**Section 500.210 Application and Examination**

a) Examination:

1) The Director shall conduct examinations to test the relative fitness of applicants for positions subject to Jurisdiction B of the Code. Examinations may include an evaluation of such factors as education, experience, training, capacity, knowledge, manual dexterity, character, and physical fitness. Tests shall be job related and may be written, oral, physical demonstration of skill, an evaluation of physical or manual fitness, or an evaluation of education and experience. Examinations shall consist of one or more tests in any combination. Where minimum or maximum requirements are established for any examination, they shall be specified in the examination announcement.

2) Applicants shall not be questioned with respect to non-merit matters except as is necessary to meet the requirements of law or State policy.

3) In lieu of announcing or conducting examinations, the Director may accept the results of competitive examinations conducted by any established merit system subject to the Director's determination that such examinations are comparable in difficulty and comprehensiveness to those conducted by the Department of Personnel for similar positions.

b) Examinations – Time and Place: Examinations shall be held at such times and places as are necessary to meet the requirements of the Office of the Comptroller, provide economical administration, and be generally convenient for applicants. The Director may cancel or postpone examinations at any time.

c) Veterans' Preference: Qualified persons who have passed an examination and who have been members of the armed forces of the United States in times of hostilities with a foreign country (as set out in the Comptroller Merit Employment Code) or while citizens of the United States were members of the armed forces of allies of the United States in time of hostilities with a foreign country, shall be granted preference in entrance examinations as follows:

1) Five points shall be added to the entrance grade for such nondisabled veteran eligibles.

2) Ten points shall be added to the entrance examination grade for such veteran eligibles currently receiving compensation from the United States Veterans' Administration or from such allied country for war service-connected disabilities.

3) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the nonveteran eligibles in the same category.

d) Public Notice of Examinations: The Director shall give public notice of examinations at least two weeks in advance of such tests except as otherwise noted. Announcements shall be posted in a conspicuous place in each office of the agency and Department of Personnel. Announcements shall specify the day and manner in which an application for examination shall be made.

e) Notice to Eligibles: In the event a change in the classification or testing standards or other change requires the elimination of an eligible list for a class, or of certain previously qualified eligibles from such a list, the Director shall notify each person thus losing eligibility of such new or revised requirements as soon as practicable, and when the revised examination is repeated, shall again notify each person in order that each may be given an opportunity to reestablish eligibility.

f) Test Rating – Notice and Review: The rating of each test shall be completed and the resulting list established as quickly as reasonably practicable. Each person competing in any test shall be given written notice of his/her final earned rating or of his/her failure to attain a place on the list.

g) Retaking or Regrading Examinations: The retaking or regrading of examinations will be permitted only in accordance with the following provisions:

1) Retaking examinations –

A) No applicant shall be permitted to retake a test or tests included within an examination until 30 days have elapsed. This limitation may, however, be waived when in the judgment of the Director the best interests of the State require such waiver.

B) No applicant may be permitted to retake a test included within an examination more than 12 months after the original date of examination.

C) For purposes of ranking on eligible lists, the grades of applicants who retake a test or tests included within an examination shall be computed by using the latest passing scores attained by such applicants.

2) Regrading examinations –

A) At the request of an applicant who has completed an open competitive examination, the Director may regrade the examination taken by that applicant for placement on the eligible list for another class when the qualifications and examination standards for the new class are similar to those of the class for which tested.

B) When a candidate makes an application for subsequent examination for the same or a different title having one or more identical tests which had been taken within the preceding 12 months, the Director may utilize the test or tests previously taken in lieu of requiring the candidate to repeat the applicable test or tests included within the examinations.

h) Equal Opportunity: Applicants or employees shall not be discriminated against on the basis of race, religion, sex, marital status, national origin, political affiliation, or membership in, or activity in or on behalf of employee labor organizations, or any other non-merit factor. Applicants capable of performing the duties in the class shall not be discriminated against because of physical or mental handicap.

i) Removal of Examination Material From Premises: Any applicant or unauthorized employee of the Office of the Comptroller removing examination materials from the premises at which examinations are being administered or stored in any manner whatsoever, shall be subject to prosecution.

j) Admission to Examinations: Admission to competitive examinations shall be open to all persons who meet such requirements as have been established by the Director and may be lawfully appointed to the position. The Director may reject the application of any person for admission to a test or decline to test or certify for employment any applicant who:

1) Subsequent to participating in the examination is found to lack the qualifications prescribed for admission to the test as announced in the public notice;

2) Is physically unfit to perform effectively the duties of the class;

3) Has used, or attempted to use, bribery or political influence to secure an advantage in testing or appointment;

4) Has made false statements of any material fact or has practiced deception or fraud in the application or test;

5) Does not meet the United States Department of Justice Immigration and Naturalization Service regulations for permanent employment;

6) Is found guilty of a violation of this Part or any of the provisions of the Merit Employment Code relating to participation in examinations.

k) Residency Requirement: Applicants who are not residents of the State of Illinois may be appointed only upon the waiver of residency requirements by the Director and only when there are fewer than three qualified residents of Illinois available.

l) Employment of Family Members: Family member status shall constitute neither a deterrent nor an advantage to employment, provided that the individual fulfills all objective job-related qualifications, except for reasons of business necessity as established by the Office of the Comptroller.

m) Linguistic Requirements: The Director may establish linguistic options when he deems such options to be appropriate.

n) Eligible Lists: The Department 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 500.210(a). The names of successful applicants shall be arranged in the order of their relative excellence whether by numerical grade or category grouping. The length of time an eligible's name may appear on the list shall be specified in the examination announcement. A separate eligible list will be maintained for intermittent applicants.

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

p) Geographic 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 the examination or which may be made available at a later date.

q) Removal of Names From Eligible Lists:

1) The Director shall remove names from an eligible list for any of the following reasons:

A) Appointment of an eligible from the eligible list;

B) Death of an eligible;

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

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

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

F) Request of an eligible to remove name.

2) The Director may remove names from an eligible list for any of the following reasons. Eligibles shall be notified of such removal.

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

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

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

F) After an eligible has been passed over two times after referral to the same department for the appointment of an eligible lower on the eligible list, and the department head concerned requests removal of the eligible from the list for good and sufficient cause;

G) Poor work history of eligible;

H) Former experience and history of eligible not compatible with duties and responsibilities of the class;

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

J) After eligible accepts promotion;

K) When a change in either classification or testing standards or other change requires such action;

L) Conviction of an eligible of a felony;

M) Addiction of an eligible to narcotics or to alcohol.

r) Replacement of Names on Eligible List: The Director may restore a name to the same eligible list when such action is in the best interest of the Office of the Comptroller.

1) Names of veterans returning from active military service of not more than four years shall be restored to an eligible list for the same class if the request is made by the veteran within 90 days after discharge or from hospitalization continuing after discharge for not more than one year. The eligible 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.

2) 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.

3) 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 which is equal to the unexpired time remaining of the original eligibility.

s) Appointment From Eligible List: When an appointment to a position is made from an eligible list resulting from an open competitive examination, such appointment shall be made of the person standing among those who are available within the three highest grades, if such list is in order of examination grade, or from the highest ranking group, if such list is in category grouping, except as provided for under subsection (v) of this Section.

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

1) By appointment of an applicant standing among the three highest on an eligible list which is numerically rated;

2) By appointment of an applicant from the highest ranking group of eligibles from an eligible list which is not numerically rated;

3) By persons employed as of August 23, 1978 who have passed examinations in accordance with the Personnel Code under the Governor of Illinois and who having passed the probationary period shall be continued in their positions without further examination;

4) By persons employed as of August 23, 1978 who having been promoted in accordance with the Rules under the Personnel Code under the Governor of the State of Illinois shall be continued in their positions without further examination;

5) By persons employed as of August 23, 1978 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 12 months after August 23, 1978;

7) By persons employed as of August 23, 1978 or past employees who have rights or privileges arising under the Personnel Code [20 ILCS 415] under the Governor of Illinois 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 500.260(a);

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. Such appointments may not be renewed;

10) By intermittent appointments from an eligible list to positions not to exceed 1200 hours per year (12 month periods), minimum of 600 hours, to meet the operation needs of a department in periods of increased workloads;

11) By temporary appointments to positions which are temporary or seasonal in nature as determined by the Director. Such appointments shall not exceed six months out of any 12 month period;

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

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

14) By reinstatement of persons who formerly held certified status under the Code, the Personnel Code of Illinois, the Secretary of State Merit Employment Code, or the University Civil Service System of Illinois. To be eligible for reinstatement, such persons shall have resigned while in good standing or shall have been laid off from employment within their respective merit systems;

15) By reemployment of an employee whose name appears upon a reemployment list; such reemployment may be made to positions in the same or lower salary range as to that 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 seniority and performance records;

16) By the appointment of trainees into training programs approved by the Director; such 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;

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

18) By the transfer of active, certified employees from the jurisdictions of the Personnel Code of Illinois, the Secretary of State Merit Employment Code or the University Civil Service System; persons so transferred shall retain the same status under the Code as that which they held under their previous merit employment.

u) Types of Status: The following types of appointments may be made by the Director:

1) Exempt:

A) 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 10d of the Merit Employment Code [15 ILCS 410/10d], such employee shall establish eligibility for such position by passing satisfactorily a qualifying examination prescribed by the Director within six months after the extension of Jurisdiction B to such position.

B) In all other cases, if an exempt employee's position becomes subject to Jurisdiction B, such employee shall establish eligibility for such position within six 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 days, shall not be renewed, and may be made without regard to an eligible list. Notices of selections and terminations shall be reported to the Director.

3) Temporary: For persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than six months out of any 12 month period.

4) Intermittent: For persons in positions to perform intermittent work. No positions shall be filled by intermittent appointment for more than 1200 hours out of any 12 month period, a minimum of 600 hours.

5) Provisional: For persons in positions for which there are fewer than three available eligibles on the open competitive eligible list. No positions shall be filled by provisional appointment for more than six 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 such position shall be established within 90 days through successfully competing in the open competitive examination and receiving a probationary appointment according to the applicable rules herein.

6) 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.

7) Certified: For persons having successfully completed the required probationary period. If a certified employee's position is declared exempt from Jurisdiction B, certified status shall be retained in that position.

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

v) Extension of Jurisdiction B:

1) Employees in positions to which Jurisdiction B is extended pursuant to Section 10d of the Merit Employment Code [15 ILCS 410/10d] shall be continued in such positions and shall attain certified status therein provided they pass a qualifying examination prescribed by the Director within six months after such jurisdiction is extended and provided they satisfactorily complete their respective probationary periods.

2) Appropriate standards for probationary appointments shall be prepared by the Director and appointments of such employees shall be without regard to eligible lists and without regard to the provisions of the Code and this Part requiring the appointment of the person standing among the three highest on the appropriate eligible list to fill a vacancy or from the highest category ranking group if the list is by ranking instead of numerical ratings. Nothing herein shall preclude the reclassification or reallocation as provided by this Part of any position held by any such incumbent.

(Source: Amended at 21 Ill. Reg. 13294, effective September 15, 1997)