

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

LAW AND RULES

600  
\*(Reissue) January 1, 1985

Chapter V - APPLICATIONS AND EXAMINATIONS (Rules 600-625)

600 REJECTION OF APPLICANTS, CANDIDATES, AND ELIGIBLES AND BARS FROM EMPLOYMENT

Education Code 45123

No persons shall be employed or retained in employment by a school district who has been convicted of any sex offense as defined in Section 44010 or controlled substance offense as defined in Section 44011. If, however, any such conviction is reversed and the person is acquitted of the offense in a new trial or the charges against him or her are dismissed, this section does not prohibit his or her employment thereafter.

Further, the governing board of a school district may employ a person convicted of a controlled substance offense if the governing board of the school district determines, from the evidence presented, that the person has been rehabilitated for at least five years.

The governing board shall determine the type and manner of presentation of the evidence, and the determination of the governing board as to whether or not the person has been rehabilitated is final.

Education Code 45124

No person shall be employed or retained in employment by a school district who has been determined to be a sexual psychopath under the provisions of Article 1 (commencing with Section 6300), Chapter 2, Part 2, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state. If, however, such determination is reversed and the person is determined not to be a sexual psychopath in a new proceeding or the proceeding to determine whether he is a sexual psychopath is dismissed, this section does not prohibit his employment thereafter.

Education Code 45260

The commission shall prescribe, amend and interpret...rules...

Education Code 45261

The rules shall provide for the procedure...regarding applications...rejection of unfit applicants without competition ...

CHANGE:

Reissue of page, no change in text.

Remove: (Reissue) January 1, 1985, page 1 of 5. Add: \*(Reissue) January 1, 1985, page 1 of 4.

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September 8, 2008

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- A. This Rule applies to applicants, candidates and eligibles.
- B. Rejection means
1. refusal to accept an application or examine an applicant or candidate
  2. removal of an eligible's name from an eligibility list.
- C. Applicants, candidates, and eligibles may be rejected by Personnel Commission staff for any of the following reasons:
1. Advocacy of overthrow of the Government of the United States or the State of California by force, violence, or other unlawful means.
  2. Making a false statement or omitting a statement as to any material fact on an application form.
  3. Practicing any deception or fraud in connection with an examination, or to secure employment.
  4. Dismissal for cause or unsatisfactory service with a previous employer.
  5. Discharge other than honorable from the armed forces of the United States.
  6. A significant, documented record of unsatisfactory service when applying for reemployment with the District.
  7. Failure to meet approved standards covering any other basis for rejection of unfit applicants and candidates other than failure to meet requirements established for the examination relating to training, experience, licenses, and certificates.
  8. Failure to report for duty after an assignment has been offered and accepted.
  9. Failure to meet current eligibility requirements applicable to restricted positions in specially funded programs.
  10. Failure to demonstrate eligibility to work legally in the United States.
  12. Failure, after due notice, to report promptly for review of any of the above bases for rejection. Such notice shall state that failure to report is as basis for rejection. The notice shall be delivered and received as specified in Paragraph D, below.

CHANGE:

Rule amended to update outdated language and clarification of existing procedures.

Remove: June 12, 2002, page 2 of 4. Add: September 8, 2008, page 2 of 4.

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Rejection of Applicants, Candidates, and Eligibles

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- D. Applicants, candidates, and eligibles who are rejected for any of the reasons listed above shall be notified in writing. The notification shall state
1. the reason for rejection
  2. the length of time the individual shall be ineligible to be considered for employment by the District except when the rejection is for an unsatisfactory health condition
  3. that, within seven calendar days, of the notification document, the individual may appeal to the Deputy Personnel Director, or his or her designee, for an administrative review of the rejection.
- E. After an administrative review by Personnel Commission staff, if the decision is not to sustain the rejection, an applicant or candidate shall be permitted to take or continue the examination, and an eligible's name shall be restored to all appropriate lists.
- If the decision is to sustain the rejection, the individual shall be
1. given a written notice containing the reason(s) for sustaining the rejection
  2. informed of the right to make a written appeal of the rejection and/or the period of disqualification to the Personnel Commission during the next seven calendar days in accordance with Paragraph G, below.
- F. The permanent rejection of an applicant or candidate must be approved by the Personnel Commission. The Commission may approve the staff recommendation regarding the permanent bar or order further investigation of the facts and issues up to and including a formal hearing.
- G. Dated receipts shall be obtained for notices of rejection. When personal delivery is impractical, the intent of obtaining the signature of the individual shall be considered as having been carried out if a registered or certified letter, return receipt requested, has been mailed to the last-known address of the individual.
- H. Applicants, candidates, and eligibles shall be informed that any appeal must contain specific grounds for the appeal. The following will be accepted as grounds for appeal:
1. That the rejection is because of prohibited bases of discrimination (see Rule 500, Definitions).
  2. That there has been an abuse of discretion.
  3. That the reasons given for the action are not in accordance with the facts.

CHANGE:

Rule amended to update outdated language and clarification of existing procedures.

Remove: June 12, 2002, page 3 of 4. Add: September 8, 2008, page 3 of 4.

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- I. Upon receipt of a written appeal that meets the grounds specified under Paragraph G, above, the Personnel Commission shall schedule a hearing or instruct the Personnel Director to investigate the appeal and make a report to the Personnel Commission.

The applicant, candidate, or eligible shall be afforded an opportunity to present relevant evidence during the investigation and/or hearing. If the Personnel Commission schedules a hearing, the appellant shall be permitted to waive the right to a public hearing before the Commission.

- J. A rejected applicant or candidate who has appealed the rejection may be permitted at the discretion of the Personnel Director or his/her designee to continue to participate in the examination, pending decision by the Personnel Commission.

- K. The appellant shall be notified in writing of the Personnel Commission's decision. If the appeal of an appellant is granted, the appellant shall proceed with the examination as if no rejection had occurred. If the decision does not sustain removal of a name from an eligibility list or substitute and relief list, the name shall be restored to the list and certification shall be resumed as if no rejection had occurred.

- L. All standards used as the basis for rejecting an applicant, candidate or eligible shall be recommended by Personnel Commission staff and approved by the Personnel Commission. The standards shall include consideration of: conviction record; criminal, infamous, dishonest, immoral, or disgraceful conduct; drug addiction, use of intoxicating beverages to excess; and other reasons for which applicants, candidates, or eligibles are to be rejected.

CHANGE:

Rule amended to update outdated language and clarification of existing procedures.

Remove: June 12, 2002, page 4 of 4. Add: September 8, 2008, page 4 of 4.

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