

CHAPTER 6

APPLICATION AND EXAMINATION

6.1 APPLICATION FOR EMPLOYMENT

- 6.1.1 Filing of Applications
- 6.1.2 General Qualifications for Applicants
- 6.1.3 Elimination of Unfit Applicants, Candidates, and Eligibles
- 6.1.4 Rejection and Appeal From Rejection
- 6.1.5 Action When Rejection is Not Sustained
- 6.1.6 Applications Not To Be Returned
- 6.1.7 Applicants' Name Not Made Public
- 6.1.8 Veterans' Preference

6.2 EXAMINATIONS

- 6.2.1 Promotional Examinations
- 6.2.2 Recruitment Bulletin
- 6.2.3 Who May Compete
- 6.2.4 Notice of Examination
- 6.2.5 Character of Examinations
- 6.2.6 Examination Procedures
- 6.2.7 Examination Weighting
- 6.2.8 Rating Required
- 6.2.9 Review of Written Test
- 6.2.10 Examination Papers
- 6.2.11 Qualification Appraisal Interview (Oral Examination)
- 6.2.12 Seniority Credit -- Promotional Examinations
- 6.2.12.5 Performance Tests for Classified
- 6.2.13 Notice of Final Score

CHAPTER 6

APPLICATION AND EXAMINATION

6.1 APPLICATION FOR EMPLOYMENT

6.1.1 FILING OF APPLICATION

All applications for employment should be made upon official forms furnished by the Commission, filled out as therein directed, and filed on or before the date specified and in the office specified in the examination announcement.

All applicants taking more than one examination must file a separate and complete application for each such examination

(References: Ed. Code 45256, 45260 and 45261)

6.1.2 GENERAL QUALIFICATIONS OF APPLICANTS

Applicants must be citizens of the United States, except as otherwise provided in law, and possess all other requirements that may be specified in the minimum qualifications established for the class. Every applicant must be in all respects mentally and physically competent to perform the duties of the position for which he applies.

6.1.3 ELIMINATION 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:

- A. Failure to meet the general qualifications of Rule 6.1.2.
- B. Knowingly becoming or knowingly remaining a member of the Communist Party on or after September 9, 1953.
- C. Advocacy to overthrow the Government of the United States or the State of California by force, violence, or other unlawful means.
- D. Conviction or pleading guilty in court to a narcotics or controlled substance offense as defined in Education Code section 44011, a crime of moral turpitude or sex offense as

defined by Education Code section 44040, mistreatment of children, or who has been determined to be a sexual psychopath as defined by section 45124 of the Education Code, or who has been convicted of a serious or violent felony as defined by section 1192.7 or section 667.5 respectively of the Penal Code.

- E. Criminal, infamous, dishonest, immoral, or disgraceful conduct according to standards approved by the Personnel Commission.
- F. Intentionally making a false statement or omitting a statement as to any material fact on the application form.
- G. Practicing any deception or fraud in connection with an examination to secure employment.
- H. Drug addiction, and/or use of intoxicating beverages while on duty.
- I. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District.
- J. Previous dismissal from this District unless the District waives this subsection.
- K. A record of unsatisfactory service with this District even though separation has not occurred.
- L. Unsatisfactory health conditions or failure to submit to or pass a pre-employment medical evaluation including drug testing.
- M. Discharge other than honorable from the armed forces of the United States.
- N. Failure to report for duty after an assignment has been offered and accepted.
- O. Failure after due notice, to report promptly for review of any of the above bases for rejection.
- P. Refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Board of Education.

- Q. Used or attempted to use political or other coercion, pressure, or bribery to secure an advantage in the examination or appointment process.
- R. Directly or indirectly obtaining or seeking to obtain a question or questions in any examination given or about to be given by the Commission.
- S. Failure to submit an application or other required information for employment within prescribed time limits.
- T. Failure to execute an affirmation or oath of allegiance required by the State of California.
- U. Any other reason deemed sufficient by the Commission.

(References: Ed. Code 45256, 45260, 45261, 45276 and California Constitution, Section 3, Article 20).

6.1.4 REJECTION AND APPEAL FROM REJECTION

- A. Applicants, candidates, and eligibles rejected for any of the reasons enumerated in rule 6.1.3 shall be notified in writing by the Personnel Director. The notification shall state:
 - 1. The reason(s) for rejection.
 - 2. The length of time the individual shall be ineligible to be considered for examination or appointment to a position in the district.
 - 3. That, within seven calendar days, the individual may appeal to the Personnel Director for administrative review, and that failure to appeal for administrative review makes the rejection final and conclusive.
- B. If there has been an administrative review, as provided above, and the rejection is sustained, the individual shall be:
 - 1. Given a written notice outlining the reason(s) for sustaining the rejection, and
 - 2. Informed of his right to make a written appeal of the rejection and/or the period of disqualification, within seven calendar days, to the Personnel Commission.

The appeal may be based on any of the following reasons:

- a. Unlawful discrimination as defined in State or federal laws.
 - b. Abuse of discretion.
 - c. Inconsistency of the reasons given for the rejection with the facts.
- C. Upon receipt of an appeal, the Commission shall set a date for a hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final.

(References: Ed. Code 45256, 45260 and 45261)

6.1.5 ACTION WHEN REJECTION IS NOT SUSTAINED

If a rejection is not sustained by the Personnel Director or the Personnel Commission, the Personnel Director shall institute immediate action to ensure the rights of the applicant, candidate, or eligible as if the rejection had not been made. However, appointments made in the interim shall not be disturbed unless they were fraudulently made.

(References: Ed. Code 45256, 45260 and 45261)

6.1.6 APPLICATIONS NOT TO BE RETURNED

All applications and examination records are confidential records of the District and shall not be returned to the applicants.

(References: Ed. Code, 45260, 45261, 45274, and Government Code 6254 (g).)

6.1.7 APPLICANTS' NAMES NOT MADE PUBLIC

The names of the applicants or unsuccessful candidates in any examination shall not be made public .

(References: Ed. Code 45260, 45261 45274, and Government Code 6254 (G).)

6.1.8 VETERANS' PREFERENCE

- A. In the cases of all entrance examinations for positions which are the lowest level of a promotional series, veterans, as defined by section 45294 of the Education Code, with thirty days or more of service who become eligible for appointment by attaining the passing mark established for the examination shall be allowed an additional credit of five points and disabled veterans shall be allowed an additional credit of 10 points which shall be added to the percentages attained in the examination by the veterans. Veterans shall be placed on eligible lists and on the basis of the percentages attained by them in examinations after their credit is added.
- B. In order to obtain credit, the applicant shall furnish satisfactory proof of qualifying military service prior to establishment of the eligibility list. No adjustment of rank on the list shall be made when such proof is presented thereafter.

(References: Ed. Code 45294, 45295, 45296 and 45261)

6.2 EXAMINATIONS

6.2.1 PROMOTIONAL EXAMINATIONS

Examinations shall, where practicable, be limited to promotional applicants. When no promotional field of competition exists or when there is doubt of its adequacy, the Director of Classified Personnel may hold an open examination or simultaneous open and promotional examinations. Promotional examinations shall be restricted to permanent employees of the District who meet the prescribed qualifications of the class.

(References: Ed. Code 45256, 45260, 45261 and 45272)

6.2.2 EXAMINATION RECRUITMENT BULLETIN

- 1. Whenever it is necessary to fill existing or anticipated vacancies in the classified service and an appropriate eligibility list does not exist, the Director of Classified Personnel shall direct the holding of an examination to provide eligibles. At least fifteen (15) working days advance public notice of such examinations shall be given. The notice shall contain the following facts:

- A. Information concerning the location of employment, and other conditions of employment if known.
- B. Description of the scope of duties and responsibilities of the position and the class.
- C. Minimum qualifications required.
- D. The salary and other forms of compensation.
- E. The last date for filing an application.
- F. The subjects about which competitors may be examined and the weights of the various parts of the examination.
- G. Such other information as will assist the employees and the public in fully understanding the nature of the employment and procedures necessary to participate in the examination.
- H. If, at the close of the filing period (last day to submit application) it appears that the field of competition (number of applicants applying) is too small to fill present or anticipated vacancies the Personnel Director may, subject to discussion and concurrence of the Personnel Commission, extend or reopen filing in order to recruit additional applicants. A revised bulletin may be published and distributed in the normal manner.

(References: Ed. Code 45256, 45260, 45261 and 45278)

6.2.3 WHO MAY COMPETE

Competitive examinations for positions in the classified service shall be open to all applicants who meet the minimum qualifications and who are not rejected as provided in Rule 6.1.3, provided that examinations may be restricted to promotional candidates or other criteria as the Commission may determine.

(References: Ed. Code 45260 and 45261)

6.2.4 NOTICE OF EXAMINATION

Each applicant whose application has been approved shall be notified a reasonable time in advance of the time, date, and place of the examination, and such notice shall be the applicant's authorization to take the examination. No candidate may be admitted to any examination without such authorization or other satisfactory evidence of having filed an acceptable application.

6.2.5 CHARACTER OF EXAMINATIONS

Examinations may be written, oral, or in the form of a practical demonstration of skill and ability, or any combination of these. Any investigation of education, experience, character, identity, or test of technical knowledge, manual skill, or physical and mental fitness which, in the judgment of the Personnel Commission serves this end, may be employed.

(References: Ed. Code 45260 and 45261)

6.2.6 EXAMINATION PROCEDURES

- A. Competitors in any written test must take the test on the prescribed date, time and place unless such competitor presents to the Personnel Director a compelling and urgent rationale as to inability to take the test at the time and place announced. Such request must be made as soon as the competitor is aware of the need to request a different test date or time. In no event shall such special testing occur after a performance test or oral interview if any.
- B. Copies of the questions in a test shall not be made available to competitors or other unauthorized persons.
- C. Where written tests are required, they shall be so managed that none of the test papers will disclose the name of any competitor until all papers of all competitors in a given examination shall have been marked and rated.
- D. Any competitor in any examination who places any identifying mark upon his test papers (other than the identifying mark prescribed at the time of examination) or makes any attempt to disclose to others the identity of his paper prior to the completion of the examination shall be disqualified.

- E. By law, the Commission may designate examinations for specified classes be open and continuous (or standardized) examinations. When so designated, the examination shall be administered as needed, and as applicants are available; applications for such examinations shall be accepted on every working day. Procedures for review of written tests shall be suspended, and the Qualifications Appraisal Board may consist of one person, who may be an employee of the District or of the Commission.

- F. If in the judgment of the Personnel Director it is necessary to buy a test or contract for an examination with an outside agency or firm, that agency or firm's rules governing testing procedures shall be followed. At the time such written test or examination is administered the proctor shall announce the name of the agency or firm and the examination procedures, if any, which differ from those ordinarily required by the Personnel Commission.

(References: Ed. Code 45260, 45261, 45273 and 45292)

6.2.7 EXAMINATION WEIGHTING

The relative weights of the different parts of the examination shall be determined by the Director of Classified Personnel and set forth in the announcement of the examination. All examination papers shall be prepared and rated under the direction of the Personnel Director (Director of Classified Personnel).

(References: Ed. Code Sections 45260 and 45261)

6.2.8 RATING REQUIRED

Competitors may be required to attain a designated minimum rating in each part or in combined parts of the examination to qualify for participation in the next succeeding part.

(References: Ed. Code Sections 45260 and 45261)

6.2.9 REVIEW OF WRITTEN TEST

- A. The first two (2) working days after a written test has been administered shall be considered the review period. At the time the test is administered the proctor shall make available "protest" sheets to all candidates. This "protest" sheet shall have this rule printed on it and may include information as to what may be considered a justified protest. (Candidates shall be allowed ten

minutes after turning in their answer sheet to review the test.) At the time of the review period the candidate will be provided an opportunity to review the written test and the answer key for those questions challenged on the “protest sheet.” The candidate may protest any question but shall outline the basis, in writing, for each protest. The protest must be specific and must state wherein errors have occurred and the revision to which the applicant believes he is entitled. No candidate may copy and remove from the review room any questions or answers. The written test will not be scored until after the review period and until after the Personnel Director has reviewed and acted on all protests.

- B. The Personnel Commission staff shall deny candidates the privilege of reviewing any block of test materials which is continuous or standardized according to P.C. Rule 6.3.6 paragraphs E and F.
- C. Protest sheets, if any, shall be filed with the Personnel Director the first two (2) working days after a written test has been administered. The Personnel Director shall review and act upon all protests. He may allow more than one answer to a question or may disqualify a question, if he finds the protest to be valid. He may submit questions under protest to subject matter experts for their opinion and accept such opinions or overrule them if there is not strong majority opinion. If protests result in any change the answer key shall be changed accordingly.
- D. The Personnel Director shall inform the protestant of his decision. If he rules against the protest, the applicant may make written appeal to the Personnel Commission within 5 working days, but the appeal shall not delay other parts of the examination process.
- E. Clerical errors shall be corrected when discovered, regardless of lapse of time after the establishment of the eligibility list unless such list has expired. Changes in eligibility lists resulting from re-ratings or corrections of clerical errors shall be reported in the same manner as the original lists. No change in the eligibility list shall invalidate any appointment made in accordance with these rules.

(References: Ed. Code 45260, 45261, 45273, 45274)

6.2.10 EXAMINATION PAPERS

All examination papers submitted by competitors are the property of the Commission and are confidential records.

(References: Ed. Code 45260, 45261, 45274 and Government Code section 6254 (g).)

**6.2.11 QUALIFICATIONS APPRAISAL INTERVIEW
(ORAL EXAMINATION)**

- A. If an examination includes a Qualifications Appraisal Interview (QAI), those competitors eligible for the QAI will be examined at the earliest practicable date after conclusion and rating of the earlier test(s).
- B. A QAI Board will consist of at least two persons, at least one of whom shall be technically qualified to interview for knowledge in the area of the class of positions for which the test is being given.
- C. Under no circumstances shall a supervisory employee, under whose immediate supervision a successful competitor may serve, be designated as an oral examiner.
- D. A competitor may appeal a QAI rating to the Personnel Director and, if rejected, may be appealed to the Commission at any time after notification of his final score, but within 10 days after establishment of the eligibility list. The Commission may alter the QAI rating if it finds justification for the protest and order the competitor's examination score adjusted accordingly. No change in an eligibility list shall invalidate any appointment which was made prior to the ordered adjustment unless the appointee was fraudulently appointed.

(References: Ed. Code 45260, 45261 and 45274)

6.2.12 SENIORITY CREDIT TOWARD EXAMINATIONS

Promotional applicants shall have Seniority Credits added to their final passing scores in the amount of one (1) point for each year of service with the District for the first ten (10) years. For each subsequent year of service thereafter, the promotional applicant shall receive an additional one-quarter (1/4) of one point. The total number of points which a promotional applicant can receive under the combined provisions of this rule shall not exceed fifteen (15) points.

6.2.12.5 PERFORMANCE TESTS FOR CLASSIFIED EMPLOYEES

- A. It is the policy of the Personnel Commission to encourage classified employees to maintain previously developed skills, to develop

greater proficiency in acquired skills, and to utilize the District's performance testing procedures to achieve these objectives.

- B. The Personnel Commission authorizes the use of performance examinations at such times and intervals as the Personnel Director deems feasible and appropriate in furtherance of this policy.
- C. The recorded performance examination score for employees and applicants may be used in lieu of having to qualify on a similar performance examination in connection with the selection process for future employment opportunities, under the following conditions:
 - 1. The recorded score shall be maintained for a maximum of two years from the date of the examination, or until superseded by a subsequent examination score, whichever occurs earlier.
 - 2. The recorded performance score must have been from a previous performance test given by the District or from a certificate from a recognized school, college or training institution.
 - 3. The performance examination must be substantially similar to one given all other candidates competing for the particular vacancy or promotional opportunity, and
 - 6. The recordation of the performance examination score shall have taken place prior to the commencement of the formal selection process for establishing an eligibility list.

Commencement of the formal selection process is defined as the date an examination is authorized to fill the position vacancy or the date on which the public is given notification of the examination to fill the position vacancy, whichever date is the earlier.

- D. At the commencement of the selection process to fill an effected position, any employee who has not previously availed himself of the opportunities provided by this policy shall compete in the regular selection process, including attaining a passing score on the performance test, as provided elsewhere in the Rules and Regulations of the Personnel Commission.

(Reference: Ed. Code 45261)

6.2.13 NOTICE OF FINAL SCORE

- A. Each competitor shall be notified of his final score and of his relative standing on the eligibility list, if qualified.
- B. The names of candidates in any examination shall not be made public.
- C. Eligibility lists shall be considered confidential property of the Commission and shall not be made public.

(References: Ed. Code 45260, 45261 and 45274)