

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE IV
APPLICATION FOR EMPLOYMENT**

Section 1 Applications

4.1.1 Filing of Applications

- A. All applications for employment shall be made on the official forms furnished by the Personnel Commission. Every item shall be answered in full and the application filed in the Personnel Commission Office on or before the time and date specified in the official vacancy notice.
- B. Applicants who wish to compete in more than one of the District's selection processes (examinations) must file a separate and complete application for each examination unless otherwise allowed or directed by the Director, Human Resources Classified.
- C. The application form shall not contain any questions or references to an applicants race, religious creed, color, national origin, ancestry, military and veteran status, mental and/or physical disability, medical condition, marital status, sex, sexual orientation or age.

For purposes of affirmative action and/or federal/ state reporting requirements, as well as providing veteran's credit(s), questions regarding an applicant's ethnicity, sex, age, military status and mental and/or physical disability may be asked. However, such questions shall be contained in a separate and separable form. The answers to such questions shall be totally voluntary on the part of the applicant, and no other information will be requested relative to an applicant's race, religious creed, color, national origin, ancestry, mental and/or physical disability, medical condition, marital status, sex, sexual orientation or age prior to employment with the District.

- D. All applications and examination materials are to be held in confidence and are deemed to be the property of the Westminster School District Personnel Commission and, once submitted, shall not be returned to the applicant.

References: G.C # 12940 E.C. #45260 and #45272
Adopted: June 15, 1965
Amended: August 22, 1989; June 6, 2017
Reviewed: November 25, 2008

4.1.2 General Applicant Requirements

- A. Applicants must possess all of the requirements specified in the minimum qualifications established for the class for which application is being made. Every applicant must be in all respects mentally and physically able to perform the basic functions and essential duties of the position for which they apply, with or without reasonable accommodations.
- B. Job descriptions shall contain any and all physical requirements necessary for the performance of the essential duties of the position/classification.
- C. Following an offer of employment, each candidate may be required to take a physical and/or mental examination as a condition of employment. When a physical and/or mental examination is required, it shall be provided under the auspices of the District at no cost to the candidate; at such time and place as the District shall designate.
- D. Following an offer of employment, each candidate shall be required to complete a medical history questionnaire. Such questionnaire to be reviewed by a licensed physician to determine whether or not the candidate is capable of performing the basic functions and essential duties of the position for which they have applied.

- E. Candidates for designated classes, including Bus Driver shall be required to produce, at the time application is submitted, a medical examination certificate issued within the last two years. Following employment with the District, all bus drivers must receive a physical examination annually.

References: E.C. #45111, #45122, #45123, #45124, #45134, #45260, #45272, and V.C. #12804, #12522, and #14606

Adopted: June 15, 1965

Amended: February 24, 1981; August 22, 1989; August 24, 1992; June 18, 1996; July 18, 2000; November 25, 2008; June 6, 2017

Section 2 Disqualification of Applicants and Candidates

4.2.1 Causes For Disqualification

An applicant or candidate shall be refused initial admittance to an examination or may be disqualified from further competition for any of the following reasons:

- A. Advocacy of the overthrow of the Government of the United States of America or the State of California by force, violence, or other unlawful means.
- B. Making a false statement or intentionally omitting a significant statement of a material fact requested as part of the application process.
- C. Practicing any deception or fraud in connection with an examination or to secure employment.
- D. Obtaining or attempting to obtain, either directly or indirectly, privileged information regarding test questions or examination content.
- E. Previous dismissal from the District.
- F. A refusal to furnish testimony, other than self-incriminating, at a hearing or investigation before the Personnel Commission or Board of Trustees.
- G. Making contact with any member of the Board of Trustees or the Personnel Commission in an attempt to influence the recruitment, examination, and/or selection process. Exempted from this restriction would be any formal appeal of the recruitment/ examination/selection process to the Personnel Commission through the established appeal processes (see Rules 4.2.3 and 5.3.7).
- H. Failure, after due notice, to report for review of any of the above-noted causes for disqualification.
- I. Failure to report for duty after an assignment has been offered and accepted.

References: E.C. #45111, #45122, #45123, #45124, #45134, #45260, #45261, #45293 and #45303

Adopted: June 15, 1965

Amended: August 22, 1989; August 24, 1992; July 18, 2000; November 25, 2008; June 6, 2017

4.2.2 Other Causes for Disqualification:

An applicant or candidate may be refused initial admittance to an examination or may be disqualified from further competition for any of the following reasons:

- A. Failure to meet the general requirements of Personnel Commission Rule #4.1.2.
- B. Conviction by pleading guilty or "nolo contendere," a jury verdict or a court decision for a serious crime or a record of one or more convictions which would indicate that the applicant or candidate is a poor employment risk. A person's conviction record will be evaluated on the following basis: (1) nature, seriousness, and circumstances of the offense(s); (2) age of the person at the time of the offense; (3) how recent the offense occurred; (4) relationship of the offense to the position applied for; (5) evidence of rehabilitation and maturation based upon

subsequent employment records.

- C. Dismissal from a previous employment for cause; provided that such cause would have also subjected the person to dismissal had they been an employee of the Westminster School District.
- D. A record of unsatisfactory service with the District as evidenced by a disciplinary action, a recorded need for improvement or unsatisfactory job performance notice, or a resignation in lieu of dismissal.
- E. Dishonorable discharge from the Armed Services of the United States.
- F. Following the interactive process, health conditions which clearly indicates that the applicant or candidate would be unable to perform the basic functions and essential duties of the job with or without reasonable accommodations or would endanger their health or the health and safety of others.

References: E.C. #45111, #45122, #45123, #45124, #45134, #45260, #45261, and #45303
Adopted: June 15, 1965
Amended: August 22, 1989; August 24, 1992; November 25, 2008; June 6, 2017

4.2.3 Appeal From Disqualification

Appeals from disqualification shall be made in accordance with the following:

- A. Any applicant or candidate who is disqualified in accordance with the provisions of Rules 4.2.1 and 4.2.2 shall be notified in writing; indicating the reason(s) for disqualification and advising the person that they have seven (7) calendar days in which to appeal. Such appeal shall be submitted to the Director.
- B. Any applicant who appeals their disqualification in accordance with these rules and regulations shall be permitted to participate in the selection process pending a final decision on the appeal.
- C. Upon receipt of an appeal, the Director shall investigate the matter and render a decision. If the decision is in favor of the applicant, they shall be so notified and allowed to participate in the selection process as though the disqualification had not occurred. If the appeal is denied, the Director shall so notify the applicant in writing; noting that they may appeal the decision by submitting a written appeal to the Personnel Commission within seven (7) calendar days.
- D. Upon receipt of an appeal, the Personnel Commission shall conduct a hearing and render a decision within fourteen (14) calendar days. If the Commission rules in favor of the applicant/candidate, they shall be accorded all rights of other applicant/candidates as though there had been no rejection.
- E. Unless otherwise ordered by the Personnel Commission pending its decision on an appeal, appointments may be made from available candidates, and such selections shall not be negated as a result of a favorable ruling on the appellant's behalf unless the selection/appointments were fraudulently made.

References: E.C. #45111, #45122, #45123, #45124, #45134, #45260, #45261, #45293 and #45303
Adopted: June 15, 1965
Amended: August 22, 1989; November 25, 2008; June 6, 2017

Section 3 Veteran's Credits

4.3.1 Number of Credits and Application Procedures

Veterans shall be allowed an additional credit of five (5) points and disabled veterans allowed a credit of ten (10) points to be added to their passing scores in entry level or "open" competitive selection processes.

- 4.3.2 In order to obtain Veteran's credit(s), the applicant must have served at least thirty (30) days of active service in the United States Army, Navy, Marines, Air Force, Coast Guard between the dates listed as follows:

June 27, 1950 through January 31, 1955
(Korean Conflict)

August 5, 1964 through May 7, 1975
(Viet Nam Era)

August 2, 1990 through Present
(Gulf War)

Or any other war, national emergency or conflict declared by the President of the United States.

- 4.3.3 To receive Veteran's Credit(s), the applicant must provide satisfactory proof, such as a DD214, regarding the qualifying military service. Normally, such proof shall be submitted at the time of submitting the application, but must be submitted prior to the establishment of the eligibility list. No adjustment of rank on the list shall be made thereafter; even if such proof of eligibility is forthcoming.

To receive additional credits as a disabled veteran, the applicant/candidate shall present military records or other satisfactory evidence that they have sustained a disabling or significantly limiting condition as a result of their military service as noted in Personnel Commission Rule & Regulation #4.3.2.

References: E.C. #45260, #45261, #45294, #45295, and #45296

Adopted: June 15, 1965

Amended: February 24, 1981; August 22, 1989; August 24, 1992; November 25, 2008; June 6, 2017