

## CHAPTER IV: APPLICATION FOR EMPLOYMENT

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## **CHAPTER IV: APPLICATION FOR EMPLOYMENT**

### **RULE 4.1 FILLING A VACANCY**

- 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 Personnel Commission shall recruit applicants to compete in a competitive examination for the position(s).
- B. The Personnel Commission shall prepare, or cause to be prepared, job announcement bulletin(s).

### **RULE 4.2 APPLICATION**

#### **4.2.1 FILING OF APPLICATIONS**

- A. All applications for employment shall be submitted on the official forms provided by the Commission, either on-line or on paper as determined 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 shall submit a separate and complete application for each classification.
- C. For reporting purposes, questions regarding ethnicity, gender, age, disability, and other protected categories 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. The application form shall require that each applicant indicate whether or not he or she has been convicted of a crime. An applicant may be disqualified based on a conviction as set forth in Rule 4.3.1.
- E. Applications and examination papers are confidential and shall not be returned to the applicant.

**Reference: Education Code Sections 45260 and 45272**

#### **4.2.2 GENERAL QUALIFICATIONS OF APPLICANTS**

- A. Applicants must be permanent residents of the United States or must otherwise prove their right to work. 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 the applicant applied.

- B. Every qualified applicant shall have an opportunity to seek, obtain and hold permanent employment without discrimination based on race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, gender, sexual orientation, age, or other protected categories.
- C. Residency within the District shall not be a condition for filing applications for employment except in the case of restricted positions that require specific residency.
- D. No maximum age limit shall be set as a condition for initial or continued employment in the District.
- E. Applicants with disabilities 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 4.3 DISQUALIFICATION OF APPLICANTS AND CANDIDATES**

**4.3.1 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 4.2.2.;
  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); recency of the conviction(s); age of the person at the time of the conviction(s); number of convictions; relationship of the offense to the position for which the applicant has applied; evidence of rehabilitation and maturing, including the employment record with respect to job responsibility and duration; truthfulness in admitting to the offense(s); and person's attitude;
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 not in good standing 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; or
16. 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**

#### **4.3.2 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 ten (10) 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 confirm receipt of the appeal within (10) working days. The Director shall then facilitate an administrative review. 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 seven (7) 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 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**