

## CHAPTER 6

### ELIGIBILITY FOR EMPLOYMENT

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#### 6.1 ELIGIBILITY LISTS

6.1.A ESTABLISHMENT AND LIFE OF ELIGIBILITY LISTS: 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 approved by the Commission and shall be considered part of the examination records.

1. 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 Human Resources shall be responsible for establishing eligibility lists as a result of examinations authorized by these Rules.

REFERENCE: Education Code Sections 88080, 88081, 88091, 88093 and 88119

#### 6.1.B CONTENTS OF ELIGIBILITY LIST: An eligibility list shall contain:

1. The type of eligibility list - "open," "promotional," "promotional and open" with the promotional list taking precedence, or "merged".
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 expiration date of each person's eligibility.

REFERENCE: Education Code Sections 88080 and 88081

6.1.C CERTIFICATION BY PERSONNEL COMMISSION: All eligibility lists shall be certified/ratified by the Commission at the first reasonable opportunity.

1. The Director of Human Resources 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 protest and/or appeal and shall not be changed even though the outcome is in the appellant's favor, unless the Commission has ordered it otherwise.

REFERENCE: Education Code Sections 88080 and 88081

6.1.D TYPES OF ELIGIBILITY: Appointments to position shall be made from:

1. Eligibility Lists: In order of preference:
  - (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: One list of eligibles resulting from a single examination including longevity credit points in accordance with final scores.
  - (e) a. Open Competitive: A list of eligibles resulting from an examination open to all qualified applicants.
2. Request: Other methods of filling positions include:
  - (a) Transfer: Employees who have requested appointment to a vacant position in the same or related classification. (See Chapter 11.1.J)
  - (b) Reinstatement: Former employees who have requested reinstatement to a vacant position in a class in which they held permanent status. (See Chapter 11.1.J)
  - (c) Reinstatement: To be eligible for reinstatement former employees shall make a written request to the District's Human Resources Office within 39 months from last day of employment status. Upon approval by the District, the request shall be forwarded to the Personnel Commission if a position is not available.

REFERENCE: Education Code Sections 88080 and 88081

6.1.E 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 the Commission. Names of successful competitors may be added to eligibility lists by the Director of Human Resources.

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.
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 of Human Resources.
3. Eligibility lists may be extended (beyond a year) for additional periods of time, at the discretion of the Personnel Commission, up to a maximum of one (1) additional year or less. ~~provided that the Commission's action to extend is taken prior to the list's expiration date.~~
4. When an eligibility list has expired a list can be presented to the Commission 90 days after its expiration date. The Commission may consider extending the list within the constraints of the Education Code.

REFERENCE: Education Code Sections 88080, 88081 and 88119

6.1.F COMBINING 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 combined 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.

1. When lists are combined 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.
2. All candidates on an eligibility list which is terminated may retake the examination if a period of ninety calendar (90) days has elapsed since the candidate last took the examination. Notification is not required when an eligibility list expires.

REFERENCE: Education Code Sections 88109 and 88160

6.1.G REEMPLOYMENT LISTS: 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.

1. 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.
2. 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.
3. Employees who take long term limited-term assignments, 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:
1. Education Code Sections 88117
  2. Military and Veterans Codes 395.1 and 395.3

6.1.H REINSTATEMENT LISTS: There shall be established for each class, as necessary, a reinstatement list as provided by Rule 11.3.A. This list shall contain the names of former employees approved by the District for reinstatement within thirty-nine (39) months of the last date of paid service without further competitive examination.

REFERENCE: Education Code Sections 88128

6.1.I TERMINATION OF ELIGIBILITY LISTS: 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.E.1 shall terminate six (6) months from the date of approval.

1. An eligibility list is automatically terminated when no eligibles remain on the list.
2. An eligibility list may be terminated by the Director of Human Resources 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. The

exception to this 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 of Human Resources 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 of Human Resources will then certify the top three ranks of those willing and able eligibles from the newly combined promotional/open lists to the appointing authority for selection.

REFERENCE: Education Code Section 88119

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

REFERENCE: Education Code Sections 88080, 88081, 88087, 88097 and 88119

6.1.K WAIVERS OF CERTIFICATION: An eligible may make himself 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 Personnel Commission Office.

1. Certification of eligibles who have made themselves unavailable shall not be made, provided that eligibles may revise or withdraw their unavailability.
2. An available eligible may waive certification without penalty.
3. District employees on promotional lists are required to keep the Personnel Commission staff advised of their interest for promotional opportunities, i.e., departments, campus, or other information.

REFERENCE: Education Code Sections 88080, 88081 and 88119

6.1.L REMOVAL OF NAMES FROM ELIGIBILITY LISTS: The name of an eligible may be removed from an eligibility list by the Director of Human Resources for any of the following reasons:

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

2. Any of the causes listed in Chapter 4.2.
3. Failure to respond for a scheduled interview after certification.
4. Termination of employment (Promotional Eligibility List only).
5. Refusing an employment offer after having been properly certified as eligible and available for the appointment.
6. A written request by the eligible for removal.
7. Failure by the applicant to keep their address and telephone number information current with the Personnel Commission.

REFERENCE: Education Code Sections 88080, 88081 and 88119

6.1.M NOTIFICATION TO ELIGIBLE OF REMOVAL FROM LIST: The Personnel Commission shall notify the eligible of the action and the reasons therefor and shall provide the person with the opportunity to appeal the decision within five (5) working days of notification. The decision of the Personnel Commission shall be final.

REFERENCE: Education Code Sections 88080, 88081 and 88119

## 6.2 CERTIFICATION FROM EMPLOYMENT LISTS

6.2.A APPOINTING AUTHORITY: The appointing authority shall be the Board of Trustees 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.B ORDER OF PRECEDENCE IN FILLING VACANCIES: 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. Voluntary Demotion/Lateral Transfer/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 lists established by competitive examination.
3. Promotional Eligibility List: When the vacancy is not filled through the

procedures listed in 6.2.B.1 above, the top three (3) ranks of available eligibles shall be certified.

4. Open Competitive/Merged List: When the vacancy cannot be filled from the promotional list, the top three (3) ranks of available eligibles on the open competitive/merged list shall be certified.

REFERENCE: Education Code Section 88091

6.2.C

RULE OF THREE RANKS: 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 (score of .4 or less rounds down and score of .5 or more rounds up). 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.

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

REFERENCE: Education Code Sections 88080, 88081 and 88091

6.2.D

CERTIFICATION AND APPOINTMENT FROM ELIGIBILITY LISTS: When a new position is to be filled, the appointing authority shall notify the District's Human Resources office of the date of anticipated need. The employment request shall state the class title, hours and location of employment and other pertinent information required by the Classified Personnel Requisition.

1. When a vacancy occurs in an established position, a written request shall be completed.
2. The Director of Human Resources 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 6.2.B and 6.2.C.
3. The Administrator concerned shall, within five (5) working days of the interview, make a selection from the persons presented and shall notify the Director of Human Resources who shall see that the necessary employment procedures are carried out.
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.F.

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

REFERENCE: Education Code Sections 88080, 88081, 88091 and 88096

6.2.E PROCEDURE WHEN FEWER THAN THREE RANKS REMAIN: 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 then the open competitive lists to allow a choice among three (3) ranks of eligibles.

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: Education Code Sections 88080, 88081, 88091 and 88096

6.2.F CERTIFICATION OF ADDITIONAL ELIGIBLES: If an eligible who has been certified, refuses appointment or fails to respond for an interview, the appointing authority shall notify the Director of Human Resources. When a request for additional eligibles is made, the Director of Human Resources shall:

1. Certify additional eligibles as required.
2. Remove the names of eligibles who failed to report for interviews or who refused employment offer from the eligibility list.
3. Investigate the matter at his/her discretion to determine that any appointment refusal is in fact voluntary.



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.

REFERENCE: Education Code Sections 88080, 88081, 88091 and 88096

6.2.G WITHHOLDING NAMES FROM CERTIFICATION: The name of an eligible may be withheld from certification by the Director of Human Resources when the eligible:

1. Expresses unwillingness or inability to accept appointment.
2. Fails to respond within five (5) working days following the mailing of written inquiry regarding availability.
3. Fails to present the license, registration, certificate or any other credential required.
4. Any reason listed in Chapter 4.2

REFERENCE: Education Code Sections 88080, 88081, 88091 and 88096

6.2.H 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 of Human Resources, the Director of Human Resources 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 that class expires.

REFERENCE: Education Code Sections 88080, 88081, 88091 and 88096

6.2.I RESTORATION TO ELIGIBILITY LIST: When the Director of Human Resources has withheld a candidate or eligible from placement on, or certification from the eligibility list, the Director 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 the applicant is now willing and able to accept an appointment.

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

REFERENCE: Education Code Sections 88080, 88081, 88091 and 88096

6.2.J 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 which the examination was given include substantially all of the duties of the position to be filled, provided that the Director of Human Resources 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: Education Code Sections 88080, 88081 and 88091

6.2.K DUTIES OF ELIGIBLES: It shall be the duty of every eligible to respond promptly after receiving notice of certification. The eligible will be expected to respond within five (5) working days from the date notification is mailed. Failure to respond within the above stated time may result in removal from the eligibility list.

1. Eligibles are required to keep the Personnel Commission Office informed as to current home address and telephone numbers where they can be reached to schedule employment interviews. Failure to keep the Personnel Commission Office informed could result in the eligible being bypassed on the eligibility list as unreachable. In that event, the Director of Human Resources shall send a letter inquiring as to continued availability and interest. Failure to respond pursuant to these rules will result in removal from the eligibility list.
2. An eligible who has been selected for a permanent position and is unable or unwilling to report by the end of two (2) full weeks (one full month in the case of management classes) may be considered to have refused appointment and the appointing authority may request certification of additional eligibles.
  - (a) The date of the offer of appointment shall be the date on which the eligible is notified by the Director of Human Resources of selection.

- (b) Notification may be made by telephone, telegram, registered or certified mail.
- (c) The appointing authority may allow a period longer than two weeks at its discretion.

2. When appointment is to a limited-term or substitute position, the eligible must be available on the date specified by the appointing authority.

REFERENCE: Education Code Sections 88080, 88081 and 88091

6.2.L SELECTIVE CERTIFICATION: If a position within a classification requires a special skill, license, or language requirement, pursuant to rule 3.2.J, the Director of Human Resources 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: Education Code Sections 88080, 88081, 88091 and 88096

6.2.M CERTIFICATION OF NAMES FOR SHIFT DIFFERENTIAL COMPENSATION: Assignment to a position for which differential compensation is designated in Chapter 17.3, 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 the position with differential compensation at the time the opening is posted.
3. The written request shall be submitted to the Director of Human Resources.
4. 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 given to the least senior employee of the department within that

classification. Notification shall be made to the affected employee in writing at least five (5) working days prior to becoming effective.

5. When a vacancy exists in a position for which differential compensation is designated, and where more than one employee in the class has filed a request for the vacancy, the assignment shall be given to the most senior employee within that class that has filed a request. Notification shall be given to the affected employee in writing at least five (5) working days prior to becoming effective.
6. The Director of Human Resources shall notify the appointing authority which employee shall receive the assignment with differential compensation.

REFERENCE: Education Code Sections 88160 and 88183

6.2.N

CONFIDENTIALITY OF TEST SCORES: Test scores shall be considered confidential information and release of information shall be limited to:

1. The eligibility lists are considered confidential and shall not be available for public review to include district employees.
2. Only information relating to eligibles who have been certified shall be released to the appointing authority.
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.
4. Such other persons as specifically ordered by the Personnel Commission.

REFERENCE: Education Code Sections 88080, 88081, 88091 and 88093