

RULE VII

Certification and Appointment

Section A. Types of appointment

1. Appointment from eligible lists

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.

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

Section D. Certification of qualified applicants

1. Order of certification

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

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

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

Rule VII: Certification and Appointment

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

41 c. Promotional and original appointment lists

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

44 (1) One vacancy

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

48 (2) Multiple vacancies

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

53 (3) Selection for multiple vacancies shall be made from the top of the certification downwards.

54 The first selection shall be made from the top five highest scoring persons and all persons
55 tied with the fifth highest scoring person; the second selection shall be from among those
56 eligible for the first appointment plus those certified for the second vacancy, etc.

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

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

65 2. Concurrent certifications

66 When vacancies are to be filled simultaneously in more than one organizational unit, this section
67 shall 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
70 accept appointment to make possible the certification of persons with the appropriate number of
71 grades, the names of all qualified applicants willing to accept appointment shall then be certified.
72 Under such circumstances, the Appointing Authority shall not be required to make an appointment
73 from the names certified. The Appointing Authority, with the permission of the Personnel Director,
74 may make a 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
77 or from lists for one job class to vacancies in another job class for which the Personnel Director

Rule VII: Certification and Appointment

determines that the examination reasonably measures the qualifications of an applicant to perform the duties in the job class for which certification is made.

5. Withdrawal of certification

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

6. Waiver of certification

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

7. Certification affected by appeals

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

8. Certification variances

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

Section E. Temporary appointments

1. Use of temporary employment agencies

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

2. Requirements for temporary appointments

Rule VII: Certification and Appointment

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

119 a. Pending establishment of eligible list

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

123 (a) there is no appropriate eligible list;

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

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

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

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

132 b. Filling positions of limited duration

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

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

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

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

141 3. Termination of temporary appointment

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

144 b. A temporary appointee who is employed pending the establishment of a list of eligibles may be
145 carried on the payroll not to exceed two calendar weeks after certification has been made to fill
146 the vacancy.

147 4. Limitations

148 No person shall serve in the merit system under temporary appointment for more than six months
149 in any 12-month period.

150 5. Effect of temporary appointment

151 a. The acceptance or refusal of a temporary appointment shall not affect a person's standing on
152 the eligible list. The period of temporary service shall be counted as a part of the period of time
153 during which an applicant remains on the eligible list.

Rule VII: Certification and Appointment

- 154 b. The period of temporary service may be counted as a part of the person's probationary period in
155 the case of subsequent appointment to a permanent position without a break in service to the
156 same job class.

157 Section F. Emergency appointments

158 When unforeseen circumstances involve the potential loss of public property, a serious
159 inconvenience to the public or stoppage of public business and it is impossible to fill a position
160 under any other provision of these rules, an emergency appointment without examination may be
161 made by the Appointing Authority subject to the following conditions:

- 162 1. An Appointing Authority may appoint any qualified person to such a position without prior approval
163 of the Personnel Director, but each such appointment shall be reported to the Personnel Director
164 as soon as possible but not later than one calendar week after the date of appointment. Such
165 report shall contain an official employment application for the person appointed, date of
166 appointment, and the reasons for the appointment.
- 167 2. In any case in which the need for filling a vacancy shall have been known far enough in advance to
168 afford opportunity for appropriate action under some other provision of these rules, no emergency
169 shall be deemed to exist for purposes of appointment.
- 170 3. Any emergency appointment shall expire automatically 30 calendar days from the date of
171 appointment, and shall not be extended or renewed beyond that time. If the emergency continues,
172 the position shall be filled by an appointment from the appropriate eligible list. If there is no
173 appropriate eligible list, the position shall then be filled in accordance with the provisions for
174 temporary appointment as specified in this rule.

175 Section G. Term appointments

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

180 Section H. Seasonal appointments

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

184 Section I. On-call appointments

- 185 1. On-call appointments are utilized to fill positions on an as needed basis. On-call employees must
186 have an irregular work schedule throughout the year or a regular work schedule for a portion of the
187 year or a combination of the two.
- 188 2. The Personnel Director shall determine whether or not the use of an on-call appointment is
189 appropriate for a specific vacancy.
- 190 3. On-call employees do not receive benefits and do not receive permanent merit system status
191 entitling them to appeal if discharged.

Rule VII: Certification and Appointment

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

195 Section J. Intermittent appointments

- 196 1. Intermittent appointments are utilized to fill positions on an as needed basis, not to exceed 640
197 hours per calendar year, or as otherwise authorized by ordinance.
- 198 2. Intermittent employees shall not receive benefits or permanent merit system status.
- 199 3. Detailed information regarding intermittent appointments can be found in a separate policy.
- 200 4. Intermittent appointments shall be made by Appointing Authorities without a competitive process,
201 in accordance with the ordinance.
- 202 5. A position may not be filled by an intermittent appointment if an appropriate layoff list exists and a
203 laid off employee is willing to perform the part-time or temporary duties.

204 Section K. Transfers

- 205 1. Within a department

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

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

- 212 2. Between departments

213 a. Transfer of an employee from a position under the jurisdiction of one Appointing Authority to a
214 position under the jurisdiction of another Appointing Authority may be made with the approval
215 of the Personnel Director, the employee, and both appointing authorities, except as otherwise
216 required to comply with the Americans with Disability Act, provided the positions are in the
217 same or a similar job class, have the same pay range and the employee meets the necessary
218 qualifications for the job class to which the employee is being transferred.

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

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

- 224 3. Transfer during probation

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

- 227 4. Requirement of non-competitive examination

228 An employee who is to be transferred from a position of one job class to a position in another job
229 class may, at the discretion of the Personnel Director, be required to pass a non-competitive

Rule VII: Certification and Appointment

230 examination to determine the employee's qualifications for the position to which the employee is
231 transferred.

232 5. Status of transfer

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

235 6. Non-authorization of transfer

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