

Westminster School District  
Personnel Commission Rules and Regulations

**ARTICLE V  
RECRUITMENTS AND EXAMINATIONS**

Section 1 Recruitments

5.1.1 Authority

The Personnel Commission shall direct and administer the recruitment processes and examinations for the purposes of filling vacancies or creating employment eligibility lists for the Classified Service.

Recruitment and examination processes shall be conducted in accordance with the rules and regulations specified in this article (Article V).

References: E.C. #45260, #45261, and #45262  
Adopted: September 26, 1989  
Revised: December 15, 2008 September 24, 2019

5.1.2 Announcement of Vacancies or Examinations

5.1.2.1 No vacancy and/or examination announcement may be made, and no part of any examination process may be held for a new position until the Commission has completed the process of classifying the position including the establishment of the minimum qualifications, essential duties assignment of a class title and appropriate salary range placement, and the Board of Trustees has approved the positions to be filled. (NOTE: A newly-created position is one which does not have a previously separate existence).

5.1.2.2 Whenever it is necessary to fill existing or anticipated vacancies and an appropriate eligibility list does not exist (as determined by the Commission) the Personnel Commission shall announce each examination on an "Employment Opportunity" bulletin which shall be distributed to all work sites within the District for posting for a period of at least ten (10) working days.

The Director, Human Resources Classified shall determine the appropriateness of utilizing other forms of advertising and may place advertisements in newspapers, trade and business journals, online recruitment sites, or other media, as well as the distribution of "Employment Opportunity" bulletins to local agencies and community-based organizations. However, the Director shall ensure that local agencies and community-based organizations which advocate employment for women, minorities or protected groups, and the physically/mentally/emotionally challenged are notified of any and all "Open," "Open and Promotional," and "Open and Continuous" examinations.

5.1.2.3 Any "Employment Opportunity" bulletin issued shall contain the following:

- A. The title of the position or class for which the recruitment is being conducted.
- B. A description of the scope of duties and responsibilities of the class.
- C. The minimum qualifications and requirements established for the class, and any other conditions of employment.
- D. Salary, benefits, and other compensation data.
- E. Application filing procedures, and the final date for filing an application.
- F. The general content of the examination and the types of tests (written, oral, performance, or combinations thereof) to be given; including minimum passing score and examination weighting.
- G. Information concerning the number of vacancies, employment locations, and regularly scheduled hours of work if known.

- H. Such other information as will assist interested persons in fully understanding the nature of the employment, and the procedures to be followed in order to participate in the selection process.

References: E.C. #45109, #45260, #45261, #45272, and #45278  
Adopted: June 15, 1965  
Amended: September 26, 1989; June 25, 1991; March 15, 1994  
Reviewed: December 15, 2008 September 24, 2019

## Section 2 Examinations

### 5.2.1 Determination of Examinations

The Personnel Commission, or designee shall determine the standards of proficiency to be required for each examination and shall determine whether the examination will be:

- A. Open;
- B. Promotional only;
- C. Open and promotional
- D. Merged open and promotional.

References: E.C. #45261, #45272, and #45284  
Adopted: September 26, 1989  
Revised: December 15, 2008 September 24, 2019

### 5.2.2 Open Examinations

Open examinations shall be given for all classifications designated by the Commission as being "entry level" (see Personnel Commission Rule 3.4.1); with veterans' credits allowed as specified in Personnel Commission Rule 4.3.1.

References: E.C. #45260, #45261, #45272, #45344.5, and #45361.5  
Adopted: September 26, 1989  
Revised: December 15, 2008 September 24, 2019

### 5.2.3 Promotional Examinations

Whenever it is determined by the Director that an adequate field of competition exists within the District and examinations can reasonably be expected to provide at least three (3) ranks of qualified candidates or the eligible candidates, the selection process will normally be limited to qualified promotional applicants.

Only classified employees who have completed an initial probationary period with the District and whose most recent (within a 24-month period) evaluation indicates an overall rating of satisfactory or better shall be eligible to participate as a promotional applicant.

References: E.C. #45103, #45260, #45261, and #45272  
Adopted: September 26, 1989  
Amended: July/August, 1997  
Reviewed: December 15, 2008 September 24, 2019

### 5.2.4 Open and Promotional Examinations

- A. Whenever it is determined by the Director that an adequate field of competition does not exist within the District or there is doubt as to the availability of an adequate number of promotional candidates, the Director may elect to recruit and test qualified applicants from within the District as well as applicants from outside the District.
- B. Qualified probationary employees (those who have not completed an initial probationary period with the District) may compete in such examinations as "open" candidates.

- C. In determining passing scores, the test scores of all participating applicants shall be considered.
- D. Those applicants who successfully complete each and every part of the selection process shall have their name placed on an eligibility list.

The names of those open and promotional candidates passing all parts of the selection process shall be merged into a single eligibility list. Rating and ranking of candidates will be in accordance with the final score(s) attained by each of the candidates plus any additional credits that have been authorized by the Personnel Commission.

References: E.C. #45103, #45260, #45261, and #45272  
 Adopted: September 26, 1989  
 Revised: December 15, 2008 September 24, 2019

#### 5.2.5 Merged Examinations

Examinations for management positions in the classified service, including those in Article III, Section 3.4.2.1 through 3.4.2.13, shall be held on an open as well as a promotional basis, in accordance with the following:

- A. When such examinations are held, permanent employees of the District (classified and certificated) who meet the minimum qualifications established for the position(s) shall be allowed to compete in the selection process(es).
- B. The names of those open and promotional candidates passing all parts of the selection process shall be merged into a single eligibility list. Rating and ranking of candidates will be in accordance with the final score(s) attained by each of the candidates plus any additional credits that have been authorized by the Personnel Commission.
- C. Since management positions in the classified service are not entry-level positions, military or veteran's preference credits are not authorized and shall not be included in determining the final ranking of names on the eligibility list(s).
- D. Promotional candidates (those having successfully completed all parts of the selection process) for any of the above-noted positions shall have seniority credits added to their final overall passing scores in the amount of one-half (1/2) point for each year of service with the District to a maximum of ten (10) points.

References: E.C. #45260, #45261, #45272, #45280, #45281, and #45282  
 Adopted: September 26, 1989  
 Amended: December 18, 1990; March 15, 1994; April 30, 1996  
 Revised: December 15, 2008 September 24, 2019

#### 5.2.6 Continuous Examinations

The Commission may designate certain classes of positions for continuous examination. When so designated, applications will be accepted on every working day, and examinations held periodically throughout the year; based upon need and the availability of applicants.

Classifications designated for continuous examination may include: Custodian, Early Education Assistant, Early Education Instructor, Extended School Program Facilitator, Extended School Program Lead Facilitator, Food Service Worker, Paraeducator/Instructional Support, Special Education Caseworker, Student Transportation Assistant.

References: E.C. #45260, #45261, #45273, and #45292  
 Adopted: September 26, 1989  
 Amended: December 18, 1990; July 21, 1992; February 15, 1994; April 30, 1996  
 Revised: December 15, 2008 September 24, 2019

### 5.2.7 Character of Examinations

Examinations shall be conducted by the Commission's staff and shall be administered in an objective manner, and shall consist of test parts that relate to job performance. Selection processes (examinations) shall comprise any or all of the following:

- A. Written examinations(s).
- B. Practical demonstration(s) of skill (performance tests).
- C. Evaluation of applicants' training and experience; based upon information provided in applications and supplemental applications.
- D. Evaluation of training, education, and experience by a Qualifications Appraisal Interview (QAI) Panel.
- E. Any other test(s) of fitness established by the Personnel Commission.

References: E.C. #45260 and #45273  
Adopted: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019

### 5.2.8 Examination Scores and Weighting

The relative weights of the different parts of the examination shall be determined by the Director and set forth in the examination announcement.

All examination materials shall be prepared and rated (scored) under the direction of the Director.

References: E.C. #45260, #45261, and #45274  
Adopted: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019

### 5.2.9 Interview Panel Examinations

If a selection process provides for the use of an interview panel, the Director shall assure that the following rules are strictly adhered to:

- A. The panel shall consist of at least two persons.
- B. An employee of the District or of the Commission may be assigned to serve on a panel provided that such employee is not at the first or second level of supervision over a vacant position in the class for which the examination is being held.
- C. Unless specifically directed to evaluate the technical knowledge and skills of the candidates, the interview panel shall confine itself to evaluating general fitness for employment in the class.
- D. When an interview panel is established and directed to evaluate the technical knowledge and skills of the candidates, at least one member shall be technically qualified in the specified occupational areas under examination.
- E. No member of the Board of Trustees will be allowed to serve on an interview panel.
- F. No member of the Personnel Commission will be allowed to serve on an interview panel for non-management positions.
- G. Interviews shall be electronically recorded and retained on file in the Commission Office for a period of at least two (2) years.
- H. Scores achieved by the candidate(s) on other parts of the examination process shall not be made available to the interview panel(s).

- I. In no case will an oral or performance examination panel be provided with confidential references on employees of the District who are competing in examinations.

References: E.C. #45260, #45261, and #45273  
Adopted: September 26, 1989  
Revised: December 15, 2008 September 24, 2019

#### 5.2.10 Admission to Examination

Each person whose application has been approved for participation in a selection process shall be notified in a reasonable amount of time in advance of the date, time, and location of the examination and such notice shall be the applicant's authority to take the examination. No candidate may be admitted to an examination without this authorization or other satisfactory means of evidence of having filed an acceptable application. In addition, each candidate must provide personal identification, e.g., a picture I.D., at the time of the examination admittance in order to take the test.

References: E.C. #45260 and #45261  
Adopted: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019

#### 5.2.11 Examination Procedural Rules

Unless otherwise approved by the Director, applicant/candidates must take the test on the prescribed date, and in accordance with the following:

- A. Copies of the test materials, including notes or calculations made during the testing process, shall not be taken from the testing room.
- B. Whenever written tests are required, they shall be managed in such a way that none of the test papers will disclose the name of any competitor until all papers of all competitors in a given examination have been marked and rated. The only exception to this rule will occur when and if the Commission maintains a computerized automated scoring system which automatically scores the exams of all competitors; with built-in safeguards against fraudulent scoring.
- C. Any participant in any examination who places an identifying mark upon his/her test papers (other than the identifying mark prescribed at the time of the examination) or makes any effort to disclose to others the identity of his/her papers prior to the completion of the selection process may be disqualified.
- D. Whenever a candidate chooses to repeat an examination, the most recent score will be the score of record whether higher or lower than the previous examination score.

References: E.C. #45260, #45261, and #45273  
Adopted: September 26, 1989  
Revised: February 27, 2013 September 24, 2019

#### 5.2.12 Required Rating

Applicant/candidates may be required to attain a designated minimum rating in each part or in combined parts of the selection process to qualify for participation in the next succeeding part.

References: E.C. #45260, #45261, and #45273  
Adopted: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019

#### 5.2.13 Seniority Credit(s)

Seniority credit(s) shall be added to the final passing scores of permanent employees of the District (including those whose names appear on a valid layoff/reemployment list) in the amount of one-half (1/2) point for each year of service with the District; not to exceed a maximum of ten (10) points.

Credit shall be granted for all time spent in regular status as well as any paid leaves of absence. A full year's credit shall be granted to employees whose regular position is assigned on less than a calendar year basis and/or less than a forty-hour week.

References: E.C. #45260, #45261, #45272, and #45281  
Adopted: June 15, 1965  
Amended: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019

#### 5.2.14 Notice of Final Score

The Personnel Commission staff shall notify each applicant/candidate who qualifies for placement on an eligibility list of his/her final score and standing on the eligibility list. Such notification shall be provided within fifteen (15) working days following completion of the examination.

Those applicant/candidates who do not qualify for placement on an eligibility list shall be so notified within fifteen (15) working days following completion of the examination process.

References: E.C. #45260 and #45261  
Adopted: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019

#### 5.2.15 Violation of Examination Laws and Rules

Whenever the Personnel Commission, following a public hearing, finds that an appointment has been made in violation of the Education Code and/or these rules as they pertain to the examination and selection process, the Commission may order that no salary warrant shall thereafter be drawn or issued to the employee (for any services rendered after the date of said order) so appointed.

Any violation of the merit system sections of the Education Code or the rules of the Personnel Commission as they apply to examination procedures shall constitute grounds for the dismissal of the employee or employees found guilty of such violation.

References: E.C. #45260, #45261, #45310, and #45311  
Adopted: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019

### Section 3 Review and Protest of Examinations

#### 5.3.1 Retention of Examination Records

All examination records, including test answer sheets, tape-recorded interviews, and interview rating sheets, shall be retained by the Personnel Commission for a period of at least two (2) years from the date of the examination.

References: E.C. #45260, #45261, and #45274  
Adopted: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019

#### 5.3.2 Confidentiality of Examination Records

All examination records shall be confidential. Records, such as identifiable ratings of oral panel members and confidential references of previous employers, shall not be available for review.

References: E.C. #45260, #45261, and #45274  
Adopted: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019

#### 5.3.3 Availability of Records for Review

Except for those records/materials noted in Personnel Commission Rules 5.3.2, an applicant/candidate or his/her designated representative will be permitted to review the applicant/candidate's test materials; including tests, answer sheets, and recorded interviews.

Neither the applicant/candidate nor his/her designated representative will be allowed to review the applications or test records of any other person.

No applicant/candidate will be allowed to remove or copy information from the examination materials.

References: E.C. #45260, #45261, and #45274  
Adopted: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019

#### 5.3.4 Notification of Test Results and Review

The Personnel Commission staff shall notify applicant/candidates of the test results as soon as practicable following the administration of the examination.

An applicant/candidate will be permitted to review test segments within seven (7) working days following notification. At the time of review, the applicant/candidate may submit a written protest relative to any part of the examination process; outlining the basis for the protest and stating the remedy being sought.

No applicant/candidate will be allowed to remove or copy information from the examination materials.

References: E.C. #45260, #45261, and #45274  
Adopted: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019

#### 5.3.5 Failure To File A Protest

An applicant/candidate's failure to review and/or file a protest with the Director in accordance with the provisions of Personnel Commission Rule #5.3.4 shall constitute a waiver of the right to appeal that part of the selection process.

References: E.C. #45260, #45261, and #45274  
Adopted: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019

#### 5.3.6 Review and Response to Protests

The Director shall review and act upon all protests submitted in accordance with the provisions of Personnel Commission Rule 5.3.4. In taking action on a protest, the Director may allow more than one (1) answer to a question, or may disqualify a question in its entirety if the protest is found to be valid.

Should a protest result in any changes, the test results of all applicant/candidates will be reviewed and re-scored accordingly.

References: E.C. #45260, #45261, and #45274  
Adopted: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019

#### 5.3.7 Appeal(s) to Commission

The Director shall inform the applicant/candidate of his/her decision relative to the protest (submitted in accordance with the provisions of Personnel Commission Rule 5.3.4). That decision shall be in writing and submitted to the protesting applicant/candidate in person or by certified mail (to the person's last known home address on file in the Personnel Commission office). Failure of the applicant to retrieve delivered mail, or respond to notifications by the United States Postal Service of attempted delivery, shall not be grounds for voiding the notification or for staying the time lines specified in these rules.

The responsibility for keeping the District informed regarding an appropriate home or mailing address is a requirement of the applicant/candidate.

For purposes of this rule, if a notice is mailed, the second working day following the postmark date of

the notice shall be considered to be the official date of receipt.

Should the Director rule against the protest, the applicant/candidate may appeal the decision to the Personnel Commission as follows:

- A. Appeals to the Personnel Commission shall be in writing (which may be a simple note stating a desire to appeal the Director's decision), and shall be submitted to the Personnel Commission office within three (3) working days of receipt of the Director's decision.
- B. The Personnel Commission shall establish a date and time to consider the protesting applicant/ candidate's appeal. The decision of the Personnel Commission shall be in writing and submitted to the applicant/candidate in accordance with the procedures noted above. The decision of the Personnel Commission shall be final, and binding on all parties.

The filing of an appeal shall not stop or otherwise delay the selection (examination) process unless it is so ordered by the Personnel Commission.

References: E.C. #45260 and #45261  
Adopted: September 26, 1989  
Reviewed: December 15, 2008 September 24, 2019