

HUMAN RESOURCES MEMORANDUM 03-002	DATE ISSUED: 01/09/2003
SUBJECT: TRANSFER OF LIST ELIGIBILITY	REFERENCE: None
TO: Operating Team, Office Branch Chiefs, Personnel Liaisons	SUPERCEDES: None

PLEASE ENSURE THAT THIS INFORMATION IS SHARED WITH YOUR EMPLOYEES

The Department of General Services (DGS) Office of Human Resources (OHR) has been delegated authorization by the State Personnel Board (SPB) to establish departmental procedures for the approval of Transfer of List Eligibility.

However, before requesting a Transfer of List eligibility, the DGS Office should consider other alternative methods of filling the vacancy such as Training and Development Assignment, job rotation or transfer of employee (s).

The following departmental procedures are in conformity with existing SPB policy and guidelines pertaining to Transfer of List Eligibility, (Government Code 18950; Selection Manual Section 6915; Payroll and Procedures Manual Section 30 Under Certification; and Title II California Code of Regulations Section 154).

Any questions regarding this memorandum should be directed to your assigned Personnel Analyst.

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LWC:BM

cc: Assistant Personnel Managers
Personnel Analysts
Selection Analysts
Personnel Transactions Unit

Subject: Transfer of List Eligibility

Definition/Explanation:

Employees with promotional list eligibility who move from one agency or subdivision to another agency or subdivision without a break in service may transfer such promotional list eligibility to the appropriate promotional list of the new agency or subdivision if such list was established as a result of an examination for the same subject matter and with the same education and experience admittance requirement, with the provision that a conditional job offer made by the hiring office.

Policy:

Pursuant to the Selection Manual Section 6915, the DGS adopts the following policies with regard to Transfer of List Eligibility. Transfers of Eligibility must still follow all of the rules set forth in Section 6915 regarding the two lists being established as result of examinations that were similar in complexity and scope and covered the same general subject matter.

OPEN LISTS:

If the individual is NOT reachable on the other department's list, then the individual may NOT transfer their eligibility to the DGS list no matter how many names are on the DGS list. No consideration shall be given to whether they would be reachable on the DGS list after the transfer of list eligibility. Instead, permission to use the other department's list as an appropriate should be requested once the DGS list is exhausted. Once the other department has granted permission, the appropriate procedures must be followed to clear ranks to reach the desired candidate.

State Personnel Board (SPB) takes the stand that for an "Open" to "Open" transfer of list eligibility, the candidate must be reachable on the "from" list prior to transferring their eligibility. Departments can no longer create eligible lists, there must be a list in existence (an active list with 0 names is considered a list in existence). However, if there are less than two (2) names on the list, the department must assess if promotional candidates would be disadvantaged.

PROMOTIONAL LISTS

1. If The DGS List Contains From Zero (0) to Two (2) Names
 - a) Vacancies: The department should consider those factors in the selection manual (Section 6915) that pertain to disadvantaging potential promotional candidates within the department when there are less than 3 names (0-2). There may be a number of employees newly eligible to take a new promotional exam if administered. A review should be made on a case-by-case basis. If our list has one (1) or two (2) names, then permission must be requested to use the other department's list as an appropriate so the office has at least three names from which to make a selection. If permission is received from the other department, their list would merge with the DGS list and the names from the DGS list would show on top of the other department's list. The office must then follow the appropriate procedures to clear ranks to reach the desired candidate.
 - b) Promotion in Place: If a current employee is NOT reachable on the other department's list and the office is seeking to promote the employee in place, the office may transfer the eligibility of the employee to the DGS list IF the DGS list currently has from zero (0) to two (2) names since no true vacancy exists.
2. If The DGS List Contains Three (3) Or More Names
 - a) The individual must be reachable on the other department's list and would have to be reachable on the DGS list after the transfer of eligibility in order to appoint that individual. It makes no difference if the transfer of eligibility is sought due to a vacancy or due to a promotion in place.

NO LIST:

If the DGS does not have a list, then a transfer of eligibility may NOT be used to “create” a list of one. There must be a DGS list in existence for that classification in order to transfer eligibility even if the DGS list currently contains zero (0) names as being active. Instead, permission to use the other department’s list as an appropriate must be requested. Once permission has been obtained, the appropriate procedures should then be followed to clear the ranks necessary to reach the desired candidate.

Transfer of list eligibility is discretionary based on the receiving department’s determination that the examinations were similar in complexity and subject matter. The ability to transfer list eligibility may reduce unnecessary examining and offer additional employment opportunities for the eligible candidate. Current statutes that govern transfer of list eligibility permit a flexible policy that maintains basic merit principles. Specific definitions, requirements, and restrictions are provided as guidelines for interpreting SPB Rule 154 in accordance with Government Code Section 18950 and determining appropriate transfers of list eligibility.

There is also another option for Transferring List Eligibility. If the employee changes departments he/she can request their eligibility to be transferred to the new department and this only requires the new department’s approval (must still meet similar exam plan, etc.). In this case, the employee’s placement on the list is not even a consideration. Note: it has long been the policy and practice of the DGS to transfer the eligibility of a current DGS employer only if they have a conditional job offer made by the hiring office.

The above practice is the current practice. However, the State Personnel Board (SPB) will be proposing to make the Transfer of List Eligibility from “open” to “open” and “promo” to “promo” the same, which would mean that the eligible must be reachable prior to transferring to open or promo list. The third option, when the employee changes departments will remain the same.

Procedures:

Upon completion of the hiring interviews and the provision of a conditional job offer, the Office/Branch contacts the Classification and Pay (C&P) Analyst to review the request for Transfer of List Eligibility and verify that the request is in conformity to SPB policy regarding transfer eligibility.

The C&P Analyst then reviews and obtains approval for the transfer from the department program originating the “from” list.

The C&P Analyst notifies the Office/Branch of the Transfer of List Eligibility approval. With the provision of a conditional job offer, the C&P Analyst will complete a portion of the “Transfer of List Eligibility Request”, Form GS-29 (NEW 6/93) (TOE) and forwards the form to the hiring office for the applicant to complete and return to the C&P Analyst for processing. In all instances the eligible employee must verify that he/she did not participate, within the last 12 months, in the examination that established the list to which the transfer is being requested. The hiring authority forwards the form to the assigned C&P Analyst for final review, approval and signature.

The C&P Analyst then sends the TOE to the Certification Unit, Personnel Specialist, who will process the TOE form, order and clear the Certification List and attaches the TOE form to the cleared Certification List.