

CHAPTER 60

ELIGIBILITY FOR EMPLOYMENT

60.1 ELIGIBILITY LISTS

60.1.1 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 approval by the Commission.

60.1.1.1 Unless specifically authorized in these Rules, all appointments to positions in the classified service shall be made for eligibles whose names appear on eligibility lists. The Director of Classified Personnel Services shall be responsible for establishing eligibility lists as a result of examination authorized by these rules.

REFERENCE: Education Code Sections 45260, 45261, 45272, and 45300

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

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

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

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

60.1.2.4 The dates of each part of the examination and the weight assigned to that part of the examination.

60.1.2.5 The expiration date of each person's eligibility.

60.1.2.6 The signature of the Director of Classified Personnel Services attesting to the accuracy of the information on the eligibility list.

60.1.2.7 The date the list was ratified or approved by the Personnel Commission.

REFERENCE: Education Code Sections 45260

60.1.3 CERTIFICATION BY PERSONNEL COMMISSION: All eligibility lists shall be certified by the Commission at the first reasonable opportunity.

60.1.3.1 The Director of Classified Personnel Services may submit eligibility lists for ratification and approval.

60.1.4 TYPES OF ELIGIBILITY: Appointments to position shall be made from:

60.1.4.1 ELIGIBILITY LISTS IN ORDER OF PREFERENCE:

60.1.4.1.1 Re-Employment: A List of employees who have been laid off, transferred or demoted from permanent positions because of lack of work, lack of funds, or exhaustion of illness or accident leave, or return from military duty. These eligibles shall take precedence over all other persons eligible for appointment. (One (1) rank.)

60.1.4.1.2 Promotional: A list of eligibles resulting from an examination limited to qualified permanent employees only. (Three (3) ranks.)

60.1.4.1.3 Promotional and Open Competitive: Separate promotional and open competitive lists of eligibles resulting from a single examination with the promotional list taking precedence. (Add Open to less than three (3) Promotional ranks.)

60.1.4.1.4 Merged Promotional and Open Competitive: One list of eligibles resulting from a single examination including seniority credit and/or veteran's preference. (Three (3) ranks.)

60.1.4.1.5 Open Competitive: A list of eligibles resulting from an examination open to all qualified applicants including seniority credit and/or veteran's preference. (Three (3) ranks.)

60.1.4.2 REQUESTS: Other methods of filling positions with regard for existence of eligibility lists include:

60.1.4.2.1 Transfer: Employees who have requested appointment to a vacant position in the same or related classification in accordance with Rule 110.1 and the VVUHSD/CSEA Contract Agreement, Article VI.

60.1.4.2.2 Reinstatement: Former employees who have requested reinstatement to a vacant position in a class in which they held permanent status within the thirty-nine (39) month reinstatement period in accordance with Rule 110.3 or restoration to former class after voluntary demotion.

60.1.4.2.3 Demotion: Employees who have requested assignment to a vacant position in a lower classification in accordance with Rule 110.2.

60.1.5 DURATION OF ELIGIBILITY LISTS: An eligibility list shall be in effect for a period of one (1) year, unless exhausted, and may be extended for an additional two (2) year period by the Commission. Names of successful competitors may be added to eligibility lists resulting from continuous examinations without approval from the Commission.

60.1.5.1 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.

REFERENCE: Education Code Sections 45260, 45261, and 45300

60.1.6 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 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.

60.1.6.1 When lists are merged under this rule, the earlier list shall be terminated one (1) year after its establishment and those eligibles names shall be removed from the consolidated list, except when the earlier list is extended.

60.1.6.2 All candidates on an eligibility list which is terminated shall be notified at the time a new examination is scheduled for the class. Each candidate 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, and 45291

60.1.7 RE-EMPLOYMENT LISTS: There shall be established for each class, as necessary a re-employment 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, transferred, or demoted from any position because of lack of work, lack of funds, or exhaustion of illness or accident leave, or return from military duty.

60.1.7.1 Any employee who is ordered to resign his position for military duty, pursuant to the laws of the United States, to serve in any branch of the armed forces of the United States, shall have the right to displace the least senior incumbent in the classification which he left. The right to re-employment shall be requested in writing within six (6) months of the termination of active service.

60.1.7.2 The life of the re-employment list for persons laid off shall be thirty-nine (39) months. Employees returning from military leave shall be eligible for re-employment for a period not to exceed six (6) months after discharge.

60.1.7.3 Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall retain eligibility for re-employment 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 45298
2. Military and Veterans Code Sections 395.1 and 395.3

60.1.8 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 60.1.5.1 shall terminate six (6) months from the date of approval.

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

60.1.8.2 An eligibility list may be terminated by the Director of Classified Personnel Services prior to its expiration when no eligible is available for appointment to a specific regular 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 (3) ranks remaining on the list, but an open eligibility list exists. In this case the Director of Classified Personnel Services will continue to certify three ranks by first drawing from the promotional list and then using the first available rank from the open list to provide three (3) ranks of candidates for interview.

REFERENCE: Education Code Section 45300

60.1.9 **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 assignment shall continue to be eligible for full-time employment, and an eligible who accepts limited-term assignment shall continue to be eligible for regular employment.

REFERENCE: Education Code Sections 45260, 45261, 45278, 45286, and 45300

60.1.10 **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 Classified Personnel Services office in advance of the certification of eligibles to the appointing authority.

60.1.10.1 Certification of eligibles who have made themselves unavailable shall not be made, provided that eligibles may revise or withdraw their unavailability.

60.1.10.2 An available eligible may waive certification twice without penalty. At the time a third waiver is made by an eligible he will be informed that, upon filing the third waiver, his name will be removed from the eligibility list per Rule 60.1.11.

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

- 60.1.11.1** Failure to respond within five (5) business days following the mailing of an inquiry regarding availability for employment.
- 60.1.11.2** Any of the causes listed in Rule 40.2.
- 60.1.11.3** Failure to respond for a scheduled interview after certification.
- 60.1.11.4** Termination of employment (Promotional Eligibility List only).
- 60.1.11.5** Three (3) waivers of certification during the life of the eligibility list, except that waivers relating to part-time or limited term appointments shall not be counted for the purpose of this rule.
- 60.1.11.6** Refusing an employment offer after having been properly certified as eligible and available for the appointment.
- 60.1.11.7** A written request by the eligible for removal.
- 60.1.11.8** Failure by the eligible to keep their current address and telephone number and other contact information on file with the Classified Personnel Services office.

REFERENCE: Education Code Sections 45260, 45261, and 45300

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

REFERENCE: Education Code Sections 45260, and 45261

60.2 CERTIFICATION FROM EMPLOYMENT LISTS

60.2.1 APPOINTING AUTHORITY: The appointing authority shall be the Board of Trustees and its designated managers, except that the Personnel Commission is the appointing authority for its Director and employees of the Personnel Commission.

60.2.2 ORDER OF PRECEDENCE IN FILLING VACANCIES: Certification for filling vacancies in the classified service shall be made in the following order:

60.2.2.1 RE-EMPLOYMENT LIST: Persons previously laid off because of lack of work, lack of funds or exhaustion of medical leave privileges or return from military duty shall be assigned to vacant positions in order of seniority.

60.2.2.2 VOLUNTARY DEMOTION / LATERAL / POSITION 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 competitive examination.

60.2.2.3 PROMOTIONAL ELIGIBILITY LIST: When the vacancy is not filled through the procedures above, the top three (3) ranks of available eligibles shall be certified.

60.2.2.4 OPEN COMPETITIVE LIST: When the vacancy cannot be filled from the promotional list, the top three (3) ranks of available eligibles on the open or merged promotional open competitive shall be certified.

REFERENCE: Education Code Section 45272

60.2.3 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 ranked to the nearest whole percent. All eligibles with the percentage score shall be placed in the same rank. Certification from the list shall be the first three (3) rank eligibles who are ready and willing to accept the position to be filled.

60.2.3.1 For classes approved for continuous tests certification shall be made at the time the Director of Classified Personnel Services can reasonably certify three (3) ranks of eligibility to the appointing authority.

REFERENCE: Education Code Sections 45260, 45261, and 45272

60.2.4 CERTIFICATION & APPOINTMENT FROM ELIGIBILITY LISTS: When a new position is to be filled, the appointing authority shall notify the Director of Classified Personnel Services of the fact and of the date of anticipated need as prescribed below:

60.2.4.1 When a vacancy occurs in an established position, the appointing authority shall complete the Personnel Action Request form stating the duties, class title, hours and location of employment and other pertinent information required by the Director of Classified Personnel Services.

60.2.4.2 The Director of Classified Personnel Services shall determine the availability of eligibles and certify the names of any eligibles who are and willing to accept the position. Certification shall be in accordance with Rule 60.2.2 and 60.2.3.

60.2.4.3 The Administrator concerned shall, within three (3) working days of the interview, make a selection from the person presented and shall notify the Director of Classified Personnel Services, who shall see that the necessary employment procedures are carried out.

60.2.4.4 If a candidate who was declared eligible for an appointment to a position fails to keep his interview appointment or decline the appointment, the appointing authority may fill the vacancy from the remaining eligibles or may request certification of eligibles in accordance with Rule 60.2.6.

60.2.4.5 In the event that there is more than one (1) authorized position in the class to be filled, the Director of Classified Personnel Services may certify additional ranks of eligibles allow approximately two (2) more ranks of candidates than the number required to fill the number of vacancies.

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

60.2.5 PROCEDURE WHEN FEWER THAN THREE (3) RANKS REMAIN: When fewer than three (3) ranks of eligibles are available on the promotional list, sufficient ranks shall be certified from the open or merged promotional open and the open competitive lists to allow a choice among three (3) ranks eligibles.

60.2.5.1 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 a new examination.

REFERENCE: Education Code Sections 45260, 45261, and 45272

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

60.2.6.1 Certify additional eligibles as required.

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

60.2.6.3 Investigate the matter at his discretion to determine that an appointment refusal is in fact voluntary.

60.2.6.4 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 45260, 45261, and 45272

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

60.2.7.1 Expresses unwillingness or inability to accept appointment.

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

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

60.2.7.4 Fails to present the license, registration certificate or any other credential required.

60.2.7.5 Failure to report for duty at the time agreed upon after accepting an appointment.

60.2.7.6 Any reason listed in Rule 40.2.

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

60.2.8 **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 Classified Personnel Services, the Director 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, 45272, and 45277

60.2.9 **RESTORATION TO ELIGIBILITY LIST:** When the Director of Classified Personnel Services 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:

60.2.9.1 When the withholding or removal was due to the waiver of inability of the eligible to accept employment, or failure to respond to inquiry, appear for an interview or report for duty, and applicant presents a good and valid reason and certifies to the Commission that the applicant is now willing and able to accept an appointment.

60.2.9.2 When the withholding or removal was for a reason listed Rule 40.2 and the defect or reason for ineligibility has since been corrected.

REFERENCE: Education Code Sections 45260, 45261, and 45272

60.2.10 **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 Classified Personnel Services 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 knowledges were adequately tested in the examination.

REFERENCE: Education Code Sections 45260, 45261, and 45272

60.2.11 DUTIES OF ELIGIBLES: It shall be the duty of every eligible to respond promptly after receiving the notice of certification. An 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.

60.2.11.1 Eligibles are required to keep the Classified Personnel Services office informed as to current home address and telephone number where they can be reached to schedule employment interviews. Failure to keep the Classified Personnel Services office informed could result in the eligible being bypassed on the eligibility list as unreachable. In that event, the Director, Classified Personnel Services 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.

60.2.11.2 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 (1) full month in the case of management classes in accordance with Rule 70.1.2.1 may be considered to have refused appointment and the appointing authority may request certification of additional eligibles.

60.2.11.2.1 The date of the offer of appointment shall be the date on which the eligible is notified by the Director of Classified Personnel Services of selection.

60.2.11.2.2 Notification may be made by telephone, electronic mail, registered or certified mail.

60.2.11.2.3 The appointing authority may allow a period longer than two weeks at its discretion.

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

60.2.12 SELECTIVE CERTIFICATION: If a position within a classification requires a special skill, license, or language requirement, pursuant to Rule 30.2.10, the Director of Classified Personnel Services 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 to 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 45260, 45261, 45272, and 45277

60.2.13 CONFIDENTIALITY OF LISTS: Eligibility lists shall be considered confidential information and release of information on lists shall be limited to:

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

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

60.2.13.3 Only information pertaining to an eligible's scores and current position on the list shall be released to the eligible or his/her representative.

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

REFERENCE: Education Code Sections 45260, 45261, and 45274

60.2.14 LOST CONSIDERATION: A candidate who would have been within reach and loses consideration for hire due to an administrative error, and through no fault of his own, will be sole source referral for the next available vacancy in the same class and range in which consideration was lost. Referral will be after the re-employment eligibles and before the transfer eligibles. The selecting official may select the Lost Consideration candidate or request a wider area of consideration.