

## Rule 5-40

### APPOINTMENT PROCEDURES

§§:

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#### **§ 5-40-010 RESPONSIBILITY FOR EMPLOYMENT LISTS**

(A) Internal, external, open until filled and open continuous eligible lists of applicants for employment will be maintained by the departments that established the recruitments and lists.

(B) Department transfer lists will be established and maintained by departments' human resources units. Recall and transfer lists will be established and maintained by Central HR for classifications utilized countywide  
(ER 312, Amended, 08/08/2007)

#### **§ 5-40-020 TYPES AND ORDER OF APPLICANT LISTS**

(A) Recall Lists: Unless a collective bargaining agreement specifies otherwise, these are established by classification and contain the names of regular status employees who due to a reduction in force have been laid off, demoted, reassigned to a lateral classification, or reassigned from full-time to part-time status. An employee who accepts a transfer or elects to retire will not be placed on recall lists.

(1) When filling a vacancy, names from the recall list will appear ahead of applicants on all other lists. A manager or supervisor is not required to offer reinstatement to an employee who lacks specific required skills or knowledge required for a position if such skills or knowledge are not easily learned on the job within the normal orientation period. If the supervisor/manager, Department HR Staff, and the employee mutually determine that the employee does not have the required skills or knowledge required for a position, the Department HR staff must state in writing what qualifications required for the position the employee lacks and send to Labor Relations for review prior to denial of reinstatement. The employee's name will remain on the recall list for certification to other vacancies during the balance of the eligibility term.

(2) If a manager or supervisor refuses to reinstate an employee certified to a vacancy from a recall list in the classification for which the employee qualifies for reasons other than specified above, the refusal is deemed a dismissal. Such an action is subject to the dismissal provisions.

(3) When an employee declines an offer of recall, the employee's name will be removed from that recall list.

(B) Transfers, Demotions, Reinstatement following Demotion or Separation:

(1) Transfers: An employee may be reassigned or request reassignment from one position to another position in the same class and must meet classification minimum qualifications. Such transfers are subject to restrictions contained in the collective bargaining agreements.

(2) Central HR will maintain two countywide transfer lists, a Class Transfer List and a General Transfer List.

(a) Class Transfer lists will contain the names of classified employees seeking transfers from one position to another position in the same class.

(b) General Transfer Lists will contain the names of qualified employees requesting:

(i) A transfer to a position in another class having a pay range with the same top step and similar qualifications; or a voluntary demotion to a class with a lower pay range;

(ii) Reinstatement following voluntary demotion to the classification from which demoted, or if abolished, an equivalent classification, or to a previously held classification; or

(iii) Regular employees who separated from county service in good standing may request reinstatement within one year of separation from regular county service to the same or a previously held classification, or if abolished, an equivalent classification. Employee eligibility is one year from date of separation and not renewable.

(3) No employee will be transferred from a position in one class to a position in another class with the same maximum pay rate for which there are substantially dissimilar requirements for appointment unless the employee meets the position requirements.

(4) Any reassignment of an employee from a position in one class to a position in a class with a lower pay range will be considered a demotion and will be made only in accordance with the discipline procedure unless an employee has voluntarily requested a demotion.

(5) Unless covered by the provisions of a collective bargaining agreement, names of persons requesting transfer will appear on the transfer list for the appropriate classification in alphabetical order without score. Transfer lists may be certified to managers or supervisors along with external, open continuous, open until filled or internal lists. Transfer requests must be processed in accordance with applicable collective bargaining agreements.

(6) Upon appointment to a new regular position, employees who transfer, demote or are reinstated following a voluntary demotion will serve a trial service period of one hundred and twenty

days to demonstrate the employee's ability to fulfill the requirements of the position. Employees who are being reinstated following separation are subject to the applicable probationary period in MCPR 2-15-020 and may be removed during probation.

(7) Employees, who are serving a probationary period at the time of transfer or demotion, are required to complete their probationary period and may be required under the terms of the applicable collective bargaining agreement to serve a new probationary period. If the employee does not satisfactorily fulfill the requirements of the new position, such employee will be returned to his or her previous position.

(C) Internal Lists: These lists are established by class and consist of the names of applicants for classified positions who meet the minimum qualifications for the classification and specific requirements of the position, and have passing scores or ranks based on the examination method used. Eligible applicants may be applying for promotions, demotions or transfers.

(D) External, Open Continuous and Open Until Filled Positions: These lists are established by class and consist of the names of all applicants for classified positions who meet the minimum qualifications for the classification and specific requirements of the position and have passing scores or ranks based on the examination method used.

(E) When ranks or scores are given, the lists of names of eligible applicants will be ranked in the order of their ranks or scores. Names will appear in alphabetical order on lists for which no ranks or scores were given.

(ER 312, Amended, 08/08/2007)

#### **§ 5-40-030 DURATION OF ELIGIBLE LISTS OR ELIGIBILITY**

Lists may be of fixed duration or designated as open continuous or open until filled.

(A) Recall Lists. The term of eligibility on the recall list is 18 months from the date a name is placed on the recall list or for the period indicated in the applicable collective bargaining agreement.

(B) Class Transfer List. Employees will submit requests to be on the transfer list in the manner specified by Central HR. Names will remain on the list for one year. Eligibility may be renewed annually.

(C) General Transfer List (except reinstatement following separation see (D) below). Employees will submit requests to be on the transfer list in the manner specified by Central HR. Names will remain on the list for one year. Eligibility may be renewed annually.

(D) Reinstatement Lists. The term of eligibility to remain on a reinstatement list is one year from the date of layoff or reassignment to a lower classification. Regular employees who are still employed by the county may renew their eligibility on the reinstatement list annually. Regular employees who separated from county service in good standing are eligible for reinstatement for one year following the date of separation and may not renew their eligibility.

(E) Internal, External, Open Continuous and Open until Filled Lists. These lists are established by class. The department managing the recruitment announcement will specify the duration of the list. The beginning date will be either the date names are initially placed on the list or the date the list is established. The term of eligibility for placement of names on the list will be not less than thirty days or more than two years from the date of establishment of the list by a department HR unit or the date of placement of the first name on the list, whichever is later.

A list's duration may be extended prior to its expiration date or reactivated within six months following its expiration date. In no instance will a list remain active for longer than two years. (ER 312, Amended, 08/08/2007)

#### **§ 5-40-040 ABOLITION OF LISTS**

Lists may be abolished prior to their normal expiration date for the following reasons:

(A) All candidates have been interviewed and found not acceptable for documented job related reasons;

(B) The list was illegally constituted; or

(C) The list is comprised of fewer than five candidates for each vacancy.

(D) The class for which the list was established has been abolished, or the minimum qualifications for the class have changed.

When a list is abolished all remaining applicants will be notified and may reapply for the new recruitment.

#### **§ 5-40-050 CERTIFICATION OF ELIGIBLE NAMES**

(A) Upon notice that a position in the classified service will be filled, the names of the highest-ranking eligible candidates from lists for the class to which the position is allocated will be submitted to the manager or supervisor. Names may be submitted from a list for another class equal to or higher than the position, provided that the applicants have demonstrated the necessary qualifications for the position. Candidates from active recall lists will be considered prior to those qualified by examination.

(B) The manager or supervisor may require that only applicants with specific position related experience, education, skill or ability and availability for the location and work schedule be certified. The following method will be used to certify eligible names from the list to meet the requirements for the position:

(1) When ranks or scores are given to each applicant, a minimum of the three applicants with the highest ranks or scores, or all ranks or scores if fewer than three, who have the knowledge, skills, and abilities required, and who are available for the location and work schedule of the

position will be certified for each vacancy. For each vacancy, a minimum of three ranks or scores will be certified. All names with the same rank or score will be included.

(2) When candidates are self certified or are otherwise without score, all candidates who have the knowledge, skills and abilities, and who are available for the location and work schedule of the position will be certified for each vacancy. Departments have the option of conducting subsequent testing and then giving scores or ranks to applicants certified to a list

(3) When the number on the list of eligibles on a non-scored or self-certified list exceeds twenty-five, departments have the option, using the county's applicant tracking system or a scientifically accepted method, of selecting for interviews a random number of applicants from the list of eligibles. A minimum of the top three randomly selected individuals must be considered.

(4) If a list contains fewer than five certified applicants, the entire list may be submitted.

(C) Subject to provisions of the applicable collective bargaining agreements, names of transfer applicants who meet the knowledge, skills and abilities for the position, and who are available for the location and work schedule of the position will be provided to the manager or supervisor. (ER 312, Amended, 08/08/2007)

#### **§ 5-40-060 CONSIDERATION OF APPLICANTS**

Applicants shall be considered after either an interview or review of all application material as required.

(A) The manager or supervisor is responsible for contacting applicants for interviews and may further test applicants for the position. When a certificate of eligibles is issued in rank order from the highest to lowest rank or score, applicants for interviews will be selected in that same order.

(B) When an issued certificate of eligibles contains tied ranks or scores, all applicants with that rank or score will be considered if one applicant with that rank or score is considered, or if not scored or self-certified, all applicants will be interviewed unless there are over 25 applicants.

(C) If names are certified on a ranked list, all applicants with higher ranks or scores than the person hired must be considered. If names are certified without scores, an attempt must have been made to contact all applicants on the list provided to the hiring manager.

(D) When the initial attempt to contact an applicant is unsuccessful, an applicant will not be determined to be unavailable until:

(1) Written notice has been sent to the applicant requesting to schedule an interview appointment within six working days of the date on the notice; or

(2) Two telephone messages have been left on an answering device or with an adult, on two separate days, at the person's home, place of work or alternate number listed on application,

requesting to schedule an appointment within three working days. If it is not possible to leave a message, then the person must be contacted by mail.

(E) When the manager or supervisor has selected the final applicants, the manager or supervisor must check references and conduct criminal or other background checks that may be required for the position.

(F) When the manager or supervisor has selected the finalist, the manager or supervisor will require drug testing if required for the position.  
(ER 312, Amended, 08/08/2007)

#### **§ 5-40-070 CLOSING THE RECRUITMENT PROCESS**

(A) Results of the recruitment must be entered into the applicant tracking system by the hiring department.

(B) Applicants interviewed will be notified of the results of the interview process by the hiring department.

(C) The department must retain recruitment records for appointments to classified and unclassified positions for three years. Each file will include individual applications, tests utilized, scores given, a certificate of eligibles list, interview notes, and other relevant information.

#### **§ 5-40-080 NOTIFICATION OF APPOINTMENT STATUS**

(A) All newly appointed employees will be notified in writing of their appointment status and the end date of their probationary period or appointment.

(B) Classified employees appointed or reclassified to an unclassified county position must submit a signed statement to the department human resources unit acknowledging notice that they are waiving their classified status as required in MCC § 9.120.