

RULE VII
Certification and Appointment

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4 Section A. Types of appointment

5 1 Appointment from eligible lists

6 All vacancies in the merit system shall be filled by emergency, temporary, term, original, seasonal,
7 intermittent, or on-call appointment, reinstatement, promotion, transfer, demotion or appointment
8 from the layoff list.

9 2 Appointment by transfer or demotion

10 a When an Appointing Authority desires to fill a position by transfer or demotion within the
11 department, such action if approved by the Division of Personnel shall take precedence over
12 appointment from an eligible list.

13 b Term employees are not eligible for transfer or demotion to a permanent position if an
14 organizational unit or departmental layoff list exists for the position.

15 3 Reinstatement

16 a An Appointing Authority, with approval of the Personnel Director, may reinstate an individual to
17 that person's former job class or a lower job class in the same series within two years from the
18 date of separation if the person had permanent status or had completed 13 continuous pay
19 periods of employment in a term or on-call position.

20 b A person who is reinstated shall be reinstated to their former status.

21 c A position may not be filled by reinstatement if an appropriate layoff list exists.

22 Section B. Position must be established

23 No position shall be considered as properly established and no appointment, reinstatement,
24 promotion, transfer, or demotion shall be made to it until the official forms have been submitted to the
25 Division of Personnel and the position properly classified.

26 Section C. Request to fill a vacancy

27 When a vacancy in the merit system is to be filled, the Appointing Authority shall notify the Division of
28 Personnel in the manner prescribed by the Personnel Director. If possible, each vacancy shall be
29 anticipated sufficiently in advance to permit the Division of Personnel to determine who may be
30 available for appointment, and, if necessary, to establish a job class, and an eligible list.

31 Section D. Certification of qualified applicants

32 1 Order of certification

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

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

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

Rule VII: Certification and Appointment

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

42 c Promotional and original appointment lists

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

45 (1) One vacancy

46 The names of the five highest scoring persons and all persons tied with the fifth highest
 47 scoring person shall be certified and the Appointing Authority shall make an appointment
 48 accordingly.

49 (2) Multiple vacancies

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

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

58 d Applicants shall be certified in order of examination rating, without regard to sex or special
 59 qualifications, except that an Appointing Authority may request and receive selective certification
 60 limited to one sex or based on other special qualifications, provided the reasons supporting such
 61 request are submitted in writing and approved by the Personnel Director as a bona fide
 62 occupational qualification (BFOQ) for that position.

63 e Whenever an applicant indicates that appointment is unacceptable under the conditions applying
 64 to the position to be filled, that person's name shall be passed over in certifying to fill the position.

65 2 Concurrent certifications

66 When vacancies are to be filled simultaneously in more than one organizational unit, this section shall
 67 not require simultaneous listing of the same name on different certifications.

68 3 Incomplete certification

69 If appropriate eligible lists do not contain the names of a sufficient number of persons willing to accept
 70 appointment to make possible the certification of persons with the appropriate number of grades, the
 71 names of all qualified applicants willing to accept appointment shall then be certified. Under such
 72 circumstances, the Appointing Authority shall not be required to make an appointment from the
 73 names certified. The Appointing Authority, with the permission of the Personnel Director, may make a
 74 temporary appointment in accordance with these rules.

75 4 Certification from related lists

76 The Personnel Director may certify from lists for higher job classes to vacancies in lower job classes or
 77 from lists for one job class to vacancies in another job class for which the Personnel Director
 78 determines that the examination reasonably measures the qualifications of an applicant to perform the
 79 duties in the job class for which certification is made.

80 5 Withdrawal of certification

Rule VII: Certification and Appointment

81 In the event action on a certification is not reported by the Appointing Authority within 10 calendar
 82 days of the date of certification, the Personnel Director may withdraw such certification and may
 83 certify to any Appointing Authority the names of persons included in such certification on the next
 84 certification submitted for the appropriate job class.

85 6 Waiver of certification

86 Applicants who are not available for appointment when offered may be granted a waiver of
 87 certification for appointment.

88 7 Certification affected by appeals

89 Certification may be made immediately after the establishment of a list, and an appointment from it
 90 shall not be affected by the results of any appeals which may change the order of names on the list.
 91 However, if an appointment has not been made before the results of appeals are known, and if the
 92 order of names on the list is changed by such results, then the original certification may be withdrawn
 93 and a new one issued in accordance with the revised eligible list.

94 8 Certification variances

95 a If the Appointing Authority can demonstrate that application of existing certification rules for a
 96 specific job class or specific circumstances restricts the selection of qualified individuals, the
 97 Personnel Director may recommend to the Commission that corrective procedures be adopted.

98 b If the Personnel Director determines that for a specific job class or under specific circumstances the
 99 application of the certification rules is not consistent with merit principles, the Personnel Director
 100 may issue corrective procedures approved by the Civil Service Commission.

101 Section E. Temporary appointments

102 1 Use of temporary employment agencies

103 a Appointing Authorities shall contact the Division of Personnel as soon as the need for a temporary
 104 employee is known to determine if qualified persons are available on currently established eligible
 105 lists or from a pool of persons hired as County employees for the purpose of providing temporary
 106 services. Departments may be required to establish a temporary position.

107 b If qualified persons are not available within reasonable time constraints, the Appointing Authority
 108 may approve employment through temporary employment agencies for a period not to exceed six
 109 full pay periods at the conclusion of which the Appointing Authority shall fill a position or request
 110 in writing an extension of the period for employment through a temporary agency along with
 111 appropriate justification.

112 c If a requested extension is not approved by the Personnel Director, the Appointing Authority may
 113 appeal to the Civil Service Commission.

114 2 Requirements for temporary appointments

115 Temporary appointments to established positions without examination may be authorized by the
 116 Personnel Director under the following conditions:

117 a Pending establishment of eligible list

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

121 (a) there is no appropriate eligible list;

Rule VII: Certification and Appointment

- 122 (b) there is not a sufficient number of persons on appropriate eligible lists who are available
 123 and qualified for appointment;
- 124 (c) there is not sufficient time to conduct an examination and establish an eligible list.
- 125 (2) The Appointing Authority shall submit an official employment application for the person
 126 nominated for temporary appointment with other information in such form as may be required
 127 by the Personnel Director.
- 128 (3) The Personnel Director may approve the temporary appointment if the nominee appears to
 129 possess the necessary qualifications for the position.
- 130 b Filling positions of limited duration
- 131 (1) An Appointing Authority may fill a vacancy in a position which will exist for a limited period of
 132 time, not to exceed six months, if the Personnel Director is unable to certify qualified
 133 applicants for a temporary position for the following reasons:
- 134 (a) there is no existing appropriate eligible list;
- 135 (b) there is not a sufficient number of qualified persons on appropriate eligible lists who are
 136 available for short-term appointment.
- 137 (2) The Personnel Director may approve the temporary appointment if the nominee appears to
 138 possess the necessary qualifications for the position.
- 139 3 Termination of temporary appointment
- 140 a The Appointing Authority is responsible for terminating a temporary appointment not later than six
 141 months from the date of appointment.
- 142 b A temporary appointee who is employed pending the establishment of a list of eligibles may be
 143 carried on the payroll not to exceed two calendar weeks after certification has been made to fill
 144 the vacancy.
- 145 4 Limitations
- 146 No person shall serve in the merit system under temporary appointment for more than six months in
 147 any 12-month period.
- 148 5 Effect of temporary appointment
- 149 a The acceptance or refusal of a temporary appointment shall not affect a person's standing on the
 150 eligible list. The period of temporary service shall be counted as a part of the period of time during
 151 which an applicant remains on the eligible list.
- 152 b The period of temporary service may be counted as a part of the person's probationary period in
 153 the case of subsequent appointment to a permanent position without a break in service to the
 154 same job class.
- 155 Section F. Emergency appointments
- 156 When unforeseen circumstances involve the potential loss of public property, a serious inconvenience
 157 to the public or stoppage of public business and it is impossible to fill a position under any other
 158 provision of these rules, an emergency appointment without examination may be made by the
 159 Appointing Authority subject to the following conditions:
- 160 1 An Appointing Authority may appoint any qualified person to such a position without prior approval of
 161 the Personnel Director, but each such appointment shall be reported to the Personnel Director as soon

Rule VII: Certification and Appointment

162 as possible but not later than one calendar week after the date of appointment. Such report shall
 163 contain an official employment application for the person appointed, date of appointment, and the
 164 reasons for the appointment.

165 2 In any case in which the need for filling a vacancy shall have been known far enough in advance to
 166 afford opportunity for appropriate action under some other provision of these rules, no emergency
 167 shall be deemed to exist for purposes of appointment.

168 3 Any emergency appointment shall expire automatically 30 calendar days from the date of
 169 appointment, and shall not be extended or renewed beyond that time. If the emergency continues,
 170 the position shall be filled by an appointment from the appropriate eligible list. If there is no
 171 appropriate eligible list, the position shall then be filled in accordance with the provisions for
 172 temporary appointment as specified in this rule.

173 Section G. Term appointments

174 Term appointments may be made under conditions and procedures authorized by the Commission to
 175 fill positions that are clearly of a project nature; financed in whole or in part under the various federal
 176 assistance or other governmental programs; and will terminate upon completion of the project. Term
 177 appointment does not confer permanent status.

178 Section H. Seasonal appointments

179 Seasonal appointments may be made by appointing authorities when specifically authorized and under
 180 regulations issued by the Commission. Seasonal appointments are limited to the time period
 181 established by the Commission.

182 Section I. On-call appointments

183 1 On-call appointments are utilized to fill positions on an as needed basis. On-call employees must have
 184 an irregular work schedule throughout the year or a regular work schedule for a portion of the year or
 185 a combination of the two.

186 2 The Personnel Director shall determine whether or not the use of an on-call appointment is
 187 appropriate for a specific vacancy.

188 3 On-call employees do not receive benefits and do not receive permanent merit system status entitling
 189 them to appeal if discharged.

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

192 Section J. Intermittent appointments

193 1 Intermittent appointments are utilized to fill positions on an as needed basis, not to exceed 640 hours
 194 per calendar year, or as otherwise authorized by ordinance.

195 2 Intermittent employees shall not receive benefits or permanent merit system status.

196 3 Detailed information regarding intermittent appointments can be found in a separate policy.

197 4 Intermittent appointments shall be made by Appointing Authorities without a competitive process, in
 198 accordance with the ordinance.

199 5 A position may not be filled by an intermittent appointment if an appropriate layoff list exists and a laid
 200 off employee is willing to perform the part-time or temporary duties.

201 Section K. Transfers

Rule VII: Certification and Appointment

202 1 Within a department

203 An Appointing Authority may at any time transfer an employee under the Appointing Authority's
204 jurisdiction from one position to another position in the same job class.

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

209 2 Between departments

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

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

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

220 3 Transfer during probation

221 An employee may be transferred during the probationary period to a position in another job class for
222 which an eligible list exists, with the prior approval of the Personnel Director.

223 4 Requirement of non-competitive examination

224 An employee who is to be transferred from a position of one job class to a position in another job class
225 may, at the discretion of the Personnel Director, be required to pass a non-competitive examination to
226 determine the employee's qualifications for the position to which the employee is transferred.

227 5 Status of transfer

228 In the case of transfer the status of the employee in the new position shall be the same as that in the
229 former position.

230 6 Non-authorization of transfer

231 The Commission shall have the right to review any transfer made and shall refuse to authorize the
232 transfer of an employee when it finds that the transfer is made or proposed because of political
233 influence or other non-merit factors and is not in the best interest of the County.