

CHAPTER VI

ELIGIBILITY FOR EMPLOYMENT

Rule 6.1

ELIGIBILITY LISTS

6.1.1

ESTABLISHMENT AND LIFE OF ELIGIBILITY LISTS (EDUCATION CODE 45272)

- A. After an examination, the names of successful competitors shall be arranged in the order of examination score plus additional points when applicable. The completed list constitutes an eligibility list for that class after approval by the Commission.
- B. Unless specifically authorized in these Rules, all appointments to positions in the classified service shall be made from eligibles whose names appear on eligibility lists. The Director of Classified Personnel shall be responsible for establishing eligibility lists as a result of examinations authorized by these Rules. An eligibility list shall contain:
1. The type of eligibility list - open, promotional, open and promotional with the promotional list taking precedence or merged promotional and open competitive;
 2. The names of all eligibles in final rank order of total examination scores;
 3. The adjusted scores of each part of the examination and the weighted total score;
 4. The dates of each part of examination and the weight assigned to that part of the examination;
 5. The expiration date of each person's eligibility;
 6. The signature of the Director of Classified Personnel attesting to the accuracy of the information on the eligibility list and
 7. The date the list was ratified or approved by the Commission.

- C. All eligibility lists shall be certified by the Commission at the first reasonable opportunity.
 - 1. The Director of Classified Personnel may submit eligibility lists for ratification and approval by the Commission subsequent to certification from the list. Appointments may be made from available eligibles pending final decision on the protests(s) and/or appeal (s) and shall not be changed even though the outcome is in the appellant's favor.

6.1.2 TYPES OF ELIGIBILITY

- A. Appointments to positions shall be made from
 - 1. Eligibility Lists
 - a. Reemployment - A list of employees who have been laid off from permanent positions because of lack of work, lack of funds or exhaustion of benefits. These eligibles shall take precedence over all other persons eligible for appointment.
 - b. Promotional - A list of eligibles resulting from an examination limited to qualified permanent employees only.
 - c. Promotional and Open Competitive - Separate promotional and open competitive lists of eligibles resulting from a single examination with the promotional list taking precedence.
 - d. Merged Promotional and Open Competitive - One list of eligibles resulting from a single examination including seniority credit and/or veteran's preference points.
 - e. Open Competitive - A list of eligibles resulting from an examination open to all qualified applicants.

2. Requests for:
 - a. Transfer - Employees who have requested appointment to a vacant position in the same or related classification (Rule 9.5)
 - b. Reinstatement - Former employees who have requested reinstatement to a vacant position in a class in which they held permanent status.
 - c. Demotion - Employees who have requested assignment to a vacant position in a lower classification (Rule 9.7)

6.1.3 DURATION OF ELIGIBILITY LISTS (EDUCATION CODE 45300)

- A. An eligibility list shall be in effect for a period of one year, unless exhausted, and may be extended for an additional year by the Commission. Names of successful competitors may be added to eligibility lists by the Director of Classified Personnel.
- B. The Commission may approve the establishment of an eligibility list for a period of six (6) months when announced on the recruitment bulleting for the examination.
- C. 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 of Classified Personnel.

6.1.4 MERGER OF ELIGIBILITY LISTS (EDUCATION CODE 45291)

- A. 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.

- B. 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, except when the earlier list is extended.
- C. All candidates on an eligibility list which is terminated shall be notified at the time a new examination is scheduled for the class. Each candidate may retake the examination if a period of ninety (90) days has elapsed since he/she last took the examination. Notification is not required when an eligibility list expires.

6.1.5

REEMPLOYMENT LISTS (EDUCATION CODE 45298, MILITARY AND VETERANS CODE 395.1, 395.3)

- A. There shall be established for each class, as necessary, a reemployment list which shall take precedence over all other employment lists in filling vacant positions. This 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.
- B. An employee who acquires 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.
- C. The life of the reemployment list for persons laid off 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.
- D. 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. The Commission shall make the determination of the specific period of eligibility on a position-by-position basis.

6.1.6 TERMINATION OF ELIGIBILITY LISTS (EDUCATION CODE 45300)

- A. An eligibility list is automatically terminated one (1) year from the date of its approval unless extended by the Commission, except that lists established under Rule 6.1.3 shall terminate six (6) months from the date of approval.
- B. An eligibility list is automatically terminated when no eligibles remain on the list.
- C. An eligibility list may be terminated by the Director of Classified Personnel 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) eligibles remaining on the list. Candidates on such lists shall be notified of the proposed termination.

6.1.7 ELIGIBILITY AFTER APPOINTMENT

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

6.1.8 WAIVERS OF CERTIFICATION

- A. An eligible may make himself/herself unavailable for certification to specific locations or shifts and to part-time or full-time positions and to limited-term or permanent positions by filing a definitive statement in the Commission office.
- B. Certification of eligibles who have made themselves unavailable shall not be made, provided that eligibles may revise or withdraw their unavailability.

- C. An available eligible may waive certification twice without penalty. At the time a third waiver is made by an eligible, he/she will be informed that, upon filing the third waiver, his/her name will be removed from the eligibility list per Rule 6.1.9.

6.1.9 REMOVAL OF NAMES FROM ELIGIBILITY LISTS

- A. The name of an eligible may be removed from an eligibility list by the Director of Classified Personnel for any of the following reasons:
 - 1. failure to respond within three (3) business days following the mailing of an inquiry regarding availability for employment;
 - 2. any of the causes listed in Rule 4.2;
 - 3. failure to respond for a scheduled interview after certification;
 - 4. termination of employment (Promotional Eligibility List only);
 - 5. three (3) waivers of certification during the life of the eligibility list, except that waivers relating to part-time or limited-term appointments should not be counted for the purpose of this Rule;
 - 6. refusing an employment offer after having been properly certified as eligible and available for the appointment or
 - 7. a written request by the eligible for removal.
- B. The Commission shall notify the eligible of the action taken and the reasons therefor and shall provide the person with the opportunity to appeal the decision within ten (10) days of notification. The decision of the Commission shall be final.

Rule 6.2 CERTIFICATION FROM EMPLOYMENT LISTS

6.2.1 APPOINTING AUTHORITY

- A. The appointing authority shall be the Board and its designated managers.

6.2.2 ORDER OF PRECEDENCE IN FILLING VACANCIES
(EDUCATION CODE 45272)

- A. Certification for filling vacancies in the classified service shall be made in the following order;
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.
 2. Position Transfer - All qualified employees who request transfer to a position in the same class.
 3. Voluntary Demotion, Lateral Transfer and Reinstatement - All qualified persons requesting increase or decrease in hours, voluntary demotion, lateral transfer or reinstatement shall be certified in addition to eligibles from eligibility list established by competitive examination.
 4. Promotional Eligibility List - When the vacancy is not filled through the procedures listed above, the top three (3) ranks of available eligibles shall be certified.
 5. Open competitive List - When the vacancy cannot be filled from the promotional list, the top three (3) ranks of available eligibles on the open or merged promotional open competitive list shall be certified.

6.2.3 RULE OF THREE (3) RANKS (EDUCATION CODE 45272)

- A. Eligibles shall be 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.

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

6.2.4 PROCEDURE FOR CERTIFICATION AND APPOINTMENT FROM ELIGIBILITY LISTS

- A. When a new position is to be filled, the appointing authority shall notify the Director of Classified Personnel of the fact and of the date of anticipated need. The employment request shall state the duties, class title, hours and location of employment and other pertinent information required by the Director of Classified Personnel.
- B. When a vacancy occurs in an established position, a written request shall be completed.
- C. The Director of Classified Personnel shall determine the availability of eligibles and shall certify the names of all eligibles who are ready and willing to accept the position. Certification shall be in accordance with Rule 6.2.2 and 6.2.3
- D. Certification from existing eligibility lists to interview for existing vacancies shall normally be within two (2) weeks after job posting and other contractual requirements have been met.
- E. The Administrator concerned shall, within three (3) working days of the interview, make his/her selection from the persons presented and shall notify the Director of Classified Personnel who shall see that the necessary employment procedures are carried out.
- F. If a candidate who was declared eligible for appointment to a position fails to keep his/her 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

6.2.5 PROCEDURE WHEN FEWER THAN THREE (3) RANKS REMAIN

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

6.2.6 CERTIFICATION OF ADDITIONAL ELIGIBLES

- A. If an eligible who has been certified, refuses appointment or fails to respond for an interview the appointing authority shall notify the Director of Classified Personnel.
- B. When a request for additional eligibles is made, the Director of Classified Personnel shall
 - 1. certify additional eligibles as required;
 - 2. remove the names of eligibles who failed to report for interviews or who refused appointment from the eligibility list;
 - 3. investigate the matter at his/her discretion to determine that any appointment refusal is in fact voluntary and
 - 4. request authorization from the Commission to refuse further certification should the investigation determine that refusal of appointment by an eligible is in fact not voluntary.

6.2.7 WITHHOLDING NAMES FROM CERTIFICATION

- A. The name of an eligible may be withheld from certification by the Director of Classified Personnel when the eligible:
1. expresses unwillingness or inability to accept appointment;
 2. fails to respond within three (3) working days following the mailing of written inquiry regarding availability;
 3. cannot be reached in time for appointment when immediate temporary employment is required;
 4. fails to present the license, registration, certificate or any other credential required or
 5. any reason listed in Rule 4.2.

6.2.8 RESTORATION

- A. When the Director of Classified Personnel has withheld a candidate or eligible from placement on, or certification from the eligibility list, he/she may subsequently approve placement on or restoration to the list subject to ratification by the Commission, under the following circumstances:
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 Commission that he/she is now willing and able to accept an appointment or
 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.

6.2.9 CERTIFICATION FORM LIST FOR ANOTHER CLASS

- A. 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 a higher salary level if the duties and qualifications of the class for which the examination was given include substantially all of the duties of the position to be filled, provided that the Director of Classified Personnel 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 knowledges were adequately tested in the examination.

6.2.10 DUTIES OF ELIGIBLES

- A. It shall be the duty of every eligible to respond promptly after receiving notice of certification. He/she will be expected to respond within three (3) working days plus the normal time required for the communication to be transmitted by mail. Failure to respond within the above stated time may result in removal from the eligibility list.
- B. An eligible who has been selected for a permanent position and is unable or unwilling to report by the end of two (2) weeks - one (1) month in the case of management classes - may be considered to have refused appointment and the appointing authority may request certification of additional eligibles.
 - 1. The date of the offer of appointment shall be the date on which the eligible is notified by the Director of Classified Personnel of selection.
 - 2. Notification may be made by telephone, telegram, registered or certified mail.
 - 3. The appointing authority may allow a period longer than two weeks at its discretion.
- C. When appointment is to a limited-term position, the eligible must be available on the date specified by the appointing authority.
- D. Persons placed on any eligibility list shall provide a current address and telephone number to the Commission office. The Director of Classified

Personnel will use the address and telephone number for all communication with the eligible. It shall be the responsibility of the eligible to notify the Commission office of any changes in address or telephone number. Failure to file such information with the Commission office may constitute a waiver of certification or selection.

6.2.11 SELECTIVE CERTIFICATION (EDUCATION CODE 45277)

- A. If a person requires the use of a language other than English or a valid driver's license, the appointing authority shall so indicate to the Director of Classified Personnel when requesting certification of eligibles.
- B. The Director of Classified Personnel shall determine which eligibles possess the required language or license and shall certify the names of the first three (3) ranks of eligibles who meet the special requirements.
- C. 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.

6.2.12 REDUCTION IN ELIGIIBILITY

- A. A reduction in eligibility from a higher class to a lower class may be approved by the Commission when the two classes are in the same line of promotion. The name of an eligible reduced in eligibility shall be placed at the bottom of the eligibility list for the lower class.

6.2.13 CERTIFICATION OF NAMES FOR DIFFERENTIAL COMPENSATION (EDUCATION CODE 45183)

- A. Assignment to a position for which differential compensation is designated (Rule 12.2.13) shall be made on the basis of seniority among those employees within the appropriate class, subject to the following conditions:
 - 1. the assignment must equal or exceed twenty (20) consecutive working days;

2. the employee must request, in writing, consideration for differential compensation at the time the opening is posted;
 3. the written request shall be submitted to the Director of Classified Personnel and
 4. seniority shall be computed as provided in Rule 13.1.
- B. When a vacancy exists in a position for which differential compensation is designated, and where no employee in the class wishes to volunteer for the shift, the assignment shall be made by the department supervisor on the basis of the needs of the department. Notification shall be made to the affected employee in writing at least five (5) working days prior to becoming effective.

6.2.14 CONFIDENTIALITY OF LISTS (EDUCATION CODE 45274)

- A. Eligibility lists shall be considered confidential information and release of information on lists shall be limited to:
1. the appointing authority - only information relating to eligibles who have been certified shall be released.
 2. eligibles - 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 and
 3. such other persons as specifically ordered by the Commission.