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**CHAPTER VI**  
**ELIGIBILITY FOR EMPLOYMENT**

**RULE 6.1**     **ELIGIBILITY LISTS**

**6.1.1**     **ESTABLISHMENT AND LIFE OF ELIGIBILITY LISTS**

- A. After an examination, the names of successful candidates 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 the:
  - 1. Type of eligibility list – open, promotional, open and promotional with the promotional list taking precedence or merged promotional and open competitive;
  - 2. Names of all eligibles in final rank order of total examination scores;
  - 3. Adjusted scores of each part of the examination and the weighted total score;
  - 4. Dates of each part of examination and the weight assigned to that part of the examination;
  - 5. Expiration date of each person’s eligibility;
  - 6. Signature of the Director of Classified Personnel attesting to the accuracy of the information on the eligibility list, and
  - 7. Date the list was approved by the Commission.
  
- C. All eligibility lists shall be certified by the Director of Classified Personnel at the first reasonable opportunity.
  - 1. The Director of Classified Personnel may submit eligibility lists for approval by the Commission subsequent to certification from the list. Appointments may be made from available eligibles pending final decision on the protest(s) and/or appeal(s) and shall not be changed even though the outcome is in the appellant’s favor.

**Reference: Education Code Section 45272**

### **6.1.2 TYPES OF ELIGIBILITY**

- A. Appointments to positions shall be made from the following certification lists:
1. 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. Except for those referenced in Rule 6.1.5.B.
  2. Promotional – A list of eligibles resulting from an examination limited to qualified permanent employees only.
  3. Promotional and Open Competitive – Separate promotional and open competitive lists of eligibles resulting from a single examination with the promotional list taking precedence.
  4. Merged Promotional and Open Competitive – One list of eligibles resulting from a single examination.
  5. Open Competitive – A list of eligibles resulting from an examination open to all qualified applicants.
  6. Transfer – Employees who, having left in good standing, requested appointment to a vacant position in the same or related classification (Rule 9.5).
  7. Reinstatement – Former employees who have requested reinstatement to a vacant position in a class in which they held permanent status.
  8. Demotion – Employees who have requested assignment to a vacant position in a lower classification (Rule 9.7).

### **6.1.3 DURATION OF ELIGIBILITY LISTS**

- A. An eligibility list shall be in effect for a period of one (1) year, unless exhausted. A list may be extended for an additional period of two (2) years or less at the discretion of the Commission.
- B. 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.
- C. When fewer than three (3) ranks of available eligibles remain on an eligibility list, the appointing authority may request certification of additional eligibles.

**Reference: Education Code Section 45300**

#### **6.1.4 MERGER OF ELIGIBILITY LISTS**

- 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 according to its established expiration date and those eligibles' names shall be removed from the merged list, except when the earlier list is extended.
- C. All eligibles on an eligibility list which is terminated shall be notified at the time a new examination is scheduled for the class. Each eligible may retake the examination if a period of ninety (90) days has elapsed since the eligible last took the examination. Notification is not required when an eligibility list expires.

**Reference: Education Code Section 45291**

#### **6.1.5 REEMPLOYMENT LISTS**

- 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, demoted, or retired from any position because of lack of work, lack of funds, or exhaustion of medical leave benefits.
- 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 left.
- 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.

**Reference: Education Code Sections 45114, 45115, 45117, 45118, 45298 and 45308  
Military and Veteran Codes 395.1 and 395.3**

### **6.1.6 TERMINATION OF ELIGIBILITY LISTS**

- A. An eligibility list is automatically terminated one (1) year from the date of its approval unless extended by the Commission. Lists established under Rule 6.1.3.B shall terminate six (6) months from the date of approval.
- B. An eligibility list automatically terminates 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. Eligibles on such a list shall be notified prior to its termination.

**Reference: Education Code Section 45300**

### **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 a part-time assignment shall continue to be eligible for full-time employment, and an eligible who accepts a limited-term assignment shall continue to be eligible for regular employment.

### **6.1.8 WAIVERS OF CERTIFICATION**

- A. An eligible may request to be made unavailable for certification to specific locations or shifts, to part-time or full-time positions and to limited-term or permanent positions by written notice to the Director of Classified Personnel.
- B. Certification of eligibles who have made themselves unavailable for certification shall not be made. Eligibles may revise or withdraw their unavailability by written notice to the Director of Classified Personnel.
- C. An available eligible may waive certification twice without penalty. When a third waiver is made, the eligible will be informed that, the eligible is being 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 notification of an inquiry regarding availability for employment;

2. Any of the causes listed in Rule 4.3.1;
  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 limited-term appointments should not be counted for the purpose of this Rule;
  6. Refusing two (2) employment offers after having been properly certified as eligible and available for the appointment, or
  7. A written request by the eligible for removal.
- B. The Director of Classified Personnel shall notify the eligible of the action taken and the reasons therefore and shall provide the person with the opportunity to appeal the decision within ten (10) working days from the postmark date of the notice. The decision of the Director of Classified Personnel 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      RULE OF THREE (3) RANKS**

- A. Eligibles shall be placed on the eligibility list in rank order according to their score on the examination. The final scores of eligibles 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 classifications approved for continuous testing, certification shall be made at the time the Director of Classified Personnel can first reasonably certify three (3) ranks of eligibles to the appointing authority.

**Reference: Education Code Section 45272**

### **6.2.3 PROCEDURE FOR CERTIFICATION AND APPOINTMENT FROM ELIGIBILITY LISTS**

- A. When position is to be filled, the appointing authority shall notify the Director of Classified Personnel of the date of anticipated need. The employment request shall state the duties, classification title, hours and location of employment and other pertinent information required by the Director of Classified Personnel.
- B. 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 Rules 6.1.2 and 6.2.2.
- C. Certification from existing eligibility lists to interview for existing vacancies shall be within two (2) weeks after job posting and other contractual requirements have been met.
- D. If an eligible fails to keep the interview appointment or declines the interview opportunity results in less than three (3) ranks, the appointing authority may fill the vacancy from the remaining eligibles or may request certification of eligibles in accordance with Rule 6.2.5
- E. The Site Administrator/Department concerned shall, within five (5) working days of the interview, make a selection from the eligibles presented and shall notify the Director of Classified Personnel of their selection.

### **6.2.4 FEWER THAN THREE (3) RANKS REMAIN**

- A. When a promotional list has fewer than three (3) ranks of eligibles, sufficient eligibles shall be certified from the open or merged promotional open competitive list to allow selection from three (3) ranks.
- 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.

### **6.2.5 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 document such on the certification list.
- B. When a request for additional eligibles is made, the Director of Classified Personnel shall:
  - 1. At his/her discretion, investigate the matter to determine that any appointment refusal is in fact voluntary, and
  - 2. Remove the names of eligibles who failed to report for interviews or refused appointment from the certification list;

3. Certify additional eligibles as required;
4. Request authorization from the Commission to refuse further certification of eligibles should the investigation determine that refusal of appointment by an eligible is in fact not voluntary.

#### **6.2.6 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 the terms of a specific position;
  2. Fails to respond within three (3) working days following 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 4.6.

#### **6.2.7 RESTORATION**

- A. When an eligible has been withheld from certification, the Director of Classified Personnel may subsequently approve placement or restoration to the list subject to ratification by the Commission, under the following circumstances:
  1. When an eligible was withheld from certification because of the inability to accept employment, failure to respond to inquiry, failure to appear for an interview, and the eligible presents a valid reason, in writing to the Director of Classified Personnel that the eligible is now willing and able to accept an appointment, or
  2. When the withholding was for a reason listed in Rule 4.6, and the eligible has presented verifiable documentation of the correction.

#### **6.2.8 CERTIFICATION FROM ANOTHER CLASS LIST**

- A. If there is no eligibility list for the class in which the vacancy occurs, certification may be made from an eligibility list of 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; and the Director of Classified Personnel finds,

subject to approval by the Commission, that necessary skills and knowledge were adequately tested in the examination.

### **6.2.9 DUTIES OF ELIGIBLES**

- A. It shall be the duty of every eligible to respond promptly after receiving notice of certification. The eligible will be required to respond within three (3) working days. Failure to respond within the above stated time may result in removal from the certification list. Three (3) waivers of certification 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 or one (1) month in the case of management classes, may be considered to have refused appointment. The appointing authority may allow a longer period at its discretion.
  - 1. The date of the offer of appointment shall be the date on which the eligible is notified by the Personnel Commission Office of selection.
  - 2. Notification may be made by telephone, electronic mail, registered or certified mail.
- 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. It shall be the responsibility of the eligible to notify the Commission office of any changes in contact information. Failure to file such information with the Commission office may constitute a waiver of certification or selection.

### **6.2.10 SELECTIVE CERTIFICATION**

- A. If a position 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 the position control form is submitted.
- B. The Director of Classified Personnel shall determine which eligibles possess the required language(s) or license(s) and shall certify the names of the first three (3) ranks of eligibles who meet the requirements.
- C. If there are insufficient eligibles who meet the requirements and willing to accept the position, a provisional appointment may be made.

**Reference: Education Code Section 45277**

**6.2.11 CONFIDENTIALITY OF ELIGIBILITY LISTS**

- A. Eligibility lists shall be considered public information and shall contain names, ranks, and classification title. They shall be available for review in the Commission office. Individual examination scores will be made available to the eligible(s) or their representative(s). Scores of eligibles shall not be made available to the public.

**Reference: Education Code Section 45274 and Government Code Sections 6250-6255**