18 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

389 BUREAU OF HUMAN RESOURCES

Chapter 7 ELIGIBLE REGISTERS

# SUMMARY: This chapter identifies the types of registers and the manner in which they are maintained and used. It presents a mechanism for adding and removing names, and specifies the normal duration of registers.

# 1. CLASS REGISTERS

 A. Maintenance

 The Director of Human Resources shall establish and maintain eligible registers necessary to carry out the purpose of the Civil Service Law and Rules. In general:

 1. Eligible lists shall be by class of employment and shall be statewide in application except where these rules or action of the Director of Human Resources specifically makes provision for establishment of lists by geographical area, agency or organizational unit.

 2. Names of eligibles shall be placed on registers in the order of their final earned rating plus preference credit as allowed by law.

 3. In the case of a tie between a veteran and a non-veteran, the name of the veteran shall be placed ahead of that of the non-veteran.

 4. In the case of other ties in final ratings, names shall be placed on the register in the order of rating earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by arranging names alphabetically.

 B. Use of Class Registers

##  1. Competitive Appointments

 All vacancies in the competitive division of the service shall be filled by certification and appointment from eligible registers.

###  NOTE: In the absence of an appropriate class register, the Director of Human Resources may authorize other appointments as provided by Chapter 8, Section 3.

##  2. Non-Competitive and Unclassified Service Appointments

 The Director of Human Resources, upon request, shall make the names of job candidates from eligible lists available to appointing authorities for the purpose of making appointments to positions in the unclassified service and in the non-competitive division of the classified service.

 C. Duration of Class Registers

 1. The Director of Human Resources shall determine the period during which all eligible registers shall remain in effect, but this period shall not be more than three years.

 2. When an eligible register exists for any class and the Director of Human Resources deems it necessary to establish another such register for the same class, the existing register ordinarily shall be canceled.

 3. Layoff and reemployment registers shall be deemed to be in continuous existence. The eligibility of individual names placed on such a register shall expire one year after placement on the register but the Director of Human Resources may extend such eligibility for an additional period or periods, provided, however, that no such extension shall continue the name of any individual on such a register to a date beyond three years after placement on the register.

# 2. MERGING OF CLASS REGISTERS

 The Director of Human Resources may combine a new and an existing register by placing the names of all eligibles in new order of final ratings. If the higher rating was made on the examination to establish the older register, the eligible shall continue in such rank on the combined register only for the period for which the older register was established. Thereafter, rank will be determined by the rating in the new examination.

# 3. SUB-DIVISIONS OF CLASS REGISTERS

 A. Layoff Register

##  1. Maintenance

 Layoff registers shall be established by agency organizational unit or, as the Director of Human Resources deems appropriate, on an agency or state-wide basis. Layoff registers shall contain the names of all permanent or probationary employees laid off, or who have been served official notice of impending layoff at a definite effective date, from other than a seasonal, project, intermittent or similar position having a known or expected termination date. Names shall be placed on the layoff register in order of seniority as determined under the provisions of Chapter 12.

 NOTE: Employees laid off, or who face an impending layoff may, from date notice is made, file application and be examined for any class other than that from which laid off and for which they qualify, whether or not such class is open to general recruitment and examination. Placement on these additional eligible registers shall be without layoff status.

##  2. Special Provision

 Upon written application approved by the Director of Human Resources, a permanent or probationary employee whose application for reinstatement prior to expiration of approved leave of absence has been denied by his/her appointing authority may have his/her name placed on the appropriate layoff register for the unexpired period of the leave of absence. Names shall be placed on the layoff register in order of seniority as determined under the provisions of Chapter 12.

 B. Agency Promotional Registers

###  1. Maintenance

 Agency promotional registers shall consist of the names of all permanent and probationary persons employed in the agency or organizational unit or employees on layoff registers from the agency or organizational unit who have passed the agency promotional examination for the class for which the list is established. Names shall be placed on an agency promotional register in the order of final earned ratings.

###  2. Special Provisions

 Agency promotional registers shall be established by organizational unit when such subdivision has been approved in accordance with Chapter 12 prior to the date of the promotional examination.

####  C. Statewide Promotional Registers

 Statewide promotional registers shall be established by class of employment and shall consist of the names of all persons employed by the state or on a layoff register in an eligible class as determined by the Director of Human Resources, and who have passed the promotional examination for the class for which the statewide promotional register is established. Names shall be placed on a statewide promotional register in the order of final earned ratings.

 D. Open Competitive Registers

 1. Maintenance

 Each open competitive register shall be established by class of employment and shall consist of a list of the names of all persons who have passed the examination for the class for which the open competitive register is established. Names shall be placed on an open competitive list in the order of final earned ratings plus preference credit as allowed by law.

 2. Exception

 Persons who are receiving retired pay benefits through the Maine State Retirement System shall not be eligible for placement on an open competitive register.

 E. Reemployment Register

 1. Applications for Reemployment. The Director of Human Resources shall consider the recommendation of the last appointing authority before approving applications for former employees, and shall disapprove each application where the quality of service was unsatisfactory as evidenced by a service report submitted by the last appointing authority.

 2. Maintenance of Reemployment Registers. A reemployment register shall contain the names of all permanent or probationary employees laid off from the class of employment and the names of former permanent or probationary employees in the class whose written applications made within three years of separation in good standing, are approved by the Director of Human Resources. Names shall be placed on a reemployment register in order of combination of quality of service and previous seniority.

 3. Exception. Persons who are receiving retired pay benefits through the Maine State Retirement System shall not be eligible for placement on a reemployment register.

# 4. REMOVAL OF NAMES

 In addition to the causes for disqualification stated in Chapter 6, Section 4C, or in the Civil Service Law or elsewhere in these rules, the Director of Human Resources may remove names from eligible registers, permanently or temporarily, for any of the following reasons:

 A. Appointment through certification from such list to fill a permanent position.

 B. Appointment to fill a permanent position through certification from another register, or from a register for another class at the same or higher salary. Any person whose name is so removed may have his/her name restored for the duration of such registers other than the one from which appointment was made, by making written application for such action to the Director of Human Resources.

 C. Failure to respond within five days to a written inquiry of the Director of Human Resources or appointing authority relative to availability for appointment.

 D. Failure to respond within two days to a telegraphed inquiry from the Director of Human Resources or appointing authority relative to availability for appointment.

 E. Declination of appointment under such conditions as the eligible previously indicated as being acceptable.

 F. Failure to report for duty within the time prescribed by the appointing authority.

 G. Expiration of the term of eligibility on the eligible register.

 H. Failure to maintain a record of the current address at the Bureau of Human Resources. For this purpose, the return of a letter by the postal authorities if properly addressed to the last address on record, shall be deemed sufficient grounds for such removal of the name from the eligible register.

 I. Upon certification three times to the same or different appointing authorities if not appointed.

 J. In the case of agency promotional registers, appointment or transfer of an employee to a new agency or another duly established organizational unit.

 K. In the case of promotional registers, upon termination except by layoff in the state service.

5. RESTORATION OF NAMES

 A. An eligible whose name is removed from an eligible register, may make a written request to the Director of Human Resources for the restoration of his/her name to such register for its duration. Such request shall set forth the reasons for the conduct resulting in removal of the name from the register, and shall further specify the reasons advanced for the restoration of the name. The Director, after full consideration of the request, may restore the name to the eligible register, or may refuse such request. The eligible shall be notified of the Director’s action.

 B. A former employee reemployed in the state service shall have his/her name restored to any existing statewide promotional register from which it was removed because of separation from the state service, provided the Director of Human Resources approves the employee’s written application for such action.

 C. A former employee reemployed in the state service shall have his/her name restored to any existing agency promotional register from which it was removed because of separation from the state service, provided written application for such action is approved by the Director of Human Resources.

 D. A probationary or permanent employee whose name has been removed from an agency promotional register because of transfer or original appointment with probationary or permanent status under a new appointing authority may have his/her name placed on the agency promotional register for the same class in the new agency, provided written application, made by the employee during the duration of the register from which the name was removed, is approved by the Director of Human Resources.

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