

## **CHAPTER IX**

### **ELIGIBILITY AND EMPLOYMENT LISTS**

#### **9.01 Preparation of Eligibility List; Determination of Ranks**

As soon as possible, after conclusion of an examination, the Director shall prepare an eligibility list consisting of the names of persons successfully passing the examination. The names of eligible persons shall be arranged on the eligibility list in accordance with its examination:

- A. Notwithstanding the provisions above, whenever an eligibility list is to be prepared for an alternate class series, the Director shall sub-divide the eligibility list according to the number of class levels within the same series. Each sub-divided list shall only consist of the names of eligible persons passing the examination for a specified class level of the same series. No eligible person's name shall be placed on more than one sub-divided eligibility list for the same series.
- B. Notwithstanding the provisions, above, whenever an eligibility list is to be prepared for a class designated as restricted, the list shall be prepared in the same manner as that for a normal class, except whenever parent(s) of Head Start children are among the names of eligible persons, a notation shall be made to identify eligible person(s) as a "parent".
- C. For examinations announced as "Open Competitive," the names of all eligible persons shall be arranged on the eligibility list in descending final score order.
- D. For examinations announced as "Promotional Competitive," the names of regular employees including eligible promotional employees, shall be arranged on the eligibility list in descending final score. Service points shall be added to the final scores of employees in classes at equal or lower maximum salary rates.
- E. For examinations announced concurrently as "Open and Promotional Competitive," the names of eligible persons and regular employees including eligible promotional employees, shall be arranged on the respective lists pursuant to Sub Rules A and B, above.
- F. Notwithstanding the provisions of Sub Rules C, D and E, above, certain examinations, in addition to their competitive examination, shall be designated as "Continuous." As sequential competitive examinations are administered, the names of qualified persons shall be merged onto the appropriate eligibility list and rankings shall be adjusted accordingly.
- G. For examinations announced under "Dual Certification," the names of open eligible persons and regular employees including promotional eligible employee shall be arranged on the same list in descending order according to final scores. Service points shall be added to the final scores of promotional eligible employees in classes at equal or lower maximum salary rates. No open eligible person shall have veteran's credit points added to his/her final score or his/her rank adjusted unless the list is absent of promotional eligible persons or until after promotional ranks have been exhausted (See Rule 8.11).
- H. A "Merged" eligibility list shall be established if during the existence of an established list for a class, another examination, similar to the previous examination, is administered. The resulting eligibility list shall then be merged with the existing list and the names of the more recent eligible persons shall be integrated into the list in descending order according to their final scores with service points added to the scores of promotional regular employees (Education Code 45291).
- I. For examinations to establish "Unranked" eligibility lists, the names of eligible persons shall be arranged on the list in alphabetical order. No adjustment or notation shall be made to the rank(s) or the name(s) of any regular employees.
- J. A person who tests for a class that is part of a particular occupational group or series, which has lower or laterally related classes, is eligible for placement in lower or lateral class eligibility lists in that series upon testing successfully for the higher class. The lower or lateral classes must be related to the higher class and require similar, though equal or lesser knowledge, skills and abilities, as determined by the Director. Such determinations shall be subject to appeal to the Commission. The Director shall identify and announce prior to testing activities which related classes will be affected by examination and which eligible persons may be included in upon successful completion of the examination. Implementation of this rule shall not limit employees' opportunities to periodically apply or test for lower classes in particular groups or series.

Ranking, on related lower or lateral level lists, shall be based on the overall score on the higher level list. The expiration date of the original list will apply to each lower or lateral requested class ranking.

## **9.02 Establishment and Duration of Eligibility Lists**

- A. Eligibility lists shall be presented to the Personnel Commission for approval.
- B. Eligibility list shall be specifically established for position opening(s) in classes or series assigned to regular programs and restricted funded programs. A list shall be used to fill full time and part time position opening(s) and non-permanent positions in limited-term, provisional and substitute or relief status.
- C. Eligibility lists resulting from concurrent examinations announced successively as open competitive and promotional competitive, or from promotional competitive examinations, shall be established for a period of one (1) year, and may be extended for one (1) additional year at the discretion of the Director. (Education Code Section 45300).
- D. Eligibility lists from examinations announced under continuous, dual certification or as open competitive shall be for a period of six (6) months unless noted otherwise in examination bulletins.
- E. Notwithstanding the provisions of Sub Rules C and D, above, eligibility lists established for position opening(s) restricted classes shall indicate those eligible persons who are also current or former parent(s) of Head Start children.
- F. Notwithstanding the provisions of Sub Rules C and D, above, if prior to its expiration, a list is exhausted for appointments to position openings, through use and eligible persons being unavailable or unwilling to accept employment, such list shall be terminated (Education Code Section 45300).
- G. Eligibility list for senior management or executive secretarial position openings shall be "unranked." Unranked eligibility lists shall terminate upon filling the position opening or after thirty (30) days, whichever comes first.
- H. An eligibility list resulting from the merging between an existing eligibility list for a class and a more recent eligibility list for the same class shall be established for a maximum period of six (6) months and shall not be subject to extension.
- I. Eligibility lists shall be confidential, and the relative position of an eligible on a list or his/her score shall not be made available except to the eligible person or his/her designated representative, or a department, wherein, he/she may be considered for appointment (Education Code Section 45274).
- J. An eligibility list may be abolished by the Commission prior to its expiration; however, notice of intent to abolish such list shall be sent to all eligible persons on the respective list, prior to the announcement of a new examination to establish the appropriate eligibility list.

## **9.03 Duties of Eligible Persons**

- A. It shall be the duty of every eligible person to respond promptly after receiving notice of certification. Notification may be made by telephone, electronic email or by mail, preferably certified or registered. When the eligible person resides in the county, he/she shall respond within two (2) days after the date the notice was emailed or within two (2) days of a telephone message. If mailed, the eligible person shall respond within five (5) days after the notice was mailed. When the eligible person resides outside the county, he/she shall respond within five (5) days plus normal time required for the communication to be transmitted by mail to the residence of the eligible person and his/her answer to be returned by mail.
- B. Notwithstanding Sub Rule A, above, in the event the eligible person is notified by telegram of the certification, he/she shall present himself/herself before the appointing authority for the interview or reach the appointing authority with some form of communication within 48 hours after the sending of the telegram. Failure to respond within the times described, herein, shall be deemed an automatic waiver of certification. If this depletes a rank of eligible persons on the eligibility list, the Director may certify an additional rank from the eligibility list.
- C. An eligible person who has been certified shall be allowed two (2) weeks to report for duty after an offer of appointment to a permanent position has been made. If he/she is unable or unwilling to report by the end of two (2) weeks, he/she may be considered to have refused appointment. If this depletes a rank on the eligibility list, the recommending authority may request certification of an additional rank from the eligibility list.
- D. Notwithstanding Sub Rule C, above, the appointing authority for any regular position opening may allow longer than two (2) weeks at his/her discretion.

- E. Every person who has been placed on any eligibility list or reemployment list shall promptly and, in writing, file with the Commission his/her correct mailing address (place of residence), electronic mail address and telephone number. This address shall be the place to which the Commission and the Director shall direct all notices necessary in carrying out the provisions of the Act and these Rules. Whenever such person changes his/her mailing address, electronic mail address or telephone number, he/she shall promptly notify Classified Personnel Services naming the positions (class titles) previously applied for stating the list(s) upon which his/her name appears, together with his/her new mailing address, electronic mail address or telephone number. Failure or neglect on the part of any such person to file such information may, at the discretion of the Director, operate as a waiver of his/her order of certification and/or appointment from any such list(s).

#### **9.04 Reemployment List**

There shall be established, for each class, a reemployment list, which shall take precedence over all other employment lists in appointment. The reemployment list shall indicate:

- A. The names of employees on leave of absence for military reasons and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry. Such employees shall take precedence by having their names placed over other names on the reemployment list in any given class.
- B. According to seniority in class (reverse order of seniority), the names of laid off or demoted persons from any position, due to lack of work or lack of funds. Such employees shall, after employees on leave for military reasons, be returned to employment (Education Code Section 45298 and 45308).
- C. In order of seniority, employees, having exhausted all paid leave of absence for medical conditions or industrial accidents, shall be considered for reemployment in a given class, following reemployment consideration to employees as prescribed in Sub Rules A and B, above.

#### **9.05 Reinstatement List**

Nothing, herein, shall preclude the Commission from maintaining a list containing the names of former employees who resigned in good standing from permanent positions within the preceding 39 months; or current employees who voluntarily demoted in good standing from permanent positions to positions in related classes within lower maximum salary rates within the preceding 39 months (refer to Merit Rule 10.05(C) and Education Code Section 45309).

#### **9.06 Demotion List**

Nothing, herein, shall preclude the Commission from maintaining a list that contains the names of current employees who have vacated, in good standing, from positions in classes with higher maximum salary rates who request to be restored to a position in their former (higher) class (Rule 10.05(B)).