

CHAPTER 4: APPLICATIONS

4.1 APPLICATIONS FOR EMPLOYMENT

4.1.1 Filing Applications

All applications for employment must be made upon form(s) provided by the Personnel Commission, completed as directed, and filed in the Office of the Personnel Commission on or before the closing date specified in the examination announcement.

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

4.1.2 General Qualifications of Applicants

Applicants must meet the minimum qualifications of the class specification officially adopted by the Commission and set forth in the examination announcement, and any other requirement(s) that may be established by the Commission and/or by law.

4.1.3 Rejection of Application

An applicant may be refused examination or after examination may be refused certification or appointment for any of the following reasons:

- A. Conviction of or pleading guilty in court to a narcotics offense (as defined by E.C. 44011), a controlled substance offense (as defined by E.C. 44011), a crime of moral turpitude, any sex offense (as defined by E.C. 44010), mistreatment of children, or who has been determined to be a sexual psychopath (as defined by E.C. 45124).
- B. Criminal, infamous, dishonest, immoral or notoriously disgraceful conduct.
- C. The false statement of material fact or practicing any deception or fraud in certification or appointment or in securing eligibility to take the examination.
- D. Addiction to the use of narcotics as defined in the Health and Safety Code Section 11001.
- E. Evidence of being under the influence of intoxicating beverages or controlled substances while on duty.
- F. Conviction of a felony.
- G. Physical or mental unfitness for the performance of the duties of the class, not subject to reasonable accommodation.
- H. Unwarranted refusal to furnish testimony at a hearing before the Commission or the Governing Board.
- I. Dismissal for cause from a previous employment if the cause would have subjected the applicant to dismissal by the District.
- J. Involuntary separation from the Ocean View School District as a regular or substitute employee because of incompetency or inefficiency, or any disciplinary cause, or voluntary separation while such charges were pending against such employee.

(Reference Education Code sections 45260 and 45261) (Revised 07/18/02)

- K. Used or attempted to use political or other coercion, pressure, or bribery to secure an advantage in the examination or appointment.
- L. Advocacy of overthrow of the Government of the United States or the State of California by force, violence or other unlawful means.
- M. Failure to report for duty after an assignment has been offered and accepted.
- N. Directly or indirectly obtaining or seeking to obtain question(s) to be utilized in any examination given, or to be given by the Commission.
- O. Failure to submit application for employment correctly or within the prescribed time limits.
- P. Failure to execute the oath or affirmation of allegiance required by the State of California (Section 3, Article 20 of the California Constitution).
- Q. Discharge from the armed forces for conditions other than honorable.
- R. Failure, after being duly noticed, to report promptly for review of any other basis of rejection of application.
- S. Failure to submit to or pass pre-employment medical evaluations (may include drug screening).
- T. Other reasons deemed sufficient by the Commission.

4.1.4 **Notification of Rejection and Appeal**

Applicants, candidates, and eligibles who are rejected for any of the reasons enumerated in Rule 4.1.3 shall be notified in writing by the Director, Classified Personnel. The notification shall state:

- A. The reason(s) for rejection and procedure for protest and/or appeal.
- B. The length of time the individual shall be ineligible to be considered for examination or appointment to a position.
- C. The applicant may file a written protest with the Director, Classified Personnel for administrative review within seven (7) calendar days of the rejection. Failure to protest within seven (7) calendar days makes the rejection final. The protest may be based on either of the following reasons:
 - 1. Unlawful discrimination of any kind, including but not limited to discrimination on the basis of race, color, creed, sex, national origin, marital status, age, or disability not subject to reasonable accommodation.
 - 2. A reasonable factual basis does not exist to support the decision.

The written protest shall state specifics related to the claimed discrimination or to the lack of basis leading to the rejection/disqualification.

- D. The Director's Administrative Review shall consist of an interview with the applicant, a review of the documentation presented in support of the protest and any applicable information upon which the rejection or disqualification was based. The Director shall render a written decision and cause it to be delivered by posting it in the United States Mail to the applicant within seven (7) calendar days of the interview with the applicant.

- E. The applicant has seven (7) calendar days from posting of the Administrative Review decision to file an appeal of the rejection/disqualification to the Personnel Commission. The appeal to the Personnel Commission must be based on the above stated reason(s).

Upon receipt of a timely appeal, and review of that appeal by the Director, Classified Personnel, the Commission may set a date for hearing, hear all of the evidence, and render a decision. Its decision shall be transmitted in writing to all concerned and shall be final.

(Reference Education Code sections 45260, 45261, 45274, and 45293) (Revised 07/18/02)

4.1.5 **Action When Rejection Not Sustained**

If a rejection is not sustained by the Personnel Commission, the Director, Classified Personnel shall institute immediate action to insure the rights of the applicant, candidate, or eligible as if the rejection had not been made. However, any appointment made in the interim shall not be disturbed unless it was fraudulently made.

4.1.6 **Applications Not to be Returned**

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

4.1.7 **Veterans' Preference**

Veterans' preference points shall be added to passing scores in examinations for entry level classes in the amount prescribed by Section E.C. 45296:

Veteran - 5points
Disabled Veteran - 10points

A minimum of 30 days of active service in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard between the dates listed below are required:

- World War II 12/07/41 to 12/31/46
- Korea 06/27/50 to 01/31/55
- Vietnam 08/05/64 to 05/07/75
- Desert Shield/Storm 08/02/90 to Present
- Other Conflicts For service during and within a specific expedition or campaign for which a medal has been authorized by the United States Government as indicated on form DD214, regardless of the number of days served on active duty.

(Reference Education Code sections 45294, 45295 and 45296) (Military and Veterans Code section 980) (5 U.S.C. section 2108) (Revised 07/18/02)

Service in the armed forces for 30 or more consecutive days during which a campaign or expeditionary medal has been awarded by the Department of Defense shall also be qualifying.

In order to obtain credit, the applicant shall furnish the Director, Classified Personnel the original, certified, or photographic copy of their honorable discharge or certificate of honorable active military service (DD Form 214) or other acceptable evidence of required 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.