

CHAPTER 4

APPLICATION FOR EMPLOYMENT

4.1 APPLICATION

4.1.A FILING OF APPLICATIONS: All applications for employment shall be made on the official forms furnished by the Personnel Commission. Every item shall be answered in full and the application and supplemental application, if required, filed in the Personnel Commission Office on or before the time and date specified in the official vacancy notice.

1. Applicants taking more than one examination must file a separate and complete application for each examination unless otherwise directed.
2. For affirmative action and federal/state reporting purposes, questions regarding ethnicity, gender, veteran, and disabled status shall be placed on a separate form. Answers to such questions shall be voluntary, and no other information shall be requested relative to race, religious creed, color, national origin, ancestry, medical condition, marital status, or age prior to employment.
3. For purposes of determining eligibility all persons who have been convicted of a crime shall complete a separate form. The Personnel Commission will determine if the applicant has been sufficiently rehabilitated to work in an education setting, or if a nexus of the crime is job related.
4. Applications and examination papers are confidential and become the property of the Personnel Commission, and shall not be returned to the applicant.
5. The application form shall require that each applicant indicate whether or not he/she has been convicted of a crime. If an applicant states that he/she has been convicted of a crime, then such applicant shall be required to provide the Commission with detailed information pertaining to all convictions on a separate form. An applicant may be disqualified based on a conviction as set forth in Rule 4.2.A.

REFERENCE: Education Code Sections 88080 and 88091

4.1.B GENERAL QUALIFICATIONS OF APPLICANTS: All applicants must possess all other requirements that are specified in the qualifications established for the class. Every applicant must be mentally and physically competent to perform the essential functions of the position for which applying.

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 positions which require specific residency.
3. No maximum age limit shall be set as a condition for initial or continued employment in the District.
4. Disabled persons shall be given equal employment opportunity and reasonable accommodation for job performance and shall be made in accordance with the provisions of the Americans with Disabilities Act (ADA).

- REFERENCE:
1. Education Code Sections 88011, 88021, 88022, 88023, 88033, 88080 and 88091
 2. Labor Code Section 2805
 3. Government Code Sections 12921 and 12926
 1. Americans with Disabilities Act (ADA)

4.1.C

EDUCATION SUBSTITUTION AND ACCEPTANCE: Where college training Department of Education, as accredited institutions.

1. Credits from an institution not listed in the Directory shall be accepted if such credits are accepted by an accredited institution so listed.
2. Where graduation from a four (4) year college or university is required, a degree from a college which this Directory lists as less than a four-year college will not be accepted.
3. Credit will be given for work done with an accredited correspondence school, where such work is comparable to that offered by a four-year college or university. Completion of such a correspondence source of study will be considered equivalent to a degree from a regular four-year college or university, and partial completion of such a course of study will be prorated on the basis of percent completed.

4. Education beyond high school will be prorated thirty (30) semester units or forty-five (45) quarter units considered equal to one (1) year of experience or one (1) year of college. Credits in excess of the equivalent of two (2) years, in order to be credited, must be in upper division work.
5. College training shall substitute for experience in those circumstances in which it is possible to establish a direct relationship between such training and duties of the class.
6. Specific course work and units within a class will not be eligible for substitution.

4.1.D EXPERIENCE SUBSTITUTION AND ACCEPTANCE: Appropriate experience will substitute for formal college training in examinations in which it is possible to establish a direct relationship between such experience and the duties of the class.

1. Where journey level status is required, completion of apprenticeships, possession of a journey license, or salaries at a journey level will be acceptable evidence of such status if the applicant's work record indicates an appropriate number of years experience in the field.
2. In evaluating applications for examination, total qualifying experience will be rounded to the nearest full month.
3. In interpreting qualification of promotional candidates, time spent in military service (active) shall be evaluated either as experience in the class from which the candidate left to go into military service or as experience in the service classification and duties, whichever shall be to the candidate's advantage.
4. Credit will not be given for experience obtained while working overtime, out-of-class (in a non-compensation status), in relief of a supervisor or while working on a part-time job in addition to a regular full-time job which also provides qualifying experience.
5. When qualifying experience is only part of an applicants total responsibility on a job, credit will be given only for such portion of time actually involved in the qualifying work.
6. Experience requirement shall normally be stated in terms of full-time work.
7. Unpaid volunteer experience may be accepted provided it is equivalent to the required experience and, upon request by the Commission staff, the applicant provides verification from the

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.
 12. Previous dismissal or separation from the District due to cause or unsatisfactory service or a record of unsatisfactory service with the District.
 13. A record of unsatisfactory service within the District as evidenced by a disciplinary action, a work improvement notice, unsatisfactory job performance notice, or a resignation in lieu of dismissal.
 14. Dishonorable or Bad Conduct discharge from the Armed Forces of the United States. There must be a direct relationship between the offense committed and the job duties.
 15. Refusal to furnish testimony, other than self-incriminating, at a hearing or investigation before the Personnel Commission or the Board of Trustees.
 16. Unsatisfactory health conditions as determined by a physician designated by the Board of Trustees which clearly indicate that the applicant or candidate would be unable to perform the essential functions of the job or would endanger his/her health and safety or the health and safety of others.

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 AFFIRMATIVE ACTION

4.3.A GENERAL STATEMENT: The Personnel Commission recognizes that the District should make employment decisions that provide equal employment opportunities for all; and that the District and the Commission adhere to employment procedures that comply with Long Beach Community College District Board Policy 612, Affirmative Action Program; Section 129940 of the California

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