

employees, employee organizations, and members of the Board of Education 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.

2.1.2.3.1 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 such time as the commissioners take the necessary action(s) to appoint a qualified successor 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 State Superintendent of Public Instruction if no agreement is reached by December 15th.

REFERENCE: Education Code Sections 45245 - 45248

### 2.1.3

#### 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-Personnel Commission shall immediately notify the other commissioners, the Board of Education 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.

2.1.3.1 THE BOARD OF EDUCATION'S APPOINTMENT: Within 15 days of notification of the vacancy, the Board of Education 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 30, and within 45 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 Education 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.

2.1.3.2 THE CLASSIFIED EMPLOYEES' APPOINTMENT: Within 15 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. At a board meeting to be held after 30, and within 45, days of the date the employees' nominee was submitted to the Board, the Board shall hold a public hearing to provide the public, employees, Board, District Administration, and employee organizations the opportunity to express their views on the qualifications of the person nominated by the classified employee organization for appointment. 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.

2.1.3.2.1 In the event that the vacancy goes unfilled because of the classified employees' failure to agree upon a nominee, the Board of Education, upon the recommendation of the Director-Personnel Commission, 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) days.

2.1.3.3 THE COMMISSIONERS' APPOINTMENT: Within 15 days of notification of the vacancy, the appointee of the Board of Education 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 30, and within 45, 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 Education 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.

2.1.3.3.1 If the commissioners are unable to agree upon a joint appointment within 45 days after the notification of the vacancy, the appointment to fill the unexpired term shall be made by the State Superintendent of Public Instruction. The Director of Classified Personnel shall immediately submit the two nominees for action by the State Superintendent; if such nominees exist.

REFERENCE: Education Code Sections 45246(g), 45245 - 45248, 45260