

## CHAPTER 6

### Certification and Eligible Lists

*To the extent that any provisions of these Regulations conflict with the terms of a Collective Bargaining Agreement (CBA) in effect between the County and an exclusive bargaining representative, the terms of the CBA shall control.*

#### 6.1 Definitions

- 1 An eligible list is a list of applicants who meet the minimum qualifications for the class for which they applied, as determined under the provisions of Chapter 5.
- 2 A certification list is a list of applicants who have been determined to meet the minimum qualifications for the class for which they have applied, and who have also been determined to be among the best qualified for that specific job. A certification list may either be a promotional list (based upon competition that is restricted to current Fairfax County employees as described in Chapter 5) or an open, competitive list (based upon competition that is open to outside applicants as well as current County employees).

The format of the certification list may take various forms, such as a spreadsheet, memorandum, computer generated format, etc., as long as the format has been issued by the Human Resources Director or designee.

#### 6.2 Reinstatement/Reemployment

- 1 A former merit employee who satisfactorily completed his/her probation period and was separated in good standing but did not retire may be eligible to be non-competitively reinstated to the position or class formerly held, or to be non-competitively reemployed in any class at the same or a lower grade for which he/she is qualified, for a period of one year from the date of separation. Reemployment eligibility of an employee who was laid off is governed by the provisions of Chapter 9.

#### 6.3 Duration of Certification Lists and Eligibility of Individuals

- 1 A certification/eligible list is normally used to fill a vacancy/vacancies that currently exist, or that are expected to occur during the short term after it is established. However, a certification/eligible list may be used for up to one year after it has been established, in order to fill unanticipated vacancy/vacancies, with the approval of the Human Resources Director or designee. Factors that the Human Resources Director may consider in granting this approval include business necessity, whether the list is promotional or open, whether the list still contains a viable, diverse pool of certified applicants, difficulty of recruitment for the vacancy, etc.

- 2 At the request of a department head or designee and with respect to certification and/or eligibility lists for positions entirely under that department head, the Human Resources Director may extend the duration of an open competition list to a maximum of two years and that of a promotion eligibility list to a maximum of three years. No list may be extended beyond these time limits.
- 3 When an eligibility list is dissolved prior to the expiration date in the announcement, individuals remaining on the list shall be so notified.

#### 6.4 Removal of Certified Applicant From Position Consideration

A certified applicant (from either a certification or eligible list) may be ruled ineligible for position consideration for any of the reasons listed in the section on disqualification of applicants in Chapter 5 or for any of the following reasons:

- 1 Appointment through certification from such list to fill a merit position.
- 2 Appointment through certification from a list for another position class at the same or higher salary. At the request of the appointee, however, his/her name may be continued on any lists other than the one from which the appointment was made.
- 3 Notification from the applicant that he/she desires his/her name removed from consideration.
- 4 Refusal of appointment by the applicant under such conditions as he/she previously indicated he/she would accept.
- 5 Inability to locate the applicant by mail or telephone within five business days.
- 6 Failure by the applicant to reply to inquiry from the Human Resources Director or his/her designee within five business days of the date of such inquiry.
- 7 Failure to accept appointment within three business days when offered, or to report for duty on the date prescribed by the department head or designee, provided that no candidate shall be required to report for duty less than two weeks from the date an appointment is offered.
- 8 Separation of an employee on a promotional list from the County service.