

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4472 APPEAL AND HEARING

4472.7 Deliberation and Decision of Personnel Commission

- A. Whether a hearing is held in open or closed session, the hearing officer (if one is appointed by the Personnel Commission) shall deliberate on evidence presented and shall present his/her recommendations to the Personnel Commission in closed session.
 - 1. The hearing officer shall submit his/her written recommendations and findings of fact to the Director, Human Resources within 20 working days following the conclusion of the hearing.
 - 2. Upon receipt of the hearing officer's written recommendations and findings of fact, the Director of Human Resources shall contact the Chairperson of the Personnel Commission to schedule a meeting of the Commission to consider the findings and recommendations of the hearing officer.
- B. Whether the hearing before the Personnel Commission is held in open or closed session, the Commission, after it concludes the hearing, may deliberate its decision(s) in closed session. No persons other than members of the Personnel Commission, its legal counsel, and any Commission staff deemed necessary by the Personnel Commission, Shall be permitted to participate in the deliberations.
- C. The Personnel Commission shall render its judgment after soon as the conclusion of the hearing as possible, but no later than 20 working days following the conclusion of the hearing or its receipt of the hearing officer's recommendations. The decision(s) of the Commission staff deemed necessary by the Personnel Commission shall be permitted to participate in the deliberations.
- D. The Commission's written decision(s) shall contain findings of fact, and a determination of the issues presented.
- E. In a disciplinary action appeal hearing, the Personnel Commission may sustain, modify or reject the disciplinary action invoked against the employee. However, the Commission may not invoke more stringent discipline against the employee than that invoked by the County Superintendent or designee.
- F. In the case that a disciplinary action is not sustained, the Commission may order paid all or part of the employee's full compensation from the time of suspension, demotion, or dismissal, and it shall order his/her reinstatement upon such terms and conditions as it may determine appropriate. Upon receipt of the Commission's written decision, the County Superintendent or designee shall forthwith comply with the provisions thereof. When the County Superintendent or designee has fully complied with the Commission's decision, he/she shall so notify the Commission in writing.

Approved: December 1, 1975
Revised: September 23, 1993
October 26, 2017

4472.7

Deliberation and Decision of Personnel Commission (Continued)

- G. Copies of the Commission's decision(s) shall be delivered to the parties personally or transmitted to them by certified mail. The requirement for notification of employee will be deemed to have been met if the decision is sent certified mail to the last known home address on file in the Personnel Commission Office. Failure to comply with the time requirements of this rule (4472.7) shall not invalidate the decision of the Personnel Commission.

Reference:

Education Code Sections 45190 and 45197

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