**Section 250.60 Eligible Registers**

a) Establishment of Registers

1) The employer shall establish three kinds of registers in each place of employment in accordance with this Part: reemployment, promotional, and original entry.

2) On a monthly basis, or as designated, the employer shall file with the office of the Executive Director a list containing name, class, date of examination, examination number and score of all candidates, and these records shall constitute the master record of examinations taken by the applicants of the System for that employer.

b) Composition of Registers

1) Reemployment registers shall contain names of status employees who have been laid off through reduction in force or who, because of reallocation or reclassification of positions or other causes not prejudicial to the service, have failed to gain eligibility in the new class or who have chosen not to qualify in the new class. The registers shall have the appropriate names listed according to class and in the order of seniority as earned up to the date of eligibility for a position on the reemployment register.

2) Each lesser unit shall have its own reemployment register.

3) Promotional registers shall be by class and shall contain names in the following categories and order:

A) Listed in order of total service in the class:

i) names of employees with status appointments, after having been certified from the promotional register, who have been laid off during the probationary period through reduction in force, with credit for total service as of date of layoff; or

ii) names of employees with status appointments, after having been certified from the promotional register and who, during the probationary period, have failed to gain eligibility following reallocation or reclassification of positions, with credit for total service as of date of ineligibility; or

iii) names of current employees reinstated by total service in accordance with subsection (j)(4).

B) Listed in order of promotional examination scores: names of successful candidates in accordance with Section 250.50(b).

4) Original entry registers shall be by class and shall contain names in the following categories and order:

A) Listed in order of total service to the employer: names of employees who have been, or who may be, separated from status appointments, after completion of at least six months of service to the employer, resulting from a permanent abolishment of a functional service, provided that not later than 90 days after the abolishment of the service, they have qualified for, and have received a passing score on, an original entry examination for the class.

B) Listed in order of total service in the class:

i) names of employees with status appointments, after having been certified from the original entry register, who have been laid off during the probationary period through reduction in force, with credit for total service as of date of layoff; or

ii) names of employees with status appointments, after having been certified from the original entry register and who, during the probationary period, have failed to gain eligibility following reallocation or reclassification of positions, with credit for total service as of date of ineligibility; or

iii) names of current employees reinstated by total service in accordance with subsection (j)(4).

C) Listed in order of total service in the class:

i) names of former employees restored by total service in accordance with subsection (j)(5); or

ii) names of employees seeking transfer, listed according to total service as of date of request for transfer.

D) Listed in order of original entry examination scores: names of successful candidates in accordance with Section 250.50(b) and employees seeking transfer in accordance with Section 250.100(c)(3).

c) Precedence of Registers. For appointment purposes, registers shall have precedence in the following order: reemployment, promotional, and original entry.

d) Certification from Registers

1) Reemployment in positions shall be made in accordance with the register, with highest seniority taking precedence. From a reemployment register, the employer shall certify only one name for appointment.

2) From the promotional register or original entry register, the employer shall certify the candidates with the three highest scores on the register at the time the vacancy is declared, or as otherwise provided under subsection (d)(3).

3) When ties in scores exist on an original entry register or promotional register for a class, all candidates with a tie score, and hence of the same relative excellence, shall be equally eligible to be considered as one of the available candidates certified from the register. The employer shall conduct an interview with, and shall consider, all candidates certified from the register in this manner prior to making its recommendation for selection, except that a single selecting official for the employer shall not be required to interview more than once the same candidate, as currently certified from the register, for a position of the same class.

4) If a total of three candidates are not available from the promotional register and/or original entry register, the employer shall certify those listed, and in addition may refer enough other candidates so that the employing officer has the choice of three candidates for the position. Such additional candidates as are necessary to provide the employing officer with a choice of three must be qualified for the class of the position to which referred and may be employed in accordance with Section 250.70(b)(1) and Section 250.90(b)(6).

5) A promotional register and/or an original entry register becomes closed for the purpose of certification of the names of candidates to a particular vacant position at a time established by the employer. Once this time has been established, it must become a matter of record, and it cannot be changed unless, when this time is reached, the employer is unable to provide to the selecting official three candidates from the promotional register and/or original entry register, and the selecting official wishes to interview three candidates prior to filling a position, whereupon a new date must be established in accordance with the aforementioned procedure. The selecting official shall interview from the registers, for any one vacancy, in accordance with the provisions of subsection (d)(3).

6) Candidates on an eligible register may be referred concurrently to more than one vacancy in the appropriate class, if, in the judgment of the employer, the procedure is needed to speed up employment transactions. Total referrals to a vacant position are to be limited to the candidates with the top three scores, or in accordance with the provisions of subsection (d)(3).

7) The name of a candidate on a register, who at the time of induction into military service is an employee of an employer under the University System, shall be placed in suspension until the termination of military service, at which time his/her name shall be reactivated on the appropriate register in the order of his/her score on the original examination, providing the register of the class has not been voided during the period of his/her military leave.

8) In making a selection from among those candidates with the top three scores certified from the register, and in accordance with the provisions of subsection (d)(3), the employer shall not discriminate because of race, color, religious or political affiliation, or because of age or sex, when the reasonable demands of the position do not require such a distinction.

9) The Executive Director may authorize specialized position certification for eligible register candidates or incumbents who possess special and identified qualifications that are job-related requirements for a specific position, as well as being fully qualified for the class. Upon certification from a register, candidates with the top three scores who possess the established specialized requirements shall be referred for interview.

e) Acceptance of Candidates. The employer shall record the appointment of the candidate selected, and shall return the names passed over to the appropriate eligible register for future certification.

f) Registers by Places of Employment

1) Applicants applying for examinations will be asked to specify places of employment at which they will accept employment, except as provided for in subsection (f)(4), and a statement of that place of employment preference shall constitute a refusal by the candidate of employment at other places of employment. The statement of limited availability shall not constitute a refusal to accept an offer of employment as defined in subsection (g)(5), or employment in the place or places of employment in which the candidate declares himself/herself available for employment. A candidate may amend his/her statements of availability at any time while his/her name is on a register.

2) Following examination, a candidate may request the transfer of an active passing original entry examination score to a place of employment other than the one at which he/she originally wrote the examination.

3) Following examination, a candidate may request the transfer of an active passing promotional examination score to any place of employment within his/her employing institution or agency.

4) In an institution with multi-campus operations, in which a central administrative unit has been established by the Merit Board as a separate place of employment, promotional registers and original entry registers for that place of employment shall be an amalgamation of all promotional registers and original entry registers, respectively, of all places of employment established for that institution.

g) Mandatory Removal of Names from Registers. The employer shall remove the names of candidates from the reemployment registers, original entry registers and promotional registers for the reasons set forth in subsections (g)(1) through (9). The reasons are:

1) Certification from the register to a status position in a specific class and acceptance of a status appointment in that position and class.

2) Death of the candidate.

3) Receipt of proof or determination by the Merit Board that the candidate lacks any of the required qualifications, or is subject to rejection for any cause specified in Section 250.50(c).

4) Receipt by an employer of a written request from the candidate to remove his/her name from a register.

5) Refusal, without reasonable cause, to accept three offers of status appointment by the candidate.

6) Resignation of the candidate from a status position.

7) Attempt by a candidate to practice any deception or fraud in connection with an examination or application for employment.

8) When a change in class or testing standards or another classification plan change requires removal. In this instance, specific guidelines for the removal of names from registers shall be provided by the University System.

9) From promotional registers at the termination of the leave of absence from a position in his/her former class when a candidate accepts a position in a class outside the promotional line of the applicable registers.

h) Permissive Removal of Names from Registers. The employer may remove the names of candidates from original entry registers and from promotional registers for the reasons set forth in this subsection (h). Names of candidates may be removed from reemployment registers for the reasons set forth in subsections (h)(1) through (7). The reasons include, but are not limited to, the following:

1) Failure of a candidate to report for work without good cause within the time prescribed by the employer, after accepting a status or a temporary appointment.

2) Leaving the service of any employer served by the University System by an employee with a status appointment.

3) Failure to reply to the employer within seven calendar days immediately following an offer of a status or a temporary appointment by an employer.

4) Notice by postal authorities of their inability to locate the candidate at his/her last known address, or verbal notice from the owner or occupant of the premises that the candidate is no longer at his/her last known address and that no forwarding address has been provided.

5) Failure of a candidate, upon request, to furnish written evidence of availability for employment.

6) Failure, without reasonable cause, to reply to the employer or appear for an interview within a reasonable time prescribed by the employer, when the employer has mailed either a notice of a vacancy in a status or temporary position or a letter of interest to the candidate's last known address.

7) Upon the candidate's acceptance of a promotion.

8) Failure of a candidate to be selected for employment after four referrals for a status appointment in the same class.

9) When candidates' names have remained on original entry registers for two consecutive years following date of most recent examination, or following date of original entry restoral on the basis of service or seniority in accordance with subsection (j)(3), (4) or (5).

10) In classifications identified by the Executive Director and approved by the Merit Board, upon the expiration of the designated timeframe specified in a formal position vacancy posting. Classifications to be included under this provision shall be determined by, but not limited to, an evaluation of the following factors: occupation area, employment and turnover rates, pre-employment screening protocols utilized, operational needs and trends, and/or other special circumstances and justification.

i) Notification of Candidates of Removal of Names from Registers. Candidates whose names are removed from reemployment registers, promotional registers, and/or original entry registers in accordance with subsections (g) and (h) shall be notified in writing by the employer and provided the reason for the removal.

j) Restoration of Names to Registers. The employer may return to an appropriate register:

1) Within one year after the date of removal, any name removed from a register for the reasons set forth in subsections (g)(3) or (4), or in subsection (h).

2) Any name to a reemployment register as provided for in Section 250.110(b)(3)(G)(i).

3) Any name of an employee to an original entry register or to a promotional register who has qualified by examination and who has been laid off during his/her probationary period, in the order of length of service in the class determined in accordance with Section 250.90(b)(4) and (5).

4) The name of a current employee who has been previously employed in a class for which restoral is being requested by service and/or seniority in that former class.

5) The name of a former status employee who resigned or otherwise has been separated from employment in good standing and who, within one year after resignation or separation from employment, requests restoration to a register shall, upon approval of the employer, be restored on the original entry register in accordance with seniority earned as of the date of resignation or separation as determined in accordance with Sections 250.90(b)(5) and 250.120(e). The former employee may be required to pass physical tests or other tests required by this Part to determine fitness at the time of restoral. Seniority earned prior to resignation shall be restored.

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