

1. Every qualified applicant shall have an opportunity to seek, obtain, and hold permanent employment without discrimination because of their race, color, national origin / ancestry, sex, religion, age (over 40), mental or physical disability, veterans status, medical condition, marital status, sexual orientation and pregnancy employee organization membership or nonmembership and legal activities related thereto, marital status, sex, or age.
2. Residency within the District shall not be a condition for filing applications or offering employment except in the case of restricted

volunteer agency specifying the period of service, amount of time worked during this period and the duties and responsibilities performed by the volunteer.

8. Part-time volunteer or paid experience will be credited only in proportion to the hours worked as they equate to a normal full-time week.

- REFERENCE:
1. Education Code Sections 88011, 88021-88023, 88033, 88080 and 88091
 2. V.C. #12804
 1. Immigration Reform and Control Act of 1986

4.2 DISQUALIFICATION OF APPLICANTS AND CANDIDATES

4.2.A CAUSES FOR DISQUALIFICATION: An applicant may be refused initial admittance to an examination and a candidate may be disqualified from further competition for any of the following reasons:

1. Failure to meet the general qualifications of Rule 4.1.B within prescribed time limits.
2. Failure to submit a completed application or supplemental application or submit an application with “nonresponsive information.”
3. Evidence of advocacy of the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
4. Conviction, either by a plea or verdict of guilty or nolo contendere, a court decision of a sex or narcotics offense as defined in Education Code Sections 87010 or 87011.
5. A history of drug addiction without acceptable evidence of rehabilitation.
6. Any conviction, other than a sex or narcotics conviction as defined in Education Code Sections 87010 and 87011, may disqualify an applicant if the criminal conviction(s) is sufficiently serious to require disqualification from employment. The following factors shall be considered in determining whether an applicant's criminal conviction(s) shall disqualify the applicant:
 - (a) Nature, seriousness, and circumstances of the offense(s).
 - (b) Recency of the conviction.

- (c) Number of convictions.
 - (d) Relationship of the offense(s) to the position for which applicant has applied.
 - a. Evidence of rehabilitation and maturing including the employment record with respect to job responsibility and duration.
7. A determination that the applicant is a sexual psychopath.
 8. Making a false statement or intentionally omitting a significant statement of a material fact requested on the application form.
 9. Practicing any deception or fraud in connection with an examination or to secure employment.
 10. Obtaining or attempting to obtain either directly or indirectly, privileged information regarding test questions or examination content.
 11. Dismissal from previous employment for cause which indicates poor performance in the type of work sought or if the cause would have subjected the applicant to dismissal by the District under these Rules.

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17. Attempting to or making contact with any member of the Board of Trustees or the Personnel Commission with the intent of attempting to favorably influence the recruitment, examination, and/or selection process in any way. Exempted from this restriction would be any formal appeal of the recruitment/examination/selection process to the Personnel Commission as a whole by any candidate through the established appeal process.
18. Failure, after due notice, to report for review of any of the above causes for disqualification.
19. Failure to report for duty after an assignment has been offered and accepted.
20. Refusal to take or sign the prescribed oath or affirmation of allegiance to the Constitution of the United States and the Constitution of the State of California.
21. A person may be disqualified for serious or numerous traffic violations when driving is an essential function of the class.

REFERENCE: Education Code Sections 88011, 88021, 88022, 88023, 88033, 88080, 88081 and 88122

4.2.B

APPEAL FROM DISQUALIFICATION: Any applicant, candidate, and/or eligible disqualified based on Rule 4.2 shall be notified in writing, indicating the reasons for disqualification and advising the individual that he/she has five (5) working days from receipt of notification to appeal the decision to the Director of Human Resources.

1. The appeal may be based on either of the following:
 - a. Discrimination - Any act that treats employees differently because of their race, color, national origin / ancestry, sex, religion, age (over 40), mental or physical disability, veterans status, medical condition, marital status, sexual orientation and pregnancy.
 - (b) Inconsistency of the reasons given for rejection with the facts.
2. Anyone who has appealed a disqualification shall conditionally be permitted to take the examination pending final decision.
3. Upon receipt of an appeal, the Director of Human Resources shall conduct an administrative review. If the decision is in favor of the applicant, he/she shall be notified and given rights as though the disqualification had not occurred. If the

decision is to deny the appeal, the applicant may appeal to the Commission within five (5) working days after being notified.

4. Upon receipt of an appeal, the Commission shall set a date, conduct a hearing and shall receive evidence and render a decision within fourteen (14) calendar days. If the Commission's decision is in favor of the applicant, he/she shall be given rights as though the rejection had not occurred. The decision of the Personnel Commission is final and binding on all parties.

5. Appointments may be made from available eligibles pending final decision on the appeal (unless ordered otherwise by the Personnel Commission), and shall not be changed even though the outcome is in the appellant's favor, unless such appointments were fraudulently made.

4.2.C EXAMINATION AFTER REJECTION OR DEMOTION: An employee with permanent status in a class who has not successfully completed probation, in accordance with Rules and Regulations 7.2.G or who has been demoted after attaining status in a higher class, in accordance with Rules and Regulations 12.1.D (Causes for Disciplinary Action) shall not be admitted to an examination for the class from which demotion occurred for one year after the effective date of the demotion.

REFERENCE: Education Code Sections 88011, 88021, 88022, 88023, 88033, 88080, 88081 and 88122

4.2.D SUBMITTING PROOF OF VETERAN'S CREDIT: Any applicant who claims veteran's credit must submit DD Form 214 at the time the employment application is submitted. Failure to submit DD Form 214 at the time of application shall result in no veteran's credits being considered or added to any passing score.

REFERENCE: Education Code Sections 88080, 88081, 88113, 88114 and 88115

4.2.E APPLICANT'S NAMES NOT TO BE MADE PUBLIC: The names of applicants or unsuccessful candidates in any of the District's selection processes shall not be made public.

REFERENCE: Education Code Sections 88080 and 88081

4.3

Government Code; all California state statutes relating to Equal Employment Opportunity; Department of Fair Employment and Housing Regulations; The Americans With Disabilities Act of 1990; Title VII of the Civil Rights Act of 1964 and its subsequent amendments; and guidelines approved by the Equal Employment Opportunities Commission.

4.3.B EQUAL EMPLOYMENT OPPORTUNITY/MERIT SYSTEM: The Personnel Commission will: ensure that all classified personnel actions are conducted without regard to race, color, national origin / ancestry, sex, religion, age, mental or physical disability, veteran status, medical condition, marital status, sexual orientation, pregnancy or other legal protected classes; ensure employment and promotion decisions are made in a manner to further the principles of equal employment opportunity and Merit System principles.

The Personnel Commission is committed to the support and implementation of the adopted District affirmative action plan. Attention will be specifically directed toward those activities that are within the scope of Commission responsibilities.

4.3.C POSITION QUALIFICATIONS: The Personnel Commission will establish essential position qualifications that can be validated as job oriented and as such not exclude qualified candidates; encourage recruitment procedures that are directed toward the fulfillment of affirmative action goals; ensure that examinations are valid and do not have an adverse impact; and ensure that all state and federal laws and administrative regulations are followed in the administration of all personnel functions.

4.3.D DISTRICT'S AFFIRMATIVE ACTION PLAN: The Personnel Commission encourages the District to: communicate the District's affirmative action plan to employees and the community; require employees to demonstrate a respect for physical, sexual and cultural differences; and provide employees with opportunities to develop and acquire skills, knowledge, and abilities that will enhance performance and opportunities for advancement.

REFERENCE:

1. Government Code 12940
2. Americans With Disabilities Act of 1990
3. Equal Employment Opportunity Commission Guidelines
4. Title VII of the Civil Rights Act of 1964