

CHAPTER 40

APPLICATION FOR EMPLOYMENT

40.1 APPLICATION

40.1.1 FILING OF APPLICATIONS: All applications for employment shall be made on the official forms furnished by the Commission. Every item shall be filed in the Personnel Commission Office on or before the time and date specified in the employment opportunity bulletin.

40.1.1.1 Applicants taking more than one (1) examination must file a separate and complete application for each examination unless otherwise directed.

40.1.1.2 For federal/state reporting purposes, questions regarding ethnicity, sex, age, and handicapping condition shall be placed on a separate form. Answers to such questions shall be voluntary, and no other information shall be requested relative to race, religious creed, color, national origin, ancestry, handicapping condition, medical condition, marital status, sex or age prior to employment.

40.1.1.3 Applications and examination papers are confidential and become the property of the Personnel Commission, and shall not be returned to the applicant.

REFERENCE: Education Code Sections 45260 and 45272

40.1.2 GENERAL QUALIFICATIONS OF APPLICANTS: Applicants must be permanent residents of, or must otherwise prove their right to work in the United States and must possess all other requirements that are specified in the qualifications established for the class. Every applicant must be mentally and physically competent to perform the duties of the position for which applying.

40.1.2.1 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, handicapping condition, medical condition, marital status, sex, sexual orientation or age.

- 40.1.2.2** Residency within the District shall not be a condition for filing applications or offering employment except in the case of restricted positions which require specific residency.
- 40.1.2.3** No maximum age limit shall be set as a condition for initial or continued employment in the District.
- 40.1.2.4** Disabled persons shall be given equal employment opportunity and reasonable accommodation for employment shall be made where possible.

- REFERENCE:**
1. Education Code Sections 45105, 45111, 45122, 45123, 45124, 45134, 45260, 45272
 2. Labor Code Section 2805
 3. Government Code Section 12921

40.2 DISQUALIFICATION OF APPLICANTS AND CANDIDATES

40.2.1 CAUSES FOR DISQUALIFICATION: An applicant may be refused initial admittance to an examination and a candidate may be disqualified from further competition for any of the following reasons:

- 40.2.1.1** Failure to meet the general qualifications of Rule 40.1.2.
- 40.2.1.2** Advocacy of the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- 40.2.1.3** Conviction, either by a plea of guilty or no lo contendre, a court decision or a jury verdict to a charge of a narcotics or controlled substance offense as defined in Education Code Section 44011, or a charge of moral turpitude, any sex offense as defined in section 44011, or mistreatment of children or a serious or violent felony as defined in section 45122.1.
- 40.2.1.4** A history of controlled substance abuse without acceptable evidence of rehabilitation.
- 40.2.1.5** Conviction, either by a plea of guilty or no lo contendre, 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 offenses; age of the person at the time and recency of the offense; 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 offense; the person's attitude; and the duties of the class.
- 40.2.1.6** Making a false statement or intentionally omitting a significant statement of a material fact requested on the application form.
- 40.2.1.7** Practicing any deception or fraud in connection with an examination or to secure employment.
- 40.2.1.8** Obtaining or attempting to obtain either directly or indirectly, privileged information regarding test questions or examination content.

- 40.2.1.9** Dismissal from previous employment for cause if the cause would have subjected the applicant to dismissal by the District under these rules.
- 40.2.1.10** A record of unsatisfactory service with a previous employer as evidenced by a reference check, verified by the Director, Classified Personnel Services. (Outside applicants only)
- 40.2.1.11** Previous dismissal from the District.
- 40.2.1.12** A record of unsatisfactory service within the District as evidenced by documented disciplinary action, plans of assistance and performance improvement plans, or unacceptable job performance notice or a resignation in lieu of dismissal contained in the employee's personnel file.
- 40.2.1.13** Dishonorable discharge from the Armed Forces of the United States.
- 40.2.1.14** Refusal to furnish testimony, other than self-incriminating, at a hearing or investigation before the Personnel Commission or the Board of Trustees.
- 40.2.1.15** Unsatisfactory health conditions which clearly indicate that the applicant or candidate would be unable to perform the essential duties of his job with or without reasonable accommodation or would endanger his health and safety or the health and safety of others.
- 40.2.1.16** Attempting to or making contact with any member of the Board of Trustees or the Personnel Commission with the intent of attempting to favorably influence the 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 Personnel Commission as a whole by any candidate through the established appeal process.
- 40.2.1.17** Failure, after due notice, to report for review of any of the above causes for disqualification.
- 40.2.1.18** Failure to report for duty after an assignment has been offered and accepted.

REFERENCE: Education Code Sections 45111, 45122, 45123, 45124, 45134, 45260, 45261, and 45303

Note: (40.2.1.10) Although an applicant may make the top three (3) ranks, reference checks may indicate an undesirable candidate for a particular position. Without the ability to disqualify this applicant, the selection official will not have three (3) ranks from which to make a selection. Inside candidates are already prohibited from applying with a record of unsatisfactory service.

40.2.2 APPEAL FROM DISQUALIFICATION: Any applicant, candidate, and/or eligible disqualified based on Rule 40.2 shall be notified in writing, indicating the reasons for disqualification.

40.2.2.1 Anyone who has appealed a disqualification shall conditionally be permitted to take the examination pending final decision.

40.2.2.2 Upon receipt of an appeal, the Director of Classified Personnel Services shall conduct an investigation. If the decision is in favor of the applicant, he shall be notified and given rights as though the disqualification had not occurred. If the decision is to deny the appeal, the applicant may appeal to the Commission within five (5) working days after being notified.

40.2.2.3 Upon receipt of an appeal, the Commission shall conduct a hearing and shall receive evidence and render a decision within fourteen (14) calendar days. If the Commission's decision is in favor of the applicant, he shall be given rights as though the rejection had not occurred. The decision of the Personnel Commission is final and binding on all parties.

40.2.2.4 Appointments may be made from available eligibles pending final decision on the appeal (unless ordered otherwise by the Personnel Commission), and shall not be changed even though the outcome is in the appellant's favor, unless such appointments were fraudulently made.

REFERENCE: Education Code Sections 45111, 45122, 45123, 45124, 45134, 45260, 45261, and 45303

40.2.3 SUBMITTING PROOF OF VETERAN'S PREFERENCE: Any applicant who claims veteran's preference must submit Form DD214 at the time the employment application is submitted. Failure to submit Form DD214 at the time of application shall result in no veteran's preference being considered or added to any passing score. Veteran's preference is applicable on Open Competitive examinations only.

REFERENCE: Education Code Sections 45260, 45261, 45294, 45295, and 45296

40.2.4 APPLICANT'S NAMES NOT TO BE MADE PUBLIC: The names of applicants or unsuccessful candidates in any of the District's selection processes shall not be made public.

REFERENCE: Education Code Sections 45260 and 45261