
Chapter 5

Eligibility for Employment

Rules and Regulations for the Classified Service

5.1 ELIGIBILITY LISTS

5.1.1 ESTABLISHMENT OF ELIGIBILITY LISTS: After an examination, the names of successful competitors shall be arranged on a list in the order of examination score plus additional points where applicable. The completed list constitutes an eligibility list for that class after ratification by the Commission.

5.1.1.1 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 Classified Personnel shall be responsible for establishing eligibility lists as a result of examinations authorized by these Rules.

REFERENCE: Education Code Sections 45260, 45261, and 45272

5.1.2 CONTENTS OF ELIGIBILITY LIST: An eligibility list shall contain:

5.1.2.1 The type of eligibility list: open, promotional, open and promotional with the promotional list taking precedence, or merged promotional and open competitive.

5.1.2.2 The names of all eligibles in final rank order of total examination scores.

5.1.2.3 The adjusted scores of each part of the examination and the weighted total score.

5.1.2.4 The expiration date of each person's eligibility if it is a merged list.

5.1.2.5 The signature of the Director of Classified Personnel or designee attesting to the accuracy of the information on the eligibility list.

5.1.2.6 The date the list was ratified by the Personnel Commission.

REFERENCE: Education Code Sections 45260, 45261, and 45272

5.1.3 RATIFICATION BY THE PERSONNEL COMMISSION: All eligibility lists shall be ratified by the Commission at the first reasonable opportunity.

5.1.3.1 The Director of Classified Personnel may submit eligibility lists for ratification 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 45260 and 45261

5.1.4 TYPES OF ELIGIBILITY: Appointments to positions shall be made from eligibility lists.

5.1.4.1: There shall be established for each class a reemployment list which shall take precedence over all other reemployment or employment lists in appointments. The Layoff Reemployment List shall contain the names of all permanent and probationary classified service employees who have been laid off or demoted from any position because of the lack of work or lack of funds.

Employees who require a 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, shall take precedence by having their names on the reemployment list in any given class. Such Layoff Reemployment List shall be in effect for a period of 39 months from the effective date of layoff or demotion.

A separate reemployment list (Voluntary Resignation Reemployment List) shall be established for each class. This list shall contain the names of all employees who voluntarily resign from their position in the classified service.

Any permanent classified employee of the District who voluntarily resigns from his/her permanent classified position may be reinstated or reemployed by the Board of Education of the District within 39 months after his/her last day of paid service and without further competitive examination, to a vacant position in his/her former classification as a permanent or limited-term employee, or as a

permanent or limited-term employee in a related lower class in which the employee formerly had permanent status.

If the Board of Education elects to reinstate or reemploy a person as a permanent employee under the provisions of this section, it shall disregard the break in service and restore all of the rights, benefits and burdens of a permanent employee in the class to which he/she is reinstated or reemployed.

5.1.4.2 Promotional: A list of eligibles resulting from an examination limited to qualified permanent employees only.

5.1.4.3 Promotional and Open Competitive: Separate promotional and open competitive lists of eligibles resulting from a single examination with the promotional list taking precedence.

5.1.4.4 Merged Promotional and Open Competitive: One list of eligibles resulting from a single examination including seniority credit and/or veteran's credit points.

5.1.4.5 Open Competitive: A list of eligibles resulting from an examination open to all qualified applicants.

5.1.4.6 Other methods to fill positions:

5.1.4.6.1 Transfer: Employees who have requested appointment to a vacant position in the same or related classification.

5.1.4.6.2 Reinstatement: Former employees who have requested reinstatement to a vacant position in a class in which they held permanent status. To be eligible for reinstatement former employees shall make a written request to the District's Personnel Services Office within 39 months from the 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 45260, 45261 and 45295; Military and Veterans Codes 395.1 and 395.3

5.1.5 DURATION OF ELIGIBILITY LISTS: An eligibility list is automatically terminated one (1) year from the date of its approval unless extended by the Commission

5.1.5.1 An eligibility list is automatically terminated when no eligibles remain on the list.

5.1.5.2 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) ranks of 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 Classified Personnel will continue to certify three ranks of eligibles by merging the remaining promotional employees onto the open lists, adding any seniority points allowed under these Rules, and then rounding the score to the nearest whole percentage point. The Director of Classified Personnel will then certify the top three willing and able ranks of eligibles from the newly combined promotional/open lists to the appointing authority for selection.

REFERENCE: Education Code Sections 45260, 45261, and 45300

5.1.6 MERGER 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 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, except that where “dual certification” applies, open and promotional lists shall be merged for certification.

5.1.6.1 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 the most recent promotional eligibility list failed to provide sufficient available eligibles to fill all of the vacancies occurring in permanent positions during the first year of the life of the eligibility list, the Commission or designee may, prior to the examination, authorize dual certification from the resultant eligibility lists. The three names certified shall be those of open and promotional eligibles who have the highest examination scores, without veterans credit and including seniority credit for promotional eligibles.

5.1.6.1.1 When all promotional eligibles have been removed from the list, through appointment or otherwise, veterans credit shall be added to scores of remaining open eligibles, and their

ranks shall be adjusted accordingly.

5.1.6.2 When lists are merged 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.

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

REFERENCE: Education Code Sections 45260, 45261, 45291, and 45300

5.1.7 **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 45260, 45261, 45286, and 45300

5.1.8 **WAIVERS OF APPOINTMENT:** An eligible may waive appointment to specific locations or shifts and to part-time or full-time positions and to limited-term or permanent positions by filing a written request in the Personnel Office.

5.1.8.1 Certification of eligibles who have waived appointment may revise or withdraw their waivers in writing.

5.1.9 **REMOVAL OF NAMES FROM ELIGIBILITY LISTS:** The name of an eligible may be removed from an eligibility list by the Director of Classified Personnel for any of the following reasons:

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

5.1.9.2 Any of the causes listed in Chapter 4.2.

5.1.9.3 Failure to respond for a scheduled interview after certification.

5.1.9.4 Termination of employment (Promotional Eligibility List only).

5.1.9.5 Refusing an employment offer after having been properly

certified as eligible and available for the appointment.

5.1.9.6 Waiver of two offers of regular appointment.

5.1.9.6 A written request by the eligible for removal.

5.1.9.7 Failure by the applicant to keep their address and telephone number information current with the Personnel Office.

REFERENCE: Education Code Sections 45260 and 45261

5.1.10 NOTIFICATION TO ELIGIBLE OF REMOVAL FROM LIST:

The Director of Classified Personnel shall notify the eligible of the removal and the reasons therefore and shall provide the person with the opportunity to appeal the decision to the Commission within five (5) working days of notification. The decision of the Commission shall be final.

REFERENCE: Education Code Sections 45260 and 45261

5.2 CERTIFICATION FROM EMPLOYMENT LISTS

5.2.1 APPOINTING AUTHORITY: The appointing authority shall be the Board of Education and its designated managers, except that the Personnel Commission shall be the appointing authority in the case of employees assigned to the Personnel Commission.

5.2.2 ORDER OF PRECEDENCE IN FILLING VACANCIES:

Certification for filling vacancies in the Classified Service shall be made in the following order:

5.2.2.1 Reemployment List: Persons previously laid off because of lack of work, lack of funds, abolishment or reclassification of position, or exhaustion of medical leave or return from military duty under conditions set forth in these rules shall be assigned to vacant positions in order of seniority.

5.2.2.2 Voluntary Demotion/Lateral Transfer/Reinstatement: All qualified persons requesting increase or decrease in hours, voluntary demotion, lateral transfer or reinstatement shall be considered to fill vacant positions.

5.2.2.3 Promotional Eligibility List: When the vacancy is not filled through the procedures listed in 5.2.2.1 or 5.2.2.2 above, the top three (3) ranks of available eligibles shall be certified.

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

REFERENCE: Education Code Section 45272

5.2.3 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. All eligibles with the same percentage score will be considered as having 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.

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

REFERENCE: Education Code Sections 45260, 45261, and 45272

5.2.4 CERTIFICATION AND APPOINTMENT FROM ELIGIBILITY LISTS:

5.2.4.1 When a position is to be filled, the appointing power shall notify the Director of Classified Personnel of that fact and of the date of the anticipated need. The request shall state the class title, hours, and location of employment, and other pertinent information as required by the Director. The Director of Classified Personnel shall determine the availability of eligibles and shall certify the names of the first three ranks of eligibles who are ready and willing to accept appointment to a vacant position. Certification shall be in accordance with Rules 5.2.2 and 5.2.3. The appointing authority shall interview the top 3 certified ranks of eligibles from an appropriate eligibility list.

5.2.4.2 The appointing authority or a representative of the appointee shall, within five (5) working days of the interview, make a selection from the persons presented and shall notify the Director of Classified Personnel who shall see that the necessary employment procedures are carried out.

5.2.4.3 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 5.2.6. An eligible may refuse appointment to a specific position and retain eligibility, provided that refusal of two

offers of appointment or certification within the areas of employment not waived may be cause for removal from the eligibility list.

5.2.4.4 In the event that there is more than one authorized position in the class to be filled, the Director of Classified Personnel 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 45260, 45261, 45272, and 45277

5.2.5 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.

5.2.5.1 When fewer than three (3) ranks of eligibles are available for appointment, the available eligibles may be referred to the appointing authority. However, the appointing authority may choose not to appoint any of them and may request additional eligibles for a total of three ranks.

REFERENCE: Education Code Sections 45260, 45261, and 45272

5.2.6 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 Classified Personnel. When a request for additional eligibles is made, the Director of Classified Personnel shall:

5.2.6.1 Certify additional eligibles as required.

5.2.6.2 Remove the names of eligibles who failed to report for interviews or who refused appointment from the eligibility list.

5.2.6.3 Investigate the matter at his/her discretion to determine that any appointment refusal is in fact voluntary.

REFERENCE: Education Code Sections 45260, 45261, and 45272

5.2.7 WITHHOLDING NAMES FROM CERTIFICATION: The name of an eligible may be withheld from certification by the Director of Classified Personnel when the eligible:

5.2.7.1 Expresses unwillingness or inability to accept appointment.

5.2.7.2 Fails to respond within five (5) working days following the mailing of written inquiry regarding availability.

5.2.7.3 Cannot be reached in time for appointment when immediate temporary employment is required.

5.2.7.4 Fails to present the license, registration, certificate or any other credential required. (The name of such an eligible shall be restored by the Director of Classified Personnel for appointment when the particular requirement has been met.)

5.2.7.5 Fails to report for duty at the time agreed upon after having accepted an appointment.

5.2.7.6 Any reason listed in Chapter 4.2

REFERENCE: Education Code Sections 45260, 45261, 45272, and 45277

5.2.8 FAILURE TO MAKE APPOINTMENT: Should the appointing authority fail to make a selection from the top three willing and able ranks of eligibles as certified by the Director of Classified Personnel, the Director of Classified Personnel 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 45260, 45261, and 45272

5.2.9 RESTORATION TO ELIGIBILITY LIST: When the Director of Classified Personnel has withheld a candidate or eligible from placement on, or appointment 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:

5.2.9.1 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.

5.2.9.2 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 45260, 45261, and 45272

5.2.10 CERTIFICATION FROM LIST FOR ANOTHER CLASS: If there is no eligibility list for the class in which the vacancy occurs, appointment 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 Classified Personnel 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 45260, 45261, and 45272

5.2.11 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 of an eligible to respond within the stated time will be deemed an automatic waiver of certification, and the Director of Classified Personnel may certify an additional name in lieu of the name of the eligible.

5.2.11.1 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 Classified Personnel 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.

REFERENCE: Education Code Sections 45260, 45261, and 45272

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

5.2.12.1 Posting eligibility lists showing the relative ranking of each candidate without showing the specific percentage scores.

5.2.12.2 Only information relating to eligibles who have been certified shall be released to the appointing authority.

5.2.12.3 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.

5.2.12.4 Such other persons as specifically ordered by the Personnel Commission.

REFERENCE: Education Code Sections 45260, 45261, 45272, and 45274

5.2.13 SUBJECTS ON WHICH NO QUESTIONS SHALL BE ASKED:

No questions relating to political or religious opinions or affiliations, race, color, national origin or ancestry, sex, age, physical condition, marital status, or sexual orientation shall be asked of any eligible whose name has been certified for appointment, nor shall any discrimination be exercised therefore.

5.2.14 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 (class series).

5.2.14.1 A person granted a reduction in eligibility shall result in having his or her name removed from the eligibility list for the higher class and placed at the bottom of the eligibility list of the lower class if such eligibility list exists.

5.2.14.2 When no eligibility list exists for the lower class, reduction in eligibility may be granted by the Personnel Commission only when the request for reduction is endorsed by the department head in which the employee would serve.

REFERENCE: Education Code Section 45256 □