

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Series 4000 – PERSONNEL

**Policy 4112.3**

**Oath or Affirmation**

All Solano County Office of Education (SCOE) 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 SCOE. 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 SCOE employees are subject to disaster service activities as assigned to them by their supervisors or by law.

This oath or affirmation is different from that required of certificated employees as a licensing requirement pursuant to Education Code 44334, in which credential candidates must affirm that they support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California. Therefore, SCOE requires all employees to take this oath or affirmation required by Government Code 3100-3102.

The California Constitution requires that Board members also take this oath.

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

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

The Superintendent/designee as authorized in Education Code 60 shall administer the oath or affirmation when a SCOE 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 4112.3 (Continued)**

**Oath or Affirmation** *(Continued)*

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I understand that as a public employee I am a disaster service worker pursuant to Government Code 3100 and 3102 and that I am required to take this oath before entering the duties of my employment. In the event of natural, manmade, or war-caused emergencies which result in conditions of disaster or extreme peril to life, property, and resources, I am subject to disaster services activities assigned to me by my supervisor.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

Certified by:

\_\_\_\_\_  
Signature of person who administers the oath

\_\_\_\_\_  
Date

Legal Reference:

EDUCATION CODE

- 60 Persons authorized to administer and certify oaths
- 44334 Oath or affirmation required for credential
- 44354 Administration of oath required for credential

GOVERNMENT CODE

- 3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

- Article 20, Section 3 Oath of office

COURT DECISIONS

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

Policy Cross-Reference:

- 3516 Emergencies and Disaster Preparedness Plan
- 4121 Temporary/Substitute Personnel