

**CHAPTER IV
APPLICATIONS AND EXAMINATIONS**

4.1 FILING OF APPLICATIONS

- A. **FILING OF APPLICATIONS.** All applications for employment must be made upon official forms furnished by the Personnel Commission and filed on or before the date specified and in the office specified in the examination announcement. All applications and related examination papers are confidential records and will not be returned to the applicant.

Applicants taking more than one examination must file a separate and complete application for each such examination.

The names of applicants in any examination shall not be made public.

Reference: California Education Code 45261

B. **GENERAL QUALIFICATIONS OF APPLICANTS**

1. It is not required that applicants with the school district be or have declared an intent to become a citizen of the United States, nor is it required that an applicant be a resident of California.

Reference: California Education Code 45111

2. Applicants must meet all requirements specified as the minimum qualifications established for the class.

4.2 DISQUALIFICATION OF UNFIT APPLICANTS, CANDIDATES, AND ELIGIBLES

- A. **CAUSES FOR REJECTION.** Applicants, candidates, or eligibles may be disqualified from current exams, from eligibility lists and possibly from future exams for any of the following reasons:

1. Failure to meet the general qualifications of Rule 4.1.B.
2. Having applied and participated in an examination for the classification within the last 90 days. Employees in lay-off status may apply and retest after 60 days for open-continuous recruitments.
3. Knowingly becoming or knowingly remaining a member of the communist party on or after September 9, 1953.
4. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.

5. Conviction or a plea of guilty or *nolo contendere* (i.e., I do not wish to contest) in court to a charge of moral turpitude, violent felonies or any sex offense, or mistreatment of children.
6. Presently continuing to serve a judicially imposed sentence including a probationary period for a conviction, unless the District waives this subsection.
7. Criminal, infamous, dishonest, immoral, or disgraceful conduct according to standards approved by the Commission.

The following definitions apply to the words in the preceding paragraph:

Criminal - Conviction of crime(s) specifically set forth in the Education Code as causes for rejection or termination or a pattern of willful disregard for the law as demonstrated by a history of convictions for misdemeanors, and crimes lesser than those specifically identified in the Education Code, and criminal convictions which indicate poor judgment on the part of the applicant.

Infamous - Crimes against nature.

Dishonest - Thefts, burglaries, deception, fraud, or acts intended to deprive lawful possession or ownership, or to obscure or confuse facts or issues.

Immoral - Sex offenses, including those set forth in the Education Code as causes for termination.

Disgraceful - Drunk, fighting, insulting, slandering, harassing, or unwelcome behavior; conduct involving violence, use or possession of a dangerous or illegal weapon, or making or inferring threats of violence or harmful acts toward a person or property and, including willful acts of pollution or contamination.

8. Making a false statement, misstating, or omitting a statement of any material fact on the application or other official documents.
9. Practicing any deception or fraud in connection with the Employment Application or in securing examination, certification, or appointment.
10. Failure to provide all required materials or to completely disclose all relevant employment information required at time of employment application, such as supplemental applications for employment, conviction information and court

documents, as specified on the job application, in the employment application package and/or Job Announcement bulletin.

11. Conviction of drug use and/or use of intoxicating beverages to excess, or sale, possession for sale, or transportation of controlled substances, dangerous drugs or narcotics, including marijuana, or the possession or use of narcotics other than marijuana.
12. Dismissal from a previous employment for cause, if the cause would have subjected the applicant to dismissal from the district.
13. Previous dismissal from Long Beach Unified School District unless the District waives this subsection.
14. A record of unsatisfactory or below standard service with Long Beach Unified School District or other employers even though separation has not occurred.
15. A record of an unstable employment history which demonstrates a lack of commitment to serve the needs of the employer.
16. A record of discourteous treatment of, or illegal, unwelcome, or inappropriate conduct or behavior toward the public, children, or of fellow workers, or any other willful failure of good conduct, which, if it had occurred while serving as an employee of the District, could be considered as tending to injure the public service. Health conditions causing the applicant to be incapable of performing the duties of the class to which he or she has applied.
17. Failure to report for and complete fingerprinting, or employment processes as required, or to report to duty after an assignment/start date has been offered and accepted.
18. Failure, after due notice, to provide information promptly for review of any of the reasons for rejection contained in this section, or to complete, expand upon, or provide documentation or details necessary for application review or employment processing.
19. Refusal to furnish testimony at a hearing or investigation before the Personnel Commission or Board of Education.
20. Refusal to sign an oath of allegiance for public employees or offices.
21. Reporting to work with, using, possessing, or being under the influence of any intoxicating controlled beverages or substances while on duty.
22. A demonstrated record or attitude of active discrimination against others because of personal characteristics prohibited by law, regulation, or policy.

23. A pattern of behavior demonstrating an inability or unwillingness to work effectively in a diverse employment environment.
24. A failure to meet the district safe driving record standard or a pattern of willful disregard for the law as demonstrated by a history of traffic offenses, including, but not limited to, license suspensions, driving without a valid license or without insurance and other traffic offenses.
25. General conduct detrimental to the good order and discipline of the classified service as demonstrated by recent and/or job-related infractions of any of the causes for rejection outlined in this rule.

Reference: California Education Code 45122.1, 45122, 45123, 45124, 45261, 45303

B. **APPEAL OF DISQUALIFICATION.** Applicants, candidates, or eligibles who are rejected for any of the reasons enumerated in Rule 4.2.A, shall be notified in writing by Personnel Commission staff. The notice shall state:

1. The reason(s) for the rejection.
2. That, within five calendar days, the individual may appeal to the Executive Officer in writing for an administrative review, and that failure to do so makes the rejection final and conclusive.

If there has been an administrative review and the rejection is sustained, the individual may pursue the appeal to the Personnel Commission in accordance with Rule 4.9.

C. **ACTION WHEN REJECTION IS NOT SUSTAINED.** When a rejection is not sustained by the Executive Officer or the Personnel Commission, the Executive Officer shall institute immediate action to ensure the rights of the applicant, candidate, or eligible as though the rejection had not been made. However, appointments made in the interim shall not be disturbed unless they were fraudulently made.

4.3 EXAMINATIONS

A. **HOLDING OF EXAMINATIONS.** Whenever it is necessary to fill existing or anticipated vacancies in the service, or wherever an eligibility list in any class is about to be abolished in accordance with the provisions of the law and of these rules, or for any other proper cause, a list of eligibles shall be established for the class, ranked according to relative merits as determined by competitive examination given under the direction of the Commission.

Reference: California Education Code 45272

B. **POSTING OF EXAMINATION ANNOUNCEMENTS.** Announcements that applications are currently being accepted for examinations shall be distributed to offices

and places of employment throughout the district and elsewhere as necessary to effect an appropriate recruitment effort.

1. The Executive Officer shall be responsible for issuing Job Announcement Bulletins to publicize recruitment and examination processes authorized by these rules. All Job Bulletins issued shall be ratified at the first reasonable opportunity at a commission meeting.
2. The person in charge at the office or place of employment shall be responsible for posting or displaying each Job Bulletin in a prominent location beginning with the date of its receipt and continuing until the last day of filing applications as set forth in the announcement. At least fifteen days of publicity shall be given each such examination.

Reference: California Education Code 45278

- C. **PROMOTIONAL EXAMINATIONS.** Whenever practicable, vacancies shall be filled by appointment from promotional eligibility lists. When in doubt, the Commission may order that a promotional examination shall first be scheduled, or it may order simultaneous promotional and open competitive tests.
- D. **ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS.** An employee who has attained permanent status in the district and whose most recent performance evaluation was rated overall as satisfactory, is eligible to submit application for a promotional examination if he/she possesses the requisite qualifications as established in the class specification regardless of any current temporary or other kind of assignment. Persons on a current reemployment list are also eligible to participate in promotional examinations.

Reference: California Education Codes 45272, 45281, 45820

- E. **SENIORITY CREDIT IN PROMOTIONAL EXAMINATIONS.** Seniority up to a maximum of 20 years shall be weighted equivalent to $\frac{1}{4}$ point for each year of service for promotional and dual examinations. For the purposes of this Rule, an advance to a higher salary schedule for a related classification or an increase in compensation beyond the maximum fixed for the class in which the employee has been serving, shall be deemed a promotion.
- F. **ATTENDANCE AND/OR PROFESSIONAL GROWTH INCENTIVE.** An attendance incentive shall be added to the composite score of each promotional candidate competing in a promotional or dual certification examination. The attendance incentive shall be one point for each year of service in which the promotional candidate has had four (4) occurrences or less of sick leave used for each fiscal year up to a maximum of three (3) total points. Only the three most recent fiscal years can be used to earn attendance incentive points. An occurrence in this instance shall be defined as one full assignment day or days taken consecutively as sick leave.

A professional growth incentive shall be added to the composite score of each promotional candidate competing in a promotional examination or dual certification examination. The professional growth incentive shall be one point for each year within a two year period in which the applicant has successfully completed classes, training or seminars which would enhance his/her knowledge, skills and abilities in the promotional classification. A maximum of two (2) professional growth incentive points can be earned. Classes, training or seminars must have been taken and successfully completed within the last two years from the closing date of the recruitment.

The maximum attendance and/or professional growth incentive points a promotional candidate may earn is a total of five (5) points. Promotional candidates are responsible for providing proof of their attendance and/or completion of classes, training and seminars at the time of application but in no event no later than the application deadline. In circumstances in which there are multiple instances of sick leave use for FMLA, CFRA and IA, the matter will be considered on a cases by case basis by the administrator of the Personnel Commission.

- G. CHARACTER OF EXAMINATIONS. Examinations shall consist of test parts that relate to job performance and, for example, may include such parts as a written test, performance test, technical oral examination, qualifications appraisal interview, evaluation of training and experience, in-basket exam, a structured group oral, a leaderless discussion exam, or other appropriate assessment elements.

Reference: California Education Code 45273

- H. CONDUCT OF EXAMINATIONS. All persons taking examinations for employment in the classified service shall be given the opportunity to compete in each examination under the same or similar conditions as every other competitor. The Executive Officer shall require examination security measures to be developed and followed as appropriate to maintain both candidate privacy and internal test security and integrity. No competitor shall receive or give aid or communicate with another competitor during the conduct of any examination. Any applicant or competitor who attempts to obtain or who obtains preferential treatment or substantive examination assistance by any means prior to, during, or following an examination may be disqualified from such a selection procedure and further consideration for employment.
- I. TIME OF ADMISSION TO WRITTEN EXAMINATIONS. Admission to the testing room or area for group written testing segments shall be up to and including the time announced. The doors to the examining area will then be closed and any further candidates arriving late will be denied admission to the examination.
- J. TIME OF ADMISSION TO ORAL/PERFORMANCE EXAMINATIONS.
 - 1. Admission to Oral Interviews, Performance Tests, or similar individual exam segments shall be at the time announced on the notice of Oral/Performance

Examination Card, unless the process is unavoidably running late, and then admission shall be as soon as possible following the established sequence.

2. A candidate who arrives after his/her scheduled time and could have been admitted to that exam segment on time had he/she been present on time, shall lose his/her right to that exam. However, if the PC Staff can easily arrange to accommodate the individual at a later time during the day, the late candidate may wait and that may be done following these guidelines.
 - a. No other candidate will be displaced from their allotted time or caused to be inconvenienced, unless voluntarily agreed to by that person.
 - b. The panel members are agreeable to work through their lunch/break period or stay later than the scheduled time and this does not work an undue hardship on them.
 - c. Another candidate does not show for his/her exam and the late candidate can be scheduled into the no-show candidates time period.

K. **EXAMINATION AFTER REJECTION OR DEMOTION.** An employee with permanent status in a class who has been demoted from a higher class during probation, in accordance with Rule 7.3, or who has been demoted after attaining status in a higher class, in accordance with Rule 11.1, shall not be admitted to an examination for the class from which demotion occurred for one year after the effective date of the demotion.

L. **EXAMINATION AFTER SUSPENSION.** An employee with permanent or probationary status in a class who has been suspended by action of the Board of Education, in accordance with Rule 11.1, shall not be admitted to an examination for the classified service for a period of one year from the last date of the suspension.

4.7 RESOLVING PROMOTIONAL/CONTINUOUS TESTING EXAM PROTESTS AND NOTIFICATION OF EXAMINATION RESULTS

A. **RESOLVING PROTESTS INVOLVING PROMOTIONAL/CONTINUOUS TESTING EXAMS.** In promotional examinations for classes for which continuous examination procedures have not been authorized, the review and protest period shall be held, and all protests resolved by the Commission, prior to a regular appointment being made from the eligibility list.

B. **NOTIFICATION OF EXAMINATION RESULTS.** Notification of final individual examination results shall be sent promptly to the home address or email address provided by the candidates on or before the establishment of an eligibility list.

4.8 SPECIAL ADMINISTRATION OF EXAMINATIONS

A. **PROCEDURES.** Selection procedures usually provide for only one administration of an examination or test part of the examination in order to maintain examination security and

to assure uniform treatment of all candidates. However, in some cases it may be in the best interests of the School District to permit special administration of an examination. Consideration is limited to the following circumstances:

1. Out-of-town administration will be on the same day as local administration, if possible, or as soon as practicable after local administration.
2. It is possible to recreate similar test situations and conditions.
3. A hardship case existed such as hospitalization, accident or illness which is verified by a doctor's statement indicating the inability of the applicant to participate.
4. There was misdelivery or delay of mail, and only if it is verified by U. S. postal authorities or by the supervisor of the School District's Mail Room.
5. There was an error by a Personnel Commission employee.
6. Religious beliefs prevent the candidate from participating in the examination at the scheduled time. Such candidate must file verification from his rabbi or minister of his membership and statement of the faith's requirement of observance of restriction of activity. However, if the class being examined for requires ability to work during the hours the candidate is prevented from activity at that time, special administration will not be authorized.
7. Excused military service in accordance with official orders.
8. Scheduled court appearance or summons for jury duty, verified by documents.

The candidate shall make a written request for special administration to the Personnel Commission staff within one week of the date of administration of the examination, stating the reasons for which special administration is requested.

- B. **CHANGES IN ELIGIBILITY LISTS.** Changes in eligibility lists resulting from such special administration shall be reported in the same manner as the original list. Such changes shall not nullify the promulgation date of the eligibility list, nor certifications and appointments made from such lists.

4.9 REVIEW AND APPEALS/PROTESTS

- A. **RETENTION AND AVAILABILITY OF EXAMINATION RECORDS; REVIEW AND PROTESTS.** Examination records, including any recordings and the rating sheet of each member of the oral board for each candidate, shall be retained by the Personnel Commission for a period of not less than 90 days after promulgation of an eligibility list. The Commission shall prescribe procedures whereby candidates may review and protest any part of an examination. In promotional examinations for classes for which continuous examination procedures have not been authorized, the review and protest period shall be held prior to regular appointment from the eligibility list. Examination records shall not be available to the public or to any person for any purpose not directly

connected with the examination and shall be considered confidential but shall, within reasonable time limits, be made available to a candidate or his or her representative.

Reference: California Education Code 45274

B. FORMAL/INFORMAL REVIEW BY CANDIDATES.

1. During the five working days after the administration of the specific test or test segments a candidate may request he/she be scheduled for a Formal Review of the following:
 - a. Written segments of examinations, except those listed in paragraph B, or
 - b. His/her performance segment, technical interview or qualifications appraisal interview ratings, or
 - c. The recording(s) of his/her interview(s).

Such review shall be conducted by a Personnel Commission staff member as soon as practicable, but does not have to be within the five day period itself. Any request to review examination records after the five day request period has passed shall be for Informal Review purposes only, and may not serve as the basis for a protest or appeal of any part of the examination.

2. The review provides an opportunity for candidates to obtain test performance information and to have conclusions explained or investigated. A review request does not in and of itself establish a protest or protest period.

Information that would enable a candidate to match the names of raters and their comments is not made available to any candidate. A candidate's examination papers and records may be examined only by the candidate or by his/her representative upon receipt of written authorization by the candidate acceptable to the Personnel Commission staff.

C. SOME TESTS NOT SUBJECT TO INSPECTION. Examination papers on a form test, a commercial standardized aptitude or achievement test, or test material that has been rented, leased or obtained under a contract and where the terms of such agreement prohibit a review or inspection, shall not be subject to inspection by a candidate. However, the results of the candidate's participation in the examination may be reviewed by the candidate with a commission staff member.

D. PROTEST BY CANDIDATE. If a candidate wishes to protest any part of an examination, which is a formal declaration of disapproval or objection to the matter he/she must submit his/her protest in writing to the Executive Officer:

1. Upon completion of that examination segment on the Personnel Commission provided form, or
2. In written form received in the Personnel Commission Office no later than the fifth working day following the day the individual's exam results for the specific exam segment is posted in the U.S. Mail, or
3. In written form received by the Executive Officer not later than the fifth working day following the day the candidate's examination records are available for him/her to conduct a Formal Review as provided for in paragraph B.

Such protest shall state specifically the parts of the examination or items protested, or wherein errors are alleged to have occurred, citing authorities or references to support such protest, or give other relevant information which is sufficiently specific to enable an investigation or resolution, and stating the remedy to which the candidate believes he/she is entitled. Letters which simply express disagreement with or comment on the test, test results, or which object to the judgment of the raters, are reviewed and may be acknowledged but are not eligible for consideration as an examination appeal. The Executive Officer shall review and answer all timely written protests received of any examination part. Candidates who have submitted timely protests shall be notified in writing of the disposition of their protests.

- E. **APPEAL TO PERSONNEL COMMISSION.** Any candidate who remains dissatisfied may appeal to the Personnel Commission within five working days after the notice of the decision of the Executive Officer was mailed or given to the candidate. Such appeal to the Personnel Commission shall be in writing and must state the specific examination parts or items protested, the basis for the protest, and the remedy sought by the candidate.
- F. **CORRECTION OF ERRORS.** Errors in examinations shall be corrected when discovered, regardless of lapse of time after the establishment of an eligibility list. Such corrections shall be applied uniformly to all candidates. Changes in eligibility lists resulting from corrections of errors shall be reported in the same manner as the original lists. Such changes shall not nullify the promulgation date of the eligibility list, nor certifications and appointments made from such lists.
- G. **COPYING PROHIBITED, NOTE TAKING.** No one shall copy questions, answers, typed rating standards or descriptions of rating categories from a rating sheet, or in any way alter or mutilate an examination paper or records made available for inspection. Violations may result in cancellation of eligibility and disqualification for future examinations. Notes taken with Personnel Commission provided paper and pens may be taken as long as they relate only to the candidate's performance in a specific test segment or category, not individual test items or numbers, or the word rating on the rating guide received in each category or as an overall rating. Overall or general comments of a Rater pertaining to the reviewing candidate may be copied by the reviewing candidate. Notes may not be taken in shorthand or in a foreign language. All notes are subject to review and editing by Personnel Commission staff prior to being removed from the area.

- H. For purposes of this rule the time frame shall be computed as D + 5. That is D (the day of an event, such as an exam segment is taken, or a notice is placed in the U.S. Mail) plus 5 working days.

4.10 EXAMINATION FOR BUSINESS MANAGER AND CERTAIN OTHER POSITIONS

- A. **POSITIONS SUBJECT TO EXAMINATION.** Open competitive and promotional examinations in accordance with Education Code Section 45280 shall be given for the class of business manager, for any other single position class which the Commission declares to be at or above the level of business manager, and for classes containing positions which, as determined by the Commission, are positions in which 50 percent or more of regularly assigned duties during the school year consisting of directing, coordinating, supervising, or administering one or more of the following functions:
 - 1. The preparation of budgets of funds to be used for educational purposes.
 - 2. The interpretation or evaluation from an educational standpoint of equipment, material and housing.
 - 3. The interpretation and evaluation of school information in terms of educational significance and from an educational standpoint or viewpoint.
- B. **ELIGIBILITY TO COMPETE.** All permanent employees of the District, classified and certificated, who meet the established minimum qualifications, shall be eligible to compete in the examination as promotional candidates.
- C. **PROMOTIONAL CREDITS.** Promotional credits, including seniority credits, if any, shall be equally applicable to both classified and certificated promotional candidates.
- D. **MERGING OF ELIGIBILITY LISTS.** Eligibility lists resulting from such an open competitive and promotional examination shall be merged according to the order of the examination scores into a single eligibility list, after the scores of each candidate on the promotional list have been adjusted for promotional credits, including seniority, if any.
- E. **ENTRANCE LEVEL.** The examination for any such position shall not be construed to be an entrance level position examination (no veteran's credit allowed.)

Reference: California Education Code 45272, 45280

4.11 CONTINUOUS EXAMINATION

EDUCATION CODE 45292 CONTINUOUS EXAMINATIONS. The Commission may provide for the continuous examination of applicants for both open and promotional examinations.

- A. **AUTHORIZATION OF EXAMINATION.** When there is a shortage of eligibles to fill vacancies in the service in any class, the Personnel Commission may authorize recruitment by continuous examinations, provided it is not practicable to provide eligibles by promotional examinations only.

All qualified applicants who have applications or interest cards on file at the time of examination shall be notified. The examination shall be promulgated under similar conditions and techniques as previous examinations for the same class, and the resulting eligibility lists may be merged with previous lists for the class in the relative order of merit of the eligibles.

- B. **TERMINATION OF CONTINUOUS EXAMINATION.** Termination of continuous examination procedures for any class may be effected by appropriate action of the Personnel Commission.

4.12 VETERANS' CREDIT

- A. **VETERAN DEFINED.** Veteran as used in this article means any person who has served in the United States armed forces in time of war, or national emergency declared by the President of the United States of America, and who has been discharged or released under conditions other than dishonorable, proof of which shall be submitted to the Commission at the time of the examination.

Armed forces means the United States Air Force, Army, Navy, Marine Corps, or Coast Guard.

Reference: California Education Code 45294

DISABLED VETERAN DEFINED. "Disabled veteran" as used in this article means any veteran, as defined in Section 45294, who is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of service in the armed forces. Proof of disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

Reference: California Education Code 45295

- B. **ADDITIONAL CREDIT FOR VETERANS' ENTRANCE EXAMINATIONS.** In the case of all entrance examinations, veterans with 30 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 up to 10 points, which shall be added to the percentages attained in the examinations by the veterans. Veterans shall be placed on eligible lists and be eligible for appointment in the order and on the basis of the percentages attained by them in examinations after the credit of five points, or ten points in the case of disabled veterans, if added.

4.13 UNLAWFUL ACTS

- A. Any person who willfully or through culpable negligence violates any of the provisions of this article (commencing at Section 45240) is guilty of a misdemeanor.
- B. Willfully by himself or in cooperation with another person to defeat, deceive, or obstruct any person with respect to his right of examination, application, or employment under this article (commencing at Section 45240) or commission rules.
- C. Willfully and falsely to mark grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article or commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.
- D. Willfully to furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under this article or commission rules.

4.14 KEYBOARDING SELF-CERTIFICATION

At the time of application for any class requiring typing/keyboarding skills, incumbents must certify in writing that they have the required skills as posted on the job announcement. If appointed, demonstrated proficiency will be expected during the probationary period. Failure to meet the minimum required skills will result in disciplinary action up to and including dismissal.