

PERSONNEL COMMISSION RULES & REGULATIONS

20.200 PCRR

20.200 Meetings**20.200.1** **Regular Meetings**

Subject to cancellation or proper change, the Commission shall meet the second Thursday of each month in the Educational Service Center. When the regular meeting date falls on a holiday, the Commission will reschedule the meeting to another specified date, providing at least forty-eight hours notice to representatives of the employee organization(s) and district administration as well as posting such notice at regular posting locations. (*Education Code* Section 45245)

20.200.2 **Adjourned Regular Meeting**

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.

20.200.3 **Special Meetings**

Special Commission meetings may be called at any time by the Commission Chairperson or by the written request of any 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 provided that they have filed written requests to be notified of the dates and times of the Commission meetings: each local newspaper of general distribution, radio or television station as well as representatives of any recognized employee or other organization. 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 at regular posting locations. 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 that meeting.

20.200.4 **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 Commission's meetings except as provided in Personnel Commission Rule 20.200.5. This rule shall not be construed as authorizing employees to be absent from duty for attendance at Personnel Commission meetings.

20.200.5 **Executive Sessions**

A closed session may be conducted only during a regular or special meeting of the Commission that has been called with proper notification.

Prior to or after holding a closed session, the Commission shall state the general reason or reasons 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.

The Commission shall publicly report, in the public portion of the meeting in which the closed session is 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.

The following are legally authorized exceptions to the open meeting requirement:

- A. Appointment, employment, dismissal or evaluation of employee(s).
- B. Consideration of complaints brought against employee(s).

NOTE: 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 charges brought against employee(s) by another person or employee unless such employee requests a public hearing. As a condition of holding a closed session on a 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 a public hearing rather than the closed session; which notice shall be delivered to the employee personally or by mail at least twenty-four (24) hours before the scheduled time of 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.

- C. Consideration of matters affecting national security.
- D. Consideration of legal matters coming within the purview of the attorney/client relationship.

The Commission has a right to meet in closed session to consider any legal matter(s) within the attorney/client privileges. 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 aid of legal counsel in civil litigation. Effective aid is impossible if opportunity for confidential legal advice is banned."

- E. Discussions relative to negotiations, conciliation, mediation or other matters affecting classified labor relations as provided for in Government Code, Sections 3500 et seq.

NOTE: *Government Code*, Section 3549.1 specifically exempts certain activities (a part of the collective bargaining process) from the application of the Brown Act as follows:

Any meeting and negotiating discussion between a public school employer and a recognized or certified employee organization.

Any hearing, meeting, or investigation conducted by a fact-finder or arbitrator.

Any meeting in which the agency and its representative are discussing matters within the scope of representation.

NOTE: A meeting on this item may only be held if the Commission has a representative to the negotiating process. If the Commission has no representative and is not conducting negotiations itself, it cannot hold a closed session relative to discussing matters within the scope of negotiations.

A violation of the confidentiality of a closed session by Commission member shall be a misdemeanor under *Government Code*, Section 1222 and 1770(h). Repeated violation of the confidentiality of a closed session by a Commission member shall be grounds for removal from office according to *Government Code*, Section 1770(h).

20.200.6 Agenda and Supporting Data

Insofar as possible, at least forty-eight (48) hours prior to every regular or special Commission meeting, the agenda shall be provided to the representative of the employee organizations representing district classified employees, Commission members and Superintendent of Schools.

Board regulations mandate that a bulletin board be provided at each school, the warehouse facilities and Educational Services Center for posting the Commission's agendas, minutes of meetings, and communications.

When practical, supporting data will be furnished in advance. The agenda will also be posted at regular posting locations and distributed to any of the news media requesting it.

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 for 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 when presented for a "first reading."
- B. On a "first reading," the Commission will set a date for Commission action on the proposal; this date shall normally be the next regularly scheduled Commission meeting. The Personnel Commission shall also instruct the Director of Classified Personnel to refer the proposal to interested persons and organizations for comment or recommendation.
- C. Insofar as possible, interested parties shall submit their reactions to proposed rule changes 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 Minutes

The Director of Classified Personnel shall record the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission and the Commissioner's dissent or approval and any reasons presented.

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.

The Minutes of each Commission meeting or a true copy thereof shall be open and available

for public inspection.

Copies of the official Minutes shall be distributed for posting to all school district offices at least five (5) working days preceding the next regular Personnel Commission meeting as well as to recognized employee organizations requesting them.

Legal Reference:

Government Code

3543	Rights of public school employees
3543.2	Scope of Representation
3549.1	Proceedings Exempt from Public Meeting Provisions
35146	Closed session
49073	Release of directory information
54957	Closed session: threat to buildings; public safety
54957.1	Closed session: action taken
54957.2	Closed session: minute book
54957.6	Meeting and negotiations; conciliator
54957.7	Closed session: statement of reasons

OXNARD SCHOOL DISTRICT

Personnel Commission Rules and Regulations

Adopted: October 23, 1968

20.200.1	Revised: April, 1973; March, 1974; October 6, 1980; February 3, 1983; September 5, 1991; December 17, 1998
20.200.2	Revised: February 3, 1983
20.200.3	Revised: February 3, 1983
20.200.4	Revised: February 3, 1983
20.200.5	Revised: May, 1980; February 3, 1983
20.200.6	Revised: October, 1972
20.200.7	Revised: February 3, 1983
20.200.8	Revised: October, 1972; October 6, 1980; February 3, 1983

[Back to Index](#)