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RULE VII

CERTIFICATION AND APPOINTMENT

SECTION A. TYPES OF APPOINTMENT – All vacancies in the merit system shall be filled by emergency, temporary, term, original, seasonal, intermittent, or on-call appointment, reinstatement, promotion, transfer, demotion or appointment from the layoff list.

1. APPOINTMENT FROM ELIGIBLE LISTS – Whenever a position is to be filled by appointment from an eligible list, certification shall be made first from the layoff list, then from the promotional list and/or original appointment list.
2. APPOINTMENT BY TRANSFER OR DEMOTION
 - a. When an Appointing Authority desires to fill a position by transfer or demotion within the department, such action if approved by the Division of Personnel shall take precedence over appointment from an eligible list.
 - b. Term employees are not eligible for transfer or demotion to a permanent position if an organizational unit or departmental layoff list exists for the position.
3. REINSTATEMENT
 - a. An Appointing Authority, with approval of the Personnel Director, may reinstate an individual to that person's former job class or a lower job class in the same series within two years from the date of separation if the person had permanent status or had completed 13 continuous pay periods of employment in a term or on-call position.
 - b. A person who is reinstated shall be reinstated to their former status.
 - c. A position may not be filled by reinstatement if an appropriate layoff list exists.

SECTION B. POSITION MUST BE ESTABLISHED – No position shall be considered as properly established and no appointment, reinstatement, promotion, transfer, or demotion shall be made to it until the official forms have been submitted to the Division of Personnel and the position properly classified.

SECTION C. REQUEST TO FILL A VACANCY – When a vacancy in the merit system is to be filled, the Appointing Authority shall notify the Division of Personnel in the manner prescribed by the Personnel Director. If possible, each vacancy shall be anticipated sufficiently in advance to permit the Division of Personnel to determine who

32 may be available for appointment, and, if necessary, to establish a job class, and an
33 eligible list.

34 SECTION D. CERTIFICATION OF QUALIFIED APPLICANTS

35 1. ORDER OF CERTIFICATION

36 a. Layoff Lists not based upon approved performance management system. The
37 one person highest on the departmental layoff list shall be certified for the
38 vacancy and the Appointing Authority shall make an appointment accordingly.

39 b. Layoff Lists based upon an approved performance management system.

40 (1) The person highest on the organizational unit layoff list shall be certified for
41 the vacancy and the Appointing Authority shall make an appointment
42 accordingly.

43 (2) If an organizational unit layoff list does not exist, then the person highest on
44 the departmental layoff list shall be certified for the vacancy and the
45 Appointing Authority shall make an appointment accordingly.

46 c. Promotional and Original Appointment Lists

47 Appointing Authorities may request a certification from either the promotional
48 and/or original appointment eligible list.

49 (1) One Vacancy – The names of the five highest scoring persons and all
50 persons tied with the fifth highest scoring person shall be certified and the
51 Appointing Authority shall make an appointment accordingly.

52 (2) Multiple Vacancies – If more than one vacancy in an organizational unit is to
53 be filled, in addition to the number of names provided in (1) above, the
54 names of the two next highest scoring persons, plus all persons tied with the
55 second highest scoring person shall be certified for each additional vacancy.

56 (3) Selection for multiple vacancies shall be made from the top of the
57 certification downwards. The first selection shall be made from the top five
58 highest scoring persons and all persons tied with the fifth highest scoring
59 person; the second selection shall be from among those eligible for the first
60 appointment plus those certified for the second vacancy, etc.

61 d. Applicants shall be certified in order of examination rating, without regard to sex
62 or special qualifications, except that an Appointing Authority may request and

- 63 receive selective certification limited to one sex or based on other special
64 qualifications, provided the reasons supporting such request are submitted in
65 writing and approved by the Personnel Director as a bona fide occupational
66 qualification (BFOQ) for that position.
- 67 e. Whenever an applicant indicates that appointment is unacceptable under the
68 conditions applying to the position to be filled, that person's name shall be
69 passed over in certifying to fill the position.
- 70 2. CONCURRENT CERTIFICATIONS – When vacancies are to be filled
71 simultaneously in more than one organizational unit, this section shall not require
72 simultaneous listing of the same name on different certifications.
- 73 3. INCOMPLETE CERTIFICATION – If appropriate eligible lists do not contain the
74 names of a sufficient number of persons willing to accept appointment to make
75 possible the certification of persons with the appropriate number of grades, the
76 names of all qualified applicants willing to accept appointment shall then be certified.
77 Under such circumstances, the Appointing Authority shall not be required to make
78 an appointment from the names certified. The Appointing Authority, with the
79 permission of the Personnel Director, may make a temporary appointment in
80 accordance with these rules.
- 81 4. CERTIFICATION FROM RELATED LISTS – The Personnel Director may certify
82 from lists for higher job classes to vacancies in lower job classes or from lists for one
83 job class to vacancies in another job class for which the Personnel Director
84 determines that the examination reasonably measures the qualifications of an
85 applicant to perform the duties in the job class for which certification is made.
- 86 5. WITHDRAWAL OF CERTIFICATION – In the event action on a certification is not
87 reported by the Appointing Authority within 10 calendar days of the date of
88 certification, the Personnel Director may withdraw such certification and may certify
89 to any Appointing Authority the names of persons included in such certification on
90 the next certification submitted for the appropriate job class.
- 91 6. WAIVER OF CERTIFICATION – Applicants who are not available for appointment
92 when offered may be granted a waiver of certification for appointment.

93 7. CERTIFICATION AFFECTED BY APPEALS – Certification may be made
94 immediately after the establishment of a list, and an appointment from it shall not be
95 affected by the results of any appeals which may change the order of names on the
96 list. However, if an appointment has not been made before the results of appeals
97 are known, and if the order of names on the list is changed by such results, then the
98 original certification may be withdrawn and a new one issued in accordance with the
99 revised eligible list.

100 8. CERTIFICATION VARIANCES

- 101 a. If the Appointing Authority can demonstrate that application of existing
102 certification rules for a specific job class or specific circumstances restricts the
103 selection of qualified individuals, the Personnel Director may recommend to the
104 Commission that corrective procedures be adopted.
- 105 b. If the Personnel Director determines that for a specific job class or under specific
106 circumstances the application of the certification rules is not consistent with merit
107 principles, the Personnel Director may issue corrective procedures approved by
108 the Civil Service Commission.

109 SECTION E. TEMPORARY APPOINTMENTS

110 1. USE OF TEMPORARY EMPLOYMENT AGENCIES

- 111 a. Appointing Authorities shall contact the Division of Personnel as soon as the
112 need for a temporary employee is known to determine if qualified persons are
113 available on currently established eligible lists or from a pool of persons hired as
114 County employees for the purpose of providing temporary services.
115 Departments may be required to establish a temporary position.
- 116 b. If qualified persons are not available within reasonable time constraints, the
117 Appointing Authority may approve employment through temporary employment
118 agencies for a period not to exceed six full pay periods at the conclusion of which
119 the Appointing Authority shall fill a position or request in writing an extension of
120 the period for employment through a temporary agency along with appropriate
121 justification.
- 122 c. If a requested extension is not approved by the Personnel Director, the
123 Appointing Authority may appeal to the Civil Service Commission.

124 2. REQUIREMENTS FOR TEMPORARY APPOINTMENTS – Temporary appointments
125 to established positions without examination may be authorized by the Personnel
126 Director under the following conditions:

127 a. Pending Establishment of Eligible List

128 (1) When an Appointing Authority finds it essential to fill a vacancy for a
129 permanent position and the Personnel Director is unable to certify qualified
130 applicants for such vacancy for the following reasons:

131 (a) there is no appropriate eligible list;

132 (b) there is not a sufficient number of persons on appropriate eligible lists
133 who are available and qualified for appointment;

134 (c) there is not sufficient time to conduct an examination and establish an
135 eligible list.

136 (2) The Appointing Authority shall submit an official employment application for
137 the person nominated for temporary appointment with other information in
138 such form as may be required by the Personnel Director.

139 (3) The Personnel Director may approve the temporary appointment if the
140 nominee appears to possess the necessary qualifications for the position.

141 b. Filling Positions of Limited Duration

142 (1) An Appointing Authority may fill a vacancy in a position which will exist for a
143 limited period of time, not to exceed six months, if the Personnel Director is
144 unable to certify qualified applicants for a temporary position for the
145 following reasons:

146 (a) there is no existing appropriate eligible list;

147 (b) there is not a sufficient number of qualified persons on appropriate
148 eligible lists who are available for short-term appointment.

149 (2) The Personnel Director may approve the temporary appointment if the
150 nominee appears to possess the necessary qualifications for the position.

151 3. TERMINATION OF TEMPORARY APPOINTMENT

152 a. The Appointing Authority is responsible for terminating a temporary appointment
153 not later than six months from the date of appointment.

- 154 b. A temporary appointee who is employed pending the establishment of a list of
155 eligibles may be carried on the payroll not to exceed two calendar weeks after
156 certification has been made to fill the vacancy.
- 157 4. LIMITATIONS – No person shall serve in the merit system under temporary
158 appointment for more than six months in any 12-month period.
- 159 5. EFFECT OF TEMPORARY APPOINTMENT
- 160 a. The acceptance or refusal of a temporary appointment shall not affect a person's
161 standing on the eligible list. The period of temporary service shall be counted as
162 a part of the period of time during which an applicant remains on the eligible list.
- 163 b. The period of temporary service may be counted as a part of the person's
164 probationary period in the case of subsequent appointment to a permanent
165 position without a break in service to the same job class.
- 166 SECTION F. EMERGENCY APPOINTMENTS – When unforeseen circumstances
167 involve the potential loss of public property, a serious inconvenience to the public or
168 stoppage of public business and it is impossible to fill a position under any other
169 provision of these rules, an emergency appointment without examination may be made
170 by the Appointing Authority subject to the following conditions:
- 171 1. An Appointing Authority may appoint any qualified person to such a position without
172 prior approval of the Personnel Director, but each such appointment shall be
173 reported to the Personnel Director as soon as possible but not later than one
174 calendar week after the date of appointment. Such report shall contain an official
175 employment application for the person appointed, date of appointment, and the
176 reasons for the appointment.
- 177 2. In any case in which the need for filling a vacancy shall have been known far enough
178 in advance to afford opportunity for appropriate action under some other provision of
179 these rules, no emergency shall be deemed to exist for purposes of appointment.
- 180 3. Any emergency appointment shall expire automatically 30 calendar days from the
181 date of appointment, and shall not be extended or renewed beyond that time. If the
182 emergency continues, the position shall be filled by an appointment from the
183 appropriate eligible list. If there is no appropriate eligible list, the position shall then

184 be filled in accordance with the provisions for temporary appointment as specified in
185 this rule.

186 SECTION G. TERM APPOINTMENTS – Term appointments may be made under
187 conditions and procedures authorized by the Commission to fill positions that are clearly
188 of a project nature; financed in whole or in part under the various federal assistance or
189 other governmental programs; and will terminate upon completion of the project. Term
190 appointment does not confer permanent status.

191 SECTION H. SEASONAL APPOINTMENTS – Seasonal appointments may be made
192 by appointing authorities when specifically authorized and under regulations issued by
193 the Commission. Seasonal appointments are limited to the time period established by
194 the Commission.

195 SECTION I. ON-CALL APPOINTMENTS

196 1. On-call appointments are utilized to fill positions on an as needed basis. On-call
197 employees must have an irregular work schedule throughout the year or a regular
198 work schedule for a portion of the year or a combination of the two.

199 2. The Personnel Director shall determine whether or not the use of an on-call
200 appointment is appropriate for a specific vacancy.

201 3. On-call employees do not receive benefits and do not receive permanent merit
202 system status entitling them to appeal if discharged.

203 The period of on-call service may be counted as a part of the person’s probationary
204 period in the case of subsequent appointment to a permanent position without a break
205 in service to the same job class.

206 SECTION J. INTERMITTENT APPOINTMENTS

207 1. Intermittent appointments are utilized to fill positions on an as needed basis, not to
208 exceed 640 hours per calendar year, or as otherwise authorized by ordinance.

209 2. Intermittent employees shall not receive benefits or permanent merit system status.

210 3. Detailed information regarding intermittent appointments can be found in a separate
211 policy.

212 4. Intermittent appointments shall be made by Appointing Authorities without a
213 competitive process, in accordance with the ordinance.

214 5. A position may not be filled by an intermittent appointment if an appropriate layoff list
215 exists and a laid off employee is willing to perform the part-time or temporary duties.

216 SECTION K. TRANSFERS

217 1. WITHIN A DEPARTMENT – An Appointing Authority may at any time transfer an
218 employee under the Appointing Authority's jurisdiction from one position to another
219 position in the same job class.

220 a. With the prior approval of the Personnel Director the Appointing Authority may
221 also transfer an employee from a position in one job class to a position in another
222 class if the pay ranges are equal and the employee meets the necessary
223 qualifications for the job class to which the employee is being transferred.

224 2. BETWEEN DEPARTMENTS

225 a. Transfer of an employee from a position under the jurisdiction of one Appointing
226 Authority to a position under the jurisdiction of another Appointing Authority may
227 be made with the approval of the Personnel Director, the employee, and both
228 appointing authorities, provided the positions are in the same or a similar job
229 class, have the same pay range and the employee meets the necessary
230 qualifications for the job class to which the employee is being transferred.

231 b. A transferred employee's accrued sick leave, if any, shall be assumed by the
232 department to which the employee is transferred.

233 c. A transferred employee's paid time off, vacation, and compensatory time shall be
234 assumed by the receiving department or paid by the employee's former
235 department, so that the employee is compensated for or permitted to retain all
236 such accumulated time.

237 3. TRANSFER DURING PROBATION – An employee may be transferred during the
238 probationary period to a position in another job class for which an eligible list exists,
239 with the prior approval of the Personnel Director.

240 4. REQUIREMENT OF NON-COMPETITIVE EXAMINATION – An employee who is to
241 be transferred from a position of one job class to a position in another job class may,
242 at the discretion of the Personnel Director, be required to pass a non-competitive
243 examination to determine the employee's qualifications for the position to which the
244 employee is transferred.

- 245 5. STATUS OF TRANSFER – In the case of transfer the status of the employee in the
246 new position shall be the same as that in the former position.
- 247 6. NON-AUTHORIZATION OF TRANSFER – The Commission shall have the right to
248 review any transfer made and shall refuse to authorize the transfer of an employee
249 when it finds that the transfer is made or proposed because of political influence or
250 other non-merit factors and is not in the best interest of the County.