ALABAMA STATE PERSONNEL BOARD
ALABAMA STATE PERSONNEL DEPARTMENT
ADMINISTRATIVE CODE

CHAPTER 670-X-9
PERSONNEL SELECTION PROCEDURES

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670-X-9-.01 Applications And Examinations.

(1) Notice of Examinations. Examinations for entrance to the classified service shall be conducted on an open-competitive basis. When unassembled examinations are to be given, this fact shall be determined by the Director after consultation with the appointing authorities concerned. The Director shall give public notice of all entrance examinations at least two weeks in advance of the closing date for receiving applications and shall make every reasonable effort to attract qualified persons to compete in the examinations. Notice of examinations may be posted in important centers throughout the state and copies may be sent to other individuals and organizations as the Director may deem expedient. The public notice of examination shall specify the title and salary range of the class of positions, typical duties to be performed, the minimum qualifications required, the final date on which applications will be received, the relative weights to be given to different parts of the examination, and all other pertinent information and requirements consistent with the provisions of these rules.

(2) Filing Application. All applications shall be made on forms prescribed by the Department and must be filed with the Department prior to the close of business on the closing date specified in the announcement. Such application may require information covering personal characteristics, education, experience, references, and other pertinent information. All applications shall be signed and the truth of the statements contained therein certified by such signatures by penalty or perjury. Applicants must meet the minimum qualifications specified in announcements as to education and experience, but in no case shall admittance to the examination constitute assurance of placement on the register.

(3) Disqualification of Applicants. The Director may refuse to examine an applicant, or after examination disqualify such

applicant, or remove his name from the register, or refuse to certify any eligible on a register, (1) who is found to lack any of the preliminary requirements established for examination for the class of positions; (2) who is so physically disabled as to be rendered unfit for the performance of the duties of the class of positions; (3) who is addicted to the habitual excessive use of intoxicating liquors or drugs; (4) who has been convicted of a crime involving moral turpitude, or guilty of notoriously disgraceful conduct; (5) who has intentionally made false statement of material fact in his application; (6) who has previously been dismissed from the state service for delinquency; (7) who has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment; (8) who has directly or indirectly obtained information regarding examinations to which as an applicant he is not entitled; (9) who has failed to submit his application correctly or within the prescribed time limits; (10) who has a reputation for deliberately failing to pay just debts; (11) or who has otherwise violated provisions of the Act or these rules. A disqualified applicant shall be given written notice of such action and the opportunity to respond to said notice. This removal from any and all registers is for a period of five years.

(4) Character of Examinations. Examinations shall be practical in nature, constructed to reveal the capacity of the candidate for the particular class of positions for which he is competing and his general background and related knowledge, and shall be rated impartially.

(5) Conduct of Examinations. Examinations shall be conducted in as many places in the state as are found convenient for applicants and practicable for administration.

(a) The Director may designate monitors in various parts of the state to take charge locally of examinations under instructions prescribed by the Director, provide for the compensation of such monitors, and make arrangements for the use of public buildings in which to conduct the examinations.

(6) Rating Examinations. In any examination the minimum rating or standing through which eligibility on a register may be earned shall be determined by the Director. Such final rating shall be based upon a weighted average of the various parts of the total examination. All applications for the same class of positions shall be accorded uniform and equal treatment in all phases of the examination procedure. Failure in one phase of an examination may be grounds for the Director to declare the applicant as failing the entire examination or to disqualify him for subsequent parts of the examination.

(7) Rating Education and Experience. When the rating of education and experience forms a part of the total examination, the Director shall determine a procedure for the evaluation of the education

and experience qualifications of the various candidates. The formula used in appraisal shall give due regard to recency and quality, as well as quantity, of experience and the pertinency of the education. This procedure may allow for the substitution of education for experience and of experience for education. Before rating education and experience or prior to certification from the register, the Director may investigate the candidate's work history and educational record for the purpose of verifying the statements contained in his application form. If the results of this investigation bring out information affecting the rating of education and experience, the Director may rate the candidate accordingly or make the necessary revision of the rating and so notify the candidate or may remove his name from the register. If the candidate provides false credentials, he will be barred from placement on any register for a period of five years.

(8) Oral Examinations. When an oral examination forms a part of the total examination for a position, the Director shall appoint one or more oral examination panels as needed. An oral examination panel shall consist of two or more members who shall be known to be interested in the improvement of public administration and in the selection of efficient government personnel, of whom one shall be technically familiar with the character of work in the position for which the applicants will be examined. No person who is an officer or committee member of, or actively engaged in the work of a political party organization shall serve as a member of such panel. Whenever practicable, all candidates for the same class of positions who qualify for the oral examination shall be rated by the same oral examination panel. A member of an oral examination panel shall disclose each instance in which he knows the applicant personally and may refrain from rating such applicant.

(9) Preference Given to Veterans, Wives of Veterans and Widows of Veterans. All persons honorably discharged from the Army, Navy, Marine Corps, Air Force or Coast Guard, after serving in the armed forces of the United States, shall have five points added to any earned rating they achieve in an examination for entrance to the classified service. Persons who have established veteran's status as defined above and who, in addition, establish by official records of the United States the present existence of a service connected disability and because of disability are entitled to pension compensation or disability allowance under existing laws, and widows of such persons and qualified wives of such persons who are themselves not qualified because of service connected disability shall have 10 points added to any earned rating they achieve in an examination for entrance to the classified service.

(10) Notice of Examination Results. Each competitor shall be notified of his final rating as soon as the rating of the examination has been completed and the register established. Eligibles shall be entitled to information concerning their relative position on the register, upon request and presentation

of proper identification, but registers are confidential and shall not be open to public inspection.

(11) Adjustment of Errors. A manifest error in the scoring of an examination, if called to the attention of the Director within thirty days of the notice of examination results, shall be corrected by the Director, provided, however, that such correction shall not invalidate any certification and appointment previously made.

Author:
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670-X-9-.02 Registers.

(1) Employment Register. After each examination, the Director shall prepare an employment register of names of persons with passing grades. The names of such persons shall be placed on the register in the order of their final ratings, starting with the highest. Whenever two or more applicants have final ratings which are identical they shall be given the same standing on the register. Whenever it is appropriate to open a class on a continuous basis, the Director may combine the existing list with the new list for the same class by arranging all the eligibles in the order of ratings received, without regard to the time of the examination.

(2) Promotional Register. The Director shall hold competitive promotional examinations which shall be open only to persons in the classified service who have permanent status in a classification which is determined by the Director to be within the lines of promotion to the class of positions for which the examination is held. Service ratings shall be a factor in promotional examinations. After each promotional examination, the Director shall prepare and keep available a promotion list of persons whose final rating in the examination is not less than the passing grade established by the Director and arranged in order of ratings received. When the work in a department is of a specialized nature, a promotion list may be confined to employees of a particular department at the discretion of the Director.

(3) Reemployment.

(a) In Case of Resignation. Any person who has held a permanent appointment in the classified service from which he has resigned in good standing shall be entitled to have his name placed on a reemployment list for certification to vacancies in the same, comparable or previous classification, providing he so requests in writing. The name of each such person shall be placed on the reemployment list considered

most appropriate by the Director. Each name placed on a reemployment list shall remain thereon for a period not longer than two years from the effective date of resignation. Provided, however, that the Director may extend this period one year at a time for not more than two additional years upon the presentation in writing of satisfactory evidence that the former employee has, through appropriate training or experience, maintained his qualifications for the work involved. Before approving such an extension, the Director may make any investigation or order such qualifying test as may appear desirable.

(b) In Case of Layoff. Names of all persons laid off shall be placed on a layoff reemployment register in accordance with the rules found in Rule 670-X-18-.01. Any person appointed from a layoff reemployment register shall be required to serve a probationary period of not less than three months on the job before being restored to permanent status. This requirement will not apply in the case of reemployment of an employee in a department and job where he has been laid off. A probationary employee that was separated during his probationary period due to a layoff is added to the reemployment list and, if an appointment is made, he must serve the remainder of his probationary period.

(4) Duration of an Employment Register. A register is valid until it is replaced or abolished. This rule shall not be construed as prohibiting the holding of continuously open examinations where the needs of the service and the availability of qualified applicants indicates the need for such examinations. In such cases, names of applicants shall be placed on registers as they are examined in the order determined by their grades, without regard to the time of examination. The Director shall be responsible for determining the adequacy of present registers and for the establishment and maintenance of appropriate registers for all classes of positions in the classified service.

(5) Removal of Names from the Register.

(a) The Director may remove the name of an eligible from the register for any of the causes stipulated in Rule 670-X-9-.01, Paragraph 3, or he may remove a name if the eligible cannot be located by postal authorities or if:

1. The eligible indicates in writing that he no longer desires to be considered for state employment.

2. He declines three offers of positions in the class for which the register was established.

3. He has been certified for appointment three times to different appointing authorities or three times to the same appointing authority where the classification is

peculiar to less than three departments, and has not been appointed.

(b) The person affected shall be notified of this action and the reasons therefore, unless his whereabouts are unknown. The name of an eligible may be restored to a register only if satisfactory explanation of the circumstances leading to its removal can be made to the Director. Failure of any eligible to notify the Personnel Department of a change of address shall be regarded as just cause for removal of his name from the register until such time as the change of address has been duly filed. The Director may remove the name of an eligible from a register if the eligible fails to reply within 48 hours after receipt of a certified mail letter inquiring as to his availability for immediate appointment. After an eligible is appointed to any permanent position in the state service, his name may be placed inactive for all positions for which the maximum salary is the same or less than that of the class of position to which he has been appointed. The name of an employee who is dismissed, or whose separation from the service otherwise fails to constitute a separation in good standing, shall be removed by the Director from all eligible registers for classes that occur exclusively in the department terminating his employment.

Author: Halycon Vance Ballard
Statutory Authority: Code of Ala. 1975, §§36-26-9, 36-26-15, 36-26-17, 36-26-23.
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670-X-9-.03 Certifications And Appointments.

(1) Types of Appointments. All vacancies in the classified service shall be filled by transfer, promotion, demotion, original appointment, reemployment, temporary appointment, emergency appointment, exceptional appointment, provisional appointment, direct appointment or conditional appointment as provided in the Act.

(2) Appointments from Eligible Lists.

(a) Request for Certification. Whenever a vacancy in a position in the classified-service is to be filled other than by transfer, demotion, direct appointment, emergency appointment or extraordinary appointment, the appointing authority shall make written request for certification of names on a form prescribed by the Director. This form shall contain a statement of the class title of the position, together with such other pertinent information as may be required by the Director. The appointing authority shall make

such request a reasonable time in advance of the date the new employee is to begin work.

(b) Certification of Eligibles. When a request for certification of eligibles is received by the Director, he shall certify the highest ten eligibles on the most appropriate employment register plus the names of all those whose grades are tied with the tenth highest eligible, and if more than one vacancy is to be filled the name of one additional eligible for each additional vacancy. At the request of the appointing authority, preference in certification may be given to eligibles who have been legal residents of the State of Alabama for at least twelve months prior to the date the register was established. If it should prove impossible to locate any of the persons so certified, or if it should become known to the Director that any person is not willing to accept the position, the appointing authority may request that additional names be certified until the correct number of persons eligible and available for appointment has been certified. The appointing authority shall select one from those certified to fill the vacancy. "An appointing officer who passes over an eligible veteran and selects a non-veteran with the same or lower rating shall file with the Director the reasons for so doing."

(3) Extraordinary Appointments.

(a) Temporary Appointments. When the service to be rendered by an appointee is for a temporary period not to exceed 104 work days, and the need of such service is important and urgent, the Director may select for such temporary service any person on the proper eligible register without regard to his standing on such register. Successive temporary appointments to the same position or of the same person shall not be made under this provision. Acceptance or refusal by an eligible of such temporary appointment shall not affect his standing on the register, nor shall a period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position, nor shall it confer upon him any privilege or right or promotion, transfer, or reinstatement to any position in the classified service.

(b) Emergency Appointments. When an emergency arises such that, in order to prevent loss of public property or serious inconvenience to the public, one or more persons must be immediately employed without taking time to secure certification from the Director of the names of eligible persons, an appointing authority or subordinate officer or employee designated by him may appoint any qualified person during the period of the emergency but not for a period exceeding ten days. No vacancy in a permanent position caused by a resignation of which the appointing authority has had reasonable notice shall be considered an emergency. The

appointing authority or his authorized agent shall as soon as possible report to the Director any emergency appointment giving name of appointee, rate of pay, probable length of employment, nature of emergency, and nature of duties performed. Separation from service of an emergency appointee shall likewise be reported. No emergency appointment may be renewed. The Director shall have the right to make such investigation as he deems necessary to determine whether an emergency actually exists.

(c) Exceptional Appointments. Whenever there is a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can best be filled by the selection of some designated person of high and recognized attainments in such qualities, the Board upon recommendation of the Director may suspend the examination requirements in such case, but no suspension shall be general in its application to such place or position, and all such cases of suspension shall be reported in the annual report of the Department with the reasons for such action in each case.

(d) Provisional Appointments. Whenever it is impossible to certify eligible persons for appointment to a vacancy in the classified service, the appointing authority may nominate a person to the Director. If such nominee is found by the Director to have had experience and training which appear to qualify him for the position, the Director may authorize the appointment of such person to such vacancy only until an appropriate register can be established and appointment made therefrom. When the register is established, the Director will certify a certification of eligibles for the requested classification. In no event shall a provisional appointment be continued for more than 156 work days. Successive provisional appointments of the same person shall not be made. Time in service as a provisional appointment does not count toward the probationary period.

(e) Conditional Appointments. Any position to be filled due to circumstances requiring limited tenure, such as federal grant funding or substitution for an employee on extended leave without pay, can be made on a conditional basis requiring the vacating of such position by the incumbent upon expiration of the special conditions which authorized it, without further notice, process, or applicability of layoff procedures.

(f) Direct Appointment. The Director may designate certain job classes involving unskilled or semi-skilled work to which appointing authorities may make direct appointment of persons who meet the appropriately validated minimum qualifications prescribed for the designated class and the character of the

work performed by these jobs is to be such as to make normal examination difficult. Observed job performance is the only practical measurement of success for these positions.

1. A person wishing to apply will submit a State application directly to a prospective appointing authority in the manner prescribed by such authority. The appointing authority will determine if the applicant meets the established minimum qualifications, and shall choose among the qualified applicants in any suitable method which the appointing authority may wish to adopt. In making such choice, the appointing authority should be aware of the necessity for preferential consideration to veterans who are equally or higher qualified than a non-veteran applicant (Section 36-26-15). If the non-veteran is chosen in such situations, the appointing authority shall maintain in its records a letter stating the reasons for non-selection of the veteran.

2. The direct appointment shall be transmitted to the State Personnel Department and will be accepted by the Director after verification that the appointee meets the established minimum qualifications. The appointee shall serve a probationary period in the same manner as persons appointed after certification (see Rule 670-X-10) and will obtain permanent status in the classified service if, at the end of the Probationary Period, notice is sent to the Director that the appointee will be continued in his position as required by section 36-26-21(c) of the Act.

(g) Limited Tenure. An appointing authority may request of the Director that certain job classes involving specialized training be designated as limited tenure positions. Persons that meet the appropriately validated minimum educational qualifications prescribed for the designated job class may be appointed. The duration of the limited tenure position will be established by the Director.

1. A person wishing to apply must submit a State application to the prospective appointing authority. The appointing authority will determine if the applicant meets the established minimum education requirement, and shall choose among the qualified applicants in any suitable method which the appointing authority may wish to appoint.

2. The limited tenure appointment shall be transmitted to the State Personnel Department and will be accepted by the Director after verification that the appointee meets the established minimum education requirement.

(4) Appointments to Unskilled and Custodial Positions. Any appointing authority who has under his jurisdiction positions in the classified service involving unskilled or semiskilled labor or domestic work, or custodial work, when the character or place of the work makes it impracticable to supply the needs of the service by appointments made in the usual manner required by the Act, may request the Director for permission to fill such positions by appointment of persons meeting the minimum qualifications prescribed for the classes of positions in the classification plan. Prior to approval of each request for permission to use this procedure, the Director shall thoroughly investigate all circumstances and, if he approves the request, shall prescribe such administrative regulations and procedures as will ensure appointments on the basis of merit and fitness. Persons so appointed shall have no status in the classified service and shall not be entitled to any of the privileges of leave as provided in these rules for permanent employees in the state service. Wherever practicable the Director shall provide the selections in these classes to be made on some kind of competitive basis, and shall require prescribed procedures to be followed.
Author: Halycon Vance Ballard, Thomas G. Flowers
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670-X-9-.04 Selection From Within.

(1) Promotions. Within the discretion of the Director, vacancies in classified positions shall be filled, insofar as practicable, by promotion from among regular employees holding positions in the classified service. Promotion shall be based upon merit and competition and shall be made in accordance with the procedures established by those sections of these rules dealing with promotional appointments.

(2) Transfers. An appointing authority may, at any time, assign a classified employee under his jurisdiction from one position to another in the same class or comparable class determined by the Director or comparable class determined by the Director. Any classified employee may be transferred from a position in one department to a position in the same class in another department, provided that the Director has authorized the transfer and has received approval of both appointing authorities concerned. In every case involving transfer, the appointing authority shall submit a written request to the Director. A transfer from a position in a lower classification to a position in a higher classification in the same series shall be deemed a promotion and shall be made in the manner provided by the rules for promotional appointment. A transfer from a position in a higher classification

to a position in a lower classification shall be deemed a demotion and the procedures established by these rules for effecting a demotion shall apply. In the case of a transfer of an employee from one department to another, the attention of both appointing authorities shall be called to the leave status and seniority for employment of the employee. If the appointing authority to whose department the transfer is proposed is unwilling to accept the transfer with accumulated leave, the employee must use or lose such leave accumulated prior to the transfer.

(3) Demotions. An appointing authority may demote a classified employee under his jurisdiction from a position in one class to a position in a lower class in the same series or comparable classification as authorized by the Director. The appointing authority must give written notice which states the reasons for the demotion to the employee. The employee must be afforded a due process hearing prior to the implementation of the demotion. The employee may, within ten days, appeal the appointing authority's decision to the Director for review.

(4) Appointment of Classified Employee to Unclassified and Exempt Service. A classified employee who is appointed to fill a position in the unclassified service shall, at the conclusion of his occupancy of such position, resume his previous status in the classified service. Employees appointed to the unclassified service will accrue and use leave in the same manner as classified employees. Employees appointed to the exempt service will not earn leave. Any accumulated leave will be frozen and paid upon separation from State service.

Author:

Statutory Authority: Code of Ala. 1975, §§36-26-10, 36-26-23, 36-26-24, 36-26-25.

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