

CHAPTER 6

ESTABLISHING ELIGIBILITY LISTS FOR EMPLOYMENT

6.1 ELIGIBILITY LISTS

6.1.1 ESTABLISHMENT AND LIFE OF ELIGIBILITY LISTS:

After the completion of the examination process, the names of successful competitors shall be arranged on a list in the order of examination score, plus additional points when applicable. The completed list constitutes an eligibility list for that classification.

6.1.1.1 All appointments to positions in the Classified Service shall be made from eligibles whose names appear on eligibility lists. The Director Human Resources-Classified shall be responsible for establishing eligibility lists as a result of examination authorized by these rules.

Reference: EC§ 45260, 45261, 45272, and 45300

6.1.2 CONTENTS OF ELIGIBILITY LISTS:

An eligibility list shall contain:

6.1.2.1 The type of eligibility list – open, promotional, open and promotional or dual certification.

6.1.2.2 The names of all eligible in final rank order of total examination scores.

6.1.2.3 The expiration date of each person's eligibility.

6.1.2.4 The date the list was established.

Reference: EC§ 45260, and 45261

6.1.3 TYPES OF ELIGIBILITY:

Appointments to position shall be made in the following order:

6.1.3.1 **Eligibility Lists:** In order of preference:

6.1.3.1.1 *Reemployment:* A list of employees who have been laid off from permanent positions because of lack of work, lack of funds, voluntary demotion in lieu of layoff, loss of their positions because of abolishment or reclassification of positions, exhaustion of illness or accident leave when the employee has been certified as medically able to return to work, or return from military duty under conditions set forth in these rules. These eligibles shall take precedence over all other persons eligible for appointment.

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- 6.1.3.1.2 *Promotional:* A list of eligibles resulting from an examination limited to qualified permanent employees only.
- 6.1.3.1.3 *Promotional and Open Competitive:* Separate promotional and open competitive lists of eligibles resulting from a single examination with the promotional list taking precedence.
- 6.1.3.1.4 *Dual Certification:* One list of eligibles resulting from a single examination including seniority credit and/or veterans credit points.
- 6.1.3.1.5 *Open Competitive:* A list of eligibles resulting from an examination open to all qualified applicants.

6.1.3.2 **Requests:** Other methods of filling positions include:

- 6.1.3.2.1 *Transfer:* Employees who have requested appointment to a vacant position in the same or related classification.
- 6.1.3.2.2 *Reinstatement:* Former employees who have requested reinstatement to a vacant position in a class in which they held permanent status.

Reference: EC§ 45260 and 45261

6.1.4 **DURATION OF ELIGIBILITY LISTS:**

An eligibility list shall be in effect for a period of one year, unless exhausted, and may be extended for up to an additional year by approval of the Commission.

- 6.1.4.1 The Commission may approve the establishment of an eligibility list for a period of six (6) months when announced on the recruitment bulletin for the examination.
- 6.1.4.2 When fewer than three (3) ranks of available eligibles remain on an eligibility list and the appointing authority has requested certification of additional eligibles, the list may be terminated by the Director Human Resources-Classified.

Reference: EC§ 45260, 45261, and 45300

6.1.5 **MERGER OF ELIGIBILITY LISTS:**

If a new examination for a class is given during the first year of the life of an existing list, the examination shall be sufficiently similar to the previous examination to ensure the comparability of the scores of eligibles. The new list shall then be merged with the existing list with eligibles ranked in the order of examination score, plus additional points where applicable. Promotional lists shall be merged only with promotional lists.

- 6.1.5.1 When lists are merged under this rule, the earlier list shall be terminated one year after its establishment and those eligibles' names shall be removed from the consolidated list.

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6.1.5.2 All candidates on an eligibility list which is terminated may retake the examination if a period of ninety (90) days has lapsed since the candidate last took the examination. Notification is not required when an eligibility list expires.

Reference: EC§ 45260 and 45291

6.1.6 **REEMPLOYMENT LISTS:**

A reemployment list shall take precedence over all other employment lists in filling vacant positions. The reemployment list shall contain the names of all regular classified employees who have been laid off or demoted from any position because of lack of work or lack of funds.

6.1.6.1 **Military Duty**

An employee who requires a leave of absence for military duty and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall have their names placed over all other names on the reemployment list in the class which they leave.

6.1.6.2 **39-Month Reemployment**

The life of the reemployment list shall be thirty-nine (39) months. Employees returning from military leave shall be eligible for reemployment for a period not to exceed six (6) months after discharge.

6.1.6.3 **39-Month Reemployment Plus Additional 24 Months**

Employees who take voluntary demotions, or voluntary reductions in assigned time in lieu of layoff shall retain eligibility for reemployment for an additional period of twenty-four (24) months, provided the same tests of fitness under which they qualified for appointment still apply, as determined by the Personnel Commission.

Reference: EC§ 45298

Military and Veterans Code 395.1 and 395.3

6.1.7 **TERMINATION OF ELIGIBILITY LISTS:**

An eligibility list is automatically terminated one (1) year from the date of approval unless extended by the Commission, except that list established under Merit System Rule #6.1.4 shall terminate six (6) months from the date of approval.

6.1.7.1 An eligibility list is automatically terminated when no eligibles remain on the list.

6.1.7.2 An eligibility list may be terminated by the Director Human Resources-Classified prior to its expiration when no eligible is available for appointment to a specific permanent position in a class or when there are fewer than three (3) eligible ranks remaining on the list. The exception to the rule will apply

if a promotional list has less than three names remaining on the list, but an open eligibility list exists. In this case the Director Human Resources-Classified will continue to certify three ranks by merging the remaining promotional employees onto the open lists, adding any veteran's and seniority points allowed under these rules, and then rounding the score to the nearest whole percentage point. The Director Human Resources-Classified will then certify the top three ranks of willing and able eligibles from the newly combined Promotional/Open List to the appointing authority for selection.

Reference: EC§ 45300

6.1.8 ELIGIBILITY AFTER APPOINTMENT:

An eligibility list shall be used for full-time, part-time, regular and limited-term assignments in the class. An eligible who accepts limited-term assignments shall continue to be eligible for regular employment.

Reference: EC§ 45260, 45261, 45278, 45286, and 45300

6.1.9 WAIVER OF CERTIFICATION:

An eligible may notify the Director Human Resources-Classified in person or in writing that they are unavailable for certification to specific locations or shifts and to part-time or full-time positions and to limited-term or permanent positions. Eligibles may revise or withdraw their unavailability.

6.1.9.1 Eligibles who have made themselves unavailable shall not be certified.

6.1.9.2 An available eligible may waive certification twice without penalty. At the time a third waiver is made by an eligible, the eligible will be informed that, upon filing the third waiver, his/her name will be removed from the eligibility list per Rule #6.1.10

Reference: EC§ 45260, 45261, and 45300

6.1.10 REMOVAL OF NAMES FROM ELIGIBILITY LISTS:

The name of an eligible may be removed from an eligibility list by the Director Human Resources-Classified for any of the following reasons:

6.1.10.1 Failure to respond within five (5) working days from the date of mailing of an inquiry regarding availability for employment.

6.1.10.2 Any of the causes listed in Rule #4.2.

6.1.10.3 Failure to respond for a scheduled interview after certification.

6.1.10.4 Termination of employment (Promotional Eligibility List only).

- 6.1.10.5 Three (3) waivers of certification during the life of the eligibility list, except waivers relating to limited-term appointments, will not be counted for the purpose of this rule.
- 6.1.10.6 Refusing an employment offer after having been properly certified as eligible and available for the appointment.
- 6.1.10.7 A written request by the eligible for removal.
- 6.1.10.8 Failure by the applicant to keep his/her address and telephone number information current with the Personnel Commission Office.

Reference: EC§ 45260, 45261, and 45300

6.2 **CERTIFICATION FROM EMPLOYMENT LISTS**

6.2.1 **APPOINTING AUTHORITY:**

The appointing authority shall be the Board of Education and its designated managers, except that the Personnel Commission shall be the appointing authority in the case of employees assigned to the Personnel Commission.

6.2.2 **ORDER OF PRECEDENCE IN FILLING VACANCIES:**

Certification for filling vacancies in the Classified Service shall be made in the following order:

6.2.2.1 **Reemployment List**

Persons previously laid off because of lack of work, lack of funds or exhaustion of medical leave privileges shall be assigned to vacant positions in order of seniority.

6.2.2.2 **Transfer/Voluntary Demotion/Reinstatement**

Should an active reemployment list not exist, all qualified, permanent employees who request transfer, or voluntary demotion or qualified former employees who request reinstatement shall be certified in addition to the top three ranks of eligibles from appropriate eligibility lists.

Reference: EC§ 45272

6.2.3 **RULE OF THREE RANKS:**

Eligibles are placed on the eligibility list in rank order according to their score on the examination. The final scores of candidates shall be rounded to the nearest whole percent. All eligibles with the same percentage score shall be placed in the same rank. Certification from the list shall be the first three (3) ranks of eligibles who are ready and willing to accept the positions to be filled.

- 6.2.3.1 For classes approved for continuous testing, certification shall be made at the time the Director Human Resources-Classified can first reasonably certify three ranks of eligibles to the appointing authority.

Reference: EC§ 45260, 45261, and 45272

6.2.4 **CERTIFICATION AND APPOINTMENT FROM ELIGIBILITY LISTS:**

When a new position is to be filled, the appointing authority shall notify the Director Human Resources-Classified.

6.2.4.1 When a vacancy occurs in an established position, a Request for Personnel form shall be completed. The form shall state the class title, hours and location of employment.

6.2.4.2 The Director Human Resources-Classified shall determine the availability of eligibles and shall certify the names of all eligibles who are ready and willing to accept appointment to a position to be filled.

6.2.4.3 The Administrator shall, within five (5) working days of the selection interview, make a selection from the persons presented and shall notify the Director Human Resources-Classified who shall see that the necessary employment procedures are carried out.

6.2.4.4 If a candidate who was declared eligible for appointment to a position fails to keep an interview appointment or declines the appointment, the appointing authority may fill the vacancy from the remaining eligibles or may request certification of eligibles in accordance with Rule 6.2.6.

6.2.4.5 In the event that there is more than one authorized position in the class to be filled, the Director Human Resources-Classified may certify additional ranks of eligibles to allow approximately two more candidates than the number required to fill the number of vacancies.

Reference: EC§ 45260, 45261, 45272 and 45277

6.2.5 **PROCEDURE WHEN FEWER THAN THREE RANKS REMAINS:**

When fewer than three (3) ranks of eligibles are available on the promotional list, sufficient names shall be certified from the merged promotional/open and the open competitive lists to allow a choice among three (3) ranks of eligibles.

6.2.5.1 When fewer than three (3) ranks of eligibles are available for certification, the available eligibles may be certified. However, the appointing authority may choose not to appoint any of them and may request additional eligibles.

Reference: EC§ 45260, 45261, and 45272

6.2.6 **CERTIFICATION OF ADDITIONAL ELIGIBLES**

If an eligible that has been certified, refuses appointment or fails to respond for an interview, the appointing authority shall notify the Director Human Resources-Classified. When a request for additional eligibles is made, the Director Human Resources-Classified shall:

6.2.6.1 Certify additional eligibles as required.

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- 6.2.6.2 Remove the names of eligibles who failed to report for interviews or who refused appointment from the eligibility list.
- 6.2.6.3 Investigate the matter at his/her discretion to determine that any appointment refusal is in fact voluntary.

Reference: EC§ 45260, 45261, 45272 and 45277

6.2.7 **WITHOLDING NAMES FROM CERTIFICATION:**

The name of an eligible may be withheld from certification by the Director Human Resources-Classified when the eligible:

- 6.2.7.1 Expresses unwillingness or inability to accept appointment.
- 6.2.7.2 Fails to respond within five (5) working days following the mailing of written inquiry regarding availability.
- 6.2.7.3 Cannot be reached in time for appointment when immediate temporary employment is required.
- 6.2.7.4 Fails to present the license, registration, certificate or any other credential required.
- 6.2.7.5 Any reason listed in Rule #4.2

Reference: EC§ 45260, 45261, 45272 and 45277

6.2.8 **FAILURE TO MAKE APPOINTMENT:**

Should the appointing authority fail to make a selection from the top three ranks of eligibles as certified by the Director Human Resources-Classified, the Director Human Resources-Classified shall direct that the position be vacated (if there is a temporary person assigned to fill the vacancy), and remain vacant until such time as the eligibility list for the class expires.

Reference: EC§ 45260, 45261, 45272 and 45277

6.2.9 **RESTORATION TO ELIGIBILITY LIST**

When the Director Human Resources-Classified has withheld a candidate or eligible from placement on, or certification from the eligibility list, the Director Human Resources-Classified may subsequently approve placement on or restoration to the list, under the following circumstances:

- 6.2.9.1 When the withholding or removal was because of the waiver or inability of the eligible to accept employment, or failure to respond to inquiry, appear for an interview or report for duty, and the applicant presents a good and valid reason and certifies to the Director Human Resources-Classified that the applicant is now willing and able to accept an appointment.

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6.2.9.2 When the withholding or removal was for a reason listed in Rule 4.2 and the defect or reason for ineligibility has since been corrected.

Reference: EC§ 45260, 45261, 45272 and 45277

6.2.10 **CERTIFICATION FROM LIST FOR ANOTHER CLASS**

If there is no eligibility list for the class in which the vacancy occurs, certification may be made from a list for another class at the same or higher salary level if the duties and qualifications of the class for the examination was given include substantially all of the duties of the position to be filled, provided that the Director Human Resources-Classified finds, subject to approval by the Commission, that the use of the list is in the best interest of the District and that the necessary skills and knowledge were adequately tested in the examination.

Reference: EC§ 45260, 45261, and 45272

6.2.11 **SELECTIVE CERTIFICATION**

If a position within a classification requires a special skill, license, or language requirement, pursuant to Rule 3.2.9, the Director Human Resources-Classified shall determine which eligibles possess the required skill, license, or language and shall certify the names of the first three (3) ranks of eligibles who meet the special requirements. If there are insufficient eligibles who meet the special requirements and who are ready and willing to accept the position, a provisional appointment may be made, pending completion of a recruitment and examination process to fill the position.

Reference: EC§ 45260, 45261, 45272, and 45277

6.2.12 **CONFIDENTIALITY OF TEST SCORES AND ELIGIBILITY LISTS**

Test score and eligibility lists shall be considered confidential information and release of information on lists shall be limited to:

6.2.12.1 Posting eligibility list showing the relative ranking of each candidate without showing the specific percentage scores.

6.2.12.2 Only information relating to eligibles who have certified shall be released to the appointing authority.

6.2.12.3 Only information pertaining to an eligible's own scores and current position on the list shall be released to the eligible or his/her representative.

6.2.12.4 Such other persons as specifically order by the Personnel Commission.

Reference: EC§ 45260, 45261, 45272, and 45274