

RULE 7

EXAMINATION LISTS AND ELIGIBLE REGISTERS ^{1 2}

(Title Amended March 26, 2005)

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¹ **Editor’s Note:** November 1, 2007: Section 1(C)(1) only was amended.

² **Rule Annotation:** See also: Rule 5 for *Examinations for Original Appointment*; Rule 6 for *Promotional Examinations*; and Rule 8 for the use of an Eligible Register in the process of *Certification* for appointment.

Section 1. Examination Lists.

*Adopted March 26, 2005*³

- A. An examination list shall be established after the initial test phases of an examination process. It shall be made up of the names, in rank order, of those applicants⁴ or candidates⁵ who have successfully completed and/or passed all initial test phases in the examination. The names shall be listed in rank order as determined by the ranking system specified in the examination announcement. An examination list shall contain such additional information as specified in Commission Rule 13.⁶
- B. Examination lists shall be working documents for internal Commission use only and shall be considered confidential, except as required by law.
- C. **Examination lists for original appointment:**

1. A Police applicant's name shall remain on an examination list for original appointment for no longer than twelve (12) months following the date of initial testing, unless the applicant has been selected for further participation in the additional examination and screening phases.⁷ If selected for further participation, the applicant's name shall remain on the examination list until approved for placement on the respective eligible register, or effectively denied approval by disqualification or Commission action.

(Amended November 1, 2007)

A Fire applicant's name shall remain on the examination list for original appointment until the applicable eligible register has expired; their name is approved for placement on the respective eligible register, or effectively denied approval by disqualification or Commission action.

(Amended November 1, 2007)

2. If any applicant is permitted by Commission Rule and the pertinent examination regulations to retest for a particular position/rank while his/her name remains on the examination list, then the following shall apply:

³ **Editor's Note:** Incorporates and amends the provisions of Rule 7 § 1(A) existing prior to March 26, 2005. (Prior section *Amended July 2, 1990; March 27, 1998; October 27, 2000.*)

⁴ **Definition Annotation:** As used in this Rule, the word "applicant" refers to an individual participating in the application, examination, screening, and/or selection process for original appointment.

⁵ **Definition Annotation:** As used in this Rule, the word "candidate" refers to an individual participating in the application, examination, screening, and/or selection process for promotional appointment.

⁶ **Rule Annotation:** See also Commission Rule 13, *Records and Reports*, for details regarding the content of examination lists and confidentiality.

⁷ **Rule Annotation:** See Commission Rule 5 § 2 (9-01-04) on *Selection of Applicants for Additional Examination and Screening Phases*.

- a. If the applicant has not been already selected for additional examination and screening phases, when the applicant's name is again merged into the examination list, the applicant's most recent test results shall replace the prior test results. The most recent test results will then be used to determine a new rank order placement of the applicant's name on the examination list, as provided by the examination regulations.
(Amended August 23, 2005)
- b. If the applicant has been already selected for additional phases, when the applicant's name is again merged into the examination list, the prior test results used for rank order placement, and the applicant's selection for further participation in the examination, shall stand. The applicant's name will then be placed on the examination list an additional time, in new rank order, according to the results of the applicant's most recent testing cycle.
(Amended August 23, 2005)
3. Separate examination lists may be established from any examination for original appointment in order to provide for the establishment of separate eligible registers for original appointment to a particular rank and grade, as provided herein below in Section 2 (B).
(Amended August 23, 2005)
4. At the discretion of the Commission, any examination list for original appointment may be frozen and/or dissolved and subsequently replaced with a new examination list established through an examination process.

Section 2. Eligible Registers for Original Appointment.

*(Adopted March 26, 2005)*⁸

- A. Eligible registers for original appointment shall be established and maintained to accommodate anticipated personnel needs of the Department of Safety.
*(Added August 23, 2005)*⁹
 1. An eligible register for original appointment shall contain a rank order listing of the names of approved applicants from the corresponding examination list.
 2. Only those applicants: a) who have successfully completed and/or passed all phases of the Commission's entry-level examination and screening process required for the particular rank and grade, or for those applicants considered pursuant to an intergovernmental agreement, who have successfully completed and/or passed all

⁸ **Editor's Note:** Incorporates and amends the provisions of Rule 7 § 1(B) prior to March 26, 2005. *(Prior section Amended March 26, 1987; July 2, 1990; October 13, 1995; October 27, 2000.)*

⁹ **Editor's Note:** This provision moved from Rule 7 § 2(B)

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selected phases of the entry-level examination and screening process required for the particular rank and grade;¹⁰ b) who meet any special qualifications or requirements related to the particular register; and c) who have been approved by the Commission (based on the background review), shall be placed on the eligible register.

(Amended May 24, 2005)

3. Nothing in this section shall preclude the Commission from conducting an updated investigation and review of an applicant's background, as it deems necessary and appropriate, after the applicant has been placed on an eligible register.

(Added August 23, 2005)

- B. Separate Eligible Registers: Separate eligible registers for original appointment to the same entry-level rank, and grade (as applicable), shall/may be established as follows, based on applicable eligibility requirements or special skill requirements:¹¹

(Amended May 24, 2005)

1. Separate eligible registers shall be established for original appointment to the rank and grade of Police Officer Recruit as an entry-level civilian, cadet, certified peace officer, and as a Reserve Police Officer.

2. Separate eligible registers shall be established for original appointment to the rank and grade of Firefighter Fourth Grade as an entry-level civilian and as a cadet, and when applicable, to the rank of Firefighter, regardless of Grade, as a lateral firefighter applicant pursuant to a duly authorized intergovernmental agreement.

*(Amended May 24, 2005)*¹²

3. Separate eligible registers may be established for original appointment to the rank and grade of Fire Systems Technical Specialist V for each particular skill area as may be established within that rank.

4. Separate deferred appointment eligible registers may be established for original appointment to the rank of Police Officer and Firefighter as provided in this Commission Rule 7 § 2.

(Adopted August 23, 2005)

¹⁰ **Charter Annotation:** Charter § 9.3.11(E)(iii) adopted in election of May 3, 2005, authorized original appointment of fire department personnel pursuant to a duly approved intergovernmental agreement.

¹¹ **Charter Annotation:** See Charter § 9.3.11(C) regarding *Separate Eligible Registers*.

¹² **Charter Annotation:** See Charter § 9.3.11(E)(iii) and § 9.5.5(B) adopted in election of May 3, 2005.

C. Deferred Appointment Eligible Registers: A separate deferred appointment eligible register may be established from any existing eligible register that was established to provide for original appointment to the rank of Police Officer or Firefighter. A deferred appointment eligible register may be established to provide for a limited and conditional “deferral” of the certification and consideration for original appointment of an applicant(s) for/from one academy class to the next academy class.
(*Subsection 2(C) Adopted August 23, 2005*)

1. Eligibility Requirements: For an applicant to be placed on a deferred appointment eligible register the following special eligibility requirements shall be met:
 - a. At the time of approval for placement on the deferred appointment eligible register, the applicant shall be in good standing on the respective, existing (non-deferred) eligible register for original appointment to the subject rank.
 - b. The applicant shall have been recently certified to the Manager of Safety from that existing (non-deferred) eligible register for consideration for original appointment to that rank.
 - c. The Manager of Safety, at his/her sole discretion, has requested in writing that the applicant be placed on a respective deferred appointment eligible register.
 - d. The Manager of Safety’s request shall certify that the following criteria have been met:
 - i. The Manager anticipates that future academy vacancies will exist to enable additional original appointments to the respective rank within (12) months of the date of his request, and prior to both, 1) the date on which the applicant’s name will be removed from the register (from which the applicant was certified) due to maximum time allowed on the register, and 2) the date, if any, that said register will expire; and
 - ii. The Manager had reviewed the applicant’s file and determined that the applicant was fully suitable and well qualified for original appointment, and the applicant thus received a conditional offer of employment; and
 - iii. Following the conditional offer of employment, the applicant passed all phases of the medical evaluation, and the Manager would have provided a final offer of employment but for a lack of sufficient vacancies; or
 - iv. Following the conditional offer of employment the applicant passed all phases of the medical evaluation; the applicant has provided notice that he/she is unavailable for appointment due to a temporary circumstance or a temporary incapacity [with reasons and supporting evidence that are acceptable to the Manager as provided in this Commission Rule 7 § 7(A)], and the available information indicates the applicant should be able to accept appointment for the next anticipated academy; or
 - v. Following the conditional offer of employment, the applicant subsequently was placed in a medical deferral status pending completion of the medical

- evaluation and, as a result, was not available for the scheduled date of original appointment, and available information indicates the applicant should be able to accept appointment for the next anticipated academy; or
- vi. Following the conditional offer of employment, the applicant has provided notice that he/she is unavailable for completion of the medical evaluation due to a temporary circumstance or a temporary incapacity [with reasons and supporting evidence that are acceptable to the Manager as provided in this Commission Rule 7 § 7(A)], and the available information indicates the applicant should be able to accept appointment for the next anticipated academy; or
 - vii. The applicant received a final offer of employment, the applicant subsequently provided notice that he/she is unavailable for appointment due to a temporary circumstance or a temporary incapacity [with reasons and supporting evidence that are acceptable to the Manager as provided in this Commission Rule 7 § 7(A)]; and the available information indicates the applicant should be able to accept appointment for the next anticipated academy.
- e. The Commission has approved the Manager's request that the applicant be placed on the respective deferred appointment eligible register. For any such applicant who has provided notice of unavailability for appointment due to temporary circumstance or temporary incapacity, the Commission's approval shall include a determination that the reasons and supporting evidence for unavailability are acceptable to the Commission, as provided in this Commission Rule 7 § 7(A).
2. Removal of name from a Deferred Appointment Eligible Register: Notwithstanding any other provisions of this Commission Rule 7, an applicant's name shall be removed from a deferred appointment eligible register if the applicant does not receive original appointment from the register prior to any one of the following:
- a. The start date of the next academy class, for the subject rank, following the academy class for which the applicant was initially certified for consideration for original appointment and was deferred.
 - b. The removal of the applicant's name from the (non-deferred) eligible register from which the applicant was initially certified for consideration for original appointment and was deferred.
 - c. The expiration, or termination by the Commission, of the (non-deferred) eligible register from which the applicant was initially certified for consideration for original appointment and was deferred.
 - d. After twelve (12) months from the date of the Commission's approval for placement on the deferred appointment eligible register.

- D. An applicant's name shall be listed on an eligible register in rank order according to the final examination score, as determined by the scoring system specified in the examination announcement, and in conformance with the provisions of the Commission Rule 5 regarding examinations for original appointment. Eligible registers for original appointment shall contain such additional information as specified in Commission Rule 13.¹³
- E. At the sole discretion of the Commission, any eligible register for original appointment may be designated, at the time it is established, as an ongoing eligible register with names of applicants to be added and merged into the register over time, in the appropriate rank order, as additional applicants are approved for placement on the register from a corresponding ongoing examination list.
(Amended August 23, 2005)
- F. Any one applicant may have his/her name entered on an ongoing eligible register for original appointment more than once. If an applicant has appropriately and successfully completed all phases of a subsequent examination cycle for a position, and if the applicant is approved for placement on the ongoing eligible register based on that subsequent examination cycle, the applicant's name shall be entered on and merged into the register, in the appropriate rank order, without regard to and without requiring removal of any prior entry of the applicant's name on the same register.
(Amended August 23, 2005)
- G. The name of an applicant not receiving original appointment shall remain on an ongoing eligible register for original appointment for no longer than 24 months following the date of approval for entry of the name on the register. When an applicant's name has been entered on an eligible register more than once, this time limitation shall be applied separately to each entry.
- H. At the discretion of the Commission, any ongoing eligible register for original appointment may be frozen and/or dissolved and subsequently replaced with a new eligible register established through a new or modified examination process. However, any ongoing eligible register for original appointment shall remain in existence for a minimum of one year, unless exhausted. In the event that a new eligible register is established at any time after the first year, the existing ongoing eligible register becomes void.
- I. If an eligible register for original appointment is not an ongoing register, it shall remain in existence for a minimum of one year, unless the register is exhausted. If a new eligible register is not established at the end of one year, through an examination process, the eligible register shall automatically extend into the second year. A new eligible register for original appointment to a particular rank may be established, through an examination process, at any time after the first year of the life of an existing

¹³ **Editor's Note:** Subparagraphs D – I previously labeled as C – H.

eligible register, or prior thereto if the register has been exhausted. In the event that a new eligible register is established at any time after the first year, the existing eligible register becomes void. All such eligible registers that are not ongoing registers and are not replaced (by a new eligible register established through an examination process) shall automatically expire at the end of the second year of their existence.

Section 3. Eligible Registers for Promotional Appointment.

(Adopted March 26, 2005) ¹⁴

- A. When an announced examination for promotion has been completed, the Commission shall establish a corresponding eligible register for promotional appointment to the rank for which the examination was held. The name of any candidate who has successfully completed and/or passed all phases of the examination process shall be placed on the corresponding register.
- B. Names of candidates shall be listed in rank order according to their final examination score as determined by the scoring system specified in the examination announcement, and in conformance with provisions regarding promotional examinations contained in Commission Rule 6. Eligible registers for promotional appointment shall contain such additional information as specified in Commission Rule 13. ¹⁵
- C. An eligible register for promotional appointment shall remain in existence for a minimum of one year. If a new eligible register is not established at the end of one year, through an examination process, the eligible register shall automatically extend into the second year. A new eligible register for promotional appointment to a particular rank may be established, through the examination process, at any time after the first year of the life of an existing eligible register. In the event that a new eligible register is established at any time after the first year, the previous eligible register becomes void. All such eligible registers that are not replaced (by a new eligible register established through an examination process) shall automatically expire at the end of the second year of their existence.

¹⁴ **Editor's Note:** This Rule 7 § 3 incorporates an earlier sub-section that was amended as follows: (Amended March 26, 1987; July 2, 1990; October 13, 1995; October 27, 2000.)

¹⁵ **Rule Annotation:** See also: Rule 6, Promotional Examinations and Requirements; and, Rule 13, Records and Reports.

Section 4. In Case of Tie Scores.

*(Amended October 13, 1995, March 26, 2005)*¹⁶

A. Entry-Level Examinations:

When two or more applicants in an examination for original appointment to a position have received the same final examination score, such tie or ties shall be broken randomly.

(Amended October 27, 2000; March 26, 2005)

B. Promotional Examinations:

In all promotional examinations given under the provisions of these Rules, the candidate with the greatest seniority in rank shall have priority in the case of a tie in final examination scores. Should two or more candidates with the same score have the same seniority in rank, the person with the greatest seniority in service shall have priority. Should candidates have the same date of appointment, the person who ranked highest based on final examination score for original appointment shall have priority.

(Amended March 26, 2005)

Section 5. Notice of Change of Address or Phone Number.

*(Amended March 26, 2005)*¹⁷

An applicant or candidate whose name is placed on an examination list and/or eligible register shall immediately notify the Commission in writing of any change of address or phone number. Failure to do so may result in disqualification from the examination and/or certification process.

(Amended March 26, 2005)

Section 6. Placement on More Than One Eligible Register.

*(Amended March 26, 2005)*¹⁸

An applicant or candidate may submit to any examination for which he/she is eligible and his/her name may be placed on more than one eligible register.

(Amended March 26, 2005)

¹⁶ **Editor's Note:** Section number changed March 26, 2005.

¹⁷ **Editor's Note:** Section number changed March 26, 2005.

¹⁸ **Editor's Note:** Section number changed March 26, 2005.

Section 7. Removal of Names from an Eligible Register. ¹⁹

A. The name of an applicant or candidate may be removed/stricken from an eligible register for original or promotional appointment, respectively, for any of the following reasons:

(Amended March 26, 2005)

1. When, due to a temporary circumstance, or due to becoming temporarily incapable of performing the duties of the position, an applicant or candidate:
(Full subparagraph § 7(A)(1)(a-g) Adopted March 26, 2005)

- a. Provides notice that he/she is unavailable for certification or for appointment;
or
- b. Following certification for appointment, he/she provides notice of unavailability for appointment or declines appointment to the position for which certified;

Then, such applicant or candidate shall be notified in writing that any failure to meet the following requirements will result in removal from the eligible register:

- c. No later than fifteen (15) calendar days after the date of mailing of the notice from the Commission, the individual shall file a signed and dated statement with the Commission requesting that his/her name be retained on the eligible register.
- d. The statement shall specify, with particularity, the reason(s) for unavailability or declining the appointment.
- e. The statement shall fully describe the temporary nature of the circumstance or condition that was the basis for unavailability or declining the appointment; and shall include any documentation, witness statements, and/or other evidence that the individual would like the Commission to consider in support of the request.
- f. The statement shall indicate the approximate date when the individual believes that he/she will be available and capable of accepting an appointment.
- g. Any such request and the supporting evidence must be acceptable to the Commission. In the case of declining an appointment, it must also be acceptable to the Manager of Safety.

¹⁹ **Editor's Note:** With the amendments of March 26, 2005, this Rule 7 § 7 was significantly reorganized to include two separate subsections specifying: A) when names may be removed from eligible registers; and, B) when names shall be removed.

2. Any failure to respond to a written notice of offer of original or promotional appointment within the time limit and in the manner specified in the notice; provided that the notice allows at least seven (7) calendar days, from the date of mailing, in which to provide a response.
(Amended October 27, 2000; March 26, 2005)
3. Any false, incomplete, misleading or misrepresentative statement or any omissions of fact relevant to a determination of qualifications and/or suitability, on any documents or in any interviews associated with the respective application, registration and/or examination process.
(Adopted November 15, 1989; Amended March 26, 2005)
4. For original appointment only, the inability of the Postal Service to deliver mail because of an incorrect mailing address on file and/or an unknown mailing or forwarding address.
(Amended March 26, 2005)

B. The name of an applicant or candidate shall be removed/stricken from an eligible register for original or promotional appointment, respectively, for any of the following reasons:

(Adopted March 26, 2005) ²⁰

1. Declining an appointment without reasons acceptable to the Commission and the Manager of Safety as provided in Section 7 (A)(1) above.
(Amended March 26, 2005)
2. Obtaining the applicant's or candidate's position on the register by fraud, deceit, or misrepresentation.
(Amended March 26, 2005)
3. Information becomes available of such a nature that had it been known prior to placing the name of applicant or candidate on an eligible register, it would have resulted in the exclusion/disqualification of the individual from further participation in the hiring or promotion process.
(Amended September 6, 1986; March 26, 2005)
4. Upon written request of the applicant or candidate.
(Amended March 26, 2005)

²⁰ **Editor's Note:** Prior to the amendments of March 26, 2005 to Rule 7 § 7, the subparagraphs 1 through 6 in this sub-section 7(B) were previously stated as permissive (rather than as mandatory) reasons for removal of names from an eligible register. Also, with the amendments of March 26, 2005 the sub-paragraphs 7 and 8 of this Rule 7 § 7(B) were newly adopted as reasons for mandatory removal.

And, for original appointment only:

5. Evidence is presented to the Commission, prior to the applicant's original appointment to the classified service, indicating that the applicant does not meet the qualifications for application set forth in Charter § 9.4.1 or the qualifications for application and original appointment set forth in Commission Rule 3, to include any qualifications necessary to perform the essential functions of the position.
(Adopted March 26, 1987; Amended August 15, 1989; March 27, 1998; March 26, 2005)
6. Rejection of the applicant by the Manager of Safety, after certification for original appointment, for reasons sufficient to satisfy the Commission that the applicant is not qualified.
(Adopted September 6, 1986, Amended March 26, 2005)
7. The applicant has been passed over for original appointment by the Manager of Safety on two separate occasions following certification.
(Adopted March 26, 2005)
8. The applicant has not received original appointment from an ongoing eligible register within 24 months of the date of approval by the Commission for entry of his/her name on the eligible register.
*(Adopted March 26, 2005)*²¹

C. Notice Required:

(Separate subparagraph title Adopted March 26, 2005)

Upon removal of an applicant's or candidate's name from an eligible register for any of the foregoing reasons as provided in Sections 7 (A) or (B) above, except for Section 7 (B)(8), the Commission shall notify the individual in writing of the removal of his/her name and the reasons(s) for removal.

(Amended September 6, 1986; March 26, 2005)

END

²¹ **Rule Annotation:** See also Rule 7 § 2(F), maximum time on an ongoing eligible register is 24 months.