

## CHAPTER 4 - APPLICATIONS

### 4.1 APPLICATION FOR EMPLOYMENT

#### 4.1.1-FILING OF APPLICATION

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.

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

#### 4.1.2 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 essential job functions of the position for which applying.

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.
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.
3. No maximum age limit shall be set as a condition for initial or continued employment in the District.

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

#### 4.1.3 EDUCATION SUBSTITUTION AND ACCEPTANCE

Where college training is required, credit will be given only for work completed in recognized colleges and universities.

1. Where graduation from a four (4) year college or university is required, a degree from a school which is less than a four-year school will not be accepted.
2. Credit will be given for work done with an accredited correspondence school, where such work is comparable to that offered by a four-year college or university. Completion of such a correspondence source of study will be considered equivalent to a degree from a regular four-year college or university, and partial completion of such a course of study will be prorated on the basis of percent completed.
3. Education beyond high school will be prorated with thirty (30) semester units or forty-five (45) quarter units considered equal to one (1) year of experience or one (1) year of school. Credits in excess of the equivalent of two (2) years, in order to be credited, must be in upper division work.
4. College training shall substitute for experience in those circumstances in which it is possible to establish a direct relationship between such training and duties of the class.
5. Specific course work and units within a class will not be eligible for substitution.

#### 4.1.4 EXPERIENCE SUBSTITUTION AND ACCEPTANCE

Appropriate experience will substitute for formal college training in examinations in which it is possible to establish a direct relationship between such experience and the duties of the class.

1. Where journey level status is required, completion of apprenticeships, possession of a journey license, or salaries at a journey level will be acceptable evidence of such status if the applicant's work record indicates an appropriate number of year experience in the field.
2. In evaluating applications for examination, total qualifying experience will be rounded to the nearest full month.

3. In interpreting qualification of promotional candidates, time spent in military service (active) shall be evaluated either as experience in the class from which the candidate left to go into military service or as experience in the service classification, whichever shall be to the candidate's advantage.
4. Credit will not be given for experience obtained while working overtime, out-of-class (in a non-compensation status), in relief of a supervisor or while working on a part-time job in addition to a regular full-time job, which also provides qualifying experience.
5. When qualifying experience is only part of an applicant's total responsibility on a job, credit will be given only for such portion of time actually involved in the qualifying work.
6. Experience requirement shall normally be stated in terms of full-time work.
7. Unpaid volunteer experience may be accepted provided it is equivalent to the required experience and, upon request by the Personnel Commission staff, the applicant provides verification from the volunteer agency specifying the period of service, amount of time worked during this period and the duties and responsibilities performed by the volunteer.
8. Part-time volunteer or paid experience will be credited only in proportion to the hours worked as they equate to a normal full-time week.

## 4.2 DISQUALIFICATION OF APPLICANTS AND CANDIDATES

### 4.2.1 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:

1. 4.2.1.1 Failure to meet the general qualifications of Rule 4.1.2.
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 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.
4. A history of controlled substance abuse without acceptable evidence of rehabilitation.
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 recentness 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.

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. 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).
11. Previous dismissal from this District unless the District waives this subsection.
12. A record of unsatisfactory service with this District even though separation has not occurred.
13. Dishonorable discharge from the Armed Forces of the United States.
14. Refusal to furnish testimony, other than self-incriminating, at a hearing or investigation before the Personnel Commission or the Board of Trustees.
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.
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.
17. Failure, after due notice, to report for review of any of the above causes for disqualification.

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.

#### 4.2.2 APPEAL FROM DISQUALIFICATION

Any applicant, candidate, and/or eligible disqualified based on Rule 4.2 shall be notified in writing, indicating the reasons for disqualification.

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

#### 4.2.3 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

#### 4.2.4 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

Labor Code: 2805

Chapter 5 – Recruitment and Examinations

Chapter 5 of the Personnel Commission Rules and Regulations chapter should cover:  
Recruitment Procedures, Examination Procedures, Examination Scoring Procedures,  
Examination Records, Examination Appeals Procedures, Violation of these Examination  
Rules/Laws