

4.0 SELECTION

4.10 APPLICANT PROCESSING

The State Personnel Board shall set forth standardized procedures for processing applications, uniformly evaluating training and experience, maintaining lists of eligibles, and certifying eligibles.

4.11 THE APPLICATION PROCESS

4.11.1 Application Form

- A. All applications for state service positions and the non-state service positions in Section 4.13.1 shall be on the State of Mississippi Application.
- B. The State Personnel Director shall be responsible for the format and may amend the State of Mississippi Application as needed.
- C. The State Personnel Director may require that only the original State of Mississippi Application be accepted by the State Personnel Board for evaluation. Photocopied State of Mississippi Applications may be returned without consideration.

4.11.2 When Applications Shall Be Filed

- A. The State Personnel Director may establish procedures, which allow the following employees and/or applicants to file applications for employment at any time:
 - 1. current employees with at least six (6) months of continuous service;
 - 2. persons who were terminated from the state service due to a Reduction in Force (RIF) within the last twelve (12) months;
 - 3. former employees who left the state service in good standing within the past twelve (12) months, and who had completed at least six (6) months of continuous employment.
- B. Applicants not meeting the criteria for the above must file an application during a period of announced recruitment.
- C. Applicants for job classifications on open recruitment shall file all applications on or prior to the closing date specified in the announcement.

4.11.3 Locations Where Applications May Be Filed

- A. Applications for state service positions may be filed at the State Personnel Board in Jackson or at the Mississippi Department of Employment Security Workforce Investment Network (WIN) job centers statewide. The State Personnel Board may provide for the filing of applications at additional locations.
- B. An individual is not considered a bona fide applicant until the application is received by either the State Personnel Board or the Mississippi Department of Employment Security. Individuals who file an application directly with a state agency/board, etc., are not considered a bona fide applicant until the application is received by the State Personnel Board.
- C. Applications for positions and job classifications falling under Section 4.11.9 shall be exempt from Section 4.11.3.

4.11.4 Who May Apply For State Employment

- A. An applicant is defined as any individual who files his/her State of Mississippi Application in accordance with Sections 4.11.1, 4.11.2, and 4.11.3.
- B. All State of Mississippi Applications shall be signed by the applicant, and the truth of the statements contained within the Record shall be certified by the applicant's signature. If the application is submitted electronically, all statements in the application are considered true and correct. The applicant's signature is required when an offer of employment is made by the appointing authority.
- C. The State Personnel Director shall have final authority in determining the validity of the application.
- D. A State of Mississippi Application determined to be invalid shall be returned to the applicant.
- E. A State of Mississippi Application returned as invalid and subsequently re-submitted must meet the validity requirements effective on the last date received.
- F. Agencies may submit a State of Mississippi Application for agency-only non-competitive promotion with a formal petition for approval.

4.11.5 Evaluation of Experience and Training

- A. All prospective or current state service employees shall have their State of Mississippi Application formally evaluated prior to appointment or promotion except as provided in these rules. The State Personnel Board shall uniformly evaluate the qualifications of applicants as stated in their State of Mississippi Application. Applicants shall be evaluated without regard to political affiliation, race, national origin, sex, religion, creed, age, or disability except as provided by law.
- B. All State of Mississippi Applications received at the State Personnel Board are reviewed to assess the applicant's training and experience as listed in the application to determine qualifications for the occupational class for which the applicant is applying. All college education and training related to the position for which application is made shall be assessed at a maximum of 120 semester hours (or the equivalent) for a Baccalaureate degree; a maximum of 150 semester hours (or the equivalent) for a Masters degree; a maximum of 180 semester hours (or the equivalent) for a Specialist degree; and 210 semester hours (or the equivalent) for a doctoral degree. All experience entries listed on the application related to the position for which the application is made, including military, paid, and unpaid volunteer work, shall be assessed at a maximum of forty (40) hours per week. This forty (40) hour limit will also apply where a combination of related work is gained through concurrent jobs. The applicant must meet the minimum requirements outlined in the current active class specification.
- C. The State Personnel Director along with the agencies may develop evaluation aid(s) to assist in uniformly assessing training and experience for given job titles.

4.11.6 Additional Documentation Supplied for Evaluation

- A. Applicants may be required to submit proof of the possession of any license, certificate, degree, or other evidence of eligibility or qualification required by state law, class specification or evaluation aid. Applicants may be disapproved for failure to provide the requested documentation.
- B. Applicant(s) will be notified in writing regarding additional information or documents necessary to complete processing of application(s).

4.11.7 Verification of Experience and Training

- A. An applicant's educational record and work history may be investigated by the State Personnel Director or the hiring agency.

- B. Investigative procedures may include but not necessarily be limited to contacting present and previous employers and/or schools, colleges, or other institutions to verify information contained in the State of Mississippi Application or related documents supplied by the applicant and/or the hiring agency.
- C. The appointing authority may require the applicant to submit proof of the possession of any license, certificate, degree, or other evidence of eligibility or qualification required by state or federal law, class specification or evaluation aid.
- D. The hiring agency shall ultimately be held accountable for verifying the correctness of information recorded in the State of Mississippi Application.

4.11.8 Falsification of Experience and Training

- A. Should an agency, after investigation, discover an applicant's State of Mississippi Application to be falsified, the agency should immediately inform the State Personnel Director of such falsification in writing. The State Personnel Director may remove the applicant from consideration as provided for in Sections 4.14.5 and 4.15.3.
- B. The falsification of a State of Mississippi Application by a state employee may result in dismissal, suspension for up to thirty (30) days, demotion to the previous position and pay level, or a combination thereof.
- C. When such action is taken, written notification will be mailed to the applicant's last known mailing address.

4.11.9 Non-Competitive Initial Appointment Occupational Classes (State Service), Section 25-9-105, Mississippi Code of 1972, Annotated, as amended

- A. Non-competitive appointments to occupational classes exempted from the selection process by state law or by action of the State Personnel Board are not required to be made from a Certificate of Eligibles. The State Personnel Director only certifies the candidates referred by the appointing authority who meet the minimum requirements for the occupational class.
- B. Exempt classifications may consist of, but are not limited to, the following: (1) skilled or semi-skilled labor, domestic or custodial work; (2) classifications which involve professional or technical skills not normally available in the general applicant population and for which recruiting procedures produce recurring deficiencies; (3) classifications which include a small number of positions; (4) classifications which are unique to a particular agency; and, (5) classifications which have high turnover rates.
- C. The State Personnel Director shall review agency proposed classifications or positions and make recommendations to the State Personnel Board to develop a list of job classifications exempt from the use of Certificates of Eligibles. The list of exempt classifications may be furnished to the agencies.
- D. Agencies may request classifications be reinstated to a competitive appointment basis and may recommend changes to the list of exempt classifications.

- E. Exempt classifications may apply to entire classifications or specific positions assigned to a classification.
- F. The appointing authority submits position-employee data and either a current copy of the State of Mississippi Application or the E-Resume with the properly executed Applicant Certification Form (ACF) to the State Personnel Director. The applicant is required to meet the minimum qualifications to be certified for the class or position.
- G. Incumbents in positions exempt by actions of the State Personnel Board have the same rights as any other state-service employee.
- H. Each agency is responsible for ensuring that its workforce complies with all state and federal laws, guidelines, and court orders regarding Equal Opportunity Employment.

4.11.10 State Personnel Board Electronic Resume (E-Resume)

The State Personnel Board Electronic Resume (E-Resume) is a computerized form, which allows an individual to electronically register his/her credentials with the State Personnel Board at any time. The E-Resume may be accessed on the State Personnel Board web site at www.spb.state.ms.us.

- A. The E-Resume is not an application; however, it may be substituted for the State of Mississippi Application only when it is submitted with a properly executed ACF and the position to be filled is within a classification exempt from the State Personnel Board selection process or at any other time deemed appropriate by the State Personnel Director. (Refer, Chapter 4, Section 4.11.9.)
- B. The E-Resume will be housed in an electronic database maintained by the Mississippi State Personnel Board. Mississippi state government agencies may use the E-Resume database as one of several recruiting tools for selected positions.
- C. The E-Resume will remain active for a period of one (1) year from the date it is submitted or updated. The resume may be updated at any time.
- D. Where applicable, the policies and procedures governing the State Personnel Board's processing of the State of Mississippi Application shall also apply to the E-Resume.

- E. All E-Resumes submitted to the State Personnel Board by the agency for evaluation **must** be accompanied by the Applicant Certification Form (ACF). The ACF is **only** required when the hiring agency transmits the E-Resume to the State Personnel Board for evaluation or the appointing authority formally evaluates the E-Resume. (Refer, Chapter 4 to Page 38)

Procedures for Completing the Applicant Certification Form (ACF)

- A. The agency must print the applicant's E-Resume summary and allow the applicant to review the document for accuracy and make changes, if necessary.
- B. The appointing authority or an employee duly authorized by the agency to sign must complete the agency's section of the ACF.
- C. The applicant must complete the applicant's section of the Applicant Certification Form as witnessed by the agency representative.
- D. If the applicant cannot complete the ACF on site, the agency must forward the ACF to the applicant. The applicant must complete the appropriate section of the ACF and have it notarized prior to returning the original notarized ACF to the hiring agency.
- E. If the State Personnel Board's approval is required, the agency must transmit the ACF and the printed E-Resume to the State Personnel Board.
- F. If the State Personnel Board's approval is not required, the E-Resume, along with the ACF, must be filed in the agency's files.
- G. The transaction will be returned without action if not properly submitted.
- H. The State Personnel Board will action the ACF to indicate whether the applicant meets the minimum qualifications for the classification indicated and return the original ACF, along with the E-resume to the agency. A copy of the ACF, along with the E-Resume, will remain on file at the State Personnel Board.

4.12 EVALUATION OF APPLICANTS BASED ON MINIMUM QUALIFICATIONS

Applicant's qualifications shall be evaluated to determine if they meet the minimum requirements for the position for which they applied. Established standards shall be uniformly applied to all applications without regard to the applicant's political affiliation, race, national origin, sex, religion, creed, age, or disability except as provided by law.

4.12.1 Minimum Qualifications

The minimum qualifications for an occupational class shall consist of the minimum qualifications listed on the class specification plus any special qualifications for the position applied for as requested by an agency and as approved by the State Personnel Director.

- A. An applicant's training and experience background, as stated on the State of Mississippi Application, is reviewed in detail to determine qualifications for the position applied for, in line with the approved minimum requirements in the class specification, applicable evaluation aids and any special qualifications levied by the user agency as approved by the State Personnel Director.
- B. The State Personnel Director shall determine a formula for the evaluation of the training and experience qualifications of applicants. This formula shall give due regard to relatedness as well as quantity of the training and experience.
- C. An applicant not meeting the minimum educational qualifications may be allowed to submit an application if, as a result of the completion of further educational work, the applicant shall fully meet the requirements within the six (6) month period immediately following the closing date for receipt of an State of Mississippi Application.

An applicant who is qualified under the six (6) month provision shall be eligible for placement on the List of Eligibles. Failure to complete the qualifying level of education shall necessitate removal of the applicant's name from the List of Eligibles. No applicant qualifying under the six (6) month provision may be appointed into a state service position prior to meeting minimum qualifications of the classification. It is the responsibility of the hiring agency to verify completion of the required education prior to appointment.

4.12.2 Notification of Failure to Meet Minimum Qualifications

- A. A standardized letter approved by the State Personnel Director shall be sent by mail to all applicants who do not meet the minimum qualifications of the occupational class for which they have made application.
- B. An applicant shall have the right to make a written request for the review of the disapproval by the Director of the Office of Recruitment and Selection.

4.12.3 Waiver of Minimum Qualifications

An appointing authority within the state service may formally request in writing that the State Personnel Board waive the minimum training and experience requirements required for entry into an occupational class, thereby allowing the appointment of an individual who does not meet the minimum qualifications as listed on the class specification.

Where employees do not possess the minimum qualifications necessary for promotions, demotions, transfers, or reallocations, agencies shall submit the prescribed forms necessary to document possession of knowledge, skills, and abilities necessary to perform in the proposed position. Requests for waiver of minimum qualifications must be approved by the State Personnel Board.

- A. There shall be no consideration given to waiving minimum requirements for original appointments.
- B. The State Personnel Board shall review all requests by state agencies to waive minimum qualifications of a class specification to accomplish movements within state service.
- C. The State Personnel Board shall consider but shall not limit its consideration to the following when reviewing a request to waive minimum qualifications:
 - 1. The amount of related experience as demonstrated by a current State of Mississippi Application; Job Content Questionnaire; enumeration of Knowledge, Skills, and Abilities (KSAs); and Performance Appraisal Review (PAR) duties/performance standards;
 - 2. The number of related college credit hours;
 - 3. The number of years of related experience;
 - 4. The availability of qualified employees and applicants;
 - 5. The feasibility of a trainee classification; and
 - 6. Applicable federal and state statutes, licensure, certification, and registration requirements.
- D. A waiver of minimum qualifications approved by the State Personnel Board applies only to the classification for which the waiver was requested.
- E. Decisions of the State Personnel Board shall be final and no further consideration of a request for waiver shall be afforded.

- F. Requests for waivers of minimum qualifications by state agencies shall include:
1. Relevant position-employee data;
 2. State of Mississippi Application;
 3. Job Content Questionnaire (current and proposed position);
 4. Letter of Justification including but not limited to:
 - demonstration that no qualified employee or applicant is available;
 - explanation of why subject employee was chosen and/or best qualified; and
 - discussion of alternative actions.
 5. Organizational Chart of the unit where the position is located along with functional statements for the unit;
 6. Performance Appraisal Duties/Performance Standards (proposed position);
 7. Enumeration of KSAs derived from JCQ task statements (proposed position).

4.12.4 Substitution of Minimum Qualifications

An employee or applicant who possesses the substantial equivalent of the minimum qualifications may request in writing that the State Personnel Director substitute the substantial equivalent of education/training and experience for the minimum qualifications required for entry into an occupational class, thereby allowing the certification to the list of eligibles or in-service movement of an individual not otherwise meeting the stated minimum qualifications.

- A. There shall be no consideration given to the substitution of equivalent education/training or experience where relevant licenses, certifications or the equivalent thereof or where state or federal statutes or regulatory guidelines preclude evaluation on this alternative basis.
- B. The State Personnel Director shall appoint a committee of staff members to review all requests.
- C. The review committee shall consider, but not limit its consideration to, the amount of related experience and formal education/training as documented by an State of Mississippi Application.
- D. Decisions of the review committee shall be binding; however, final consideration may be made by the State Personnel Director upon written justification submitted by the employee, applicant, and/or agency.

- E. Requests for substitutions of the substantial equivalent of training and experience by applicants, employees, or agencies may include:
1. Detailed and current State of Mississippi Application;
 2. Letter of request;
 3. Transcript of related college credit hours;
 4. Certificates of completion of any related training courses where applicable; and
 5. Other pertinent documents deemed necessary by the review panel.

4.12.41 Special Qualifications

A special qualification is an additional requirement used in conjunction with the minimum qualifications of a job class to designate specific skills, abilities, education, and/or experience necessary for a particular position.

A special qualification may be utilized when requesting a Certificate of Eligibles (COE), or when requesting a job classification be placed on recruitment. In either case, the special qualification must be approved by the State Personnel Director prior to usage. Upon approval of the request for a special qualification, the State Personnel Board staff will automatically begin the process of evaluating the application of those individuals whose names currently appear on the List of Eligibles (LOE) for the job class to determine if they meet the special qualification. Names of applicants meeting the special qualification will be placed on the Certificate of Eligibles (COE) in accordance with State Personnel Board policies. If, at the end of this process, the COE contains the required number of names (ten or more), the COE, along with copies of the applications, will be forwarded to the requesting agency. No open recruitment is required. Should this process yield an insufficient number of names (nine or fewer), the State Personnel Director will automatically place the job on open recruitment with the special qualification attached. No additional justification is required to place the job on recruitment.

When requesting the use of a special qualification, the following shall be in effect:

- A. In no case shall the special qualifications exceed the minimum qualifications as outlined on the class specification for the job class. For example, the minimum qualifications might read: A bachelor's degree from an accredited four-year college or university and seven (7) years of experience. A valid special qualification might read: A bachelor's degree in biology and four (4) of the seven (7) years of experience must have been in a laboratory environment.
- B. Special qualification requests must contain the following documentation:

1. A detailed explanation of the need for a special qualification which includes a description of the specific skills, abilities, education, and/or experience required and why;
 2. Copies of any federal or state regulations, guidelines, statutes or case law which are relevant to qualifications of the position; and
 3. Additional documentation as may be specified by the State Personnel Director.
- C. The State Personnel Director shall have the authority to modify and/or deny any request for special qualifications.
- D. Exceptions to this policy will be reviewed on a case-by-case basis by the State Personnel Director.

4.12.5 Ratings of Qualified Applicants

After applicants are determined to have met the minimum qualifications for an occupational class, they shall be assigned a numerical score. The numerical score shall be determined by the amount and job relatedness of the education/training and experience documented on the applicant's State of Mississippi Application. (Refer, Chapter 4, Section 4.15.2.)

4.13 STATE PERSONNEL BOARD STATUTORY SELECTION AUTHORITY OVER NON-STATE SERVICE PERSONNEL

4.13.1 Non-State Service Personnel Evaluation

The State Personnel Director only acknowledges the appointment of non-state service personnel except as provided by statute and regulations prescribed pursuant to statute.

- A. Part-Time Positions - The appointing authority shall submit position-employee data along with a copy of a current State of Mississippi Application and other required documentation to the State Personnel Director when appointing to part-time positions. The individual to be appointed must meet the minimum qualifications for the occupational class as set by the State Personnel Board and be certified as such prior to appointment unless otherwise authorized by the State Personnel Director.
- B. Physicians, dentists, veterinarians, nurse practitioners and attorneys, while serving in their professional capacities in authorized employment positions who are required by the State to be licensed, registered, or otherwise certified as such, shall submit State of Mississippi Applications and other

documentation as needed to substantiate their professional status. The State Personnel Director shall verify such licensure, registration, or certification as being current and valid prior to acknowledging the appointment of such personnel. The appointing authority shall submit position-employee data along with a copy of a current State of Mississippi Application and other required documentation to the State Personnel Director when appointing to such positions.

- C. Time-Limited Positions - The appointing authority shall submit position-employee data along with a copy of a current State of Mississippi Application to the State Personnel Director when appointing to time-limited positions. The individual to be appointed must meet the minimum qualifications for the occupational class as set by the State Personnel Board as well as qualifications required by federal laws and regulations and be certified as such prior to appointment unless otherwise authorized by the State Personnel Director [Section 25-9-107 (c) (xiv), Mississippi Code of 1972, Annotated, as amended].
- D. Applicants for top-level positions excluded from the state service by Section 25-9-107 (c) (xvi), Mississippi Code of 1972, Annotated, as amended, shall submit a State of Mississippi Application to the appointing authority. The appointing authority shall submit position-employee data along with a copy of a current State of Mississippi Application to the State Personnel Director. (Refer, Chapter 4, Section 4.13.1 E. below.)
- E. With the exception of part-time, time-limited, and those positions stipulated in Section 4.13.1 B., the State Personnel Director only acknowledges the appointment of non-state service personnel. In those instances when the appointee fails to meet the minimum qualifications of the occupational class as set by the State Personnel Board, the State Personnel Director shall notify the appointing authority, in writing, of the failure of the applicant to meet minimum qualifications.

4.15 EVALUATIONS OVERVIEW

- A. Applicants for occupational classes must be evaluated and found minimally qualified by the State Personnel Director prior to being assigned a numerical rating and placed on the List of Eligibles.
- B. The State Personnel Director shall maintain uniform standards for rating the experience and training of minimally qualified applicants for positions.

- C. The established uniform standards shall be applied to all applications without regard to the applicant's political affiliation, race, national origin, sex, religion, creed, age, or physical disability except as provided by law.

- D. All State of Mississippi Applications for the same occupational class are afforded uniform and equal treatment in all phases of the rating process.

4.15.1 Minimum Rating by Which Eligibility Is Earned

- A. The State Personnel Director shall determine the minimum rating through which eligibility on a list of eligibles is earned.
- B. The minimum rating through which eligibility on a list of eligibles is earned may be amended or revised by the State Personnel Director at any time.

4.15.2 Rating of Applications

- A. Ratings shall be determined by the amount and relatedness of the training and experience documented on the applicant's State of Mississippi Application as compared to the minimum qualifications, characteristics of work, and description of duties contained in the class specification and any evaluation aid of the occupational class for which application has been made. (Refer, Chapter 4, Section 4.12.5.)
- B. The State Personnel Director shall determine a formula for the evaluation of the training and experience qualifications of the applicants. This formula shall give due regard to job relatedness as well as quantity of the experience and training.
- C. Any applicant claiming credit for training and/or experience gained through unpaid and/or volunteer activities and/or military service shall receive appropriate credit for such training and/or experience when it is related to the duties of the occupational class for which application is made.

4.15.3 Disqualification of Applicants

The State Personnel Director may refuse to rate an applicant or, after rating, may disqualify the applicant, remove the applicant's name from the List of Eligibles, refuse to certify an applicant on a Certificate of Eligibles, or may consult with the appointing authority in taking steps to remove a person already appointed if the individual:

- A. Has provided job-related information which indicates inability to perform the tasks assigned to the occupational class for which rated;
- B. Has made a false statement of material fact in the State of Mississippi Application;

- C. Has used or attempted to use political pressure or bribery to secure an advantage in the rating process;
- D. Has directly or indirectly obtained information regarding the rating process to which an applicant is not entitled;
- E. Has failed to submit the State of Mississippi Application correctly or within the prescribed time limits;
- F. Has taken part in the compilation, administration, or correction of the selection procedures applied;
- G. Has otherwise willfully violated the provisions of these rules; and/or
- H. Does not meet any one (1) of the minimum qualifications established for the occupational class for which rated.

4.15.4 Notification of Evaluation Results

- A. Applicants will be notified of their evaluation results in a timely manner.
- B. Agencies authorized to maintain lists of eligibles shall be responsible for furnishing qualified applicants with notification of evaluation results. In all cases, the State Personnel Director shall notify in writing any applicant who failed to meet the minimum qualifications of the occupational class for which application was made.
- C. The State Personnel Director may prohibit the disclosure of evaluation results by phone, in person, or by any other means except mail.

4.15.5 Adjustment of Errors

- A. The State Personnel Director shall take whatever action deemed necessary to correct a manifest error in the evaluation of an applicant's qualifications for the occupational class for which application is made. Due consideration will be given to the circumstances surrounding the cause of the error.
- B. Such corrective action may include, but is not limited to, removing an applicant's name from the list of eligibles and/or canceling any Certificates of Eligibles deemed flawed due to the manifest error.

- C. Such corrective action shall not invalidate an appointment previously made unless the applicant fails to meet qualifications imposed by federal or state law, or does not possess licensure, registration, or certification required for the job class to which appointed.

4.16 AWARD OF VETERANS' PREFERENCE POINTS

The veteran status of an applicant may increase his/her numerical score. If the applicant is otherwise qualified to be placed on a list of eligibles, a total of five (5) points will be added to the final score for veteran status, and a total of ten (10) points will be added for disabled veteran status. The final score for an applicant is normally based on a one hundred (100) point scale. Scores of applicants awarded veterans' preference points may exceed the one hundred (100) point scale. Points shall not be awarded for periods of active duty when duty was for "training purposes only" to meet obligations in the Reserve Forces, National Guard, etc. Terms in this section are as follows:

- A. Veteran: A person who has served in the active Armed Forces of the United States for a period of ninety (90) days during a period of war or armed conflict and was granted an honorable discharge there from; or was discharged there from for a service-connected injury in less than ninety (90) days. [Refer, Section 25-9-301 (a), Mississippi Code of 1972, Annotated, as amended.]
- B. Disabled Veteran: A veteran whom the Veterans Administration has certified within the last ninety (90) days to have a service-connected disability. [Refer, Section 25-9-301 (b), Mississippi Code of 1972, Annotated, as amended.]
- C. Proof of Eligibility: A certified copy of the veteran's discharge papers and separation record or certification from the Veterans Administration or the Department of Defense will be accepted as proof of veteran status. Applicants requesting disabled veteran status shall submit, on such forms as may be required by the State Personnel Director, proof of disability certified by the Veterans Administration.

4.17 SELECTION PROCEDURE DEVELOPMENT AND VALIDATION

4.17.1 Development of Selection Procedures

- A. A comprehensive system of evaluation for all occupational classes within the state service is maintained.
- B. The State Personnel Director determines the need for technical assistance to supplement staff expertise in the development of valid selection procedures. Subject to approval by the Board, the State Personnel Director may contract for selection procedure services or purchase selection procedure material or may utilize qualified technical

consultants. When technical assistance is required to supplement staff expertise, criteria for selecting said assistance shall consist of, but is not limited to, the lowest cost proposal, meeting time requirements set forth by the State Personnel Director, methodology to be used, and the amount of time of professional level staff, which is allocated to the project.

4.17.2 Validation of Selection Procedures

- A. It is the intent of the State Personnel Board to validate selection procedures used as the basis for making employment decisions with regard to choosing prospective employees for employment or current employees for in-service placement. Selection procedures will be validated by methods and techniques that are feasible, practical, and consistent with federal guidelines and professional standards, as permitted by necessary levels of funding and staff.
- B. Important elements of job content shall be determined through interviews and/or the completion of appropriate questionnaires. Employees and/or supervisors and other subject matter experts shall identify and rate job tasks and related knowledge, skills, and abilities, as necessary.
- C. Employees and/or supervisors and other subject matter experts are required to evaluate potential selection procedure items under strict security provisions.
- D. Objective methods using employees' and/or supervisors' and other subject matter experts' ratings of selection procedure items are used to establish minimum qualifications for each selection procedure validated.

4.20 REFERRAL OF APPLICANTS TO AGENCIES

The appointing authority of hiring agencies shall appoint applicants to positions as follows:

- A. The State Personnel Director may determine to be invalid any appointments not made in conformance with State Personnel Board procedures.
- B. All appointments to the state service shall be from Certificates of Eligibles, except as provided in 4.11.9 and 4.21.10.
- C. All initial appointments to the state service shall be on a competitive basis, except as provided in 4.11.9 and 4.21.10.

- D. Names on Certificates of Eligibles shall be derived from names appearing on lists of eligibles in accordance with State Personnel Board policies, rules, and procedures.

4.21 LISTS OF ELIGIBLES

Lists of eligibles shall be maintained in accordance with policies, rules and procedures promulgated by the State Personnel Board. Selection and procedural requirements shall be balanced with the interest of economy. It is the applicant's responsibility to review the policies and procedures pertaining to the maintenance of lists of eligibles. The State Personnel Board shall make such policies and rules accessible to all applicants. The State Personnel Board may respond to applicant requests for information or assistance. A separate, original State of Mississippi Application is required for each occupational class for which application is made.

4.21.1 Establishment and Maintenance of Lists of Eligibles

The State Personnel Director establishes and maintains lists of eligibles necessary to provide an adequate supply of qualified candidates for positions in state service.

The appointing authorities shall notify the State Personnel Director as far in advance as possible of vacancies, which may occur in the agencies. The State Personnel Director is responsible for the establishment and maintenance of appropriate lists for all state service occupational classes except as provided for in Section 4.11.9 and for the determination of the adequacy of existing lists. Lists of eligibles are categorized as:

- A. Type 1: RIF Reemployment
- B. Type 2: Alternate Reemployment/State Service Promotional/Transfer
- C. Type 3: Open Competitive

4.21.2 Preparation of Lists of Eligibles

- A. After the State Personnel Director has determined that an applicant has met the selection criteria for an occupational class, the applicant's name is added to the appropriate list of eligibles.
- B. The names of eligibles shall be placed on the list in the order of their final score starting with the highest score. The score shall include Veteran's Preference points.

- C. All additions to the Open Competitive list(s) of eligibles shall be the result of announcement(s) and evaluation by the State Personnel Director.
- D. Names of eligibles shall be added to and removed from lists on a continuous basis.
- E. State Service Promotional lists and State Service Transfer lists shall be open on a continuous basis to all state service status employees or those probationary state service, part-time, time-limited and/or other State Personnel Board purview non-state service employees who meet the criteria set forth in Section 4.21.6 and Section 4.21.7.
- F. Reduction-In-Force (RIF) and Alternate Reemployment lists shall be open on a continuous basis for all applicants who meet the criteria set forth in Section 4.21.5 (A and B).

4.21.3 Related Lists of Eligibles

- A. If a vacancy exists in an occupational class for which there is no list of eligibles, a list for that class from one (1) or more existing related lists may be prepared.
- B. In selecting related lists of eligibles for use when an adequate list does not exist, the State Personnel Director may select lists from classes for which the minimum qualifications are comparable to or higher than those required for the class in which the vacancy exists. The State Personnel Director may, if appropriate, re-evaluate an eligible's State of Mississippi Application based on the minimum qualifications required for the class in which the vacancy exists.

4.21.4 Replenishment of Lists of Eligibles

- A. The State Personnel Director may determine that a list of eligibles is inadequate based on the number of anticipated vacancies; the number of eligibles on existing lists of eligibles; the score range of applicants on existing lists; the length of time since the last recruitment period; and/or other related factors.
- B. After it has been determined that a list of eligibles is inadequate for filling anticipated vacancies, recruitment may be initiated to replenish the list.
- C. Replenishment of Open Competitive lists of eligibles shall be accomplished by public announcement.

- D. Agencies may request replenishment of a particular list of eligibles by providing justification to the State Personnel Director.

4.21.5 RIF/Reemployment Lists of Eligibles

A. Reduction-In-Force (RIF) Lists

1. Any employee in a state service position, who has been laid off while in good standing in accordance with the rules governing RIF, may, upon submission of a current State of Mississippi Application within twelve (12) months of the termination date, be placed on the RIF Reemployment list of eligibles established for the job classification for which application is made. It is the responsibility of the terminated employee to notify the State Personnel Director of his/her RIF status for each application filed.
2. Reemployment into occupational classes exempted from the selection process shall be made in the same manner as original appointments to the occupational classes. (Refer, Chapter 4, Section 4.11.9.)
3. An applicant's score for the job class from which terminated and for lower job classes in that class series will be determined by a rating of his/her training and experience. If for any reason the employee does not meet the current minimum qualifications for the job class or lower job classes in the class series from which terminated, he/she may still be placed on the RIF/Reemployment list of eligibles with a qualifying score of seventy (70). However, any requirement set by state or federal laws or guidelines, or any requirement for a license, certification, or certificate of training must be met.
4. Applicants for higher job classes within the class series from which terminated or other job classes must meet the current minimum qualifications.
5. Applicants on a RIF list shall be on any Certificate of Eligibles issued for the occupational class for the locality the applicant indicated availability except Agency-Only Promotional Competitive Certificates of Eligibles. The names of applicants who have been terminated by a reduction in force shall appear on all appropriate Certificates of Eligibles immediately following the posting of the termination in SPAHRS.
6. Applicants on the RIF list shall be listed in the first section of a Certificate of Eligibles.

B. Alternate Reemployment Lists

1. A former state service status and/or those probationary state service, part-time, time-limited and/or other State Personnel Board purview non-state service employees, who have completed at least six (6) months of continuous employment and who voluntarily terminated in good standing may be placed on the Alternate Reemployment list of eligibles through submission of a current State of Mississippi Application within twelve (12) months of their termination date.
2. Reemployment into occupational classes exempted from the selection process shall be made in the same manner as original appointments to the occupational classes. (Refer, Chapter 4, Section 4.11.9.)
3. Applicants must meet the current minimum qualifications.
4. Applicants on the Alternate Reemployment lists of eligibles shall be ranked with applicants on the State Service Promotional and State Service Transfer lists of eligibles.
5. Applicants on the Alternate Reemployment list of eligibles shall be certified in line with their rank in the second section of a Certificate of Eligibles.

4.21.6 State Service Competitive Promotional Lists of Eligibles

- A. A permanent state service status, probationary state service, part-time, time-limited and/or other State Personnel Board purview non-state service employee, who has been continuously employed for six (6) months, may be placed on the State Service Competitive Promotional list of eligibles through submission of a current State of Mississippi Application.
- B. Promotion into occupational classes exempted from the selection process (Refer, Chapter 4, Section 4.11.9) shall be made in the same manner as original appointments to the occupational classes.
- C. Applicants must meet the current minimum qualifications.
- D. Applicants on the State Service Competitive Promotional lists of eligibles shall be ranked with applicants on the Alternate Reemployment and the State Service Transfer lists of eligibles.

- E. Applicants on the State Service Competitive Promotional Lists of eligibles shall be certified in line with their rank in the second section of a Certificate of Eligibles.

4.21.7 State Service Transfer Lists of Eligibles

- A. A permanent state service status, probationary state service, part-time, time-limited, and/or other State Personnel Board purview non-state service employee who has been continuously employed for six (6) months, may be placed on the State Service Transfer lists of eligibles through submission of a current State of Mississippi Application.
- B. Transfer into occupational classes exempted from the selection process (Refer, Chapter 4, Section 4.11.9) shall be made in the same manner as original appointments to the occupational classes.
- C. Applicants must meet the current minimum qualifications.
- D. Applicants on the State Service Transfer lists of eligibles shall be ranked with applicants on the Alternate Reemployment and the State Service Competitive lists of eligibles.
- E. Applicants on the State Service Transfer lists of eligibles shall be certified in line with their rank in the second section of a Certificate of Eligibles.

4.21.8 Agency-Only Competitive Promotional Lists of Eligibles

- A. The appointing authority may be authorized by the State Personnel Board to maintain lists of those permanent state service status employees and/or probationary state service and part-time, time-limited or other State Personnel Board purview non-state service employees who have been continuously employed for six (6) months and who have applied and met the selection criteria only for job classifications utilized by the agency. These individuals and state service employees on competitive promotional lists may receive consideration prior to employing or transferring non-agency employees.
- B. The State Personnel Board reserves the right to modify or rescind the maintenance authorization.
- C. Agency procedures are subject to review by the State Personnel Director for consistency with statutes and State Personnel Board policies and procedures.

- D. The agency is responsible for determining and implementing, within the guidelines established by the State Personnel Board, standardized criteria, and procedures to establish and maintain the lists of eligibles and for maintaining records, which support and reflect all activities.
- E. Agencies shall conduct in-house recruiting for Agency-Only Competitive Promotional lists.
- F. Agencies shall transmit the State of Mississippi Applications received from such advertising to the State Personnel Director for evaluation.
- G. State of Mississippi Applications shall be transmitted to the State Personnel Director along with the Agency Transmittal Form 343-82. (Refer, Chapter 4, Page 37)
- H. In making a final employment decision, agencies may give, but not necessarily limit, consideration to length of service, training, and performance appraisals ratings.
- I. The State Personnel Board (SPB) shall be responsible for adding Veterans' Preference points to the final score.
- J. The agency shall indicate by submission of position-employee data to accomplish the action that the principles for competitive promotion have been followed. A copy of the agency's certificate of eligibles must accompany the action.
- K. Applicants whose applications are transmitted for placement on an Agency-Only Competitive Promotional list of eligibles ARE NOT placed on the list of eligibles maintained by the State Personnel Board.

General Instructions for Preparing Agency Transmittal Form

Complete blank Agency Transmittal Form in accordance with:

1. Type of Evaluation: AO (Intra-Agency Promotional)/AM (Agency Maintained)
2. Agency Name
3. Master Agency Code
4. Occu Code
5. Pay Level
6. Occu Title
7. Social Security Number – Applicant's SSN.
8. Applicant Name - Full name as shown on applications attached.

The form must be signed and dated by the agency personnel officer or other authorized agency representative.

The State Personnel Board will enter Action Code and Score and return approved applications to agency when processing has been completed. The agency will notify in writing applicants approved to be added to the agency maintained list of eligibles of his/her score. The State Personnel Board will maintain all disapproved applications and will notify in writing all applicants who fail to meet the minimum requirements for the occupational class for which application is made.

4.21.9 Open Competitive Lists of Eligibles

- A. Individuals not meeting the criteria for RIF/Reemployment Lists of Eligibles, State Service Promotional Lists of Eligibles or State Service Transfer Lists of Eligibles, who have applied for a position during an announced recruitment period and met the selection criteria for specific job classifications, are placed on the Open Competitive list of eligibles.
- B. The applicant must file a valid State of Mississippi Application during an announced recruitment period.
- C. Applicants must meet the current minimum qualifications.
- D. Applicants are ranked according to their final rating.
- E. Applicants on the Open Competitive lists of eligibles shall be certified in line with their rank in the third section of a Type 3 Certificate of Eligibles.

4.21.10 Agency Only Non-Competitive Promotional Eligibility

- A. Agency only non-competitive promotions shall include: (1) promotion of state service employees to state service positions, and (2) promotion of state service, part-time, time-limited and/or other State Personnel Board purview non-state service employees to non-state service positions. Agencies may consider only employees who are employed by the appointing authority and who have completed at least six (6) months of continuous service.
- B. Agencies shall submit a current copy of a State of Mississippi Application along with the appropriate position-employee data for those employees to be considered for agency only non-competitive promotion.

- C. Only those employees meeting the applicable selection criteria shall be approved for non-competitive promotion by the State Personnel Director.

4.21.11 Duration of Lists of Eligibles

- A. Eligibility to remain on the RIF/Reemployment list shall be determined by the State Personnel Director, but shall not be for a period of less than six (6) months.
- B. Eligibility to remain on the Alternate Reemployment list shall be determined by the State Personnel Director, but shall not be for a period of less than six (6) months.
- C. Eligibility to remain on the State Service Promotional and State Service Transfer lists shall be determined by the State Personnel Director, but shall not be for a period of less than six (6) months.
- D. Eligibility to remain on the Open Competitive list shall be determined by the State Personnel Director, but shall not be less than six (6) months.
- E. The term of an applicant's name on the list of eligibles begins on the date of placement of the applicant's name on the list of eligibles or in accordance with the applicant's work available date.
- F. The applicant's time on a list shall expire automatically at the end of the appropriate validity period.
- G. No notification of removal shall be sent to the applicant as this information is stipulated in the section SUMMARY OF POLICIES on the State of Mississippi Application.
- H. To remain on a list of eligibles beyond the established expiration date, an applicant must file a new valid State of Mississippi Application or submit a written request no less than fifteen (15) working days prior to expiration date. Applications received after the expiration date as stated herein, must meet the same criteria for acceptance as an original application.

4.21.12 Delegation of Authority to Maintain Lists of Eligibles

- A. The State Personnel Board may delegate to agencies the authority to establish and maintain lists of eligibles.
- B. The State Personnel Board reserves the right to modify or rescind the maintenance authorization.

- C. Agency procedures are subject to review by the State Personnel Director for consistency with statutes and State Personnel Board policies and procedures.
- D. The agency is responsible for determining and implementing, within the guidelines established by the State Personnel Board, standardized criteria, and procedures to establish and maintain the lists of eligibles and maintain records, which support and reflect all activities.
- E. The State Personnel Director shall administer the selection criteria and refer all qualified candidates to the agency.
- F. Except as otherwise provided, State of Mississippi Applications shall be transmitted to the State Personnel Director for evaluation using the Agency Transmittal Form (Refer, Chapter 4, page 37).
- G. The State Personnel Director shall be responsible for adding Veteran's Preference points to the final rating.
- H. The agency shall indicate by submission of the position-employee data that merit principles have been followed.
- I. Applicants approved for placement on an AGENCY MAINTAINED Open-Competitive list of eligibles ARE NOT placed on the State Personnel Board list of eligibles.

4.21.13 Removal of Name from Lists of Eligibles

- A. To maintain a viable list of eligibles, the State Personnel Director may remove the name of an eligible candidate from the active list of eligibles:
 - 1. For any of the causes stipulated in provisions governing disqualification of applicants (Refer, Chapter 4, Section 4.15.3);
 - 2. On evidence that the eligible cannot be located by postal authorities;
 - 3. On receipt of a written statement from the eligible requesting that he/she no longer be considered for a position in that class;
 - 4. If the eligible declines an offer of appointment to the class for which the list was established;

5. Upon showing, either through agency objection or investigation, that the eligible is not qualified or is unsuitable for appointment to the class for which the list is established;
 6. If the eligible was listed on a Certificate and reported by an appointing authority as not available or failed to reply to an offer of interview;
 7. If the eligible accepts an appointment and fails to be present for duty at the time and place agreed to without giving reasons for the delay satisfactory to the appointing authority;
 8. If the eligible fails to return availability inquiries requested by the State Personnel Director;
 9. When the appointing authority passes over the name of an eligible on a Certificate in connection with three (3) separate appointments, which had been made from the list, written request may be made of the State Personnel Director that the name of such eligible be omitted from any subsequent certifications from the same list to the same appointing authority. This request shall contain sufficient evidence to indicate the eligible's unsuitable job-related characteristics for an appointment to the class for which the list was established. If the State Personnel Director approves the request, either the name of the eligible is not thereafter certified to the appointing authority for other vacancies in that class or the eligible's name is removed from the list; in such instances where the agency's request of agency-exception is approved by the State Personnel Director, it shall be the requesting agency's responsibility to notify the applicant in writing of such action. It shall also be the responsibility of the requesting agency to maintain records of all approved agency exceptions and resulting notifications;
 10. Upon an appointment to a position in the classification for which the list of eligibles was issued.
- B. Eligibles removed from lists for reasons stipulated in Section 4.21.13 A. 1 and 5 shall be notified by the State Personnel Director of such action in writing.
- C. An eligible shall not be notified upon removal from a list of eligibles as stipulated in Section 4.21.13 A. 2, 3, 4, 6, 7, 8, and 10.

- D. Any eligible whose name is removed from a list may make a written request to the State Personnel Director for reinstatement to such list for the duration of his/her validity period. Such request shall set forth the reasons resulting in removal from the list and shall specify the reasons advanced for reinstatement to the list. The State Personnel Director, after full consideration of such a request, may restore the eligible's name to the list or may deny such a request. In the event the request is denied, the eligible shall be notified by letter mailed to the eligible's last known address of the State Personnel Director's action and of the right of appeal. Those individuals whose names have been removed within the validity period for duration of the lists shall be reinstated for a time not to exceed the original validity period.
- E. Those individuals who have been removed due to the expiration of the validity period of remaining on the list may submit a current State of Mississippi Application during a period of announced recruitment.
- Exception: Announced recruitment is not required for applicants meeting the criteria for placement on the Reduction-in-Force, Alternate Reemployment, State Service Promotional, and State Service Transfer Lists.
- F. Individuals are required to inform the State Personnel Director in writing of any change in mailing address.

4.22 CERTIFICATION OF ELIGIBLES

It is the policy of the State Personnel Board to certify the most qualified applicants to fill vacancies in the state service.

4.22.1 Request for Certificate of Eligibles

- A. To fill vacancies for classifications which are not exempt from the selection process, the appointing authority shall submit a request for a Certificate of Eligibles.
- B. Initial appointments to full-time, state-service positions or job classes which are not exempt from the selection process shall be accomplished through a Certificate of Eligibles.
- C. A single request for a Certificate of Eligibles may be made for one (1) or more positions provided each position is for the same classification and in the same county or zone.

- D. A request for a Certificate of Eligibles shall be submitted by an individual duly authorized by the agency.
- E. Part-time appointments and appointments to time-limited positions shall be accomplished by the submission of position-employee data and a current copy of the State of Mississippi Application to the State Personnel Director. Candidates for these appointments are to possess the minimum requirements contained in the class specification.
- F. Agencies may request Certificates of Eligibles for filling time-limited or part-time vacancies. Final authority for issuing certificates rests with the State Personnel Director.
- G. Demotion of state service employees shall be accomplished by the submission of the position-employee data and a current copy of a State of Mississippi Application to the State Personnel Director. Candidates for demotion are to possess the minimum qualifications contained in the class specification.
- H. Emergency appointments shall be made in accordance with Section 25-9-107 (c) (xii), Mississippi Code of 1972 Annotated, as amended; and shall be accomplished by the submission of the position-employee data to the State Personnel Director. Except where otherwise required by federal or state law, licensure, certification or registration, such appointments are made without regard to minimum requirements contained in the class specification. Emergency appointments shall not exceed sixty (60) working days.
- I. In-service placement of incumbents as a result of reallocations or reclassifications shall be accomplished by the submission of position-employee data. Reallocations or reclassifications shall not be approved where incumbents do not meet minimum requirements for the new classifications except where an agency request has been approved under Sections 4.12.3 or 4.12.4. All reallocation and reclassification requests shall be accompanied by a current copy of a State of Mississippi Application except when otherwise authorized by the State Personnel Director.
- J. A lateral transfer of a permanent state service employee, or a state service employee who has completed six (6) months of his/her probationary period, into the same job class may be accomplished by the submission of the appropriate position-employee data.

- K. Permanent appointments to full-time positions in job classes or positions, which are exempt from the selection process, shall be accomplished in accordance with 4.11.9.F.

Procedures for Completing Request for Certificate of Eligibles

When requesting a CERTIFICATE OF ELIGIBLES for consideration in filling a vacancy, the following shall be in effect:

- A. Please reference the SPAHRS User Training Workbook, Selection Segment, for detailed instructions regarding the procedures to be followed to request a Certificate of Eligibles.
- B. SPAHRS will assign the Certificate of Eligibles request number.
- C. Indicate requested certification type:
 - Type 1 - RIF/Reemployment Only** - All applicants who were laid off from state service due to a reduction-in-force (RIF) and who applied within twelve (12) months of their termination.
 - Type 2 - Alternate Reemployment/State Service Promotion/Transfer** - All Type 1 applicants and the authorized number of applicants meeting the criteria for placement on the Alternate Reemployment/State Service Promotion/Transfer List. (Refer, Chapter 4, Sections 4.21.5 B, 4.21.6 A and 4.21.7 A.)
 - Type 3 - Open Competitive** - All Type 1 applicants; the authorized number of Type 2 applicants; and the authorized number of applicants not meeting the criteria for Type 1 or 2.
 - Type 4 - Agency-Only Promotional** - To be used when the agency desires a Certificate of Eligibles listing only the names of qualified applicants employed by the particular master agency and meeting the criteria for placement on the promotional list (Refer, Chapter 4, Section 4.21.6.)
- D. Special requirements should be noted. All requests for special qualifications must be accompanied by appropriate justification and must be approved by the State Personnel Director prior to usage.
- E. Travel Code **MUST** be noted and **MUST** be consistent with the travel code advertised during the recruitment period. If not indicated, it will be assigned by the State Personnel Director "no travel required".

- F. Shift Code **MUST** be: A - Day only; B - Evening only; C - Night only. If not indicated, it will be considered as "day shift."
- F. When vacant positions are located in different counties and/or zones, a separate request is required for each location.
- G. The request shall be submitted by an individual duly authorized to sign for the agency.
- H. The request will be returned without action if not properly submitted.

4.22.2 Selective Certification

Requests for selective certification of eligibles are considered upon adequate justification submitted to the State Personnel Director.

- A. An individual serving an approved Institute of Higher Learning internship with a state agency may, with the approval of the State Personnel Director and on completion of the internship and subsequent graduation, be selectively certified to fill a position on a non-competitive basis, provided the individual meets the minimum educational and/or experience requirements of the position.
- B. The State Personnel Director may provide for an individual participating in a State Personnel Board approved agency co-op program, upon completion of the approved co-op program and subsequent graduation, to be selectively certified to fill a position on a non-competitive basis, provided the individual meets the minimum educational and/or experience requirements of the position.
- C. Requests for selective certification shall be made by the appointing authority or his/her designee.
 - 1. The special requirements for selective certification must be clearly stated and justification for the request must be attached.
 - 2. The State Personnel Director shall have the authority to modify and/or deny any request for selective certification.

4.22.3 Supplying of Certificates of Eligibles

- A. No Certificate of Eligibles shall be issued unless the agency has a vacancy or an impending vacancy. The receipt by the State Personnel Director of

a notice of termination with a specific date of termination shall signify a vacancy or an impending vacancy.

- B. Upon receipt of a properly filed request, a Certificate of Eligibles shall be submitted to the appointing authority. The Certificate of Eligibles shall contain the appropriate number of names authorized for the Certification Type as indicated on the Request for Certificate of Eligibles.

The Type 3 Certificate of Eligibles includes all the names of Type 1 (RIF/Reemployment Only) applicants, the names of Type 2 (Alternate Reemployment/State Service Promotion/Transfer) certified applicants, and the names of Type 3 (Open Competitive) certified applicants.

- C. The State Personnel Director shall determine a reasonable maximum number of eligibles certified. Upon issuance of a Type 3 Certificate of Eligibles, the cut-off score for Type 2 applicants shall be no higher than the cut-off score for Type 3 applicants.

When a Certificate of Eligibles issues with the appropriate number of eligibles and consists of applicants with scores greater than 100, the State Personnel Director may increase the number of eligibles certified for consideration.

- D. A copy of each eligible's State of Mississippi Application for that job class shall be furnished with the certificate unless otherwise requested by the agency.
- E. When there are less than ten (10) names on a Certificate of Eligibles, recruitment may be announced. The certificate may update on a seven (7) day basis, and may update sooner when deemed appropriate.
- F. A certificate containing less than ten (10) names on an Open Competitive Certificate may be completed through the use of a related list(s).
- G. In the event one (1) or more eligibles listed on a Certificate of Eligibles is removed from consideration for appointment, the appointing authority may request, by coding the certificate accordingly, that a supplemental Certificate of Eligibles be issued.
- H. An eligible is removed from consideration for appointment by:
 - 1. Declining appointment or requesting not to be considered for appointment;

2. Failing to reply, within a period of ten (10) workdays from date mailed, to the written request of the appointing authority for an interview or within five (5) workdays to a telephone or facsimile request; or for not reporting for the interview.
 3. Accepting an appointment and failing to report for duty at the time and place agreed to without giving reason for the delay satisfactory to the appointing authority.
- I. A supplemental certificate shall contain as many names as necessary to provide the appointing authority with a complete certificate.
 - J. Written, facsimile or telephone inquiry with letter of confirmation as to availability may be sent by the appointing authority to selected eligible(s) certified for appointment. Evidence of having sent a written or other notice to selected eligible(s) reported as having failed to reply to the inquiry or as unavailable for appointment shall be maintained by the agency.
 - K. When a substantial change is made to an occupational classification, i.e., change in minimum qualifications, the State Personnel Director may withdraw any outstanding Certificates of Eligibles and may not certify eligibles until such time as the changes have been finalized.

4.22.4 Appointments from Certificates of Eligibles

- A. An appointment to fill a vacancy is usually made from the top ten (10) eligibles plus those with the same whole score as the tenth eligible. The appointing authority may appoint any applicant certified to the agency on the Certificate of Eligibles regardless of score or rank.
- B. Appointments not made from the top ten (10) available eligibles shall only be made in strict conformance with State Personnel Board policy, rules, and procedures.
- C. When a concurrent certificate is issued, appointment will not necessarily be made from the top ten (10). (Refer, Chapter 4, Section 4.22.7.)
- D. Initial appointments to full-time state service positions shall be made from those eligibles on the Certificate of Eligibles.
- E. The agency shall submit to the State Personnel Director notification of intent to appoint from a Certificate of Eligibles. Such notification shall consist of the actioned Certificate of Eligibles and position-employee data. When selection is made for more than one (1) position, the position number (PIN) must be noted beside the appointed eligible's name.
- F. The life of a Certificate of Eligibles shall be ninety (90) calendar days from the date of last issue unless the time is otherwise extended by the State Personnel Director. Each supplemental issue extends the life of each previously issued certificate.
- G. The expiration date is printed on each issue of the certificate.
- H. The appointing authority may return the certificate, without any action taken, prior to the ninety (90) day expiration period. The reason for such cancellation should be noted in the appropriate space provided.

General Instructions for Actioning a Certificate of Eligibles

When filling vacant positions through competitive certification, a Certificate of Eligibles is issued by the State Personnel Director in response to a properly filed REQUEST FOR CERTIFICATE OF ELIGIBLES. The following shall be in effect:

1. A certificate can be used only for positions (PINS) identified on the Request for Certificate of Eligibles. Additional PINS in the same

- classification and geographical location may be added to an active request.
2. The certificate lists the names of applicants eligible for consideration in hiring.
 3. Action taken concerning each eligible should be noted in the appropriate space on the certificate according to the codes provided below.
 4. Note the date of hire and PIN in the appropriate space for each appointment.
 5. If selection is not made, additional names may be requested, up to the number authorized for the particular request. Supplemental certificates will not be issued on expired certificates, or where the number of appointments equal the number of PINS stipulated on the original request.
 6. The agency is responsible for maintaining documentation for each eligible actioned on the certificate. Do not send this documentation to the State Personnel Director. Justification must be submitted to the State Personnel Director for any applicant reported as "AE" (Agency Exception).
 7. The date of appointment may not be earlier than the date the certificate is issued. The State Personnel Director may consider earlier dates when justified by the agency.
 8. The life of a certificate is ninety (90) days, unless extended through issuance of a supplemental certificate or by written request from the agency (with justification). Extensions may be granted by the State Personnel Director.

Codes for Actioning Certificates of Eligibles

Code Explanation

A	Appointed
C	Considered
I	Interviewed
DJ	Declined Job
DI	Declined Interview
NA	Not Available
AF	Appointed-Failed to Report
FW	Failed to Reply to Written Inquiry

- FR Failed to Report for Interview
- WA Wrong Address (Be sure address used is that printed on certificate.)
- SI Scheduled Interview (for agency use only)
- AE Agency Exception - Justification must be submitted for each agency exception requested. State Personnel Director shall have the final decision on approving or disapproving the agency's action.
- ZR Zone Request - May be used only when certification by area/district/zone was requested and an individual is not interested in the particular location. This code will entitle the agency to an additional name. CODE MAY NOT BE USED WHEN CERTIFICATION WAS MADE BY COUNTY.

4.22.5 Inadequate Certificates of Eligibles

- A. Generally, an inadequate list shall be considered one with less than ten (10) names of the type of certificate requested.
- B. When the number of names available for filling a vacancy is inadequate to complete the Certificate, the appointing authority may decline certification for that vacancy, may accept the inadequate Certificate, may await automatically issued supplements to the Certificate, or the agency may request that the State Personnel Director complete the Certificate of Eligibles from a related list of eligibles.
- C. The State Personnel Director may initiate recruitment upon the issuance of an inadequate Certificate of Eligibles.

4.22.6 Certification from Reemployment Lists

- A. Agencies are encouraged to consider any applicant whose name appears in the Reduction in Force/Reemployment Section 1 of a Certificate of Eligibles.
- B. Agencies should give full consideration to any applicant whose name appears in the Alternate Reemployment/Promotional/Transfer Section 2 of a Certificate of Eligibles.

4.22.7 Concurrent Certification

- A. The State Personnel Director shall initiate concurrent certification procedures when a request for certification is received by the State Personnel Director for a job classification for which an active Certificate of Eligibles has been issued for the same geographical location.

- B. Agencies shall receive one additional name for each concurrent PIN for which active Certificates of Eligibles have been issued for the same occupational code for the same geographical location.
- C. The number of additional names based on concurrent certification may vary from one issue of the certificate to another issue of the same certificate.

4.22.8 Availability for Appointment

- A. Applicants may request in writing to have counties added and/or deleted to area(s) of availability for a given occupational class.
- B. Applicants may request in writing to restrict their availability to a specific agency for a specific occupational class (a restriction applies to ONLY ONE AGENCY).
- C. Applicants may request in writing to exclude an agency, or agencies, from his/her availability for a specific occupational class.

4.22.9 Correction of Errors In Certification Process

- A. When errors are corrected by the State Personnel Director, they may not nullify an active certificate or appointment, but may result in the removal of an eligible's name from the Certificate of Eligibles.
- B. In the event that a Certificate of Eligibles is flawed through error and the error is discovered before an appointment is made from the certificate, the erroneous certificate may be withdrawn and a correct certificate issued.
- C. In the event that a Certificate of Eligibles is flawed through error and is discovered after an appointment is made from the Certificate, the certificate shall not be withdrawn, except by the direction of the State Personnel Director.

4.22.10 Confirmation of Availability for Appointment

- A. Agencies may make written, facsimile or telephone inquiries to those eligibles it chooses to interview.
- B. Agencies are solely responsible for maintaining supporting documentation concerning action taken on individuals whose names appear on a Certificate of Eligibles.

- C. Agencies are required to maintain documentation of compliance with the requirements of Section 25-9-351, Mississippi Code of 1972, Annotated (Selective Service Registration). Males between the ages of 18 and 26 must submit proof of Selective Service Registration as a condition for appointment and/or promotion.

4.23 APPLICANT'S REVIEW PROCEDURE

The State Personnel Director shall establish a review procedure for assistance to applicants pertaining to the selection process.

4.23.1 Review of Action

Individuals or eligibles requesting a review of actions of the Office of Recruitment and Selection shall make a written request to the Director of the Office of Recruitment and Selection. Such written request shall stipulate the reason the review is requested and shall contain documentation supporting the applicant's position.

Should the decision of the Director of the Office of Recruitment and Selection not prove satisfactory to the applicant, the applicant shall make a written request to the State Personnel Director for review of the action.

4.23.2 Appeals

Applicants may appeal only as provided for in Section 10.40.2.

4.30 MEMORANDA OF AGREEMENTS

Notwithstanding the policy and procedures outlined in Sections 3.0 through 4.23, the State Personnel Director may enter into agreements with state agencies and/or other entities to accomplish the tasks specified herein.

4.40 APPLICANT INTERVIEWS

Agencies are urged to interview all applicants referred on Certificates of Eligibles.

Any agency employee interviewing an applicant for a vacant position, whether for original or promotional appointment, should document each interview by making notes and maintaining a file of the following information: job title, interviewer's name, date and time, names of those interviewed, questions asked, major topics covered, whether or not applicant was hired, and reasons for hire or non-hire.

4.41 QUESTIONS ASKED IN INTERVIEWS

Agencies should not ask applicants any questions, which may be discriminatory or are prohibited by state or federal law. Federal laws and regulations applicable to employment discrimination include but are not limited to Title VII of the Federal Civil Rights Act of 1964, The Equal Opportunity Act of 1972, the Rehabilitation Act of 1972, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act, and the Uniform Guidelines on Employee Selection Procedures.

4.41.1 Questions to Avoid Asking Applicants

Unless job relatedness can be established as a bona fide occupational qualification, interviewers should not ask applicants leading questions including but not limited to: age or date of birth, arrest, or conviction records, credit or garnishment records, family matters such as number and age of children, childcare requirements, marital status, health history, political affiliation, or religious preference.

The interviews should focus primarily on a discussion of the essential functions of positions and a consideration of the applicable written position descriptions as compared to the ability of applicants to perform the essential functions of the position with or without reasonable accommodations. Agencies are permitted, nevertheless, under the Americans with Disabilities Act, to establish a standard that no individual poses a direct threat to the health or safety of other individuals in the work place. Agencies are responsible for making certain that interviewers and other employees are knowledgeable of the prohibitions imposed by the above-referenced federal laws regarding pre-employment activities.

4.50 EMPLOYMENT AUTHORIZATION

A. Employment Requirements Under the Immigration Reform and Control Act of 1986 (IRCA)

Under the Immigration Reform and Control Act of 1986, Public Law No. 99-603, November 6, 1986 (IRCA), it is unlawful for an employer in the United States to hire an alien or to continue employing an alien, knowing the alien is an unauthorized alien. It is also unlawful for an employer to employ any individual without complying with certain provisions for verification of both identity and eligibility for employment. To comply with IRCA, state agency employers must examine certain documents, after an individual has been hired (the term "hire" under IRCA means the actual commencement of employment for wages or other remuneration), and attest on a form called the Form I-9, that the documents provided by the employee have been examined and that they establish both the employee's identity and eligibility for employment. The employer must then retain the Form I-9, which is subject to inspection by both the

U.S. Immigration and Naturalization Service (INS) and the U.S. Department of Labor (DOL).

RCA also prohibits discrimination against applicants and employees because of national origin or citizenship status in matters involving hiring, recruitment, job referrals where a fee is involved, and discharges. However, persons lacking lawful status are not protected.

For detailed instructions on completing the Form I-9, refer to the Handbook for Employers published by the INS, contained in the Appendices. The Appendices also contain the federal regulations governing IRCA. All state agency employers must adhere to IRCA and the rules and regulations pertaining thereto.

B. Employment Requirements Under Senate Bill 2988, Passed During the 2008 Mississippi Legislative Session

Effective July 1, 2008, state agencies under the purview of the Mississippi State Personnel Board shall verify the employment authorization for any person or entity that is hired to perform work within the State of Mississippi and to whom a United States Internal revenue Service Form W-2 or Form 1099 must be issued and any person or company that provides workers for another company, including but is not limited to leasing companies and contract employers.

Verification of employment authorization must be conducted in accordance with the Federal E-Verify Program and it shall be the responsibility of the employing agency to verify employment authorization and to maintain records of employment verification as required by state and federal laws.

SPB Form 343-82 Rev. 7/08	STATE PERSONNEL BOARD OFFICE OF RECRUITMENT AND SELECTION TRANSMITTAL FORM				
Type of Evaluation		Agency Name:			
	AL (SPB Promotional)	Master/Agency Code:			
	AM (Agency Maintained)	Occu Code:			
	AO (Intra-Agency Promotional)	Occu Title:			
APPLICANTS' SOCIAL SECURITY NUMBERS	APPLICANTS' NAMES			FOR SPB USE ONLY	
				**S/AIR	SCORE
_____ Agency Human Resources Officer		_____ SPB Evaluator			
Name: _____ Date: _____		Name: _____ Date: _____			
* Action Codes: A - Approved AT - Approved for Testing		_____ Comments:			

SPB Form 343-82 Rev. 7/08	STATE PERSONNEL BOARD OFFICE OF RECRUITMENT AND SELECTION TRANSMITTAL FORM				
Type of Evaluation		Agency Name:			
	AL (SPB Promotional)	Master/Agency Code:			
	AM (Agency Maintained)	Occu Code:			
D - Disapproved PE - Passed Examination FE - Failed Examination ** S/AIR - Supplemental/Additional Information Requested					

APPLICANT CERTIFICATION FORM (ACF)
 General Instructions for Completing the ACF

1. The ACF is required ONLY when the hiring agency transmits the E-Resume to the Mississippi State Personnel Board (MSPB) for evaluation or when the authorized agency representative formally evaluates the E-Resume.
2. Procedures for completing the ACF. Use this procedure when an onsite visit to the agency by
 - a. Agency prints the applicant's E-Resume summary
 - b. Applicant reviews the printed E-Resume summary for accuracy
 - c. Applicant makes changes to the printed E-Resume and initials any changes
 - d. Applicant completes the applicant section of the ACF
 - e. Agency completes agency section of the ACF
 - f. Agency forwards copies of ACF and E-Resume to MSPB for evaluation or agency evaluates E-Resume, if authorized
 - g. Agency files ACF and E-Resume in agency files
 - h. MSPB completes Mississippi State Personnel Board section of ACF
 - i. MSPB notifies agency of evaluation results
3. Procedures for completing the ACF. Use this procedure when an onsite visit to the agency by the applicant creates a hardship.

- a. Agency forwards a copy of the ACF and a printed copy of the applicant's E-Resume to the applicant
- b. Applicant reviews the printed E-Resume for accuracy
- c. Applicant makes changes to the printed E-Resume and initials any changes
- d. Applicant completes applicant section of ACF
- e. Applicant returns the original, notarized ACF and the printed copy of the applicant's E-Resume to the agency
- f. Agency completes agency sections of the ACF
- g. Agency forwards copies of ACF and E-Resume to MSPB for evaluation or agency evaluates E-Resume, if authorized
- h. Agency files originals of ACF and signed E-Resume in agency files
- i. MSPB completes Mississippi State Personnel Board section of ACF
- j. MSPB notifies agency of evaluation results

To be Completed by the Employing Agency

Applicant: _____ Agency No: _____ PIN: _____
 Job Title: _____ Classification Code: _____
 Evaluator: _____ Evaluation Status: _____ Evaluation
 Date: _____
 Agency Witness: _____ Date: _____

APPLICANT CERTIFICATION FORM (ACF)
 General Instructions for Completing the ACF

To be Completed by the Applicant

I certify that the statements made in the E-Resume and on all attached documents are true and complete to the best of my knowledge. I authorize the verification of this information by the State of Mississippi and the release of this information to any agency considering me for employment. I understand by certifying the information provided in the E-Resume that I am submitting a formal application for employment with the State of Mississippi and I know that any misrepresentation I make herein may lead to the rejection of my application, and/or the dismissal from state employment. I understand that, as a condition of employment, I will be required to present documentation, which verifies both my identity and my employment eligibility pursuant to federal immigration law.

Signature: _____ SSN: _____ DOB: _____
 (optional)

To be Completed by Notary

COUNTRY:_____STATE/PROVINCE:_____COUNTY:_____

Personally appeared before me a notary public in the Country, State/Province, and County aforesaid _____the applicant, who, after being duly sworn, certifies that the information provided in the E-Resume and the attached documents is true and complete to the best of his/her knowledge.

SWORN TO AND SUBSCRIBED before me, this the ___day of _____A.D., _____.

Notary Public

For Mississippi State Personnel Board Use Only

Evaluator:_____Evaluation
Date:_____

Status:_____Evaluation