




THE SUCCESSFUL MERIT SYSTEM

The District Team

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Board and Personnel Commission Responsibility



- The Board and the Personnel Commission are administrative bodies, created by statute and vested with separate powers expressly conferred by the Legislature.



The Board is vested to

- Prescribe the duties to be performed by all persons in the classified service except those assigned to the commission (§ 45109),
- Prescribe and order paid the compensation of classified employees (§ § 45267, 45268),
- Employ, pay, and otherwise control the services of such employees (§ 45241), and
- Suspend or dismiss such employees (§ 45304).

The Personnel Commission is vested to

- Prescribe, amend, and interpret rules necessary to insure the efficiency of the classified service and the selection and retention of employees upon a basis of merit and fitness. These rules shall be binding on the governing board. (45261)

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Commission is vested to (Cont.)

- Appoint a personnel director who shall be free from pre judgment and bias in order to insure the impartiality of the Commission. (45261, 45264)

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Commission is vested to (Cont.)

- Prepare a annual budget for its own office which, upon approval of the County Superintendent of Schools, shall be included by the Governing Board in the regular budget of the school district. (45253)

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LEGISLATIVE INTENT

- o *The local governing board of a school district does not control the expenditures of the Personnel Commission as it does most other district expenditures. The Second Appellate Court of the State of California in Lynnwood Personnel Commission vs. Lynnwood Board of Education determined*

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Legislative intent (cont)

- o *that the California Legislature allows the Personnel Commission to be financially independent by formulating its own budget; to be politically independent by appointing its own staff; and to be functionally independent by supervising its own employees.*

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LEGISLATIVE INTENT

- o *Ed Code 45264. Although there is broad language in the Education Code regarding the governing board's control over the employment and pay of classified employees, when read as a whole the system created by the legislature was intended to prevent the board from interfering with the functioning of not only the members of the personnel commission, but also with the commission's classified employees as well.*

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LEGISLATIVE INTENT (Cont.)

- o The result is evident from the Legislature's decision in 1981 to amend the Ed Code 45264, to add the present language giving the commission the right to classify and supervise its own employees. Until that amendment was made, only the board had the power pursuant to Ed Code 45241, to control the services of classified employees. *Pers Commission vs. Board of Education* (1966 2nd dist) 223 Cal App 3d 1403, 273 Cal rptr 288.

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Major Commission Roles

- o Determines what the minimum requirements are for the employees who will be doing the work (EC 45256)
- o Establishes classifications and allocates to salary schedules (EC 4525)
- o Recruits for and tests employees (EC 45273)
- o Certifies enough candidates to fill all the jobs created by the board (EC 45272)

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Major Commission Roles (cont' d)

- o Provide interpretation of PC Rules and Merit System Ed. Code for District administrators (EC 45260)
- o Staff development (EC 45255)
- o Approval of assignments (EC 45310)

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Major Commission Roles (cont' d)

- o Establish and maintain rules and procedures (EC 45260)
- o Hear disciplinary appeals (45311)
- o Promote and support the mission of the District

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CLASSIFIED BOARD ROLES

- o Maintaining Personnel Files
- o Employee processing
- o Fingerprinting
- o Position control
- o Layoff processing
- o Seniority lists
- o Resignations

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The Organization

- o The Board and Commission are parts of the whole
- o The Superintendent and the Director of Classified HR work together
- o PCRR's support the District's mission and maintain precepts of Merit System

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STATEWIDE ISSUES

- o "A large percentage of the conflicts that occur in Merit Systems throughout the State revolve around the role of the Director in the non Personnel Commission function. Related to collective bargaining and district functions.

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How Important is the Director?

- o The role of the Director can affect the employees, union leadership, board, commission, and the administration.
- o The perception of the Merit System in an organization is largely dependent on the Director.

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How Important is the Director?

- o The role of the Director can be a significant benefit to having a Merit System.
- o Having an unbiased Director responsible for running a classified personnel system on a day-to-day basis is a fundamental difference between Merit and Non-Merit Systems.

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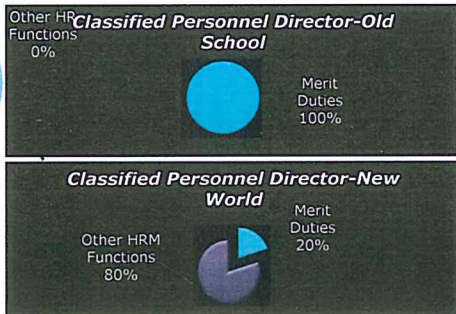
The Times We Live in...

- o These are very difficult financial times for California COE's, community college districts, and K-12 school districts.
- o The employees and the COE's/ districts need a fully functioning Director.
- o The Personnel Commission is paying for a professional; it does not make sense to limit the duties of the Director any more than necessary.
- o We recognize that many Directors wear multiple hats.

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Evolving Role of the Director



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In Summary

- o Both the Commission and the Board/District Administration have specific roles and responsibilities
- o It is important that both work collaboratively, respecting each other's role and responsibilities.



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HOW TO DEFINE THE ROLES



- Develop an MOU defining the District duties performed by the PC Director.
- Be specific on defining the roles in negotiation, discipline, contract management and other areas that are under the collective bargaining umbrella.
- Keep in mind that the Director is to be free from pre judgment and bias.







Funding

- Funding the Director 100% from the Personnel Commission budget recognizes and is consistent with the impartial role required in the Education Code



BOARD AND COMMISSION RELATIONSHIP

- Board attend PC meetings; PC attend Board mtg.
- Board President and PC Chair meet regularly, maybe breakfast or lunch, to discuss items of mutual interest.
- Have joint meetings once or twice a year to discuss issues that are facing the classified service.
- Develop respect for each others authority.
- Keep in mind that both bodies are part of the districts overall mission of student achievement.

