

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE VI
EMPLOYMENT LISTS AND CERTIFICATIONS**

Section 1 Eligibility Lists

6.1.1 Eligibility List Rankings

The eligible candidates shall be placed on the eligibility list in rank order according to scores attained in the selection process. The final scores of eligible candidates shall be rounded to the nearest whole percent. All the eligible candidates with the same percentage score shall be placed in the same rank.

References: E.C. #45272
Adopted: October 31, 1989
Reviewed: December 15, 2008, January 28, 2020

6.1.2 Establishment and Life of Eligibility Lists

- A. Following completion of a selection process, the names of successful candidates shall be arranged on a list in the order of the examination score(s) attained, plus additional credits or points (when applicable).
- B. Eligibility list(s) shall become effective for use upon the written approval of the Director, Human Resources Classified. However, all eligibility lists shall be submitted to the Personnel Commission for ratification at the next regularly-scheduled meeting of the Personnel Commission following completion of the selection process.
- C. Once approved, an eligibility list shall remain in effect for a period of one (1) year unless the list of available candidates is exhausted in less than a year.
- D. 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, provided that the Commission's action to extend is taken prior to the list's expiration date.
- E. Eligibility lists may be established for a period of six months upon the approval of the Personnel Commission as long as the six months' duration of such a list is noted in the recruitment bulletin announcing the examination. Such list automatically expires at the end of the six months.
- F. Names of successful candidates may be added to existing eligibility lists as the result of continuous testing for classes of positions which the Commission has approved for "continuous testing" (see Personnel Commission Rule 5.2.6) upon the written approval of the Director.

References: E.C. #45300
Adopted: June 15, 1965
Amended: February 23, 1982; October 31, 1989; December 12, 2000
Reviewed: December 15, 2008, January 28, 2020

6.1.3 Termination of Eligibility Lists

- A. An eligibility list is automatically terminated one (1) year from the date of its approval.
- B. An eligibility list that has been extended for an additional year as per Personnel Commission Rule 6.1.2.D shall terminate automatically two (2) years from the date of its original approval unless previously terminated.
- C. An eligibility list is automatically terminated when there are none of the eligible candidates remaining on the list.

D. An eligibility list may be terminated by action of the Personnel Commission under any of the following conditions:

- (1) When there are no eligible candidates on the list available for appointment to a specific permanent position in the class.
- (2) When there are fewer than three ranks of the eligible candidates remaining on the list, necessitating additional testing under new or different conditions than those used in establishing the current list.

Should the Commission take action to eliminate an eligibility list under this provision of the rules, the Director shall notify each of the remaining eligible candidates of that fact in writing.

- (3) When the position or class for which the eligibility list was established no longer exists.

NOTE: See Personnel Commission Rule #7.3.4.B for rule on use of eligible candidates as substitutes, or other limited-term assignments following expiration of eligibility lists.

References: E.C. # 45300
Adopted: October 31, 1989
Amended: December 12, 2000
Reviewed: December 15, 2008, January 28, 2020

6.1.4 Merging of Eligibility Lists

- A. If a new examination for a class is given during the first year of life of an existing eligibility list, the examination should be sufficiently similar to the previous examination to ensure the comparability of the scores of the eligible candidates. The new list shall then be merged with the existing list, with the eligible candidates ranked in the order of their examination scores, plus any additional point credits (when and where applicable).
- B. When lists are consolidated under this rule, the earlier list shall automatically terminate one year after the date of its initial approval (unless extended as provided in Personnel Commission Rule #6.1.2.D) and the names of the eligible candidates removed from the merged list.
- C. When lists are to be merged as noted above, the existing eligibility list shall be presented to the Commission at its next regularly-scheduled meeting, in order for a determination to be made on the desirability of extending the duration of the existing list to coincide with the date of the newly-established eligibility list.

References: E.C. # 45291
Adopted: October 31, 1989
Amended: January 19, 1993
Revised: December 15, 2008, January 28, 2020

6.1.5. Eligibility After Appointment

An eligibility list shall be used to fill full-time, part-time, permanent, and limited-term positions in the class for which the list was established. An eligible candidate who accepts appointment to a permanent full-time position or a permanent part-time position in the class shall have their name removed from the eligibility list. An eligible candidate who accepts any limited-term assignment shall continue to have their name remain on the eligibility list.

NOTE: Following assignment to a permanent full-time position, changes in assignments in the class are governed by transfer rules (see Personnel Commission Rules #11.1.1 et seq.). Following assignment to a permanent part-time position, employment in positions of greater assigned time, including full-time employment, in the class is governed by Personnel Commission Rule #10.1.10.

References: E.C. #45278, #45286, and #45300
Adopted: October, 1989
Amended: December 12, 2000
Revised: December 15, 2008, January 28, 2020

6.1.6 Removal of Names from Eligibility Lists

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

- A. A written request by the eligible candidate requesting removal from the list.
- B. Failure to respond within five (5) calendar days following the post-marked mailing of written inquiry regarding availability for regular employment.
- C. Waiver of two offers of regular employment with the District.
- D. Any of the causes listed in Personnel Commission Rule #4.2.1.
- E. From a promotional eligibility list, with termination of employment with the District.
- F. Failure to respond for an interview after certification has been made.
- G. Refusing two (2) offers of employment after having been properly certified as eligible for appointment and interviewed by the appointing supervisor.
- H. Failure to present the license, regulatory certificate or any other credential required.
- I. Reference checks from previous supervisors or employers which substantiate less than satisfactory performance.

References: E. C. #45300
Adopted: June 15, 1965
Amended: October 31, 1989, December 12, 2000
Reviewed: December 15, 2008, January 28, 2020

6.1.7 Notification to Eligible Candidate of Removal From List

Whenever the name of an eligible candidate is removed from a list in accordance with the provisions of Personnel Commission Rule #6.1. 6, the Director shall notify the person in writing of the action taken and the reason(s) therefore, as well as their right to appeal the action in accordance with the provisions of Personnel Commission Rule #4.2.23.

References: E.C #45300
Adopted: October 31, 1989
Amended: December 12, 2000
Revised: December 15, 2008, January 28, 2020

Section 2 Certification From Employment Lists

6.2.1 Appointing Authority

The appointing authority shall be the Board of Trustees and its designated managers, except that the Personnel Commission or its designee shall be the appointing authority in the case of employees assigned to the Personnel Commission.

References: E.C. #45264, and #45272
Adopted: October 31, 1989
Reviewed: December 15, 2008, January 28, 2020

6.2.2 Order of Precedence in Filling Vacancies

In filling vacancies within the District, the Director shall certify the eligible candidates for appointment in the following manner and sequence:

- A. Transfers within the same classification, all names (see Personnel Commission Rule #11.1.11).
- B. Layoff/Reemployment List(s), one name (see Personnel Commission Rules #20.1 et seq.).
- C. Transfers to related classifications and/or demotions, all names (see Personnel Commission Rule #11.2.1).
- D. Reinstatement, one name (see Personnel Commission Rules #11.3.1 and #11.3.2).
- E. Eligibility List, first three ranks of candidates (see Personnel Commission Rules #5.2.1, #5.2.2, #5.2.3, and #6.1.1).

References: E.C. #45272, #45278, #45298, #45308, and #45309.
Adopted: October 31, 1989
Reviewed: December 15, 2008, January 28, 2020

6.2.3 Certification and Appointment From Eligibility Lists

- A. When a new position is to be or has been established and is ready to be filled, the appointing authority shall notify the Director of the date of anticipated need by submitting a completed Form P-31 (Personnel Action Notice).
- B. The Director shall ascertain the availability of the eligible candidates and shall certify names of the eligible candidates (who are ready, willing, and able to accept employment) to the appointing authority. Certification shall be in accordance with the provisions of Personnel Commission Rule #6.2.2 and #6.2.3.C.
- C. Once the Director determines that there are no eligible candidates from transfers, reemployment lists (of persons who have a right to the vacant position), or reinstatements to be considered, the Director shall certify the names of the eligible candidates from the top three (3) ranks of the appropriate eligibility list.
- D. The appointing authority shall, within five (5) working days of the interview, make a selection from the persons presented and shall notify the Director, who shall see that the necessary employment procedures are carried out.

Should the appointing authority fail to make a selection from the top three ranks as certified by the Director, the Director shall direct that the position be vacated (if there is a temporary person assigned to perform the duties of the position) and remain vacant until an appropriate selection is made.

- E. If a candidate who has been certified as eligible for appointment to a position fails to keep his/her appointment interview, or declines the position at the time of the interview, the appointing authority may fill the vacancy from the remaining certified eligible candidates or may request certification of additional eligible candidates. The Director shall then determine the appropriateness of submitting the names of additional eligible candidates.
- F. In the event there is more than one authorized position in the class to be filled, the Director may certify additional ranks of eligible candidates to allow approximately two more candidates than the number required to fill the number of vacancies.
- G. When the position(s) to be filled require an ability to speak, or to speak, read and write a language in addition to English, or requires the person(s) selected to have a valid California driver's license, the Director may authorize selected certification. Such certification and appointment shall then be made from among the highest three eligible candidates who meet the requirements, provided that (1) the Personnel Commission has determined the need for the position or positions to have the additional requirements, and (2) the job announcement bulletin had indicated the fact that some positions in the class would need the special requirements.

References: E.C. #45272, and #45277
 Adopted: June 15, 1965
 Amended: February 23, 1982; October 31, 1989, December 12, 2000
 Reviewed: December 15, 2008, January 28, 2020

6.2.4 Procedures When Fewer Than Three Ranks Remain

- A. When fewer than three ranks of eligible candidates are available on a promotional list, the Director shall certify sufficient ranks of names from the corresponding open list to allow a choice from among three ranks of eligible candidates.
- B. When fewer than three ranks of eligible candidates are available for certification, the available eligible candidates shall be certified to the appointing authority. However, the appointing authority may choose not to select any of them, and may request additional eligible candidates be certified.

References: E.C. #45272
 Adopted: October 31, 1989
 Reviewed: December 15, 2008, January 28, 2020

6.2.5 Certification From List for Another Class

If there is no eligibility list for the class in which a vacancy occurs, certification may be made from a list for another class at the same or higher salary level and in the same occupational series, provided that: (1) the duties and qualifications of the class for which the examination was given are significantly similar; (2) the selection process covered substantially the same tests of fitness and the skills, knowledge, and abilities required in the class of the position(s) to be filled.

In approving the use of a list to fill a vacancy or vacancies in another class, the Director and Personnel Commission must also find that such use is in the best interest of the District.

References: E.C. #45272
 Adopted: October 31, 1989
 Reviewed: December 15, 2008, January 28, 2020

6.2.6 Withholding Names From Certification

The name of an eligible candidate may be withheld from certification by the Director when:

- A. The eligible candidate expresses an unwillingness or an inability to accept appointment.

- B. The eligible candidate fails to respond within five (5) working days following the notification (email, phone with voice mail) regarding availability.
- C. The eligible candidate cannot be reached in time for appointment when immediate temporary employment is required.
- D. The eligible candidate fails to present any license, registration, certificate, credential, or other documents required for employment in the classification or position.
- E. For any of the reasons listed in Personnel Commission Rule #4.2.1.

References: E.C. #45272, and #45277
 Adopted: October 31, 1989
 Reviewed: December 15, 2008, January 28, 2020

6.2.7 Certification of Relatives

The names of an eligible candidate may be withheld from certification by the Director when:

- A. The eligible candidate is a member of the Board of Trustees or a member of the Personnel Commission or within five years of having served in either capacity.
- B. The eligible candidate is the spouse or a member of the immediate family of a member of the Board of Trustees, or of the Personnel Commission, or that of a member of the District's administrative staff.
- C. The eligible candidate is a member of the immediate family of a supervisor or administrator in a direct line of supervision to the vacant position for which the family member is being considered.

For purposes of this rule, immediate family shall include the father, mother, grandparent or grandchild or 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.

References:
 Adopted: October 31, 1989
 Amended: May 24, 1994, December 12, 2000
 Reviewed: December 15, 2008, January 28, 2020

6.2.8 Waivers of Certification

- A. An eligible candidate may waive certification to specific locations or shifts, permanent part-time or full-time positions, as well as temporary or limited-term assignments, by filing a prescribed form or a similarly written and signed statement in the Classified Personnel Office.
- B. The Director will not certify an eligible candidate to positions or assignments specifically declined in the eligible candidate's written waiver, unless or until such time as the eligible candidate modifies or withdraws their waiver.
- C. An eligible candidate may waive certification twice without penalty. However, the third time an eligible candidate waives their right to be certified for a position, the Director may remove the eligible candidate's name from the eligibility list.
- D. An eligible candidate whose name has been removed from the eligibility list shall be notified in writing by the Director, and such eligible candidate may file an appeal under the provisions outlined in Personnel Commission Rule #4.2.2.

- E. At the time an eligibility list is established, each eligible candidate shall be notified of their responsibilities as an eligible candidate or provided with copies of Personnel Commission Rules #6.2.8 and #6.2.10.

References: E.C. #45272, #45279, and #45300
Adopted: June 15, 1965
Amended: October 31, 1989
Revised: December 15, 2008, January 28, 2020

6.2.9 Restoration to Eligibility List

When the Director has withheld a candidate or eligible candidate from placement on, or certification from an eligibility list, the Director may subsequently restore the name to the list for certification, with the approval of the Personnel Commission, in accordance with the following:

- A. When the withholding or removal was the result of a waiver or inability to accept employment, and the eligible candidate subsequently provides assurance that they are ready, willing, and able to accept employment if offered.
- B. Failure on the part of the eligible candidate to respond to an availability inquiry, appear for a scheduled interview, or report for duty after accepting an assignment, and subsequently provides a good and valid reason for the failure which is satisfactory to the Personnel Commission.
- C. When the withholding or removal was for a reason listed in Personnel Commission Rule #4.2.1, and the Personnel Commission is satisfied that the defect or reason for ineligibility has subsequently been corrected.

References: E.C. #45272, and #45277
Adopted: October 31, 1989
Revised: December 15, 2008, January 28, 2020

6.2.10 Notification to the eligible candidates

- 1. The date of the offer of appointment shall be the date on which the eligible candidate is notified by the Director, or designee of their selection.
- 2. Notification may be made by telephone, telegram, registered or certified mail, or in person.
- 3. The appointing authority may allow more than two weeks for reporting at its discretion.

Amended: December 12, 2000
Revised: December 15, 2008, January 28, 2020

6.2.11 Duties of the eligible candidates

It shall be the duty of each and every eligible candidate to comply with the following rules and procedures:

- A. To keep the Personnel Commission office informed regarding current mailing addresses and phone numbers where they can be contacted, and to promptly notify the office of any changes.
- B. The eligible candidate will be expected to respond within five (5) working days from the date of the certification notice.
- C. An eligible candidate 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 the eligible candidates.
- D. Failure of the eligible candidate to comply with the above-noted rules and procedures (A through C of Personnel Commission Rule #6.2.11) will result in removal from the eligibility list.
- E. When appointment is to a limited-term or substitute assignment, the eligible candidate must be available on the date specified by the appointing authority. The inability to report as required shall constitute an automatic waiver of the assignment.

References: E.C. #45272, #45277, and #45300
Adopted: October 31, 1989
Amended: December 12, 2000
Revised: December 15, 2008, January 28, 2020

6.2.12 Confidentiality of Lists

Eligibility Lists shall be considered confidential in nature, and as such 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 specific scores attained.
- B. Providing appropriate information to the appointing authority regarding certified eligible candidates only.
- C. Providing information to an eligible candidate, or their designated representative, relative only to their scores and their position on the eligibility list.
- D. Such other persons having a need to know as determined by the Personnel Commission.

References: E. C. #45272, and #45274
Adopted: October 31, 1989
Amended: December 12, 2000
Revised: December 15, 2008, January 28, 2020