

616 SPECIAL EXAMINATION ADMINISTRATIONS

Education Code Section(s)

88080. (a) The commission shall prescribe and, amend, and interpret subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation, as defined in Section 3543.2 of the Government Code, and is included in a negotiated agreement between the governing board and that unit. The rules shall be binding upon the governing board, but shall not restrict the authority of the governing board provided pursuant to other sections of this code. (b) No rule or amendment which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the commission until the exclusive bargaining representative and the community college employer of the classified employees who would be affected have been given reasonable notice of the proposal.

88081. (a) The rules shall provide for the procedures to be followed by the governing board as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article. (b) With respect to those matters set forth in subdivision (a) which are a subject of negotiation under the provisions of Section 3543.2 of the Government Code, such rules as apply to each bargaining unit shall be in accordance with the negotiated agreement, if any, between the exclusive representative for that unit and the public school employer.

- A. It is the policy of the Personnel Commission to ensure uniform treatment and fairness to all participants in classified examinations. This is accomplished, in part, by administering examinations to all participants at the same time. However, there are a limited number of circumstances when it is appropriate to consider a special administration.
- B. Requests for a special administration of a written test, performance test, physical abilities, or oral interview will be evaluated using the following factors:
 - 1. The feasibility of fairly reconstructing test conditions including but not limited to the availability of the raters, material equipment, and facilities used in the original test.
 - 2. Concerns related to the compromise of test materials.
 - 3. The size of the field of competition, number of candidates on the eligible list and anticipated vacancies in the class.
 - 4. Timeliness and cost effectiveness to the District.
- C. Typical reasons for special administrations that may be approved include:
 - 1. Active military duty. A copy of the military orders is required as verification.

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2. Strict religious beliefs. A letter from the candidate's religious leader attesting to the applicant's membership and the faith's requirements of observance or restriction of activity is required as verification.
3. Subpoena or order to appear in court. A copy of the subpoena or court order is required as verification.
4. Jury duty during the regularly scheduled test administration. A document from the court indicating that the applicant's presence was required in court during the regularly scheduled test administration is required as verification.
5. Serious personal injury, illness or hospitalization, or contagious disease. A physician's, hospital, or other valid certification is required as verification.
6. Death, imminent death, or funeral of an immediate family member. A death certificate, printed program from a funeral service, or obituary announcement is required as verification.
7. Required official performance of District business at the time of the test administration. A written statement from the candidate's department head attesting to the employee's work assignment is required as verification.
8. Error by the Personnel Commission staff.

- D. Requests for special administration must be submitted at the earliest possible date, but no later than three working days prior to the regularly scheduled test date if the reason for the request was known or could have been reasonably anticipated. In emergency or unanticipated situations, the request must be submitted at the earliest possible date, but no later than the first working day after the scheduled test date.

All requests for special administration must be submitted in writing along with the required verification to the Classified Examination Unit of the Personnel Commission.

- E. If a request is approved, a candidate will be offered one opportunity to take a special administration. Special administrations shall be scheduled at the discretion of the Examiner.
- F. A candidate who is granted a special administration of an examination shall be required to sign an affidavit before taking the examination attesting that they have no knowledge of the contents of the examination and has not been in contact with any person who had taken the test or had knowledge of the test content.
- G. Requests for special administration of an examination shall not serve to delay the progress of an examination, the promulgation of an eligibility list, certifications from an eligibility list, or appointments from an eligibility list. In the event an eligibility list has been established, the list shall be amended to include a successful candidate. The change resulting from the addition of a name shall not serve to invalidate any appointment made in accordance with law and rules or to extend the life of the list.

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- H. All determinations made by staff concerning special examination administrations shall be reviewed by the Personnel Director. The Personnel Director's decisions on requests are final.
- I. When the Personnel Commission reclassifies a position to a higher class for which an eligibility list exists, it may authorize a special administration of the selection process for the higher class to the incumbent of that position. The same tests of fitness and the same examination standards applied in the original examination shall be used in the special administration.

If the incumbent is successful, their name shall be added to the existing eligibility list according to examination score, with seniority credit, if applicable. Actions authorized pursuant to this paragraph shall not be construed as constituting a new examination or eligibility list and therefore shall not extend the life of the list or duration of eligibility for any eligible.

Such authorization shall not be made if the incumbent was unsuccessful in the selection process which resulted in the establishment of the current eligibility list or did not participate, but could have participated in the most recent examination for the job classification. In such event, the reclassified incumbent shall be required to qualify through an open and competitive examination process.