

RULE 7

APPLICATION FOR EMPLOYMENT

701 Filing of Application

All applications must be made upon official forms provided by the Personnel Commission, filled out as directed and filed in the Classified Human Resources office in accordance with the instructions contained in the examination announcement. A separate and complete application must be filed for each examination. The Executive Director/Director of Classified Human Resources may waive certain requirements if those requirements are waived for all applicants.

702 General Qualifications of Applicants

Applications will be evaluated based on knowledge, skills and experience specified under the employment criteria established for the class. Every applicant must be in all respects mentally and physically competent to perform the duties of the position for which applied.

703 Elimination of Unfit Applicants and Eligibles--Permissible

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

- A. Failure to meet the general qualifications of Rule 702.
- B. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- C. Intentionally making a false statement or omitting a statement as to any material fact on the application form.
- D. Practicing any deception or fraud in connection with an examination or to secure employment.
- E. Previous dismissal from this District or dismissal from previous employment if the cause would have covered dismissal from the District.
- F. Criminal or disgraceful conduct.
- G. A current unsatisfactory performance evaluation with this District.

- H. Failure to report for duty after assignment has been offered and accepted.
- I. Failure, after due notice, to report promptly for review after notification of rejections for any of the above causes.

704 Elimination of Applicants or Employees--Compulsory

- A. No person who has been convicted of any sex offense as defined in Education Code Section 44010 or narcotics offense as defined in Section 44011 shall be employed or retained in employment by a school district. If, however, such conviction is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, this section does not prohibit the person's employment thereafter. If the employee was dismissed pursuant to this section and the conviction was reversed, the employee must be re-employed in the previous classification.

EDUCATION CODE SECTION 44010 and 44011

- B. Nothing in this section shall prohibit the employment by a school district of a person convicted of a narcotics offense if the governing board of the district determines, from the evidence presented, that the person has been rehabilitated for at least five (5) years. The determination by the governing board as to whether the person has been rehabilitated for five (5) years is final.

EDUCATION CODE SECTION 45123

705 Rejection and Appeal from Rejection

- A. Applicants, candidates, and eligibles who are rejected for any of the reasons enumerated in Rule 703 or 704 shall be notified in writing by the Executive Director/Director of Classified Human Resources. The notification shall state the reason(s) for rejection.
- B. Within seven (7) calendar days, the individual may make a written appeal to the Executive Director/Director of Classified Human Resources. The appeal may be based on any of the following reasons:
 - 1. Discrimination because of age, ancestry, color, gender, gender expression, gender identity, genetic information, marital status, medical condition, mental disability, military and veteran status, national origin, physical disability, pregnancy, childbirth, breastfeeding or related medical conditions, race, religious creed, sex, or sexual orientation of any person.
 - 2. Abuse of discretion.

3. Inconsistency of the reasons given for the rejection with the facts.

- C. Upon receipt of an appeal, the Executive Director/Director of Classified Human Resources shall review the appeal request. The Executive Director/Director of Classified Human Resources shall, if requested, meet with the applicant and review the concerns presented. Upon consideration, after reviewing all of the facts and points presented during the meeting with the Executive Director/Director of Classified Human Resources may then rule on the matter and inform the applicant of their decision. The Executive Director/Director of Classified Human Resources' decision is final unless the Executive Director/Director of Classified Human Resources' decision is to have the matter heard in front of the Personnel Commission. The decision by the Executive Director/Director of Classified Human Resources or Personnel Commission shall be transmitted to the applicant and to all concerned, and shall be final.

706 Action When Rejection Is Not Sustained

If the matter is heard by the Personnel Commission or Executive Director/Director of Classified Human Resources and if a rejection is not sustained by the Executive Director/Director of Classified Human Resources or the Personnel Commission, the Executive Director/Director of Classified Human Resources shall institute immediate action to insure the rights of the applicant, candidate, or eligible as if the rejection had not been made.

707 Applications Not to Be Returned

All applications and examination papers are confidential records of the Commission and will not be returned to the applicants except that the Commission will permit the appointing power or its representative to inspect applications of persons being considered for appointment.

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