**Section 420.310 Appointment and Selection**

a) Eligible Lists: The Department of Personnel shall establish and maintain lists of qualified applicants for positions covered by Jurisdiction B of the Code. Such applicants shall have successfully qualified through competitive examinations as provided in Section 420.300(a). The names of qualified applicants shall be arranged in the order of their relative excellence, whether by numerical grade or category grouping. The length of time an eligible applicant's name may remain on the eligible list shall be established by the Director of Personnel.

b) Responsibilities of Eligibles: It shall be the responsibility of each eligible applicant to inform the Department of Personnel in writing of any changes in name, address or availability for employment.

c) Geographical Preference: Applicants for employment shall specify one or more of the locations or areas in which they will accept employment from those choices made available at the time of examination or that may be made available at a later date. Unless otherwise noted in the examination announcement, applicants may select a statewide preference, but will not be considered for employment until all available candidates for the specific geographical location have been exhausted.

d) Removal of Names From Eligible Lists:

1) The Director of Personnel shall remove names from an eligible list for cause, including but not limited to any of the following reasons:

A) Appointment of the eligible applicant from the eligible list;

B) Death of an eligible applicant;

C) Notice by postal authorities that they are unable to locate the eligible applicant at his/her last known address;

D) Attempt by an eligible applicant to practice any deception or fraud in connection with an examination or application for employment;

E) Evidence that the eligible applicant lacks any of the qualifications required for the class for which he/she was erroneously declared eligible;

F) Request of an eligible applicant to remove his/her name from the eligible list;

G) The applicant's name has remained on the eligible list for 12 months; or

H) The applicant has been discharged, terminated, or otherwise involuntarily separated from employment with the Office of the Secretary of State.

2) The Director of Personnel may remove names from an eligible list, upon notice to the applicant, for reasons including but not limited to the following:

A) Failure of an eligible applicant, upon referral, to reply or to report for interview;

B) After accepting employment, failure without good cause to report to work within the time prescribed by the employing department or the Department of Personnel;

C) Failure of an eligible applicant, upon request, to furnish written evidence of availability for employment;

D) Specifying conditions of employment by an eligible applicant that are not associated with the class for which the applicant is eligible;

E) Refusal of an eligible applicant to accept 3 separate offers of employment;

F) After an eligible applicant has been passed over 3 times by the same department, the department may request removal of the eligible applicant from the list for good and sufficient cause;

G) Poor work history of the eligible applicant;

H) Former experience, history or background of the eligible applicant is not compatible with duties and responsibilities of the class;

I) Physical inability of eligible applicant to perform the duties and responsibilities of the class;

J) After eligible applicant accepts promotion;

K) When a change in classification or testing standards, or another change, requires removal;

L) Conviction of an eligible applicant of a felony or of a crime that is relevant to the position for which the person is testing or being hired; or

M) Conviction of a crime involving alcohol or drugs.

e) Replacement of Names on Eligible List:

1) The Director of Personnel may restore a name to the same eligible list when that action would be in the best interest of the Office of the Secretary of State, including but not limited to:

A) Names of eligible applicants who, upon removal from list for failure to reply due to powers beyond control, did not receive referral in time to respond in the prescribed amount of time;

B) Names of veterans returning from active military service of not more than 4 years shall be restored to an eligible list for a period of 12 months for the same class if the request is made by the veteran within 90 days after discharge, or after release from hospitalization continuing after discharge but for not more than one year. The eligible applicant must provide evidence of satisfactory completion of training and service when making the request and be qualified to perform the current duties of the class;

C) Names of employees who are laid off during their probationary period shall be returned to the eligible list for the class in which the layoff occurred.

2) Names so restored shall be at the grade in effect when the removal from the list was made and may not remain on the list after that period of time equal to the unexpired time remaining of the original eligibility, except as provided in subsection (e)(1)(B).

f) Appointment from Eligible List: When an appointment to a position is made from an eligible list resulting from an open competitive examination, the appointment shall be made from among those available persons with the 10 highest grades, if the list is in order of numeric examination grade. If the list is in category groupings, the appointment shall be made from among available persons in the highest ranking category in which there are 3 or more available eligibles, as well as those in all higher categories, except as provided for under subsection (g).

g) Extension of Jurisdiction B:

1) Employees in positions to which Jurisdiction B is extended pursuant to Sections 5d and 10d of the Merit Employment Code shall be continued in those positions and shall attain certified status in those positions provided they pass a qualifying examination prescribed by the Director of Personnel within 6 months after the jurisdiction is extended and provided that they satisfactorily complete their respective probationary periods.

2) Appropriate standards for probationary appointments shall be prepared by the Director of Personnel and appointments of employees in accordance with subsection (g)(1) shall be without regard to eligible lists. Further, these appointments shall be made without regard to the provisions of subsection (f). Nothing in this subsection (g) shall preclude the reclassification or reallocation, as provided by this Part, of any position held by an incumbent.

h) Appointments – Positions Subject to Jurisdiction B: Positions covered by Jurisdiction B of the Code shall be filled in one of the following ways:

1) By appointment of an eligible applicant standing among the 10 highest scores on an eligible list that is numerically rated;

2) By appointment of an eligible applicant from the highest ranking group of 3 or more available eligibles from an eligible list that is not numerically rated;

3) By present employees (May 24, 1977) who have passed examinations in accordance with the Personnel Code [20 ILCS 415] under the Governor of Illinois and who having passed the probationary period shall be continued in their positions without further examination;

4) By present employees (May 24, 1977) who having been promoted in accordance with the rules under the Personnel Code under the Governor of the State of Illinois (80 Ill. Adm. Code 302) shall be continued in their positions without further examination;

5) By present employees (May 24, 1977) who having passed examinations in accordance with the Personnel Code under the Governor of the State of Illinois, but who have not completed the probationary period shall be continued in their positions and be given credit for such probationary time toward the completion of the probationary period provided by this Part;

6) By all other present employees subject to Jurisdiction B who shall be continued in their positions providing that they have passed a qualifying examination within 9 months after May 24, 1977;

7) By present employees (May 24, 1977) or past employees who have rights or privileges arising under the Personnel Code under the Governor of Illinois or through judicial process and who shall be continued in the extent of such rights and privileges;

8) By an appointment to a position through promotion of an employee who is qualified pursuant to Section 420.370(b);

9) By emergency appointment for a period not in excess of 90 calendar days to meet emergency situations. Emergency appointments may be made without regard to eligible lists. These appointments may not be renewed;

10) By temporary appointments to positions that are temporary or seasonal in nature as determined by the Director of Personnel. These appointments shall not exceed 6 months out of any 12 month period or be temporary appointments to positions authorized by the Illinois Pension Code [40 ILCS 5/14-111] for a period not to exceed 75 working days in a calendar year. Temporary appointments may be made without regard to eligible lists;

11) By provisional appointments to positions without competitive examination when there is no appropriate eligible list. Provisional appointments may not exceed 6 months out of any 12 month period;

12) By the transfer of employees from one position to another if the qualifications, responsibilities, duties and salary range are similar;

13) By reinstatement of persons who formerly held certified status under the Code, the Personnel Code [20 ILCS 415], the State Universities Civil Service Act [110 ILCS 70], the Comptroller Merit Employment Code [15 ILCS 410], or the State Treasurer Employment Code [15 ILCS 510]. To be eligible for reinstatement, these persons shall have resigned while in good standing or shall have been laid off from employment within their respective merit systems, except as provided in Section 420.430(k);

14) By reemployment of an employee whose name appears upon a reemployment list; the reemployment may be made to positions in the same or lower salary range as the salary range applicable to the position from which the person to be reemployed was laid off; reemployment appointments shall be of qualified employees and shall be made after consideration of continuous service and performance records;

15) By the appointment of trainees into training programs approved by the Director of Personnel; those appointments may be made with or without examination of applicants; trainees do not acquire any rights under Jurisdiction B of the Code by virtue of trainee appointments;

16) By the reduction in rank or class of an employee, for cause, with the prior approval of the Director of Personnel;

17) By the transfer of active, certified or probationary employees from the jurisdictions of the Personnel Code, the State Universities Civil Service Act, the Comptroller Merit Employment Code or the State Treasurer Employment Code, upon the approval of the Director of Personnel, to comparable positions of employment. A person so transferred shall retain the same status under the Code as that which he or she held under previous merit employment.

i) Appointments: The following types of appointments may be made by the Director of Personnel.

1) Exempt: For persons in positions not subject to Jurisdiction B. If an exempt employee's position becomes subject to Jurisdiction B by reason of extension of Jurisdiction B, pursuant to Section 5d and 10d of the Code, the employee shall establish eligibility for the position by passing satisfactorily a qualifying examination prescribed by the Director of Personnel within 6 months after the extension of Jurisdiction B to the position. In all other cases, if an exempt employee's position becomes subject to Jurisdiction B, the employee shall establish eligibility for the position within 6 months by successfully competing in the open competitive examination and receiving a probationary appointment according to applicable rules.

2) Emergency: For persons selected to meet emergency situations. Such appointments shall not exceed 90 calendar days, shall not be renewed, and may be made without regard to an eligible list. Notices of terminations shall be reported to the Director of Personnel.

3) Temporary: For persons in positions to perform temporary or seasonal work to be filled for no more than 6 months out of any 12 month period, or for persons in positions authorized by Section 14-111 of the Illinois Pension Code to be filled for no more than 75 working days per calendar year.

4) Provisional: For persons in positions for which there are fewer than 10 available eligibles on the open competitive eligible list, if the list is in order of numeric examination grade, or fewer than 3 available eligibles, if the list is in category groupings. No positions shall be filled by provisional appointment for more than 6 months out of any 12 month period. If a provisional employee's position is allocated to a class for which there are available eligibles, eligibility for the positions shall be established within 90 days through successfully competing in the open competitive examination and receiving a probationary appointment according to subsection (i)(5).

5) Probationary: For persons appointed from an eligible list, for persons receiving a promotion and for persons being reinstated. If a probationary employee's position is declared exempt from Jurisdiction B, the balance of the probationary period shall be served after which certified status shall be attained.

6) Trainee: For persons in positions pursuant to established trainee and apprenticeship programs.

(Source: Amended at 35 Ill. Reg. 4278, effective March 1, 2011)