

## **FINDING AN APPLICANT NOT SUITABLE**

**PURPOSE:** To comply with the County Code regarding removal of an applicant/employee from an eligibility register.

**SCOPE:** This policy applies to both external applicants and internal employees who have applied in a recruitment process and placed on either an open eligibility register or an internal/promotional register.

**POLICY STATEMENT:** The County Code (Personnel Ordinance) chapter 2.05.080.3 establishes criteria for removal of an applicant from an Eligibility Register. The process of removing an applicant from an eligibility register who does not meet employment standards is finding an applicant to be “not suitable.” The County Code provides the following reasons to remove an applicant from an open eligibility register:

1. The applicant’s reasons for waiving referral or appointment are not satisfactory as determined by the Director of Employee Services.
2. The applicant is determined unqualified by the Director of Employee Services based on his/her previous employment record.
3. The applicant fails to meet the minimum requirements, employment related physical standards, background/criminal history check or for any valid cause relating to their character and ability to perform satisfactorily on the job.
4. The applicant has failed to comply with conditions of employment as a County employee.

The findings of departmental interviews, reference checks, driving checks, criminal records checks, approved background investigations, and/or approved post-offer physical or psychological examinations must substantiate the determination that the applicant either does not possess necessary minimum qualifications for the position or should not remain on the eligibility register. Unfavorable information gathered in an employment reference or background check will not necessarily or automatically meet criteria under the County Code to remove the applicant from an eligibility register. Each request to find an applicant “not suitable” will be independently evaluated as to whether the applicant should be inactivated from the register. However, managers may still consider the employment reference or background information in making the selection decision.

### **Procedure for finding an applicant “Not Suitable”:**

An appointing authority may request an applicant be found not suitable by submitting the attached “Not Suitable Request Form” to the Department of Employee Services - Personnel Division. This request can only be made for an applicant who is on the current eligibility register and has been referred to the hiring department. Any request for removal or replacement of a name on an eligibility register must be approved by the Director of Employee Services or designated Personnel representative.

1. The hiring manager returns the “Not Suitable Request Form” to Personnel along with any application materials or supporting documents. The Not Suitable Request Form must be reviewed and signed by the Department Director. These materials should be sent in a sealed envelope, marked confidential and addressed to the Department of Employee Services, attn: Recruitment Manager.
2. The Personnel representative will review the request, consult with the Director of Employee Services, Legal Counsel, Human Resources staff involved in the selection processes, and/or other relevant sources and render a decision. The Personnel representative shall notify the hiring manager and/or the appointing authority of the decision to either remove the applicant from the register or deny the request.
3. If the applicant is on the open eligibility register and such action is approved, the applicant’s name will be removed from the register. If the applicant is on an internal/promotional register, the name will be removed from the referral list for that position, but remain on the internal/promotional eligibility register for future openings. If the eligibility register is used for multiple County departments such as the Office Specialist register, an applicant may be either removed from the entire list, or just future referrals to the department that requests the removal of the applicant, depending on the circumstances and basis of the request.
4. If an applicant’s name is removed from a referral list, the name of the next applicant on the eligibility register may be added to the referral list.
5. If the request for a not suitable determination is denied, the applicant’s name will remain on the referral list and appropriate eligibility register. The applicant must then be given consideration for future appointments from the eligibility register.

### **Applicant Appeal Process:**

Applicants or employees may request an administrative review by the Director of Employee Services following removal of their name from either an open eligibility register or a promotional/internal eligibility register. Such a process is provided under County Code chapter 2.05.220. Therefore, requests made by a department to remove an applicant from an eligibility register must be defensible under the reasons provided in the County Code.

Please contact the Department of Employee Services if there are any questions regarding the process of requesting an applicant be found not suitable.

### **INTERNET LINKS**

County Ordinance (<http://www.clackamas.us/des/docs/desdocuments/epp/epp26.pdf>)

Attachment

**Applicant Name:** \_\_\_\_\_ **Applicant ID :** \_\_\_\_\_  
**Classification Title:** \_\_\_\_\_ **Class #:** \_\_\_\_\_  
**Department Name:** \_\_\_\_\_ **Job Requisition #** \_\_\_\_\_  
**(JR#):** \_\_\_\_\_

Basis for finding applicant not suitable: (Complete all that apply.)

- A. \_\_\_\_\_ Applicant does not possess minimum knowledge and skill for classification or is unqualified based on their previous employment record. Indicate the specific qualifications you feel the applicant does not possess.  
Explain:
- B. \_\_\_\_\_ Applicant physically unfit to perform duties of the position (restricted to positions requiring a post-offer employment related physical assessment through an approved occupational vendor.) Not suitable request must be supported by the occupational health provider report).  
Explain:
- C. \_\_\_\_\_ Background of applicant is disqualifying through use of predetermined background check. (Applicable only in Sheriff's Office, Community Corrections, C-Com, Juvenile, DA, Community Health or other agencies requiring a background check as a prerequisite for employment.)  
Explain:
- D. \_\_\_\_\_ Applicant made false statements or attempted to practice deception or fraud on employment application or in the selection process.  
Explain:
- E. \_\_\_\_\_ Other  
Explain:

\_\_\_\_\_  
Signature of Appointing Authority

\_\_\_\_\_  
Date

**For Personnel Division Use Only**

Personnel Ordinance reference:

\_\_\_\_\_ Found Not Suitable

\_\_\_\_\_ Request Denied  
Explain:

\_\_\_\_\_  
Personnel Officer

\_\_\_\_\_  
Date

Applicant's status changed to  
inactive and name removed on  
eligible register.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Applicant letter sent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Appointing Authority notified.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature