

Lompoc Unified School District
Merit System Rules for the Classified Employees

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Chapter 40: Application and Examination

40.100 Application for Employment

40.100.1 Filing of Application

All applications for employment shall be made on official forms furnished by the Commission, filled out as directed, and filed in the Personnel Commission Office or postmarked on or before the date specified in the examination announcement.

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

40.100.2 General Qualifications of Applicants

Applicants must be citizens of the United States or have legal right to employment, except as otherwise provided in law, and possess all other requirements that may be specified in the minimum qualifications established for the class. Every applicant must be in all respects mentally and physically competent to perform the essential functions of the position for which he/she applies.

40.100.3 Disqualification of Unfit Applicants, Candidates, and Eligibles

An applicant or candidate may be refused examination, and an eligible may be refused certification or appointment, for any of the following reasons:

- A. Failure to meet the general qualifications of Rule 40.100.2
- B. Knowingly becoming or knowingly remaining a member of the Communist Party on or after September 9, 1953.
- C. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
- D. Conviction, either by a plea of guilty or nolo contendere, a court decision or a jury verdict to a charge of a sex or narcotics offense as defined in Education Code Sections 44010 or 44011.

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- E. Conviction, either by a plea of guilty or nolo contendere, a court decision or a jury verdict of a felony of serious crime or a record of one or more convictions which would indicate that the person is a poor employment risk. A conviction record will be evaluated on the following basis: nature, seriousness and circumstances of the offense(s); age of the person at the time and recency of the offense; number of convictions; relationship of the offense to the position applied for; evidence of rehabilitation and maturing including the employment record with respect to job responsibility and duration; truthfulness in admitting to the offenses; person's attitude; and the duties of the class.
 - F. A history of drug addiction without acceptable evidence of rehabilitation.
 - G. Making a false statement or omitting a statement as to any material fact on the application form.
 - H. Practicing any deception or fraud in connection with an examination or to secure employment.
 - I. Dismissal from a previous employment for cause if the cause would have subjected the applicant to dismissal by the District.
- J. Previous dismissal from this District unless the District waives this subsection.
- K. A record of unsatisfactory service with this District even though separation has not occurred.
- L. Unsatisfactory health conditions which would prevent the applicant or candidate from performing the essential functions of the job or would endanger his/her health and safety or the health and safety of others.
- M. Dishonorable discharge from the Armed Forces of the United States.
- N. Failure, after due notice, to report promptly for review of any of the above basis for disqualification.
- O. Refusal to furnish testimony, at a hearing or investigation before the Personnel Commission or Board of Education.

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- P. Making contact with any member of the Board of Education or the Personnel Commission in an attempt to influence the recruitment, examination, and/or selection process. Exempted from this restriction would be any formal appeal of the recruitment/examination/selection process to the Personnel Commission through the established appeal processes (see Rules 40.100.4)
- Q. Obtaining or attempting to obtain, either directly or indirectly, privileged information regarding test questions or examination content.
- R. Failure to report for duty after an assignment has been offered and accepted.

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40.100.4 Disqualification and Appeal from Disqualification

- A. Applicants, candidates, and eligibles who are disqualified for any of the reasons enumerated in Rule 40.100.3 shall be notified in writing by the Personnel Director. The notification shall state:
 - 1. The reason(s) for disqualification.
 - 2. The length of time the individual shall be ineligible to be considered for examination or appointment to a position in the District.
 - 3. That, within seven calendar days, the individual may appeal to the Personnel Director for the Personnel Commission for administrative review, and that failure to appeal for administrative review makes the disqualification final and conclusive.
- B. If there has been an administrative review, as provided above, and the disqualification is sustained, the individual shall be:
 - 1. Given a written notice outlining the reason(s) for sustaining the disqualification, and
 - 2. Informed of his/her right to make a written appeal of the disqualification and/or the period of disqualification, within seven calendar days, to the Personnel Commission. The appeal may be based on any of the following reasons:
 - a. Discrimination because of affiliations, political or religious acts or opinions, race, color, sex, disabilities for which accommodations could be made, or marital status.
 - b. Abuse of discretion.
 - c. Inconsistency of the reasons given for the disqualification with the facts.
- C. Upon receipt of an appeal, the Commission shall 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.

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40.100.5 Action When Disqualification Is Not Sustained

If a disqualification is not sustained by the Personnel Director for the Personnel Commission or the Personnel Commission, the Personnel Director for the Personnel Commission shall institute immediate action to insure the rights of the applicant, candidate or eligible as if the disqualification had not been made. However, appointments made in the interim shall not be disturbed unless they were made fraudulently.

40.100.6 Applications Not To Be Returned

All applications and examination papers are confidential records of the District and shall not be returned to the applicants.

40.100.7 Applicants' Names Not Made Public

The names of the applicants or unsuccessful candidates in any examination shall not be made public.

40.100.8 Veterans's Preference

A. On all entrance examinations, veterans with 30 days or more of service who become eligible shall be allowed an additional 5 points and a disabled veteran shall be allowed an additional 10 points. These points shall be added to the final score attained in the examination.

B. Veterans as used in this section means any person who has served in the United States Armed Forces in the 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 at the time of the examination.

Armed Forces means service in the United States Air Force, Army, Navy, Marine Corps, or Coast Guard between the dates listed:

World War II	December 7, 1941 through December 31, 1946
Korea	June 27, 1950 through January 31, 1955
Viet Nam	August 4, 1964 through May 7, 1975
Gulf War	August 1, 1990 through present-time

C. Disabled veterans as used in this section means any veteran, as defined in EDUCATION CODE Section 45294, who is currently declared by the United States Veterans Administration to be 10% or more disabled as the result of service in the Armed Forces. Proof of disability shall be deemed

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conclusive if it is on record in the United States Veterans Administration.

D. In order to obtain credit, the applicant shall furnish satisfactory proof of qualifying military service prior to establishment of the eligibility list. No adjustment of the rank on the list shall be made when such proof is presented thereafter.

E. To receive Veteran's Credit(s), the applicant must provide satisfactory proof, such as a DD214, regarding the qualifying military service. Normally, such proof shall be submitted at the time of submitting the application, but must be submitted prior to the establishment of the eligibility list. No adjustment of rank on the list shall be made thereafter, even if such proof of eligibility is forthcoming.

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40.200 Examinations

40.200.1 Authority

The Personnel Commission shall direct and administer the recruitment processes and examinations for the purposes of filling vacancies or creating employment eligibility lists for the Classified Service.

Recruitment and examination processes shall be conducted in accordance with the rules and procedures specified in these rules and regulations.

40.200.2 Announcement of Vacancies or Examinations

A. No vacancy and/or examination announcement may be made, and no part of any examination process may be held for a new position until the Board of Education has properly designated the duties of the position and the Commission has completed the process of classifying the position including the establishment of the minimum qualifications, assignment of a class title and appropriate salary range placement. (NOTE: A newly-created position is one which does not have a previously separate existence.)

B. Whenever it is necessary to fill existing or anticipated vacancies and an appropriate eligibility list does not exist (as determined by the Commission) the Personnel Commission shall announce each examination on an "Examination Announcement" bulletin which shall be distributed to all work sites within the District for posting for a period of at least ten (10) working days.

C. The Personnel Director for the Personnel Commission shall determine the appropriateness of utilizing other forms of advertising and may place advertisements in newspapers, trade and business journals or other media, as well as the distribution of "Examination Announcement" bulletins to local agencies and community-based organizations.

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40.200.3 Examination Announcement

Any "Examination Announcement" bulletin issued shall contain the following:

1. Information concerning the location of employment, the expected length of the life of the eligibility list, and other conditions of employment;
2. The title of the position or class for which the recruitment is being conducted and a description of the scope of duties and responsibilities of the position and the class;
3. Minimum qualifications required;
4. The salary and other forms of compensation;
5. Application filing procedures, and the last date for filing an application;
6. The subjects about which competitors may be examined and the weights of the various parts of the examination; and
7. Such other information as will assist the employees and the public in fully understanding the nature of the employment and procedures necessary to participate in the examination.

40.200.4 Determination and Types of Examinations

The Personnel Commission shall determine the standards of proficiency to be required for each examination and shall determine whether the examination will be:

A. Open and competitive:

Open and competitive examinations shall be given for all classifications designated by the Commission as being "entry level" with veterans' credits allowed as specified in Personnel Commission Rule 40.100.8.

B. Promotional only:

Examinations shall, where practicable, as determined by the Commission, be limited to promotional applicants. When no promotional field of competition exists or when there is doubt of its adequacy, the Commission may order an open examination or simultaneous open and promotional examinations. Promotional examinations shall be restricted

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to permanent employees of the District who meet the prescribed qualifications of the class.

When the promotional candidates have been accredited with management experience based on completion of course(s) approved by the Commission, the oral interview questions will be based on the material covered in said course(s).

C. Open and Promotional (with promotional list taking precedence)

1. Whenever it is determined by the Personnel Director for the Personnel Commission that an adequate field of competition does not exist within the District or there is doubt as to the availability of an adequate number of promotional candidates, the Personnel Director for the Personnel Commission may elect to recruit and test qualified applicants from within the District as well as applicants from outside the District.
2. Qualified probationary employees (those who have not completed an initial probationary period with the District) may compete in such examinations as "open" candidates.
3. The "promotional" eligibility list shall take precedence when certifying eligibles.
4. When the "promotional" eligibility list does not contain at least three (3) ranks of eligible candidates who are ready, willing, and able to accept offered employment, the Personnel Director for the Personnel Commission will certify sufficient ranks from the "open" eligibility list to provide the appointing authority with three (3) ranks of eligibles when added to the number of ranks available from the "promotional" list.

D. Continuous Examinations

The Commission may designate certain classes of positions for continuous examination. When so designated, applications will be accepted on every working day, and examinations held periodically throughout the year, based upon need and the availability of applicants.

Continuous examination for classes which can not be practically filled by promotional examination only may be held without further action by the Personnel Commission.

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E. Dual Certification

Examinations for Classified Management Classes may be filled by Dual Certification with prior Commission approval. One half point of credit on the final score shall be added for each full year of service in the District, up to a total of ten (10) points of service credit.

40.200.5 Who May Compete

Competitive examinations for positions in the classified service shall be open to all applicants who meet the minimum qualifications and who are not rejected as provided in Rule 40.100.4, provided that examinations may be restricted to promotional candidates at the discretion of the Commission.

40.200.6 Notice of Examination

Each applicant whose application has been approved shall be notified a reasonable time in advance of the time, date, and place of the examination, and such notice shall be the applicant's authorization to take the examination. No candidate may be admitted to any examination without such authorization or other satisfactory evidence of having filed an acceptable application. In addition, each candidate must provide personal identification, i.e., a picture I.D., at the time of the examination admittance in order to take the test.

40.200.7 Character of Examinations

Examinations shall be conducted by the Commission's staff and shall be administered in an objective manner, and shall consist of test parts that relate to job performance. Selection processes (examinations) shall comprise any or all of the following:

- A. Written examination(s).
- B. Practical demonstration(s) of skill (performance tests).
- C. Evaluation of applicants' training and experience, based upon information provided in applications and supplemental applications.
- D. Evaluation of training, education, and experience by a Qualifications Appraisal Interview (QAI) Panel.
- E. Any other relevant test(s) of fitness established by the Personnel Commission.

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40.200.8 Examination Procedures

- A. Competitors in any written test must take the test on the prescribed date unless extenuating circumstances exist and an alternate time is approved by the Personnel Director.
- B. Examinations shall be administered objectively and shall consist of at least two independent parts such as written examination, qualifications appraisal interview (QAI panel), performance, training and education, assessment center or any other tests established by the Personnel Commission.
- C. Copies of the questions in a test shall not be made by competitors or other unauthorized persons.
- D. Copies of the test materials, including notes or calculations made during the testing process, shall not be taken from the testing room.
- E. Where written tests are required, they shall be so managed that none of the test papers will disclose the name of any competitor until all papers of all competitors in a given examination shall have been marked and rated.
- F. Any competitor in any examination who places any identifying mark upon his/her test papers (other than the identifying mark prescribed at the time of examination) or makes any attempt to disclose to others the identity of his/her papers prior to the completion of the examination shall be disqualified.

40.200.9 Examination Weighting

The relative weights of the different parts of the examination shall be determined by the Commission and set forth in the bulletin announcing the examination. All examination papers shall be prepared and scored under the direction of the Personnel Director.

40.200.10 Rating Required

Competitors may be required to attain a designated minimum rating in each part or in combined parts of the examination to qualify for participation in the next succeeding part.

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40.200.11 Review of Written Test

A. Each applicant shall be notified in writing by the Personnel Director for the Personnel Commission of his/her final rating as soon as the examination has been completed and the eligibility list established.

Those applicants/candidates who do not qualify for placement on an eligibility list shall be so notified within fifteen (15) working days following completion of the examination process.

B. Any competitor may appeal to the Personnel Director for the Personnel Commission for a review of his/her examination papers, presenting his/her reasons in writing within five working days after notification of the results of the written examination.

C. If in the judgment of the Personnel Director the appeal is justified, a review may be granted, and the rating of the competitor changed if found necessary after such review. No change in the eligibility list shall invalidate any appointment which was valid when made.

D. The unauthorized copying of questions or answers by any person from any paper made available for inspection is forbidden and may result in the cancellation of eligibility and disqualification from future examinations.

40.200.12 Examination Papers

A. All examination papers submitted by competitors are the property of the District and are confidential records. Records, such as identifiable ratings of oral panel members and confidential references of previous employers, shall not be available for review.

B. Candidates must qualify on each part of the examination in order to qualify for participation in the next succeeding part.

C. The examination records including any recordings and the rating sheets of each member of the oral board for each candidate, shall be retained by the Commission for the life of the eligibility list and for a period of not less than two years after the eligibility list is established.

40.200.13 Qualifications Appraisal Interview (Oral Examination)

A. If an examination includes a Qualifications Appraisal Interview (QAI), those competitors eligible for the QAI will be examined at the earliest practicable date after conclusion and rating of the earlier test(s).

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B. A QAI board will consist of at least two persons, at least one of whom shall be technically qualified to evaluate knowledge required of the class being tested for.

C. The Personnel Director for the Personnel Commission designates the members of an Oral Board. A District employee may serve on an QAI Board if he/she is not at the first or second level of supervision over a vacant position in the class for which the examination is held. If practical, all applicants qualifying for the same class shall be rated by the same QAI Board.

D. The interview panel shall confine itself to evaluating general fitness for employment in the class from questions presented to the panel by Personnel Director.

E. When an interview panel is established and directed to evaluate the technical knowledge and skills of the candidates, at least one member shall be technically qualified in the specified occupational areas under examination.

F. Members of the Governing Board or Personnel Commission shall not serve on an oral examination board.

G. The proceedings of all QAI examinations shall be electronically recorded and retained on file in the Commission office for a period of at least two years.

H. In no case will an oral examination board be provided with confidential references on employees of the district who are competing in promotional examinations.

I. The scores achieved by the candidate on other parts of the examination shall not be made available to the QAI Board.

J. A competitor may appeal a QAI rating to the Personnel Director for the Personnel Commission and, if rejected, he/she may appeal to the Commission at any time after notification of his/her final score, but within ten days after establishment of the eligibility list. The Commission may alter the QAI rating if it finds justification for the protest and order the competitor's examination score adjusted accordingly. No change in an eligibility list shall invalidate any appointment which was made prior to the ordered adjustment unless the appointee was fraudulently appointed.

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40.200.14 Notice of Final Score

Each competitor shall be notified of his/her eligibility or ineligibility. Such notification shall be provided within fifteen (15) working days following completion of the examination and shall include the final score and standing on the eligibility list.

40.200.15 Posting of Eligibility List and Dissemination of Test Scores

- A. Eligibility lists shall be posted showing the relative ranking of candidates with no reference to the specific scores attained.
- B. Detailed test information, for certified eligibles in non-represented classifications, may be provided to the appointing authority in person in the Personnel Office upon request.
- C. Information shall be provided to an eligible, or his/her designated representative, relative to his/her scores.
- D. Information regarding eligibles may be provided to such other persons as the Personnel Commission determines as having a need to know.

40.200.16 Violation of Examination Laws and Rules

Whenever the Personnel Commission, following a public hearing, finds that an appointment has been made in violation of the Education Code and/or these rules as they pertain to the examination and selection process, the Commission may order that no salary warrant shall thereafter be drawn or issued to the employee (for any services rendered after the date of said order) so appointed.

Any violation of the Merit System sections of the Education Code or the rules of the Personnel Commission as they apply to examination procedures shall constitute grounds for the dismissal of the employee or employees found guilty of such violation.