

## Administrative Regulation

Classified Service, Applications for Employment inA. Filing Applications

All applications must be made upon official forms provided by the Personnel Commission, filled out as directed, and filed in the Office of Personnel Services, on or before the closing date specified in the employment opportunity announcement.

Applicants taking more than one examination must file a separate and complete application for each particular examination. All applications shall be signed and the truth of all statements contained therein certified by such signature.

B. General Qualifications of Applicants

Applicants must meet the minimum qualifications set forth in the employment opportunity announcement.

No applicant will be discriminated against on the basis of a characteristic protected by state or federal law, including the applicant's actual or perceived race, color, ethnic group identification, religion, national origin, ancestry, marital status, gender, gender identity, gender expression, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), age (40 or older), genetic information (including family medical history), sexual orientation, citizenship, service in the uniformed services (as defined in the Uniformed Services Employment and Reemployment Rights Act of 1994), or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.

C. Rejection of Unfit Applicants, Candidates, and Eligibles

An applicant or candidate may be refused examination, and an eligible may be refused certification or appointment, for any of the following reasons:

1. Failure to meet the general qualifications for employment.
2. Conviction in court of a charge of moral turpitude, a violent or serious felony as defined in Education Code section 45122.1, a sex offense as defined in Education Code section 44010, mistreatment of children, or a controlled substance offense as defined in Education Code section 44011.

3. Conviction of a felony, with consideration to the recency of the conviction and its relevancy to the job for which applicant is applying.
4. A determination that the applicant/candidate is a mentally disordered sex offender pursuant to Welfare and Institutes Code 6300-6332 or the law of any other state (Education Code 45124).
5. Registration as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16, if the applicant/candidate will be working directly and in an unaccompanied setting with minor children on a more than incidental and occasional basis or will have supervision or disciplinary power over minor children (Penal Code 290.95).
6. Intentionally making a false statement or intentionally omitting a statement as to any material fact on the application form.
7. Practicing any deception or fraud in connection with an examination or to secure employment.
8. Current use of illegal drugs; current use of alcohol that prevents the person from performing the job or whose employment would constitute a direct threat to the individual or others.
9. Dismissal from a previous employment for cause, if the cause would have subjected the applicant to dismissal by the district, or previous dismissal from this district.
10. A record of unsatisfactory service with this district even though separation has not occurred.
11. Mentally and/or physically unable, even with reasonable accommodation in the instance of an individual covered under the Americans with Disabilities Act and/or the California Fair Employment and Housing Act, to perform the essential functions of the position.
12. Discharge other than honorable from the armed forces of the United States, with consideration of the recency of the discharge and its relevancy to the job for which the applicant is applying.
13. Failure to report for duty after an assignment has been offered and accepted.

14. Refusal to furnish non-privileged testimony at a hearing or investigation before the Personnel Commission, Board of Education, or designee.
15. Failure to demonstrate eligibility for employment by providing documents as required by the Immigration Reform & Control Act of 1986.
16. Other reasons deemed sufficient by the Personnel Commission and/or the Board of Education.

D. Appeal from Rejection

The personnel director shall be responsible for notifying, in writing, applicants, candidates, and eligibles who have been rejected. The reasons for such rejection shall be included in such notification. Any rejected individual may appeal to the personnel director for administrative review within seven calendar days.

If there has been an administrative review by the personnel director as provided above, candidates and eligibles shall have the right to appeal to the Personnel Commission subject to the following conditions:

1. The appeal is made in writing and is received within seven calendar days following receipt of the notification letter.
2. The appeal is based upon a charge that the rejection constitutes a violation of law or misapplication of the rules of the Personnel Commission, 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 timely written appeal, the Commission shall set a date for 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 rejection is not sustained by the personnel director or the Personnel Commission, immediate action shall be taken to ensure the rights of the applicant, candidate, or eligible. However, appointments made in the interim shall not be disturbed.

(Page 4 of 4)

Ref: EC Sections 44009, 44010, 45110, 45272, 45274, 45293

Approved: February 3, 1977

Revised: August 27, 1979

Revised: March 4, 1986

Revised: September 2, 1998

Reviewed: July 1, 2000

Revised: May 4, 2011

Revised: May 2, 2012