



## State Police Commission

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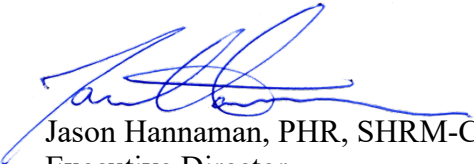
Subject: Adoption of Amendment to Rule 7.22

Effective Date: April 13, 2023

At its meeting on April 13, 2023, on motions duly made, and seconded, by the unanimous vote of the members present, the State Police Commission voted to amend Rule 7.22 as published in General Circular No. 230.

Attached is a complete copy of Chapter 7.

Sincerely,



Jason Hannaman, PHR, SHRM-CP  
Executive Director

Attachment

## CHAPTER 7

### EXAMINATION AND ELIGIBLE LISTS

#### 7.1 Examinations.

- (a) The Director shall conduct competitive examinations at such times and places as deemed necessary or desirable to the needs of the State Police classified service.
- (b) Unless specifically provided otherwise in examination announcements, applications for admission to examinations shall be accepted on a continuing basis.

#### 7.2 Public Notice of Open Competitive Examinations.

- (a) The Director shall give reasonable public notice of each open competitive examination in advance of the deadline date for filing applications.
- (b) When an examination for State Police Cadet has been announced, the Director shall conduct active recruitment for candidates through all appropriate and reasonable channels. All persons recruited shall be given a reasonable time, established by the Director, to test for the position.
- (c) Notices of open competitive examinations shall be posted on a bulletin board maintained at or near the principal office of the State Police Commission, and at all Troop Headquarters, Regions, and at the Office of Human Resource Management and all other appropriate locations at State Police Headquarters. The Director may also advertise tests in such publications and locations as are deemed appropriate and use any other means considered necessary or desirable to bring the notice of the examinations to the attention of the general public and to those qualified for admission.
- (d) Each official notice shall state the place and manner of making application, and any other information which the Director considers pertinent and appropriate.

7.3 Amended and re-enacted by the State Civil Service Commission effective March 15, 1966 as part of Rule 7.9.

#### 7.4 Admission to Examinations.

- (a) The Director shall, subject to these Rules and the class specifications,

determine the qualifications for admission to any examination.

- (b) A person whose employment is prohibited by any law or Rule shall not be admitted to any examination, except that where, the Director finds there exists reason to believe that the prohibition will cease to exist within a reasonable time, an applicant may be admitted to the examination and certified for a position, but such person shall not be appointed as long as his employment is prohibited.
- (c) Whenever age limits are specified in the qualification requirements, such age limits shall not apply to any applicant who has had at least one year of experience in the class of position for which application is made for examination.
- (d) Applicants who take an examination shall not take the same examination again until a period of at least thirty (30) days has elapsed from the date of the last examination, and no applicant shall be admitted to the same examination more than three times in any twelve-month period. The applicant's official grade shall be the one obtained on his most recent examination.
- (e) Repealed by the State Civil Service Commission effective February 10, 1976.
- (f) An applicant can take only the promotional examination for the rank immediately above the applicant's permanent rank.

#### 7.5 Rejection of Application.

- (a) Under any of the below circumstances, the Director shall reject the application of any person for admission to examination, refuse to examine any applicant or refuse to reinstate a prior grade or pass status:
  - 1. Whose employment in the State Police Service would be prohibited by law or these Rules;
  - 2. Who lacks the minimum qualifications (and any other qualifications) prescribed as requirements for admission to examination for the class for which he/she has applied or has been examined.
  - 3. Who has been adjudged guilty by a court of competent jurisdiction of any felony; or who has been convicted of any misdemeanor which involves moral turpitude;
  - 4. Who has been dismissed from public employment (as defined by Rule 1.30.1) for cause or has been permitted to resign in lieu thereof;

5. Who has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his/her application for examination for public employment (as defined by Rule 1.30.1), or otherwise in securing or attempting to secure public employment and/or eligibility for appointment for himself/herself or anyone else; or
  6. Whose application was filed after the closing date fixed for receipt of the application. In such case, the application shall be automatically accepted for the next available examination.
- (b) Repealed, effective January 28, 1992, and incorporated as 7.5(a)9.
- (c) A person whose application has been rejected under this Rule shall receive prompt written notification from the Director. Specific reason(s) for such action will be included in the notification.

#### 7.6 Postponement and Cancellation of Tests.

In the event that an insufficient number of qualified candidates apply for a test, the Director may extend the last filing date and postpone the date of test, or cancel the administering of the test and shall, in each such case, give suitable notice thereof.

#### 7.7 Content of Tests.

- (a) Tests for promotional positions shall be practical and job-related in their nature and shall test those areas which will fairly measure the relative capacity and fitness of the candidates to discharge the duties of the positions to which they seek promotion. Promotional examinations may consist of a rating of training, education, and experience, a performance test, an objective written test, an oral examination, an assessment center, or any combination thereof.
- (b) Examinations for entrance into the State Police Service shall be open, competitive, practical in nature, and be constructed to reveal the capacity of the applicants for the class of State Police Cadet. Examinations may consist of a rating of training, education and experience, a written objective test, a performance test, an oral examination, a questionnaire, a psychological evaluation, or any combination thereof, with due reference also to ability to develop in such ways as to merit advancement to positions of higher classes.

7.8 Repealed, effective January 28, 1992, and incorporated as part of Rule 7.7.

#### 7.9 Promotional Examinations.

- (a) The Director may conduct a competitive promotional examination for any vacant or prospectively vacant position, provided

1. The Director shall issue an appropriate announcement in advance of such examination and it shall be the duty of the Appointing Authority to make every effort to see that employees are informed of the announcement;
  2.
    - a. Admission to such examination shall be restricted to permanent employees who meet the qualifications stated in the class specifications for the position for which the promotional examination is announced. An employee currently rated unacceptable (i.e., "needs improvement" or "unsatisfactory") shall not be admitted to any competitive test.
    - b. Repealed by the State Civil Service Commission effective March 15, 1973.
    - c. Whenever minimum qualification requirements are changed and incumbents of positions in affected classes do not meet the new requirements, such incumbents will be allowed to remain in the class of position occupied, unless a specific license or certification is required by law, and to continue gaining qualifying experience for the higher levels that are in the normal career progression for that class.
    - d. Repealed, effective January 28, 1992, and partially incorporated in 7.9(a)2c.
  3. Repealed, effective January 28, 1992, and incorporated in Rule 7.7(a).
  4. The eligible list established from such examination shall contain the names of all candidates who pass the examination, ranked according to their final ratings.
  5. In assigning a rating based on training and experience, credit shall not be allowed for periods of leave of thirty days or more absence without pay granted under the provisions of Rule 11.27(a) and (b), unless the work performed during the period of absence is creditable under the examination specifications.
- (b) Non-competitive promotions may be made to non-competitive classes only in accordance with the provisions of Rule 7.20.
- (c) The Director may indicate the principal or normal line of promotion from and to each class of position.

(d) Upon receipt by the Director of a request to fill a promotional vacancy, the Director shall admit to examination and consider for certification all qualified applicants whose applications are then on file with the Director for the vacancy being filled; provided that the Director may restrict the number of times that an applicant may be admitted to the same examination within a twelve month period.

(e) Repealed, effective January 28, 1992.

7.10 Amended and reenacted by the State Civil Service Commission effective March 15, 1966 as a part of Rule 7.9.

#### 7.11 Preferential Eligibility Credits.

(a) Repealed by the State Civil Service Commission effective January 1, 1975.

(b) Subject to the provisions of Subsection (e) and (g) of this Rule, in original appointments, the appointing authority shall give some consideration and preference to:

1. Persons honorably discharged, or discharged under honorable conditions, from the Armed Forces of the United States who served:

(a) In the wartime period July 1, 1958 through May 7, 1975; except the period July 1, 1958 through August 4, 1964 shall apply only to those who served within the area known as the Vietnam Theater; or

(b) Prior 7.11(b)2. repealed, effective January 28, 1992.

(c) Prior 7.11(b)3. repealed, effective January 28, 1992.

(d) Prior 7.11(b)4. repealed, effective January 28, 1992.

(e) Prior 7.11(b)5. repealed, effective January 28, 1992.

(f) In a peacetime campaign or expedition for which campaign badges are authorized.

2. Each honorably discharged veteran who served either in peace or in war and who has one or more disabilities recognized as service-connected by the Veterans Administration;

3. The spouse of each veteran whose physical condition precludes his or her appointment to a position as a State Police Cadet;

4. The unremarried widow of each deceased veteran who served in a

war period as defined in Subsection (b) 1. (a) of this Rule, or in a peacetime campaign or expedition;

5. The unremarried widowed parent of any person who dies in active wartime or peacetime service or who suffered total and permanent disability in active wartime or peacetime service;
6. The divorced or separated parents of any person who died in wartime or peacetime service or who became totally and permanently disabled in wartime or peacetime service.

(c) Prior 7.11(d) 1. and 2. and (e) repealed, by the State Police Commission, effective July 21, 1997.

(d) Prior 7.11(f) repealed by the State Civil Service Commission, effective January 7, 1975.

(e) Except for Subsection (b) 2. of this Rule, service that is for the purpose of training only shall not be considered as qualifying service.

#### 7.12 Proof of Eligibility for Military Preference.

Proof of eligibility for military preference shall be furnished the Director by the person claiming the preference on the form prescribed by the Director for this purpose, together with such evidence as may be called for on the form.

#### 7.13 Results of Tests.

The rating of each test shall be completed as soon as possible after the test is given, and the Director shall have prepared an eligible list for the class from the results with the names of those persons who have met the eligibility placed in grade order from the highest to the lowest. Persons competing in any test shall be given written notice of their final earned rating, or their failure to attain a place on the list.

#### 7.14 Repealed, effective January 28, 1992.

#### 7.15 Repealed by the State Civil Service Commission effective April 20, 1981.

#### 7.16 Regrading of Tests.

Upon proper application to the Director, a competitor in an examination shall be entitled to have the test paper and rating reviewed, unless such is prohibited by agreement between the Director and a professional testing service. Any rating errors disclosed shall be corrected but such changes shall not per se invalidate any certification or appointment made from an eligible list.

#### 7.17 Establishment of Eligible Lists.

- (a) The Director shall, subject to these Rules, establish eligible lists from the results of State Police Merit System examinations. Such lists shall contain the names of all candidates who pass the related examinations.
- (b) Eligibles shall be ranked on such lists in the relative order of the rating attained, including preference points, if any.

7.18 Amended and reenacted by the State Civil Service Commission effective December 17, 1957 as parts of Rules 7.1 and 7.17.

7.19 Amended and reenacted by the State Civil Service Commission effective March 15, 1966 as part of Rule 7.9.

#### 7.20 Noncompetitive Classes.

- (a) Repealed, effective January 28, 1992.
- (b) Repealed by the State Civil Service Commission effective January 1, 1975.
- (c) Repealed, effective January 28, 1992.
- (d) Repealed, effective January 28, 1992.
- (e) When testing for a class is impractical because of situations that require considerable education in a formal body of knowledge and professional testing prior to legal licensing and practice of a profession, the Director may, with approval of the Commission, dispense with competitive examining procedures for those classes.

7.21 Repealed by the State Civil Service Commission effective January 14, 1983, and incorporated into Chapter 17.

#### 7.22 Consolidation of Lists.

When an eligible list is established for a class of position for which an eligible list is already in existence, the existing list may be canceled or merged with the new list, at the discretion of the Executive Director. If the name of any individual appears on both the old and the new list, and the lists are merged, the candidate's standing on the new list shall be determined by the highest score attained since the last mandatory examination taken on or after April 13, 2023. The Executive Director has the discretion to determine mandatory examination dates and the effective dates of a consolidated eligible list.



### 7.23 Amendment of Lists.

Any eligible list may be amended by the addition of names of other successful applicants who are admitted to subsequent examinations, and their scores shall be merged in rank order with the scores of those on the original list.

### 7.24 Removal of Name from Eligible List.

- (a) The Director may remove from any list the name of any person who is not qualified, is not available or is not suitable for appointment to the position for which the list was established.
- (b) The Director may remove, at the request of the Appointing Authority, the names of persons who have been considered three times for appointment to State Police Cadet and who have not been offered employment.
- (c) At the expiration of one year from entry on any eligible list, except preferred re-employment lists, an applicant's name may be removed from the list for State Police Cadet only. Such applicant may prevent the removal of his/her name by reestablishing his/her eligibility in accordance with the provisions of these Rules and the regulations on admission to examinations.
- (d) The Director may remove the name of any person who is temporarily not suitable for appointment to the position for which the list was established.

### 7.25 Restoration to Eligible Lists After Removal.

- (a) The Director may restore the name of a person removed from an eligible list upon receipt of written application for restoration and a showing that the causes for removal from the eligible list no longer exist or that an error was made in making the removal from the list.
- (b) The Director may restore the name of a former employee who has acquired permanent or probationary status to the register of eligibles from which he/she was appointed if that employee makes application for such restoration within one year from the last date the employee worked in the position, provided the register is still in use.

### 7.26 Duration of Eligible Lists.

- (a) Each eligible list shall remain in effect until canceled.
- (b) The Director may cancel an eligible list, except a department preferred reemployment list, at such time that the list becomes unsatisfactory or undesirable because of the high percentage of unavailable eligibles on the

list, changes in qualification standards, development of new examining procedures, or for such other reasons as may be in the interest of good personnel administration.

- 7.27 Repealed, effective January 28, 1992, and incorporated in Rule 7.26 (b).
- 7.28 Repealed and re-enacted by the State Civil Service Commission effective January 1, 1963 as Rule 14.1.1(d).

T/S-3 Chapter 7	01/27/1992
T/S-20 Rule 7.5	03/17/1992
T/S-21 Rule 7.11	07/25/1997
T/S-38 Rules 7.24(a) & (d)	02/17/2005
T/S-42 Rule 7.4(f)	07/16/2009
T/S-78 Rule 7.22	04/13/2023