6, 54957.10

1.4.6 AGENDA AND SUPPORTING DATA

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or their designee, 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 recommendations to proposed Rule changes in writing on or before the stipulated agenda deadline date, as outlined in Rule 1.4.6. However, those who also want to speak to the item at the Commission meeting will be given that opportunity as provided in Rule 1.4.4

REFERENCE: Education Code Section 88080

1.5 PERSONNEL COMMISSION STAFF

1.5.1 STATUS OF PERSONNEL COMMISSION STAFF

The District Director of the Personnel Commission and Classified Employment 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 appoint the Director in the manner prescribed in Education Code Section 88084. 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 a part of the functions of the Commission. These employees shall be appointed from eligibility lists established pursuant to the provisions of Article 3 (commencing with Section 88060) of Chapter 4 or Part 51 of Division 7 of the California Education Code, be classified employees of the community college district and shall 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.

The Commission will decide how the employees assigned to the Commission will be utilized and will determine the assigned time of each employee reporting to the Commission. However, the employees assigned to the Commission will be classified employees and subject to all of the rules, procedures, benefits, and burdens applicable to the classified service.

REFERENCE: Education Code Sections 88080, 88084

conduct administrative transactions consistent with the law as well as the proper functioning of the office and staff of the Personnel Commission.

(b) Annual Report

The District Director of the Personnel Commission and Classified Employment shall prepare, or caused to be prepared, an annual report of the Commission's staff 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.

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 Commission's staff activities for the preceding fiscal year.

REFERENCE: Education Code Sections 88080, 88081, 88084, 88086, 88131

1.6 PERSONNEL COMMISSION BUDGET

(a) Budget Proposal

The Personnel Commission staff shall, prior to the first Commission meeting in April of each year, and after consultation with the District Director of Finance, prepare and submit to the members of the Commission a proposed operating

