



DATE: September 4, 2007

TO: ALL STATE AGENCIES, EMPLOYEE ORGANIZATIONS, AND MEMBERS OF THE GOVERNOR'S CABINET

SUBJECT: CHANGES TO THE TRANSFER OF LIST ELIGIBILITY GUIDELINES

The purpose of this memorandum is to provide departments with direction on the changes to the transfer of list eligibility guidelines. Transfer of list eligibility helps to eliminate unnecessary testing and provides State employees and non-State employees with enhanced employment opportunities. These changes are consistent with the direction proposed by the Human Resources Modernization strategic plan.

- Transfer of list eligibility between eligible lists is discretionary
- Transfers are permitted between lists established as a result of examinations that are the same or substantially similar in complexity and subject matter and, have the same education and experience requirements
- Transfers may be made between promotional lists
- Transfers may be made between open lists
- Transfers shall not be made between promotional lists and open lists as it would be inconsistent with the merit principles and result in list circumvention (GC Section 19054¹)

PROMOTIONAL LIST TRANSFERS

Employees with promotional list eligibility who request to move from one department's list to another without a break in service, or who reenter State service in a new agency or subdivision within 6 months after a resignation, and who, had he/she returned to the former agency or subdivision, would have been eligible for certification from a promotional list under the provisions of Section 240, may request to have eligibility transferred to the appropriate promotional list of the new department if such list was established as a result of an examination that was the same or substantially similar in complexity and subject matter.

- The employee must be reachable on the "to" list if he or she is to be appointed by the new department. The hiring department shall be responsible for making this determination
- There is no requirement the person be reachable on the "from" list

- There is no requirement the employee be reachable on either the “from” or “to” list if the employee is not to be appointed by his or her new department

OPEN LIST TRANSFERS

Persons on a departmental open or a State Personnel Board (SPB) servicewide open eligible list may request to have eligibility transferred to the proper departmental open or SPB servicewide open list if such list was established as a result of an examination that was the same or substantially similar in complexity and subject matter as follows:

- The employee must be reachable on the “to” list if he or she is to be appointed as a result of the transfer. The hiring department shall be responsible for making this determination
- There is no requirement the person be reachable on the “from” list
- There is no requirement the person be reachable on either list if the person has experienced a geographical change in residence since establishing eligibility on the list their name currently resides on. An example would be where a person has eligibility on a spot list, e.g., Sacramento, and moves to another part of the State (or country for some classes) that is a significant distance from Sacramento. Oftentimes, the eligible wants to transfer his or her eligibility to a list that was established for a location close in proximity to his or her new residence. This provision would allow the transfer provided it meets the other pertinent transfer criteria, including concurrence of the Personnel Officer of the “to” department

Presuming the stated criteria are met and no other restrictions prohibit the transfer, such as a transfer restriction placed on one of the lists involved in the transfer, eligibility shall be transferred upon receipt of the transferee’s written request AND concurrence of the Personnel Officer, or his or her designated representative, of the “to” department. The “to” department will be responsible for placing the transferee’s name on the proper list. Transfers involving an SPB servicewide open list must be processed by SPB.

DETERMINING IF EXAMINATIONS ARE THE SAME OR SUBSTANTIALLY SIMILAR IN COMPLEXITY AND SUBJECT MATTER AND HAVE THE SAME EDUCATION AND EXPERIENCE REQUIREMENTS

To determine if the “from” and “to” lists were established as a result of examinations that were the same or substantially similar in complexity and subject matter, and have the same education and experience requirements, departments shall adhere to the steps below:

- Review the education and experience requirements contained in the minimum qualifications section of the class specification. This requirement is for transfers between lists for different classifications. It applies to classifications when the titles differ only by an additional parenthetical which does not impact the general subject matter covered in the examination, [e.g., Research Analyst I and Research Analyst I (Economics).] It's permissible to transfer eligibility from a parenthetical specialty Research Analyst I (Economics) to a general core class (Research Analyst I) but not from a general core class to one with a parenthetical specialty
- Analyze the examination material to determine what KSAs were tested for - each exam question/item is tied to a knowledge, skill or ability identified in the class specification or job analysis
- Eligibility gained via an education and experience (E&E) examination may only be transferred to another list established via an E&E

Two examinations may still be considered substantially similar even though they may have differed with regard to the testing method utilized. An **example** of this would be where one examination was comprised of a total of 70 questions. Within the 70 questions, there were seven segments, each segment testing a different subject matter or KSA at a moderate to high level of complexity. A total of seven different KSAs would have been tested for. The second examination, an interview-only, consisted of 7 individual questions, each testing a separate KSA at a moderate level of complexity.

For comparison purposes, the two exams tested for 5 of the same KSAs or subject matter. Therefore, the transfer of eligibility would be permitted if all other criteria are met.

The SPB is available to provide guidance to departments upon request. To help expedite the process, we would appreciate it if departments would gather and be prepared to provide us with all relevant examination material to be reviewed (class specification, exam material, KSAs tested for, etc.) prior to contacting SPB.

Changes to the Transfer of List Eligibility Guidelines

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Questions regarding this memorandum may be directed to the following Merit Operations Division (MOD) staff: Linda Houck, Roberta Nishimura or Julia Shelmire at (916) 653-1502, or you may send us an e-mail to HRProblemResolution@spb.ca.gov.

Original Signed By

Suzanne M. Ambrose

Executive Officer

¹ GC 19054: Except as provided in Section 19054.1, the order of preference in certifying eligibles shall be: subdivisional reemployment list, departmental reemployment list, general reemployment list, subdivisional promotional list, departmental promotional list, multidepartmental promotional list, servicewide promotional list, departmental eligible list, and eligible list. The preferred limited-term list, in accordance with board rule, may be given preference over the departmental eligible list, and the eligible list when making limited-term appointments.