

OFFICE OF THE GOVERNOR
GOVERNMENT OF GUAM
AGANA, GUAM

EXECUTIVE ORDER NO. 74-27

GUAM MEMORIAL HOSPITAL
PERSONNEL RULES AND REGULATIONS
(REVISED)

WHEREAS, Section 4004, Government Code of Guam, provides in part that Personnel Rules and Regulations shall be adopted by the Board of Trustees of Guam Memorial Hospital; and

WHEREAS, Section 4004 of the Government Code of Guam, further provides that such Rules and Regulations must be approved by the Civil Service Commission and promulgated by Executive Order; and

WHEREAS, the Board of Trustees on May 17, 1974, held a public hearing in accordance with the Administrative Adjudication Law; and

WHEREAS, said Board of Trustees having duly met on May 21, 1974, adopted the revised Personnel Rules and Regulations; and

WHEREAS, the Civil Service Commission has approved the revised Personnel Rules and Regulations as submitted by the Hospital on July 9, 1974;

NOW, THEREFORE, I, CARLOS G. CAMACHO, Governor of Guam, by virtue of the authority vested in me by Section 4004, Government Code of Guam, do hereby approve the revised Guam Memorial Hospital Personnel Rules and Regulations.

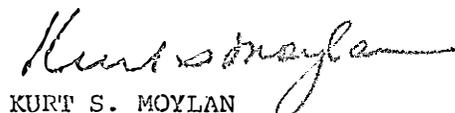
All prior rules, regulations, policies, memoranda or executive orders relative to Guam Memorial Hospital in conflict with this Order are hereby superseded.

This order shall be effective July 19, 1974.

Signed and promulgated at Agana, Guam, this 19th day of July, 1974


CARLOS G. CAMACHO
Governor of Guam

COUNTERSIGNED:


KURT S. MOYLAN
Lieutenant Governor of Guam



GUAM MEMORIAL HOSPITAL

PERSONNEL RULES AND REGULATIONS

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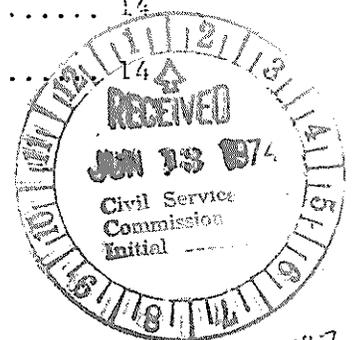
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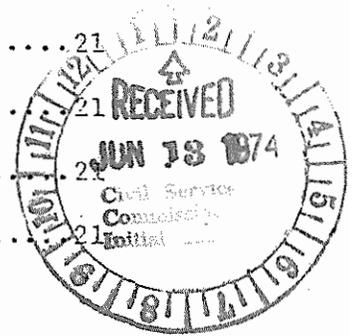
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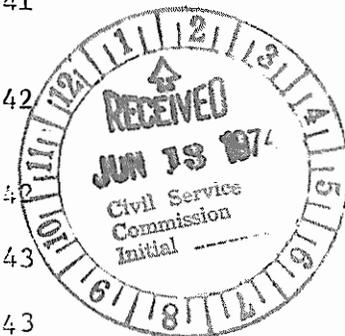
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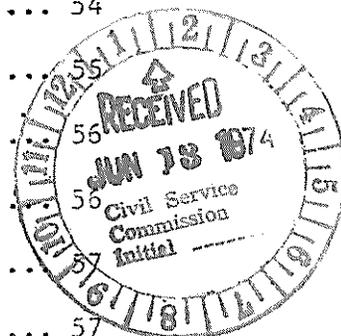
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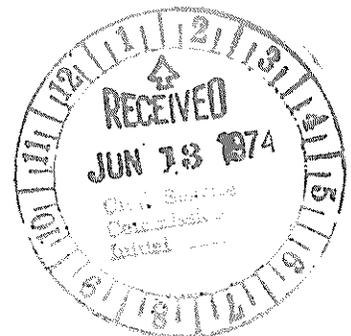
PERSONNEL RULES AND REGULATIONS
GUAM MEMORIAL HOSPITAL
GOVERNMENT OF GUAM

RULE I PURPOSE AND SCOPE OF RULES

Purpose: It is the purpose of these rules to implement the provisions of Title V and XLVII, Government Code of Guam, relating to the appointment, employment, promotion and other personnel policies for Guam Memorial Hospital employees in order to assure the orderly administration of the merit system. All hospital administrative directives, memoranda and correspondence of general or group application, inconsistent with these rules and regulations are hereby superseded; these rules and regulations shall not be construed as terminating rights or obligations of a contractual nature arising prior to the effective date hereof.

1.00 Application: All appointments and promotions to positions in Guam Memorial Hospital, and all measures for the control and regulation of employment and separation from service shall be applied equitably. Certification and appointment actions of the Hospital Administrator with respect to employee relations shall be such as to insure selection and retention of employees on the basis of merit and fitness.

1.10 Coverage: These policies shall apply to all employees of Guam Memorial Hospital unless specifically exempted.



RULE II ADMINISTRATION AND ORGANIZATION

2.00 Administration: The Board of Trustees of Guam Memorial Hospital with the approval of the Governor, shall select and employ a competent, experienced hospital administrator who shall be its direct executive representative in the management of the Hospital. The Administrator shall be given the necessary authority and shall be held responsible for the administration of the hospital in all its activities and departments, subject only to such policies as may be adopted and such orders as may be issued by the Board of Trustees, or by any of its committees to which it has delegated power for such action.

The authority and duties of the Hospital Administrator are:

- (a) To be responsible for carrying out all hospital policies established by the Board of Trustees;
- (b) To perfect and submit to the Board of Trustees for approval, an organizational plan of the personnel and others concerned with the operation of the Hospital.
- (c) To prepare an annual budget showing salary allocations and other budget expenses, and all expected receipts and expenditures of hospital operations as required by the Board of Trustees.
- (d) To advise the Board of Trustees of policies and procedures concerning the administration of personnel matters.



- (e) To serve as Secretary to the Board of Trustees on personnel matters.
- (f) To establish and maintain complete records of hospital personnel.
- (g) To maintain the classification and pay schedule plan of Guam Memorial Hospital.
- (h) To administer all recruitment programs. The Administrator shall receive, process and establish eligibility lists for employment within all hospital departments.
- (i) To perform any other duty that may be necessary in the best interest of the hospital.
- (j) To serve as the liaison officer and channel of communication for all official communications between the Board of Trustees and Hospital employees, and any other agency of the Government of Guam.

2.10 Board of Trustees: The Board of Trustees shall sit in an appellate capacity.

2.11 Duties of the Board: The Board is authorized to:

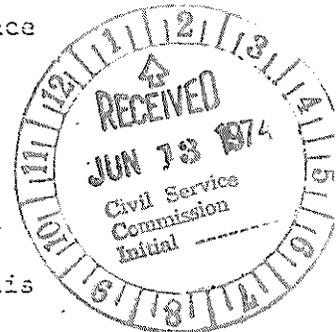
- (a) Hear and decide appeals from actions of the Hospital Administrator on personnel matters within limits prescribed by the law and these rules.
- (b) Make investigations which it may consider desirable concerning the administration of personnel in the service of Guam Memorial Hospital.



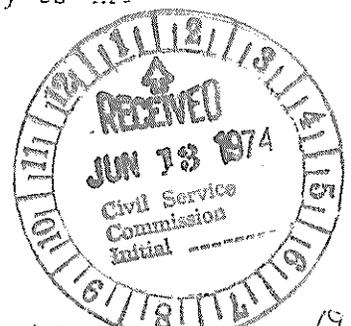
- (c) Quorum: Four members of the Board of Trustees shall constitute a quorum for the transaction of business at any meeting concerning personnel matters, and the concurrence of four members shall be necessary to make any action effective.

RULE III OBLIGATIONS OF EMPLOYMENT

- 3.00 The spirit of these rules and regulations and departmental manuals of operation shall, as nearly as conditions of sound administration allow, conform to the employment obligations which follow. These obligations shall be binding on all persons concerned with the administration of these personnel policies.
- 3.10 Fitness of Applicants: The fitness of applicants for service at Guam Memorial Hospital shall be based on qualifications and ability and on competitive practical tests and evaluations.
- 3.20 Probationary Period: All employees shall serve an initial probationary period of six (6) months before obtaining permanent status in the government service.
- 3.30 Protection in Status: Every member of the classified service who has served a probationary period shall be entitled to hold his position during good behavior and satisfactory performance of his duties.
- 3.40 Appeals: Any matter covered by the Personnel Law and these rules may be appealed to the Civil Service Commission if the cognizant administrative officer is alleged to have abused his discretionary powers.



- 3.50 Maternity Leave: Confinement for childbirth will be considered as sickness, and any female employee of the Government of Guam who is absent for this purpose shall be granted maternity leave not to exceed ten (10) days and such leave shall be in addition to any accumulated sick leave in which leave shall be paid. Such maternity leave shall be any ten (10) days encompassing the date of childbirth and any additional leave taken for childbirth purposes shall be charged against accumulated sick leave. The date for beginning maternity leave will be determined by the mutual agreement between the department head and the individual employee.
- 3.60 Compensation, When Not Payable: Compensation may not be authorized or paid to any officer or employee unless these rules have been complied with on initial employment and retention in the service of Guam Memorial Hospital.
- 3.70 Training Programs: Training Programs shall be devised by departments with the assistance of the Hospital Training Officer in order to improve the quality of patient care.
- 3.80 Specific Regulations: The following specific regulations shall be adhered to:
- 3.81 Hours of Work: Hours of work within all hospital departments shall be set from time to time by the Administrator and the Board of Trustees.
- 3.82 Loyalty Oath: All persons employed by or seeking employment with Guam Memorial Hospital shall subscribe and certify to the



prescribed loyalty oath. This oath shall be administered by the Personnel Director or the officers or employees designated by him. Failure to take such oath or certifying falsely to such oath shall result in immediate dismissal.

3.83 Outside Employment: Employment or business interests outside the hospital service shall not be maintained by any full-time employee of Guam Memorial Hospital without the prior approval of the Administrator.

3.84 Nepotism: No spouse of any director, chief administrator or other department head of the Hospital may be employed in the same department which is so headed by such director, chief administrator or other officer.

3.85 Joining of Organization - Pressure: The use of any coercion or pressure by a supervisor or other employee to influence an employee to join or refrain from joining an organization shall be prohibited.

3.86 Administrator to Act on Behalf of the Board of Trustees: Except as otherwise required by law, whenever in these rules the Board of Trustees is required to make any certification, give any notice, or perform any other act, the Administrator shall be authorized to execute such notice on behalf of the Board, or otherwise attest to or carry out the action authorized or taken by the Board.



RULE IV RECRUITMENT AND EXAMINATIONS

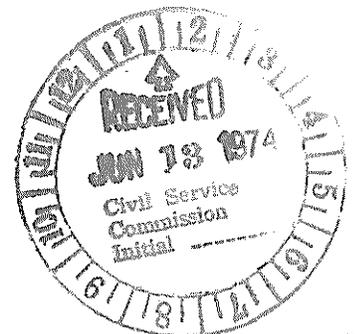
- 4.00 Recruitment of eligible persons for employment at Guam Memorial Hospital shall be accomplished on the basis of qualification and fitness. Competitive selection technique shall be used wherever feasible.
- 4.10 Filling of Vacancies: No person shall be appointed to, employed in or paid for services in any position at Guam Memorial Hospital until that position has been authorized by the Board of Trustees.
- 4.11 Maintenance of List of Authorized Positions: The Personnel Department of the Hospital shall maintain a list of authorized positions for each organized unit within Guam Memorial Hospital, showing by class of positions those that have been established and the current status of the positions. No change in the numbers of authorized positions on such list shall be made by any department of the hospital except upon approval of the Hospital Administrator.
- 4.12 Certification from Eligible Lists: All original appointments and promotions to positions in the Hospital shall be made through certifications from eligible lists resulting from competitive examinations except as otherwise provided by the Personnel Laws and these rules.



4.13 Notice of Examinations: Examinations to establish eligible lists for which vacancies may occur shall be properly announced through a notice of examination published on the bulletin board of the Hospital and in other locations as determined by the Hospital Administrator or his designee. Other supplementary methods for announcing examinations may be used at the discretion of the Director, Personnel Services.

4.20 Promotional Examinations: All hospital employees shall be entitled to take promotional examinations for positions in other departments of the Government of Guam in accordance with Government Personnel Rules and Regulations. Any announcement of examination to fill vacancies by promotions shall be supplied to the appointing authorities of departments or agencies affected. The Hospital Administrator shall post notices where they can be seen by the employees of the Hospital. An announcement of promotional examination shall indicate that employees who meet requirements with reference to citizenship and other qualifications and who have served their original probationary period in the government service shall be eligible to compete in the examination.

4.21 Contents of Examinations: Each examination announcement for an original appointment or a promotion shall contain the title of the class, the character of the duties and responsibilities and examples thereof, the applicable pay range, and the minimum qualifications required for employment.



Appointments other than from an eligible list, for example, transfer, demotion or reinstatement, shall be bound by minimum qualification requirements set forth in such announcement.

4.30 Applications: The Hospital Administrator shall be authorized to determine the proper method of making application for hospital employment.

4.31 The Application Form: The Hospital Administrator shall prescribe a form to be used by applicants for positions which shall require information covering experience, training and other pertinent data indicated as being necessary in the examination announcement.

4.32 Admission to Examinations: Persons submitting applications during the period specified in the examination announcement shall be admitted to compete in the examination provided it is clearly shown that requirements for admission are met. Where doubt exists as to whether or not the applicant meets the minimum requirements for admission to the examination, the Hospital Administrator may authorize conditional admission. Such action shall not be construed as entitling the applicant to certification or appointment until such conditional admission has been confirmed by the Hospital Administrator.

4.33 Notification of Examinations: Upon review of the application form, the Hospital Administrator shall have each applicant notified by mail or other acceptable means of the date and place of the examination. No person shall be authorized to take any examination without such authorization or



satisfactory evidence of conditional acceptance of his application.

4.34 Rejection of Unsatisfactory Applicants: The Hospital Administrator may refuse to examine an applicant and may, with notice, remove his name from the eligibility list for any of the following reasons:

- (a) Unsatisfactory health conditions
- (b) Criminal, immoral or notoriously disgraceful conduct
- (c) Failure to meet the basic or necessary requirements specified in the announcement
- (d) Failure to file an application on or before the closing date specified in the examination announcement
- (e) Falsely stating any material fact or attempting to practice deception or fraud in his application
- (f) Addiction to the use of narcotics, drugs or alcoholic beverages
- (g) Evidence that the applicant has been removed from a government position, either within the Government of Guam or otherwise, which would render him unsatisfactory for the position in the government service for the class for which he is applying
- (h) Failure, after notice, to report promptly for review of criminal record or medical examination
- (i) Knowingly being a member of the Communist Party



(j) In the case of any examination for promotion, failure to complete the original probationary period or evidence that unsatisfactory service rating has been received which would disqualify the applicant for promotion.

When such finding is made, the Hospital Administrator shall reject the application and cancel the eligibility of the applicant if he has attained a place on the eligible list. In the event the applicant has already received an appointment, the Hospital Administrator shall take appropriate action to assure the stopping of future salary payment.

4.40 Fingerprints: All persons employed at Guam Memorial Hospital shall file one complete set of fingerprints of both hands before they receive initial regular appointment to a position with the hospital.

4.50 Retirement: Guam Memorial Hospital employees shall be entitled to retirement as provided for by the Government Code of Guam. No person who is receiving a retirement annuity as a member of the Government of Guam Retirement Fund shall be appointed to any position.

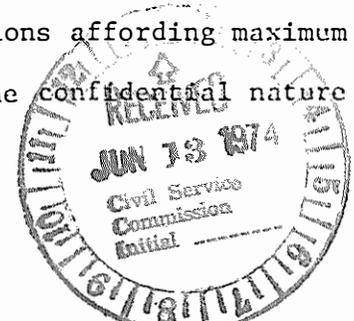
This provision does not apply to:

- (1) Persons serving without compensation; and
- (2) Members of Boards and Commissions serving with or without compensation.

4.60 Examinations: Guam Memorial Hospital shall conduct examinations to evaluate the fitness of candidates and their capacity to develop in the government service in the non-professional areas.



- 4.61 Types of Examinations: Examinations for employment in the service of the hospital shall either be competitive or promotional in nature. Open competitive examination shall be held when, in the judgment of the Hospital Administrator, there are insufficient qualified employees of the hospital for adequate flexibility of selection by the appointing authority. Promotional examinations shall be held in all other cases. Nothing in this section shall be construed as limiting the right of the Hospital Administrator to order open competitive and promotional examinations simultaneously. Whenever the Administrator authorizes both open competitive and promotional examinations, he shall certify the promotional examination list first, provided, however, that there are three or more eligibles.
- 4.62 Practicality of Examinations: Examinations shall be practical in nature, designed to reveal the capacity of the candidates for successful performance in the particular class of position for which he is competing. His general background and related knowledge shall be rated in the light of the requirements of the class for which the examination is being conducted.
- 4.63 Preparation of Tests Security: Tests for each examination shall be prepared in accordance with the policies and procedures established by the Hospital Administrator. The Administrator may consult with qualified authorities in regard to the contents of tests or the rating of applicants. Examination questions shall, at all times, be maintained under conditions affording maximum security. All precautions to safeguard the confidential nature of



examination materials shall be taken. No information concerning the nature of tests shall be divulged to any persons prior to examination. Proved disclosure of the unauthorized release of examination material by any employee shall be cause for his immediate dismissal.

- 4.64 Scope and Weights: The Hospital Administrator shall prescribe the scope and weights of all subjects included within the examination.
- 4.65 Conduct of Examinations: Tests shall be administered by a representative of the Hospital only at the time and places designated in the notice of acceptance of application, except as otherwise specified by the Hospital Administrator. All reasonable precautions shall be taken to keep secret the identity of the applicants.
- 4.66 Rating of Examinations: Appropriate scientific techniques and procedures shall be used in rating the results of examinations and determining the relative rank of competitors. In all examinations, the minimum rating by which eligibility may be achieved shall be set by the Hospital Administrator.
- 4.67 Notification of Results: All competitors shall be notified in person or by mail of their final ratings. The records of ratings, as well as examination papers, shall be held as official records for the life of the resulting eligible list.
- 4.68 Placement on Eligibility List: Names of competitors shall be placed on eligibility lists for examinations in the order of final earned rating.



- 4.69 Examination Appeals: Any competitor may appeal his rating within 15 days following the mailing or personal delivery of the notice of examination results. Such appeal shall be addressed to the Hospital Administrator who may, upon his review of the examination papers, make any changes warranted.
- 4.70 Noncompetitive Examination: The Administrator may authorize noncompetitive examinations under any of the following conditions:
- (a) Not more than one person applied who met the minimum qualification requirements.
 - (b) To test the fitness of an employee who has a permanent appointment and who seeks transfer to a position in a class in the same pay range but which requires a skill not required in his present classification.
 - (c) To test an employee who has a permanent appointment in a position which has been reallocated to a class requiring a new skill.
 - (d) When a position is temporarily vacant due to the incumbent being on leave of absence without pay and an employee serving in the same department at a lower grade is to be temporarily promoted.
- 4.80 Medical Examinations: All Guam Memorial Hospital employees shall be required to have a physical examination in accordance with Section 9520 of the Government Code of Guam.



4.81 Kinds of Medical Examinations: Medical examinations shall be done as follows:

- (a) Pre-employment physical examination shall be done by Guam Memorial Hospital physicians without charge.
- (b) Health examinations shall be done in accordance with Section 9520 of the Government Code of Guam.
- (c) Personnel in sensitive areas (Obstetric-Nursery, Operating Room, etc.) shall have a quarterly nose and throat culture checkup.

4.82 Appeals Against Medical Examination Results: An employee who is not recommended for continued employment in his position for a class in which periodic or special medical examinations are given may appeal such decision by the procedures specified in Rule IX. In such cases, the Administrator may appoint a Board of Physicians to review the case in order that the Board of Trustees shall have the benefit of professional advice when reviewing the appeal.

RULE V EMPLOYMENT LISTS

5.00 All prospective employees of the Hospital shall be selected from employment lists hereinafter referred to as eligibility lists, established and maintained by the Hospital Administrator except those employees who are demoted, transferred, reinstated or appointed on a provisional basis. Within the limitations found elsewhere in these rules, applicants shall be placed on eligibility lists in the order of their relative merit standing as determined by competitive examinations.



5.10 Establishment and Life of Eligibility Lists: Except for the reemployment list, names of candidates shall be placed on eligibility lists in the order of their numerical ratings after appropriate examination. This list shall be designated as an "eligibility list" for that class. After the eligibility list has been approved by the Hospital Administrator, it shall then be considered "established".

5.11 Duration of the List: The life of an eligibility list, other than reemployment list, shall be for a period of not more than one year unless extended by order of the Civil Service Commission. When an eligibility list is reduced to an insufficient number of eligibles as determined by the Commission, a new eligibility list may be established through appropriate examination. The names of eligibles on the former list shall be combined with those on the new list according to final earned rating for the remainder of the minimum term of the original list, but in no case may a name be retained on an eligibility list for a period exceeding the period of extension of the original list.

5.20 Order of Use and Limitation on the Establishment of Lists: The following order shall be followed in the use of eligibility lists and appointing authorities shall be restricted to selection from the top three qualified candidates found on any of these lists in the order of precedence herewith established:

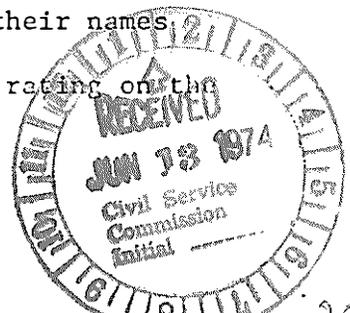
- (1) Reemployment list
- (2) Promotional list
- (3) Open Competitive list



5.21 Reemployment List: Any person who has held a permanent position in the classified service of Guam Memorial Hospital, from which he has resigned in good standing, shall be permitted to have his name placed on a reemployment list provided he so requests in writing 90 days from the date of separation. The name of such person shall be placed on the reemployment list for the class in which he last had a permanent appointment. The order in which such names are arranged on the reemployment list shall be determined by the Hospital Administrator in accordance with the chronological order of their separation. However, names placed on a reemployment list shall be removed at the expiration of two years from the date of separation.

5.22 Promotional List: Only persons in the classified service who have completed their initial probationary period may be placed on a promotional eligibility list. Such list shall be established as a result of promotional examination. Positions in which the work are of a nature peculiar to a department may be filled by a promotional list limited to employees of that one department at the discretion of the Hospital Administrator.

5.23 Open Competitive List: After each open competitive examination, the Hospital Administrator shall prepare an employment list containing the names of persons with passing grades. The names of such persons shall be placed on the list in the order of their final ratings starting with the highest. Whenever two or more applicants have final ratings which are identical, their names shall be arranged on the list in the order of their rating on the



most heavily weighed part of the examination and if this is the same, then the priority of the receipt of application. Open competitive lists resulting from open competitive examinations may not be established when it is determined by the Hospital Administrator that at least three individuals meeting the qualifications for the class are employed in the hospital service. If after announcing a promotional examination, less than three employees are found to have applied, or after holding promotional examination and less than three applicants are found to have qualified, an open competitive list may be certified to the Hospital Administrator.

5.30 Procedures When List is Required: When an eligibility list is required to fill a vacancy in a class, the Hospital Administrator is authorized:

- (a) To prepare the material calling for an examination
- (b) To administer such examination
- (c) To place on a list all applicants successfully completing the examination in the order of their merit and fitness for service as determined by the examination.

5.40 Removal of Names from Eligibility List: The name of any person found on an eligibility list who has disqualified himself for reasons specified in Rule 4.34 may be removed. The name of any person found on an eligibility list may also be removed for the following:

- (a) Appointment to a permanent position
- (b) Failure to respond within 15 days to a written inquiry relative to availability for employment

