

RULE 4 – CERTIFICATION FROM EMPLOYMENT LISTS

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RULE 4

CERTIFICATION FROM EMPLOYMENT LISTS

RULE 4.0

ORDER OF PRECEDENCE

Names shall be certified for appointment from employment lists in the following sequence:

- A. Reemployment list (one name)
Consists of persons previously laid off due to lack of work or lack of funds. Names on the reemployment list shall be in order of seniority. This list shall take precedence over all other lists.
- B. Reinstatement list
Consists of permanent classified employees who have voluntarily resigned may request to be reinstated within 39 months after their last day of satisfactory paid service and without further competitive examination. The appointing authority may choose not to appoint from the reinstatement list and may request to interview eligibles from the promotional list. Names will be certified from the open eligibility list in the absence of a promotional list.
- C. Promotional list (top three ranks)
Consists of permanent classified employees who meet the minimum qualifications and who have qualified in a promotional examination. This list shall take precedence over the open eligibility list.
- D. Open eligibility list (top three ranks)
Consists of eligibles who meet the minimum qualifications and who have qualified in a competitive examination.

Appointment would be in the following sequence, if Dual Certification:

- A. Reemployment list (one name)
- B. Merged eligibility list (top three ranks)

RULE 4.1

DUAL CERTIFICATION

The Commission may, prior to the examination, authorize dual certification from the resultant eligibility lists when the same examination is held on an open competitive and promotional basis to provide a list of eligibles for any class having fewer than three permanent positions or for which most recent promotional eligibility list failed to provide sufficient available eligibles to fill all the vacancies occurring for permanent positions during the year of life of the eligibility list.

The resulting eligibility list shall consist of promotional and open competitive candidates merged on one eligibility list. Scores on this type of list shall include applicable seniority credit points for promotional candidates.

Veterans' credit shall not be added to the scores of the open eligibles unless promotional eligibles have been removed from the list, through appointment or otherwise. Veterans' credit shall be added to the scores of the remaining open eligibles, and their ranks adjusted accordingly, when promotional eligibles have been removed from the list.

RULE 4.2

PROCEDURES WHEN FEWER THAN THREE RANKS REMAIN

- A. Sufficient names shall be certified from the open list to allow a choice of three ranks when fewer than three ranks remain on the promotional list.
- B. Available eligibles shall be certified when fewer than three ranks remain for certification; however, the appointing authority may choose not to appoint any of the candidates and may request a new examination.

Rule 4.3

OTHER SOURCES OF ELIGIBILITY

A vacancy may be filled, in the absence of a reemployment list for a class by transfer, demotion, reinstatement, reinstatement to former class after voluntary demotion, or other means as provided in the rules, without regard for existence of eligibility lists.

RULE 4.4

PROCEDURES OF CERTIFICATION AND APPOINTMENT FROM ELIGIBILITY LISTS

- A. The appointing authority shall notify the Classified Personnel Director when a position is to be filled and the date of the anticipated need. The request shall include the class title, hours and location of employment, and other pertinent information.

- B. The Personnel Commission shall post the vacancy for ten (10) working days at all work sites. The District shall give primary consideration to lateral transfer candidates; however, the final selection is within the sole discretion of the District.
- C. Classified Personnel Director shall ascertain the availability of eligibles and shall certify names to the appointing authority in accordance with these rules.
- D. The Personnel Commission shall send names of candidates to the appointing authority within five work days of the date of the application deadline for lateral transfer opportunities or the date the eligibility list is established for open and promotional opportunities.
- E. The appointing authority shall make its selection within fifteen (15) working days after receipt of any lateral transfers and the top three ranks on the eligibility list and shall notify the Personnel Commission of its selection.
- F. The appointing authority may fill the vacancy from the remaining existing eligibles or may request additional certification but not to exceed three ranks if a candidate who has been certified as eligible for appointment to a position fails to keep the interview appointment or, at the interview, declines the position,.

RULE 4.5

CERTIFICATION OF ADDITIONAL ELIGIBLES

- A. A written request shall be submitted to the Classified Personnel Director if after certification of eligible, the appointing authority desires certification of additional eligible per rule 4.3 (F). The written request shall:
 - 1. Specify the number of additional ranks required.
 - 2. Detail all pertinent data which requires the certification of additional eligibles including the name of the eligibles who refused appointment or the interview.
- B. The Classified Personnel Director, when the request is received, shall investigate the matter to determine if the request is valid and, specifically, to determine that an appointment refusal was voluntary on the part of the eligible candidate. The Classified Personnel Director shall:
 - 1. If the Director finds the request to be valid:
 - a. Certify additional eligible as may be required.

- b. Remove from the eligibility list at own discretion, the names of eligibles who failed to report for interview or who refused appointment, and notify the eligibles of the action taken and their rights of appeal to the Commission.
 - c. Notify the Commission of action taken.
- 2. If the Classified Personnel Director finds that a refusal of appointment was not voluntary and free of any type duress, the Director shall:
 - a. Notify the appointing authority of findings and refuse to certify additional eligibles, citing the provisions of this Rule.
 - b. Refer the matter to the Personnel Commission together with findings and recommendations which may include suggested action under Education Code 45317.
 - c. Advise the appointing authority of the date the report will be presented to the Commission in order to enable appropriate representation.

RULE 4.6

WITHHOLDING CERTIFICATION OF ELIGIBLES

A name may be withheld from certification when an eligible:

- A. Expresses unwillingness or inability to accept appointment.
- B. Fails to respond within five (5) working days to a communication involving a possible permanent appointment unless the eligible has submitted an acceptable written explanation of failure to respond.
- C. Cannot be reached in time for appointment when immediate temporary employment is required.
- D. Fails to present the license, registration, certificate or any other credential required.
- E. Any reason listed in Rule 1.2.

No act of omission with respect to an offer of limited term employment will affect adversely the right of any person on a reemployment or eligibility list to certification to a permanent position.

Any position which may continue for more than six months is deemed to be a permanent classified position under this rule.

Rule 4.7

RESTORATION TO ELIGIBILITY LIST

The Classified Personnel Director may subsequently approve placement on or restoration to an eligibility list from which an eligible has been withheld, under the following circumstances:

- A. 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 eligible presents a good and valid reason and certifies to the Director that he/she is now willing and able to accept appointment.
- B. The withholding or removal was for a reason listed in Rule 1.2 and such action was improper or the reason for ineligibility has since been corrected.

RULE 4.8

VOLUNTARY WITHDRAWAL OF NAME FROM ACTIVE LIST

An eligible may at any time have their name temporarily withdrawn from the employment list and placed on an inactive list upon presenting in writing reasons satisfactory to the Commission, and the eligible's name may be restored to the eligibility list at the discretion of the Commission upon written application of the eligible during the period of eligibility.

RULE 4.9

SUBJECTS REGARDING WHICH NO QUESTIONS WILL BE ASKED/NON-DISCRIMINATION

No questions relating to political or religious opinions or affiliations, race, color, religion, sex, gender, gender identity, and gender expression, sexual orientation, marital status, national origin, ancestry, disability, medical condition, genetic information, age (40 and above), denial of family and medical care leave, denial of pregnancy disability leave or reasonable accommodation or any unlawful consideration shall be asked of any applicant or any eligible whose name has been certified for appointment, nor shall any discrimination be exercised.

RULE 4.10

REDUCTION IN ELIGIBILITY

A reduction in eligibility from a higher class to a lower class may be granted only when the two classes are in the same line of promotion. A person granted a reduction in eligibility shall result in the person's name being removed from the eligibility list for the higher classification and placed at the bottom of the eligibility list for the lower class, if such an eligibility list exists. When no eligibility list exists for a lower class, reduction in eligibility may be granted by the Personnel Commission only if the request for reduction is endorsed by the Head of the Department in which the employee would serve.

Rule 4.11

DUTIES OF ELIGIBLES

- A. 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 made. Failure to respond within the above stated time may result in removal from the eligibility list.
- B. Eligibles are required to keep the Personnel Commission Office informed as to current home address, telephone numbers and other contact information 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.
- C. 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 classifications) may be considered to have refused appointment and the appointing authority may request certification of additional eligibles. The appointing authority may allow a period longer than two weeks (or one full month in the case of management classifications) at its discretion.
- D. The eligible must be available on the date specified by the appointing authority when appointment is to a limited-term, temporary or substitute position.

Rule 4.12

SELECTIVE CERTIFICATION

- A. The appointing authority shall so indicate to the Classified Personnel Director if a position within a classification has multiple language or valid driver's license requirements, when submitting request for certification of eligibles to fill a vacancy.
- B. The Director shall determine which eligibles possess the required language skills or valid driver's license and shall certify the names of the top three (3) ranks of eligibles who meet the special requirements.
- C. A provisional appointment may be made, pending completion of a recruitment and examination process to fill the position, if there are insufficient eligibles who meet the special requirements and who are ready and willing to accept the position.