

Regulation 4112.3: Oath Or Affirmation

Status: DRAFT

Original Adopted Date: Pending

All district employees are declared by law to be disaster service workers and thus shall take the oath or affirmation required for disaster service workers before beginning employment with the district. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, all district employees are subject to disaster service activities as assigned to them by their supervisors or by law. (Government Code 3100-3102)

Legally employed noncitizens shall be exempt from taking this oath. (Government Code 3101)

At the advice of legal counsel, the Superintendent or designee may exempt an employee from taking the oath if he/she raises a valid religious objection.

The Superintendent, deputy or assistant superintendent, principal or other person authorized in Education Code 60 shall administer the oath or affirmation when a district employee is hired.

In the case of intermittent, temporary, emergency or successive employments, the Superintendent or designee may determine that the oath shall be effective for all successive periods of employment which begin within one calendar year from the date that the oath was subscribed. (Government Code 3102)

The Superintendent or designee shall file the executed oath or affirmation within 30 days of the date on which it is taken and subscribed. An employee's oath or affirmation may be destroyed five years after the termination of employment. (Government Code 3105)

Reimbursement of Expenses for Disaster Service Workers

Whenever an employee seeks compensation or reimbursement of expenses as a disaster service worker, the Superintendent or designee shall ascertain and certify that the employee has taken the oath or affirmation. (Government Code 3107)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

- CA Constitution Article 20, Section 3
- Ed. Code 44334
- Ed. Code 44354
- Ed. Code 60
- Gov. Code 3100-3109
- Lab. Code 3211.9-3211.93a

Description

- Oath of office - <https://simbli.eboardsolutions.com/SU/R9x0MkoG204v94pkEU0Qng==>
- Oath or affirmation required for credential
- Administration of oath required for credential
- Persons authorized to administer and certify oaths
- Oath or affirmation of allegiance
- Disaster service, definitions for workers' compensation

Management Resources References

- Court Decision
- Court Decision

Description

- Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544
- Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

Cross References

- 3516

Description

- Emergencies And Disaster Preparedness Plan - <https://simbli.eboardsolutions.com/SU/dOrqkL6zGeHD5l2pKwHzwA==>

- 3516 Emergencies And Disaster Preparedness Plan -
<https://simbli.eboardsolutions.com/SU/MA2DL2Mnc9xXhOn6dxxRIA==>
- 4112 Appointment And Conditions Of Employment -
<https://simbli.eboardsolutions.com/SU/8P7kCaAw8qzILunUQcqzrA==>
- 4121 Temporary/Substitute Personnel -
<https://simbli.eboardsolutions.com/SU/DcCmKPh09vg5JzXomtjUHA==>
- 4121 Temporary/Substitute Personnel -
<https://simbli.eboardsolutions.com/SU/YykFd9RvVplus6GgB2BddENyw==>
- 4212 Appointment And Conditions Of Employment -
<https://simbli.eboardsolutions.com/SU/2FhNDxwOQ6LaGbmeDKmSXA==>
- 9224 Oath Or Affirmation -
<https://simbli.eboardsolutions.com/SU/z2csjKJxoqGaLgXB4slshaoQ==>