

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER IV

Presented to the Personnel Commission for First Reading on June 26, 1991.

Approved by the Personnel Commission on July 17, 1991.

Rule Revisions 4.1, 4.2 Approved by the Personnel Commission on August 17, 2016.

Rule Revision 4.3 Approved by the Personnel Commission on September 21, 2016.

CHAPTER IV -- APPLICATION FOR EMPLOYMENT

Rule 4.1 APPLICATION

Section	4.1.1	Application Procedure
	4.1.2	General Qualifications of Applicants

Rule 4.2 DISQUALIFICATION OF APPLICANTS AND CANDIDATES

Section	4.2.1	Causes for Disqualification
---------	-------	-----------------------------

Rule 4.3 APPEAL OF DISQUALIFICATION

Section	4.3.1	Procedures for Appeal of Disqualification
---------	-------	---

CHAPTER IV -- APPLICATION FOR EMPLOYMENT

Rule 4.1 APPLICATION

Under the provisions of the Merit System, the Personnel Commission seeks to provide a fair and impartial application process open to employees and members of the public without discrimination on the basis of any protected status or condition as referenced in Merit Rule 7.1.3.

4.1.1 APPLICATION PROCEDURE

- A. All applicants for positions in the classified service shall file an application using the Personnel Commission's online application system, or an official form provided by the Personnel Commission Office. All mandatory questions on the application shall be answered in full and the application shall be filed in the Personnel Commission Office within the specified recruitment period and no later than the deadline date listed on the job announcement bulletin.
- B. Applicants taking more than one examination must file a separate and complete application for each examination unless otherwise directed.
- C. For Equal Employment Opportunity tracking and reporting purposes, data concerning each applicant's ethnicity, gender, age and disability condition(s) will be solicited on a voluntary basis and will be maintained in a separate confidential file.
- D. Application files are the property of the Personnel Commission. All application materials are confidential and shall not be returned to the applicant.

4.1.2 GENERAL QUALIFICATIONS OF APPLICANTS (EDUCATION CODE SECTIONS 87100, 88011, 88033, 88112, 7056; GOVERNMENT CODE SECTIONS 1031, 11135, 12921, 12940 ; California Code of Regulations, Title V, 51010, 53000; California Administrative Code Title II, 7285; Title IV of the Civil Rights Act of 1964, Sections 102 and 103 of the Civil Rights Act of 1991; Sections 501 and 505 of the Rehabilitation Act; Equal Pay Act of 1963; Age Discrimination in Employment Act of 1967; Title I of the American's with Disabilities Act of 1990; Genetic Information Nondiscrimination Act of 2008; Immigration & Nationality Act))

- A. Applicants must meet all qualifications established for the class.

- B. Every qualified applicant shall have an opportunity to seek, obtain, and hold permanent employment without discrimination on the basis of any protected status or condition.
- C. Residency within the District shall not be a condition for application or employment within the District.
- D. Applicants must prove their right to work in the United States at the time of employment.
- E. No maximum age limit shall be set as a condition for initial or continued employment in the District. The minimum age for employment is age 18, unless set higher for a particular classification.
- F. Reasonable accommodation shall be made in the application and employment process as required by law.

Rev. approved by Personnel Commission on 8/17/16

Rule 4.2 DISQUALIFICATION OF APPLICANTS AND CANDIDATES

4.2.1 CAUSES FOR DISQUALIFICATION (EDUCATION CODE SECTIONS 87010, 87011)

- A. 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 4.1.2.
 2. Advocacy of the overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
 3. Conviction either by a plea of guilty or nolo contendere, a court decision or jury verdict, to a charge of a sex or narcotic offense as defined in Education Code Section 87010 or 87011.
 4. A history of drug addiction without acceptable evidence of rehabilitation.

5. Conviction, without acceptable evidence of rehabilitation, of a crime of violence or moral turpitude or a serious crime whose nature would make the applicant or candidate a poor employment risk; conviction shall be defined as either a plea of guilty or nolo contendere, or a court decision or jury verdict; a conviction record will be evaluated on the following basis: nature, seriousness and circumstances of the offense(s); recency of the offense, age of the person at the time of the offense(s); number of convictions; relationship of the offense(s) to the position applied for; evidence of rehabilitation and maturation including the employment record with respect to job responsibility and duration; truthfulness in admitting to the offense(s); and the duties of the class.
6. Making a false statement or intentionally omitting a significant statement of a material fact requested on the application form.
7. Practicing any deception or fraud in connection with an examination or in order to secure employment.
8. Obtaining or attempting to obtain either directly or indirectly, privileged information regarding test questions or examination content.
9. Dismissal from previous employment for cause if the cause would have subjected the applicant to dismissal by the District under Merit Rule 14. Dismissals will be evaluated on the following basis: nature, seriousness and circumstances of the dismissal(s); recency of the dismissal; age of the person at the time of the dismissal(s); relationship of the dismissal(s) to the position applied for; evidence of rehabilitation and maturation including the employment record with respect to job responsibility and duration, truthfulness in admitting to the dismissal(s); and the duties of the class.
10. Previous dismissal or a resignation in lieu of dismissal from the District unless the District waives this subsection.
11. A record of unsatisfactory service within the District as evidenced by a disciplinary action, a work improvement or unsatisfactory job performance notice, within the previous year.

Rev. approved by Personnel Commission on 8/17/16

4.3 APPEAL OF DISQUALIFICATION

4.3.1 PROCEDURE FOR APPEAL FROM DISQUALIFICATION

- A. Any applicant disqualified for any of the reasons listed in Rule 4.2 shall be notified in writing, indicating the reasons for disqualification and informing the applicant that he/she has five (5) working days to appeal the decision to the Director of Classified Personnel.
- B. The appeal of disqualification shall be made in writing and based on a clear written statement of the reason(s) why the disqualification action is not warranted.
- C. Any applicant who has appealed a disqualification shall be permitted to participate in the examination process pending a final decision on the appeal.
- D. Upon receipt of an appeal, the Director of Classified Personnel shall conduct an investigation and provide the applicant with a written decision within five (5) working days of receipt of the appeal either upholding or overturning the disqualification. The time period to provide a decision may be extended by the Director of Classified Personnel if reasonably necessary to obtain information required to make a decision. The applicant shall be notified in writing of any such extension. The failure of the applicant to provide information within the time period specified by the Director of Classified Personnel shall be grounds to deny the appeal. The decision of the Director of Classified Personnel shall be final.

Rev. approved by Personnel Commission on 9/21/16