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Rule Revisions 6.1, 6.2, and 6.3 Approved by the Personnel Commission on March 16, 2016

CHAPTER VI EMPLOYMENT LISTS AND CERTIFICATION

Positions in the classified service shall be filled from employment and eligibility lists established according to the procedures prescribed in this chapter. It shall be the policy of the Personnel Commission to promote upward mobility, career laddering/latticing for classified staff, and equal employment opportunity in the selection process.

Rule 6.1 EMPLOYMENT LISTS (88091)

An employment list shall be defined as a list of names of current and former permanent employees who are eligible for employment into a vacant position without competitive examination.

6.1.1 REEMPLOYMENT LISTS (EDUCATION CODE SECTION 88116, 88117, 88195)

- A. A reemployment list shall be established for each class as necessary and shall take precedence over all other employment and eligibility lists. 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, lack of funds, or exhaustion of medical leave.
- B. An employee who is granted a leave of absence for military duty or who is ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall have preference in reemployment. Their name shall be placed ahead of all other names on the reemployment list for a given class. (Merit Rule 11.9)
- C. The life of the reemployment list for persons laid off shall be 39 months. Employees returning from military leave shall be eligible for reemployment for a period not exceeding six (6) months after discharge.
- D. Employees on one or more re-employment lists shall be certified to vacant positions in their class in order by seniority (Merit Rule 13.1; Education Code 88195)
- E. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff, in order to remain in their present positions rather than be reclassified or reassigned, shall be entitled to an additional 24 month period of reemployment provided that the same tests of fitness under which they qualified for appointment to the class still apply. Determination as to whether the same tests of fitness still apply shall be made on a class-by-class basis.

6.1.2 POSITION TRANSFER LIST

- A. All qualified employees who request position transfer to a position with the same number of hours and/or months shall be placed on a position transfer list and shall be certified for interview in accordance with 6.3.2.A.1. Each transfer list shall expire once the current vacancy or vacancies listed in the posting have been filled.

6.1.3 CAREER LATTICING LIST (INCLUDES LATERAL TRANSFERS, VOLUNTARY DEMOTIONS, INCREASE IN HOURS, OR DECREASE IN HOURS)

- A. All qualified persons requesting increase or decrease in hours, voluntary demotions or lateral transfer shall be placed on a career latticing list and shall be certified for interview in accordance with 6.3.2.A.3. Each Career Latticing list shall expire once the current vacancy or vacancies listed in the posting have been filled.

6.1.4 REINSTATEMENT LIST

- A. All qualified permanent former employees who left in good standing and request reinstatement to their former class, or a lower related class in the same occupational group, shall be placed on a reinstatement list and shall be certified for interview in accordance with 6.3.2.A.4. Employees shall be eligible for reinstatement for a period of 39 months from their last date of employment.

Rule 6.2 ELIGIBILITY LISTS (EDUCATION CODE SECTION 88091, 88119)

An eligibility list shall be defined as a list of the names of persons who have qualified in all parts of the examination.

6.2.1 ESTABLISHMENT OF ELIGIBILITY LISTS

- A. After an examination is completed, the names of successful candidates shall be arranged on a list in the rank order of examination score, including additional veteran's or longevity preference points, when applicable. The completed list, after approval by the Personnel Commission, shall constitute an "eligibility list" for that class.
- B. Unless otherwise 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 (dual certification).
 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 scores.
 4. The dates of each 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.
 7. The date the list was ratified or approved by the Personnel Commission.
- C. All eligibility lists shall be approved at the first reasonable opportunity at a Personnel Commission meeting.
1. To facilitate the orderly progress of business, the Director of Classified Personnel may certify eligibles from the eligibility list before approval of the list by the Personnel Commission. However, no job placement shall be made before the notification procedures provided in Rule 5.2.16 have been carried out.

6.2.2 TYPES OF ELIGIBILITY LISTS

- A. The types of eligibility lists are
1. Promotional - a list of eligibles resulting from an examination limited to qualified permanent employees only.
 2. Promotional and open competitive – separate promotional and open competitive lists of eligibles resulting from a single examination with the promotional list taking precedence.
 3. Merged promotional and open competitive - one list of eligibles resulting from a single examination including promotional and open competitive eligibles in a single merged eligibility list (See 5.2.4).

4. Open competitive - a list of eligibles resulting from an examination open to all qualified candidates.

6.2.3 DURATION OF ELIGIBILITY LIST (EDUCATION CODE SECTION 88119)

- A. Eligibility lists shall be established for the duration of either six (6) months or one (1) year.
- B. The expected duration of each eligibility list as approved by the Personnel Commission shall be announced on the job announcement bulletin for each class.
- C. An eligibility list may be extended by the Personnel Commission for one or more periods, not to exceed a total of two years from the time the list was first established. The Director of Classified Personnel shall base their recommendation for extension of an eligibility list on the following factors:
 1. a sufficient number of available eligibles remain to fill expected future vacancies;
 2. the composition of the list reflects appropriate representation of ethnic minorities, underrepresented groups, or non-traditional candidates;
 3. the field of competition in the occupational area has not changed dramatically.
- D. Names of successful competitors may be added to eligibility lists for classes approved by the Personnel Commission for continuous testing effective upon approval of the Director of Classified Personnel. These eligibles shall remain on the eligibility list only for the appropriate period as indicated in the job announcement bulletin.

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

- C. All candidates on an existing eligibility list shall be notified at the time a new examination is scheduled for the class.

6.2.5 TERMINATION OF ELIGIBILITY LISTS

- A. An eligibility list shall be terminated as follows:
 - 1. Automatically, when the term of the eligibility list as promulgated, has expired.
 - 2. Automatically, when no eligibles remain on the list.
- B. An eligibility list may be terminated by the Director of Classified Personnel prior to its expiration under the following circumstances:
 - 1. When no eligible is available for appointment to a specific permanent vacant position.
 - 2. When fewer than three ranks of eligibles remain on the list after certification, and the appointing authority requests certification of additional eligibles.
 - 3. Upon abolishment of the class for which the list was established.
- C. When an eligibility list is terminated prior to the expiration of its term, all remaining eligibles shall be notified and given the opportunity to register for or retake the examination.

Rule 6.3 CERTIFICATION TO FILL VACANCIES (EDUCATION CODE SECTION 88091)

Certification shall be defined as the official submission of the names of employees or eligibles from an appropriate list to the appointing authority by the Director of Classified Personnel.

6.3.1 APPOINTING AUTHORITY

- A. The appointing authority shall be the Governing Board of the District, and its designated managers and supervisors.

6.3.2 ORDER OF PRECEDENCE IN THE USE OF LISTS

- A. The order of precedence for the use of employment and eligibility lists for filling vacancies in the classified service shall be as follows:

1. Reemployment List (Education Code Section 88117, 88195)
2. Position Transfer List
3. Career Latticing List
4. Reinstatement List and Eligibility List

6.3.3 REQUEST FOR CERTIFICATION

- A. When a new position is created, or a regular position becomes vacant, the request to fill the position shall be made through the appropriate process as prescribed by the District and submitted to the Director of Classified Personnel for action.

6.3.4 CERTIFICATION OF AVAILABLE ELIGIBLES

- A. Personnel Commission staff shall certify the names of qualified persons on the employment lists and the three top ranks on the eligibility list who are ready and willing to accept the vacant position. Certification shall be in the order prescribed in Rule 6.3.2.
- B. The certification prepared by Personnel Commission staff shall contain the following:
 1. For employees certified from an employment list, the certification shall include the name and status of the employee as well as a recent application;
 2. For employees certified from an eligibility list, the certification shall list the name, the application, and resume, if any, filed by the employee.

6.3.5 RULE OF THREE RANKS

- 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.
- B. Certification from the eligibility list shall consist of all eligibles in the top three ranks who are ready and willing to accept the vacant position.
- C. When the field of competition indicates that the promotional list shall take precedence over the open list, and fewer than three ranks of eligibles are available on the promotional list, sufficient names shall be certified from the open competitive list to allow a choice among three ranks of eligibles.

- D. When fewer than three ranks of eligibles are available for certification, the available eligibles shall be certified; however, the appointing authority may choose not to appoint any of them and may request a new examination.
- E. When there is more than one vacancy for the same position in any one or more departments, one additional rank per vacancy shall be certified for final interview. All candidates on the eligibility list may be interviewed. However, the rule of three ranks still applies and all hiring must be made from the top three ranks before a lower rank can be hired.

6.3.6 AVAILABILITY AND WAIVER OF ELIGIBILITY

- A. An eligible may designate their availability for specific locations or shifts, part time or full time positions, and for limited-term (temporary) or permanent positions by filing an availability questionnaire in the Personnel Commission Office.
- B. An eligible may revise or withdraw their availability by submitting a request in writing to the Director of Classified Personnel. The change shall become effective upon receipt and acceptance by the Director of Classified Personnel.
- C. An eligible may waive certification twice without penalty, except that waivers relating to part-time or limited-term appointments shall not be counted for the purpose of this rule. At the time of a third waiver, they shall be removed from the eligibility list. The eligible shall be notified of the action taken.

6.3.7 WITHHOLDING NAMES FROM CERTIFICATION

- A. The Director of Classified Personnel may withhold the name of an eligible from certification for a permanent or temporary vacancy when the eligible:
 - 1. Expresses unwillingness or inability to accept appointment;
 - 2. Fails to respond within three (3) business days following written or verbal notification of a specific vacancy. Failure of the candidate to respond within three (3) business days will constitute a waiver of certification.
 - 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;
 - 5. Is disqualified under Rule 4.2.

Rev. approved by Personnel Commission on 3/16/16

6.3.8 REMOVAL OF NAMES FROM ELIGIBILITY LISTS

- A. The Director of Classified Personnel may remove the name of an eligible from an eligibility list for any of the following reasons:
1. Failure to notify the Personnel Commission Office of a change of contact information as provided in Rule 6.4.2.
 2. Failure to report for a scheduled interview after certification.
 3. Failure to report for duty at the required time after having accepted appointment.
 4. Termination of employment by the District.
 5. Three (3) waivers of certification during the life of the eligibility list, except that waivers relating to part time or limited-term appointments shall 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.
 7. Any of the causes listed in Rule 4.2.
 8. A written request by the eligible for removal.
- B. The Director of Classified Personnel shall notify the eligible of the action to be taken, the reason(s) therefore, and the opportunity to appeal to the Personnel Commission within five (5) business days before final action is taken.
- C. An eligible removed due to termination of employment by the District shall not have a right to separately appeal removal from an eligibility list, but shall be returned to the eligibility list from which they were removed if the appeal of the termination results in reinstatement of employment.

Rev. approved by Personnel Commission on 4/20/16

6.3.9 RESTORATION

- A. An eligible's name may be restored to an eligibility or employment list by the Director of Classified Personnel under the following circumstances:
 - 1. When the eligible presents a good and valid reason for waiver, inability to accept employment, failure to respond to an inquiry regarding availability for interview or to report for work;
 - 2. When the eligible presents verification that the reason(s) for ineligibility under Rule 4.2 has been corrected.
- B. Revisions and withdrawals of voluntary waivers shall become effective upon receipt by the Director of Classified Personnel.

6.3.10 FINAL SELECTION INTERVIEW

- A. The immediate supervisor, accompanied by their supervisor or such other persons as may be designated by the hiring manager or the Director of Classified Personnel, shall interview all persons certified for the vacant position. This interview shall be designated as the final selection interview.
- B. The final selection interview shall be conducted in a fair and impartial manner and all eligibles shall be given an equal opportunity to present their qualifications for the vacant position. All questions asked shall be job-related, and all eligibles shall be asked the same basic questions and shall be given sufficient time to respond.
- C. Following the completion of the interviews, a final selection report shall be completed by all interviewers in the final selection interview. The report shall provide a specific appraisal of the relative qualifications of each of the candidates.

6.3.11 TIMELINES FOR THE FINAL SELECTION INTERVIEW

- A. Certification of eligibles to be interviewed for a vacancy in a class with an existing eligibility list shall normally be made within two weeks after job posting and other contractual requirements have been met.
- B. Certification of eligibles to be interviewed for a vacancy in a class with a newly established eligibility list may be made after completion of notification requirements as specified in Rules 5.2.16 and 5.2.20.
- C. The supervisor shall notify the Director of Classified Personnel of their selection decision within five days after the completion of the interviews.

6.3.12 PROCEDURE FOR REQUEST AND CERTIFICATION OF ADDITIONAL ELIGIBLES

- A. If an eligible who has been certified, refuses appointment or fails to report for an interview, the appointing authority may fill the vacancy from the remaining eligibles or may request additional certification.
- B. When a request for additional eligibles is made, the Director of Classified Personnel may:
 - 1. Certify additional eligibles, as required.
 - 2. Remove the names of eligibles who have refused appointment or have failed to report for a scheduled interview without notification.
 - 3. Investigate the matter at their discretion to determine that any refusal is, in fact, voluntary.
 - 4. Request authorization from the Personnel Commission to refuse further certification should the investigation determine that refusal of appointment by an eligible is, in fact, not voluntary.

6.3.13 USE OF ALTERNATE ELIGIBILITY LISTS

- A. If there is no eligibility list for the class in which a vacancy occurs, certification may be made from a list for another class at the same or a higher salary level provided:
 - 1. 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.
 - 2. The Personnel Commission finds 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.

6.3.14 SELECTIVE CERTIFICATION FOR POSITIONS WITH LANGUAGE REQUIREMENTS (EDUCATION CODE SECTION 88096)

- A. If a position requires the use of a language in addition to English, the appointing authority shall so indicate to the Director of Classified Personnel when requesting certification of eligibles to fill the vacancy.
- B. The Director of Classified Personnel shall determine which eligibles possess the required language skills and shall certify the names of the top three (3) ranks of eligibles who meet the special requirements.
- C. The recruitment bulletin announcing the examination shall indicate the special requirements which may be necessary for filling one or more of the positions in

the class.

6.3.15 CERTIFICATION OF NAMES FOR SHIFT DIFFERENTIAL COMPENSATION (EDUCATION CODE SECTIONS 88180, 88181, 88182, 88183, 88184, 88185, 88186)

- A. Assignment to a regular position which qualifies an employee for additional shift differential compensation as specified in Rule 12.2.14 shall be made on the basis of seniority among those employees within the appropriate class. The following conditions shall apply:
 - 1. The employee must submit an application for transfer to the Personnel Commission Office by the deadline indicated on the transfer posting.
 - 2. Seniority shall be computed as provided in Rule 13.1.2.
- B. No employee assigned to work a shift entitled to differential compensation shall be demoted in class or grade as a result of such an assignment.
- C. An employee receiving a shift differential shall not lose this compensation if they are temporarily, for twenty (20) working days or less, assigned to a shift not entitled to such compensation. The regular rate of pay for all purposes of an employee assigned to a shift which provides differential compensation shall be the differential rate.
- D. When a vacancy exists in a regular position for which additional differential compensation is designated, and no employee in the class applies to transfer to the shift, the assignment shall be made by the department supervisor in reverse order of District seniority, provided that there are no candidates from a current eligibility or reinstatement list who are available and interested in the assignment. Written notification of involuntary transfer shall be issued at least five working days prior to becoming effective.

Rule 6.4 EMPLOYMENT OF ELIGIBLES

6.4.1 NOTIFICATION OF ELIGIBLES

- A. Personnel Commission staff shall notify eligibles selected for a position.
- B. An eligible selected for a permanent position shall report for work within two calendar weeks (one month for management positions) unless a longer time is approved by the appointing authority.
- C. An eligible is selected for a limited-term (temporary) position must report for work on the date specified by the appointing authority.
- D. At its discretion, the appointing authority may allow the selected eligible a longer period to report for work.
- E. Failure to report for work on the agreed upon date shall constitute refusal of appointment and be grounds for removal under Rule 6.3.8.

6.4.2 DUTIES OF ELIGIBLES

- A. All persons placed on an eligibility or reemployment list shall provide their current contact information to the Personnel Commission Office. The Director of Classified Personnel shall use this contact information for all communication with the eligible.
- B. It shall be the responsibility of the eligible to notify the Personnel Commission Office promptly of any changes in their contact information. Failure to notify the Personnel Commission Office shall constitute a waiver of certification and may be grounds for removal under Rule 6.3.8.

6.4.3 CONFIDENTIALITY OF CERTIFICATION

- A. The certification of eligibles shall be considered confidential and release of information shall be limited as follows:
 - 1. To the appointing authority: only information relating to eligibles who have been certified shall be released by the Director of Classified Personnel.
 - 2. To the eligibles: only the names of the eligibles who have accepted certification.
 - 3. To such other additional persons as specifically ordered by the Personnel Commission.

6.4.4 ELIGIBILITY AFTER APPOINTMENT

- A. The same list shall be used for full time, part time, regular, and limited-term (temporary) assignments in a class. An eligible who accepts part time employment shall continue to be eligible for full time employment, and an eligible who accepts limited-term employment shall continue to be eligible for regular employment.

Rev. approved by Personnel Commission on 4/20/16.