

Chapter 50: Employment Lists

50.100 Eligibility Lists

- 50.100.1 Establishment and Life of Eligibility Lists
- 50.100.2 Reemployment Lists
- 50.100.3 Termination of Eligibility Lists
- 50.100.4 Merging of Eligibility Lists
- 50.100.5 Eligibility after Appointment
- 50.100.6 Removal of Names from Eligibility Lists
- 50.100.7 Notification of Eligibility of Removal from List

50.200 Certification from Employment Lists

- 50.200.1 Order of Precedence
- 50.200.2 Procedure when Fewer than Three Names Remain
- 50.200.3 Other Sources of Eligibility
- 50.200.4 Procedure of Certification and Appointment
- 50.200.5 Refusals of Appointment
- 50.200.6 Certification from List for another Class
- 50.200.7 Withholding Names from Certification
- 50.200.8 Waivers of Certification
- 50.200.9 Restoration to Certification
- 50.200.10 Duties of Eligibles
- 50.200.11 Certification of Relatives
- 50.200.12 Confidentiality of Lists
- 50.200.13 Subjects Regarding which no Questions shall be Asked

50.300 Provisional Appointments

- 50.300.1 Restrictions
- 50.300.2 Terminating Provisional Appointments
- 50.300.3 Emergency Appointments
- 50.300.4 Conditional Provisional Appointments

CHAPTER 50

EMPLOYMENT LISTS

50.100 Eligibility Lists

50.100.1 Establishment and Life of Eligibility Lists

A. After an examination, the names of successful candidates shall be arranged on a list in the order of examination score, plus additional points where applicable.

B. The final scores of candidates shall be rounded to the nearest whole percent for all eligibles. All eligibles with the same percentage score will be considered as having the same rank. Appointments shall be made from the eligibles having the first three ranks on the list who are ready and willing to accept the position. (EDUCATION CODE 45272)

C. After approval, an eligibility list shall be in effect for one year, unless exhausted, and may be extended not to exceed one additional year at the discretion of the Personnel Director for the Personnel Commission subject to ratification by the Personnel Commission at its next meeting. Names of successful competitors may be added to eligibility lists resulting from continuous examinations without approval by the Commission in accordance with Section 50.100.4A.

50.100.2 Reemployment Lists

A reemployment list shall be established for each class which shall take precedence over all other lists in appointment. This list shall contain the names of all permanent classified employees who have been laid off or demoted from any position because of lack of work or lack of funds. Employees on leaves 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 placed over other names on the reemployment list in any given class.

50.100.3 Termination of Eligibility Lists

A. An eligibility list is automatically terminated one year from the date of its approval unless previously extended by the Personnel Director for the Personnel Commission and reported to the Personnel Commission at its next meeting.

- B. An eligibility list is automatically terminated two years after its approval unless previously terminated except as specified in EDUCATION CODE 45283.
- C. An eligibility list is automatically terminated when no eligibles remain on the list.
- D. An eligibility list may be terminated when no eligible is available for appointment to a specific permanent position in a class.
- E. An eligibility list may be terminated when there are fewer than three eligibles remaining on the list.
- F. An eligibility list is automatically terminated when, in the second year of its existence, a new list for the class is established.
- G. An eligibility list may be terminated when the position or class for which the eligibility list was established no longer exists.
- H. When the Commission terminates an eligibility list in accordance with Rules 50.100.3-D and 50.100.3-E, the Personnel Director for the Personnel Commission shall notify each of the remaining eligibles of that fact in writing.

50.100.4 Merging 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, 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.

B. 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 merged list.

50.100.5 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 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 appointment.

50.100.6 Removal of Names from Eligibility Lists

The name of an eligible may be removed from an eligibility list by action of the Commission for any of the following reasons:

- A. A written request by the eligible for removal from the list.
- B. Failure to respond to a written inquiry within three working days regarding availability for employment.
- C. Waiver of three offers of regular full time appointment.
- D. Any of the causes listed in Rule 40.100.3.
- E. From a promotional eligibility list: termination of employment with the District, except layoff.
- F. Failure to respond for an interview after certification.

50.100.7 Notification of Eligible of Removal From List

Whenever the name of an eligible is removed from a list in accordance with the provisions of Personnel Commission Rule 50.100.6, the Personnel Director for the Personnel Commission shall notify the person in writing of the action taken and the reason(s) therefore, as well as his/her right to appeal the action in accordance with the provisions of Personnel Commission Rule 40.100.4.

50.200 Certification from Employment Lists

50.200.1 Order of Precedence

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

- A. Reemployment list- until names are depleted in order of seniority.
- B. Promotional eligibility list
- C. Open eligibility list

50.200.2 Procedure When Fewer Than Three Names Remain

- A. When fewer than three ranks of eligibles are available on the promotional list, sufficient names shall be certified from the open list to allow a choice among three ranks of eligibles.
- B. 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.

50.200.3 Other Sources of Eligibility

- A. In the absence of a reemployment list for a class, a vacancy may be filled by internal transfer, demotion, reinstatement (within 39 months after resignation), restoration to former class after voluntary demotion, or other means provided in the rules, without regard for existence of eligibility lists.

50.200.4 Procedure for Certification and Appointment

- A. When a position is to be filled, the appointing power, manager or supervisor shall notify the Personnel Director for the Personnel Commission of that fact and of the date of the anticipated need. The request for certification shall state the class title, hours and location of employment, and other pertinent information as required by the Personnel Director.
- B. Appointments may be made from other than the first three ranks of eligibles on the eligibility lists when the ability to speak, read, or write a language in addition to English or possession of a valid drivers license is a requirement of the position to be filled. 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. Where such a position is to be filled, the appointment shall be made from among the highest three ranks of eligibles on the appropriate eligibility list to meet the special requirements and who are ready and willing to accept the position. If there are insufficient eligibles who meet the special

requirements, the Commission shall certify the top eligible applicant or applicants plus those eligibles who meet the special requirements not to exceed three ranks.

- C. The Personnel Director for the Personnel Commission shall ascertain the availability of eligibles and shall certify names to the appointing power in accordance with these rules.
- D. The appointing power shall make its selection and shall notify the Personnel Director, who shall see that the necessary employment procedures are carried out.

50.200.5 Refusal of Appointment

An eligible may refuse appointment to a specific position and retain eligibility, but refusal of three offers of appointment and/or certification may be cause for removal from the eligibility list. Such action may be appealed in accordance with Rule 40.100.4.

50.200.6 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 a higher 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 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.

50.200.7 Withholding Names from Certification

The name of an eligible may be removed from the eligibility list by the Personnel Director for the Personnel Commission when he/she:

- A. Fails to, is unwilling to, or is unable to accept appointment.
- B. Fails to respond within three business days following the mailing of written notice regarding availability for permanent employment or request to appear for interviews regarding such employment.
- C. He fails to report for duty at the time agreed upon after having accepted an appointment.
- D. Cannot be reached in time for appointment when immediate temporary employment is required. (This provision shall apply only to such immediate temporary employment.)
- E. Fails to present the license, registration, certificate, or any other credential required. (The name of any such eligible shall be restored by the

Personnel Director for the Personnel Commission for certification when the particular requirement has been met.)

F. For any reason listed in Rule 40.100.3.

50.200.8

Waivers of Certification

- A. An eligible may waive certification to specific locations or shifts and to part time or full time positions and to limited term or permanent positions by filing a prescribed form in the Personnel Commission Office.
- B. Eligibles who have waived certification shall not be certified, but eligibles may revise or withdraw their waivers in writing at any time.
- C. An eligible may waive certification twice without penalty. However, the third time an eligible waives his/her right to be certified for a position, the Personnel Director for the Personnel Commission shall remove the eligible's name from the eligibility list.
- D. Eligibles who have waived appointment shall be notified in writing when a new examination for the class is to be held.

50.200.9 Restoration to Certification

When the name of a person has been withheld from certification or has been removed from a list, the name may be restored by the Personnel Commission under the following circumstances:

A. When the withholding or removal was because of a waiver or inability of the eligible to accept employment, or failure to respond to inquiry as to his/her availability, to appear for interview, or to present himself/herself for duty, and the applicant presents a good and valid reason and certifies to the Personnel Commission that he/she is now willing and able to accept appointment.

B. When the withholding or removal was for a reason stated in Rule 40.100.3 and such action was improper or the problem has since been corrected.

Revisions and withdrawals of voluntary waivers shall not require approval by the Commission.

50.200.10 Duties of Eligibles

- A. It shall be the duty of every eligible to respond promptly after receiving the notice of certification. When the eligible resides in the District, he/she shall respond within three days after the date the notice is mailed. If the eligible resides outside the District, he/she shall respond within three days plus the normal time required for the communication to be transmitted by mail to the eligible's place of residence and for his/her answer to be returned by mail.
1. In the event an eligible is notified by telephone of the certification, he/she shall appear before the appointing power for interview or reach the appointing power with some form of communication within 24 hours after contact.
 2. Failure of an eligible to respond within the above-stated times will be deemed an automatic waiver of certification, and the Personnel Director for the Personnel Commission may certify an additional name to the manager, supervisor, or appointing authority.
- B. An eligible who has been certified shall be allowed two 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 weeks, he/she may be considered to have refused appointment; and the appointing power may request certification of another name from the eligibility or reemployment list.
1. The date of the offer of appointment shall be the date on which the eligible is notified by the Personnel Director for the Personnel Commission of his/her selection.
 2. Notification may be made by telephone, telegram, registered mail, or certified mail.
 3. The appointing power may allow a period longer than two weeks at its discretion.
 4. When appointment is to a limited-term position, the eligible must be available on the date specified by the appointing power.
- C. 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 and place of residence. This address shall be the place to which the Commission and the Personnel Director for the Personnel Commission shall direct all notices necessary in carrying out the provisions of the Act and these rules. Whenever such person shall have any change in mailing address or place of residence, he/she shall promptly notify the office of the Commission, stating the list or lists upon which

his/her name appears, together with his/her new mailing address and place of residence. Failure or neglect on the part of any such person to file such information may, at the discretion of the Commission, operate as a waiver of his/her order of certification and/or appointment from any such list or lists.

50.200.11 Certification of Relatives

The names of an eligible may be withheld from certification by the Personnel Director for the Personnel Commission when:

- A. The eligible is a member of the immediate family of a supervisor or administrator in a direct line of supervision to the vacant position.

For purposes of this rule, immediate family shall include the father, mother, grandparent or grandchild of the supervisor/administrator or his/her spouse, as well as the spouse, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, or any person residing in the immediate household of the supervisor/administrator.

50.200.12 Confidentiality of Lists

Eligibility Lists shall be considered confidential in nature and the release of any information regarding such lists shall be limited to the following:

- A. Posting or providing information regarding the relative ranking of candidates only with no reference to the scores attained.
- B. Providing appropriate information to the appointing authority regarding certified eligibles only.
- C. Providing information to an eligible, or his/her designated representative, relative to his/her scores only and his/her position on the eligibility list.
- D. Such other persons as the Personnel Commission determines as having a need to know.

50.200.13 Subjects Regarding Which No Questions Shall Be Asked or Discrimination Be Made

No questions relating to political or religious opinions or affiliations, age, sex, disability, place of birth, race, or color, shall be asked of any applicant or any eligible whose name has been certified for appointment, nor shall any discrimination be exercised based on these factors.

50.300 Provisional Appointments

50.300.1 Restrictions

- A. When the Commission certifies that no eligibility list exists for a position in the classified service, a new employee may receive provisional appointments which may accumulate to a total of 90 working days except as noted in "B" below. A 90-calendar-day interval shall then elapse during which the person will be ineligible to serve in any full time provisional capacity.
- B. If recruitment fails to produce sufficient eligibles, provisional appointment(s) may be extended in accordance with Education Code 45287, 45288 and 45289.
- C. No person shall be employed in provisional capacities within the District for a total of more than 126 working days in any one fiscal year, except that when no one is available on an appropriate eligibility list for a part-time position as defined in Section 45256, successive 90-working-day provisional appointments may be made to the part-time position for a total of more than 126 working days in a fiscal year.

50.300.2 Terminating Provisional Appointments

- A. The services of a provisional appointee shall be terminated within 15 calendar days after the date on which an eligibility list has been established, provided that this 15-day period does not extend beyond the 90-working-day (or 126-day) provisional assignment.
- B. A provisional appointment may be terminated at any time, at the discretion of the appointing power.

50.300.3 Emergency Appointments

- A. If it should become necessary in time of emergency to fill positions in the classified service to prevent the stoppage of public business, the Board of Education, through its superintendent or designee, with the approval of the Personnel Director, may make emergency appointments, without reference to eligibility lists, for a period not to exceed 15 working days.
- B. When such emergency appointments are made, it shall be the duty of the Board of Education through its superintendent or designee to notify the Personnel Director for the Personnel Commission in writing, naming the appointee or appointees, date of appointment, the nature of duties performed, and giving a statement justifying the emergency nature of such appointments. Time served under such emergency appointments shall be considered as part of the period permitted under the EDUCATION CODE for provisional appointments.

50.300.4 Conditional Provisional Appointments

Insofar as possible, provisional appointees shall be required to meet the minimum qualifications for the class of the appointment as stated in the class specification. When no one who meets the minimum qualifications is available, a conditional provisional appointment may be made.