

TECHNICAL ASSISTANCE – REFERRALS

Prepared by the Division of Human Resources in the Department of Personnel & Administration. Revised February 6, 2008.

GENERAL

A referral list is generated from an eligible list and contains the names of the candidates holding the three highest ranks based on competitive assessment of qualifications. In accordance with rules, any referral list identifying the applicants to be considered for a position(s) shall indicate the rank of each applicant on that list. All individuals who respond to a referral shall be interviewed. An appointing authority may also consider the names of qualified individuals who wish to transfer, reinstate, or voluntarily demote along with the names provided on the referral list.

Rule of Three - Article XII, Section 13 of the Colorado Constitution states that “the person to be appointed to any position under the personnel system shall be one of the three persons ranking highest on the eligible list for such position...” Guidance on referrals is directed toward ensuring compliance with this law; therefore, only persons eligible for appointment, that is the three highest ranking, are referred for interview.

Eligible Lists - Eligible lists are created through a process of competitive assessment¹ that results in rank ordering candidates based on job-related dimensions. The outcome of this ranking is the identification of names to be referred for interview.

Rank is determined by exam score and denotes the position a candidate holds on an eligible list. Rank #1 refers to the highest scoring candidate, rank #2, is the second highest score, and so on. Candidates receiving the same score on an exam share the same rank.

TYPES OF REFERRALS

Regular Referral - The three highest-ranking candidates on the eligible list are referred for interview. If there are tied scores in any of the ranks producing the top three candidates, then all candidates tied in those ranks shall be referred. See Attachment A for a sample referral.

Multiple Vacancy Referral - When an appointing authority is filling more than one vacant position in the same class and location, with similar entry requirements and similar duties, the three highest-ranking candidates are referred, with the option of referring one additional name for each additional position being filled. As with regular referrals, if there are ties at any of the referred scores, all candidates sharing those scores are referred. Additional ranks are referred only if the total number of names on the referral list is less than that provided by rule (top three plus one additional name for each vacancy being filled).

Human resources offices must use caution in generating multiple vacancy referrals specifically where tied scores are involved. Considering the Board Rule in conjunction with the Constitutional rule of

¹ The terms “assessment” and “test” are used interchangeably throughout this document and refer to competitive assessments of qualifications that are conducted once the pool of qualified candidates has been identified.

three, only a candidate with one of the three highest scores may be considered for any position. Appointment of a candidate with a lower rank is not allowed until one of the highest three ranks on the list is vacated. See Attachment B for sample multiple vacancy referrals.

Incomplete Referrals and Q-Lists – Incomplete referrals and q-lists² are generated when the number of qualified candidates does not meet or exceed the number of names to be referred. Such lists may result from screening for minimum qualifications, or from testing when the number of candidates who pass the assessment is fewer than the number to be referred. When a regular referral is generated, a q-list is three names; an incomplete referral is one or two names.

In some situations, human resources offices may determine that competitive assessment will not be conducted because the identification of the top three candidates has already been completed; there are no more than three candidates. All candidates are theoretically tied at first place and referred. There may also be situations when assessment is appropriate despite a low number of qualified applicants. For example, it might be appropriate to determine whether all candidates meet required levels of skill prior to referral. The result of the decision to assess may be further recruitment for the position.

When there are multiple vacancies, names may be referred as incomplete referrals and q-lists. This practice is most appropriately applied when the number of candidates is small, such as three qualified applicants for two positions. In such a situation, the appointing authority may appoint one or two of the candidates and clearly be in compliance with the rule of three. In situations where the number of candidates is much higher, such as when eight names are referred for six positions, complications may arise if the appointing authority does not appoint for all six positions. Human resources offices must be able to document compliance with the rule of three, which requires rank ordering.

RANK ORDERING REFERRAL LISTS

Board Rule 4-23.1 requires referral lists to indicate the rank of each applicant on that list. Providing the eligible list ranking to hiring authorities empowers those authorities with the knowledge of the top three on the list and enables them to restrict all hiring decisions to those candidates ranking in the top three.

For incomplete referrals and q-lists, referrals may indicate all candidates tied at first place; or, because there is no established rank ordering, rank indications may not be given.

Human resources offices making such referrals are advised to explain that rank ordering is based only on the job-related dimensions that were included in the assessment process. In many situations, this assessment process does not incorporate all necessary job related competencies, as assessment of certain competencies is conducted by the hiring authority after the referral; for example, during the job interview. In order to reduce confusion of candidates and appointing authorities, explanation of the significance of the rank-ordered scores is recommended. See below for a sample of such explanation.

² Q-List is a term derived from “qualified list”.

For hiring authorities:

“This referral list indicates the ranking of each candidate. The ranking listed is based solely on the assessment conducted prior to the establishment of the eligible list. The assessment conducted may not have assessed all job-related competencies. Therefore, the ranking presented is not necessarily reflective of the overall qualifications of the candidates. Those competencies that were not assessed prior to this referral may affect your choice of candidates for this position. For more information regarding which competencies were assessed, contact the Human Resources office that provided this referral list.”

For candidates who receive notification of their ranking on the eligible list:

“Your ranking on the eligible list is based solely on the assessment conducted prior to the establishment of the eligible list. The assessment conducted may not have assessed all job-related competencies. Therefore, the ranking presented is not necessarily reflective of the overall qualifications of the candidates. Those competencies that were not assessed prior to this referral may be assessed during the interview process that follows and may affect the hiring authority’s choice of candidates for this position. For more information regarding which competencies were assessed, contact the Human Resources office that is conducting the selection process for this position.”

ADDITIONAL NAMES

An appointing authority may request additional names for consideration if a name is removed from the eligible list for one the following reasons allowed by Rule 4-21. Refer to *Technical Assistance – Removal of Names* for details regarding reasons for removal and related candidate notification requirements.

Additional names are provided only when the list of remaining candidates is less than the minimum number of names allowed by rule for the type of referral. If the original referral contained more names due to tied scores, the appointing authority does not receive additional names until s/he has less than the allowable number. Example: A referral of seven names is made for three vacant positions due to a tie at the fifth rank. One of the individuals fails to respond to the referral and another is no longer interested. Although both reasons allow for additional names, the list contains five names for three vacant positions. Because the appointing authority still has a candidate for each vacancy plus two additional names, no additional names are provided. See Attachment C for a sample referral.

TRANSFERS AND REINSTATEMENTS

Candidates eligible for transfer and reinstatement are often in the candidate pool and may be handled separately from the eligible list referral, at the discretion of the appointing authority and in compliance with any departmental policies and practices. Rule 4-7 allows appointing authorities to

consider transfers, reinstatements, and non-disciplinary demotions to be considered before or along with employment lists. This option is often applied by human resources offices at the time of referral by providing hiring authorities with the top three candidates on the eligible list, along with the applications of any qualified employees eligible for transfer, reinstatement, and non-disciplinary demotion. Another acceptable practice is to provide such applications to the hiring authority early in the selection process, such as when the position announcement is still open, in order to possibly forego a selection assessment if the hiring authority chooses to fill via transfer, reinstatement, or voluntary demotion.

The first determination to be made by the appointing authority in conjunction with human resources staff is whether the applicants with such status will be assessed with the other candidates. This determination is generally made on a case-by-case basis; however, it is acceptable for a department to have an internal policy guiding the decision. Recommended practice is to treat all applicants with comparable status in the same way. That is, all transfers are either required to test, or are not tested. It is allowable for transfers to be handled differently from reinstatements and disciplinary demotions.

Candidates who are not required to test may request being included in the testing process. If such a request is made, the candidate must be allowed to test. Once testing is complete, all tested candidates including transfer, reinstatement, and voluntary demotion candidates are placed on the eligible list in rank order. When transfer, reinstatement, or voluntary demotion applicants are ranked among the top three, they must be referred. They may not be removed from the eligible list and referred along with the other candidates, thus allowing an additional name in the referral, unless such removal is pursuant to rule 4-21 (see Removal of Names Technical Assistance).

When transfer, reinstatement, and voluntary demotion applicants are not required to test, then their names may be provided along with the referral list. In the spirit of Rule 4-25 which requires all those who respond to a referral to be interviewed, it is recommended that the appointing authority be required to interview all candidates whose names are referred.

INCOMPLETE REFERRALS

As previously discussed, incomplete referrals contain fewer than three names for a single position and fewer than the maximum number allowed for multiple vacancy referrals. In such situations, the appointing authority has the option to interview the individuals available and make an appointment or to request a complete referral. If a complete referral is requested, the agency must:

- Cancel the existing eligible list for the position;
- Announce and recruit;
- Invite the individuals on the canceled list to apply and participate in the new examination;
- Assess applicants;
- Establish the eligible list; and,
- Make a complete referral from the new list.

NOTICES TO APPLICANTS

All applicants referred to an appointing authority for a vacant position are to be notified of the referral, per Rule 4-24. It is recommended that the notification be in writing and include the following:

- Job title of the position to be filled;
- Location of the job;
- Contact information (name and telephone number) of the person to contact for interview; and,
- Date by which to respond.

Once a selection is made, it is the responsibility of the appointing authority to notify the individuals who were not selected, per Rule 4-25. Such notification may be made in person, by telephone, or in writing. While the first two options provide a stronger interpersonal interaction, an overriding need for documentation of the notification may lead appointing authorities to make such notification in writing. Human resources offices may consider making both types of notification.

TIME LIMITS

A minimum of seven days from the date of the written referral notice is allowed for applicants to respond to the contact person. If applicants are notified by telephone, a minimum of 48 hours is allowed for a response.

APPOINTMENTS

When making referrals for single vacancies, referral of only the top three candidates ensures that the individual appointed is within the top three ranked candidates. Removal of names as permitted under Rule 4-21 provides for lower ranked individuals to move up, thus restricting appointment to those among the top three. In the case of multiple vacancy referrals, the hiring authority will receive the names of individuals who are not among the top three. In these cases, the prudent approach to making appointments is to appoint from the top of the list first. Attachment B provides an example and discussion of this paradigm.

Every attempt is made to keep this information updated. For additional information, refer to the *State Personnel Board Rules and Director's Administrative Procedures* or contact your department human resources office. Subsequent revisions to rule or law could cause conflicts in this information. In such a situation, the law and rule are the official source upon which to base a ruling or interpretation. This document is a guide, not a contract or legal advice.

ATTACHMENT A

REGULAR REFERRAL

EXAMPLE 1: The following is an eligible list created for a single vacancy. The top three candidates would be referred: Williams, Aguilar, and Vandoozer.

REGISTRATION NUMBER: G3A2TA 07 13 2007 11 35
CLASS TITLE: ADMIN ASSISTANT I

NAME			SCORE
WILLIAMS	T		95
AGUILAR	T		93
VANDOOZER	K	J	88
LOVETO	S		87
GREEN	L	B	87
THOMPSON	D		86
READY	S		85
MCGOWEN	L	L	84
MCCOWN	L	J	83
HASTINGS	M	F	83

Referral:

REGISTRATION NUMBER: G3A2TA 07 13 2007 11 35
CLASS TITLE: ADMIN ASSISTANT I

NAME			RANK
WILLIAMS	T		1
AGUILAR	T		2
VANDOOZER	K	J	3

EXAMPLE 2: The following is an eligible list created for a single vacancy. In this example, there is a tie at rank #1. Since there are two candidates at rank #1, both will be referred along with the candidate at rank #3 for a total of three names referred. The appointing authority would receive the following names: Giboney, Golucky, and Goodnight.

REGISTRATION NUMBER: H1G2TX 09 06 2007 08 50
CLASS TITLE: HUMAN RESOURCES SPEC I

NAME			SCORE
GIBONEY	A	A	89
GOLUCKY	H		89
GOODNIGHT	D	V	86
GONZALES	R		84
GHIA	C		81
GARRISON	A		70

Referral:

REGISTRATION NUMBER: G3A2TA 09 06 2007 08 50
CLASS TITLE: HUMAN RESOURCES SPEC I

NAME			RANK
GIBONEY	A	A	1
GOLUCKY	H		1
GOODNIGHT	D	V	3

ATTACHMENT B

MULTIPLE VACANCY REFERRAL

EXAMPLE 1: In this example, there are three positions to fill. The appointing authority receives five names (the three top-ranking candidates, plus one additional name for each additional position). The top five individuals would be referred: Williams, Aguilar, Vandoozer, Loveto, and Green.

REGISTRATION NUMBER: G3A2TA 07 10 2007 11 35
CLASS TITLE: ADMIN ASSISTANT I

NAME			SCORE
WILLIAMS	T		95
AGUILAR	T		93
VANDOOZER	K	J	88
LOVETO	S		87
GREEN	L	B	86
THOMPSON	D		85
READY	S		85
MCGOWEN	L	L	84
MCCOWN	L	J	83
HASTINGS	M	F	83

Referral:

REGISTRATION NUMBER: G3A2TA 07 10 2007 11 35
CLASS TITLE: ADMIN ASSISTANT I

NAME			RANK
WILLIAMS	T		1
AGUILAR	T		2
VANDOOZER	K	J	3
LOVETO	S		4
GREEN	L	B	5

EXAMPLE 2: In this example, there are four positions to fill. The appointing authority is allowed six names (the three top-ranking candidates, plus one additional name for each additional position). Since there are three candidates tied at rank #3, only the next score is available for referral. Since there is also a tie at rank #6, the appointing authority will receive both names for a total of seven names. The following names are referred: Williams, Aguilar, Vandoozer, Loveto, Green, Thompson, and Ready.

REGISTRATION NUMBER: G3A2TA 08 04 2007 10 25
 CLASS TITLE: ADMIN ASSISTANT I

NAME			SCORE
WILLIAMS	T		95
AGUILAR	T		93
VANDOOZER	K	J	88
LOVETO	S		88
GREEN	L	B	88
THOMPSON	D		86
READY	S		86
MCGOWEN	L	L	85
MCCOWN	L	J	84

Referral:

REGISTRATION NUMBER: G3A2TA 08 04 2007 10 25
 CLASS TITLE: ADMIN ASSISTANT I

NAME			RANK
WILLIAMS	T		1
AGUILAR	T		2
VANDOOZER	K	J	3
LOVETO	S		3
GREEN	L	B	3
THOMPSON	D		6
READY	S		6

Important note on appointments:

In this instance, the prudent approach to making appointments is to appoint from the top of the list first. Thompson and Ready are not in the top three until appointments are made so that either ranks one, two, or three no longer hold candidates. If Williams or Aguilar is appointed first, Thompson and Ready move into the third highest rank. The same is true if all candidates tied at the third rank are appointed. However, if Loveto and Green were appointed to two of the four positions, the eligible list still contains Williams, Aguilar, and Vandoozer as the top three ranked candidates. Thompson and Ready do not hold rankings in the top three in this case; thus, appointing them conflicts with Board Rule 4-23.

Caution is advised in multiple referral situations involving tied scores, as presented above.

ATTACHMENT C

ADDITIONAL NAMES

EXAMPLE 1: In this example, there is one position to fill. The original referral included the following names: Lawson, Aviva, and Helton. Lawson has accepted a job with another state agency and is no longer available. The appointing authority is allowed an additional name, the candidate at the next rank (#4), on the list. Since there is a tied score at that rank, both names are referred: Wont and Johnson.

REGISTRATION NUMBER: G3A2TA 06 13 2008 11 35
CLASS TITLE: ADMIN ASSISTANT I

NAME		SCORE	RANK
LAWSON	T	96	1
AVIVA	T	90	2
HELTON	K J	89	3
WONT	S	84	4
JOHNSON	L B	84	4
FERGUSON	D	83	6
ABLE	S	80	7
GROUND	L L	79	8

Updated Referral (after Lawson dropped out):

REGISTRATION NUMBER: G3A2TA 06 13 2008 11 35
CLASS TITLE: ADMIN ASSISTANT I

NAME		SCORE	RANK
LAWSON	T	96	1
AVIVA	T	90	2
HELTON	K J	89	3
WONT	S	84	4
JOHNSON	L B	84	4

**TECHNICAL ASSISTANCE
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