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CHAPTER IV: APPLICATION FOR EMPLOYMENT

RULE 4.1 AUTHORIZATION TO FILL VACANCY

- A. The Personnel Commission shall direct and conduct the administration of examinations for the purpose of filling current or anticipated vacancies in the classified service.
- B. No examination announcement may be published and no test part of any examination may be administered for a new classification until the Board has designated the position duties, and the Commission has completed the position classification action required. This action includes approval by the Commission of the class specification and appropriate placement on the salary schedule.

RULE 4.2 JOB EXAMINATION ANNOUNCEMENT BULLETIN

- A. Whenever it becomes necessary to fill existing or anticipated vacancies, and an appropriate eligibility list does not exist (as determined by these Rules), the Director of Classified Personnel shall recruit applicants to compete in a competitive examination for the class(es).
- B. The Director of Classified Personnel shall prepare, or cause to be prepared, job announcement bulletins.

RULE 4.3 BULLETIN DISTRIBUTION AND POSTING

- A. The Director of Classified Personnel shall determine the distribution of the job examination bulletins and advertise as needed. The Director shall ensure efforts are made to attract protected group members that are underrepresented in the job family for which the examination is held.
- B. Public announcement of the examination(s) shall be made at least once a month in compliance with Rule 4.4.
- C. All bulletins shall be sent to all District work locations.

Reference: Education Code Section 45278

RULE 4.4 WAIVER OF POSTING REQUIREMENT

- A. The Director of Classified Personnel may waive the posting time requirement referenced in Rule 4.3B provided that:

1. Published summary examination bulletins are distributed to all work locations at least once each month.
2. Requests for transfers and change of location shall be maintained, and eligible candidates shall be certified to the appointing authority, along with names of appropriate applicants from employment lists.

Reference: Education Code Section 45278

RULE 4.5 APPLICATION

4.5.1 FILING OF APPLICATIONS

- A. All applications for employment shall be made on the official forms furnished by the Commission. Every item shall be answered in full and the application filed on or before the date and time specified on the Job Announcement Bulletin.
- B. Applicants taking more than one examination must file a separate and complete application for each examination unless otherwise directed.
- C. For affirmative action purposes, questions regarding ethnicity, gender, age and disabling condition shall be placed on a separate form. Answers to such questions shall be voluntary and kept confidential and shall not be considered by, or made available, to anyone who will assign ratings during the examination process.
- D. Applications and examination papers are confidential and shall not be returned to the applicant.

Reference: Education Code Sections 45260 and 45272

4.5.2 GENERAL QUALIFICATIONS OF APPLICANTS

- A. Applicants must be permanent residents of, or must otherwise prove their right to work in the United States. Applicants must meet the qualifications established for the class. Every applicant must, in all aspects, be mentally and physically competent to perform the essential functions of the position for which applied.
- B. Every qualified applicant shall have an opportunity to seek, obtain and hold permanent employment without discrimination because of race, religious creed, color, national origin, ancestry, disabling condition, medical condition, marital status, gender, sexual orientation, or age.

- C. Residency within the District shall not be a condition for filing applications for employment except in the case of restricted positions.
- D. No maximum age limit shall be set as a condition for initial or continued employment in the District.
- E. Disabled persons shall be given equal employment opportunity and reasonable accommodation for employment shall be made.

References:

- 1. Education Code Sections 45111, 45122-45124 and 45272**
- 2. Labor Section 2805**
- 3. Government Code Sections 12921 and 12926**

RULE 4.6 DISQUALIFICATION OF APPLICANTS AND CANDIDATES

4.6.1 CAUSES FOR DISQUALIFICATION

- A. An applicant, candidate, or eligible may be barred from an examination, or removed from an eligibility list, for any of the following reasons:
 1. Failure to meet the general qualifications of Rule 4.5.2.;
 2. Advocacy of the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means;
 3. Conviction, either by a plea of guilty or nolo contendere, a court decision or a jury verdict to a charge of a sex or narcotics offense, as defined in Education Code 44010 or 44011;
 4. A history of drug or alcohol addiction or other substance abuse without acceptable evidence of rehabilitation;
 5. Conviction, either by a plea of guilty or nolo contendere, a court decision or a jury verdict of a felony or serious crime, or a record of one or more convictions which would indicate that the person is a poor employment risk; a conviction record will be evaluated on the following basis: nature, seriousness and circumstances of the offense(s); number of convictions; relationship of the offense to the position applied for; evidence of rehabilitation and maturing, including the employment record with respect to job responsibility and duration; truthfulness in admitting to the offenses; person's attitude; and the duties of the class;

6. Making a false statement or intentionally omitting a significant statement of a material fact requested on the application form;
7. Practicing any deception or fraud in connection with an examination or to secure employment;
8. Obtaining or attempting to obtain either directly or indirectly, privileged information regarding test questions or examination content;
9. Dismissal from previous employment for cause if the cause would have subjected the applicant to dismissal by the District under these Rules;
10. Previous dismissal from the District or resignation in lieu of dismissal;
11. A record of unsatisfactory service within the District as evidenced by a disciplinary action, needs to improve, or unsatisfactory job performance;
12. Dishonorable discharge from the armed forces of the United States;
13. Refusal to furnish testimony, other than self-incrimination, at a hearing or investigation before the Commission or Board;
14. Attempting to or making contact with any member of the Board, Superintendent, the Personnel Commission or anyone involved in the examination process with the intent of inappropriately attempting to favorably influence any recruitment, examination, and/or selection process in any way. Exempted from this restriction would be any formal appeal of the recruitment/examination/selection process to the Commission as a whole by any candidate through the established process;
15. Failure to report for duty after an assignment has been offered and accepted;
16. Failure to meet the general qualifications as specified in the Education Code, or

17. Any other reason determined to be, according to these Rules, cause for disciplinary action of a regular classified employee.

Reference: Education Code Sections 44009, 44010, 45111, 45122-45125, 45134 and 45303

4.6.2 APPEAL FROM DISQUALIFICATION

- A. The Director of Classified Personnel shall be responsible for notifying, in writing, applicants, candidates and eligibles who have been disqualified. Those individuals may appeal to the Director for administrative review, subject to the following conditions:
 1. The protest is made within five (5) working days from the postmark date of the notice.
 2. The appeal is made in writing and states the reason upon which the appeal is based.
 3. After receipt of a timely written appeal, the Director of Classified Personnel shall review the written protest and render a decision. The decision shall be transmitted in writing to all concerned.
 4. Failure to appeal the disqualification shall make the action final and conclusive.
 5. Anyone who has an appeal of disqualification pending may be permitted to participate conditionally in the examination process.
- B. If there has been an administrative review by the Director of Classified Personnel, as provided above, applicants, any candidate, and any eligible shall have the further right to appeal to the Personnel Commission subject to the following conditions:
 1. The appeal is made in writing and received by the Director of Classified Personnel within five (5) working days from the postmark date of the notice.
 2. The appeal is based upon a charge that the disqualification constitutes a violation of law, misapplication of the Personnel Commission Rules, abuse of discretion, or that the reasons for rejection are inconsistent with the facts. The facts supporting such a charge shall be clearly set forth in the appeal.
 3. After receipt of a written appeal, the Commission shall set a date for a review at which time the evidence shall be considered, and

the Commission will render a decision. The decision shall be transmitted in writing to all concerned and shall be final.

4. If a disqualification is not sustained by the Director of Classified Personnel, or the Personnel Commission, the Director of Classified Personnel shall immediately institute action to ensure the rights of the applicant, candidate, or eligible. However, regular appointments made in the interim shall not be disturbed except in cases of promotional examinations where no regular appointments shall be made if a timely appeal has been filed.

Reference: Education Code Section 45111, 45122-45124, 45134, 45274 and 45303