

Technical Assistance – Removal of Names

Prepared by the Division of Human Resources in the Department of Personnel & Administration. Revised October 1, 2006.

GENERAL

An applicant may be removed from consideration for a vacancy, from one employment list, or all employment lists for reasons specified in Director's Administrative Procedure 4-21. Table 1 provides a list of these reasons. The facts considered in deciding to remove an applicant from an employment list must be documented and maintained in the official exam file.

REASONS WHICH REQUIRE NOTIFICATION

There are 17 reasons for removing an individual's name from a promotional or open-competitive list(s). Eleven of these require the individual to be notified in writing and offered a review of the action in accordance with Director's Administrative Procedure 8-102, Director's Review Process. The written notice is mailed to the address on file for the individual. An individual removed from one or all list for any of the following reasons must be given written notice:

- Reasonable cause approved by the Director
- Attempts to use political pressure or bribery
- Unauthorized access to examination information
- False statements or attempts to practice fraud and deception during application process
- Violation of state statutes or regulations that affect the ability to perform the job
- Record of unsatisfactory performance
- Does not meet minimum requirements
- Evidence of use of substances that may affect job performance adversely
- Failure to meet the conditions of employment such as physical requirements, background check, or others listed in announcement
- Failure to be appointed after referral and interview for three or more vacancies with the same appointing authority
- Documented failure to demonstrate proficiency in a required job-related competency set forth in the announcement

The remaining six reasons listed below do not require written notification:

- No longer interested in or available for employment with the state personnel system
- Refusal of an appointment or conditions previously indicated as acceptable
- Appointed to a position in the class for which the list was established
- Failure to respond to a referral within the time allowed
- No longer interested in or available for employment with the department
- Failure to report for any portion of the interview process.

Reasonable cause approved by Director: An agency may request in writing that the Director of the Department of Personnel & Administration allow the agency to remove an individual from consideration for a vacancy or remove the individual's name from an employment list(s) for a reason which the agency deems to be valid but is not stated in the procedures.

NOTIFICATION INFORMATION

The following information must be included in the written notice of removal:

- Name
- Address
- Registration Number
- Type of list(s) being removed from (individual list and/or all lists)
- Reason for removal
- Agency taking action
- Second review information for removal from list other than reemployment list
- Appeal rights if individual is denied reemployment rights.

Sample letters are provided in Attachment A, B and C for several of the more common reasons for removing an individual's name from an employment list. These letters are only a guide and must be tailored to individual circumstances. A letter is also available in the Applicant Data System (ADS) that contains the information listed above based on the referral outcome code posted for the individual.

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

TABLE 1
REMOVAL OF NAME FROM EMPLOYMENT LISTS(S) and/or
CONSIDERATION FOR A VACANCY

REMOVAL REASON	MUST NOTIFY (4-21)
Reasonable cause approved by the Director ¹	✓
Appointed to a permanent position	
Attempts to use political pressure or bribery	✓
Unauthorized access to examination information	✓
False statements or attempts to practice fraud and deception during application process	✓
Violation of state statutes or regulations that may affect the ability to perform the job	✓
Record of unsatisfactory performance	✓
No longer interested or available for employment	
Failure to report for an interview or component of an examination	
Failure to respond to a referral within allowed time	
Refusal of an appointment	
Refusal of conditions where previously indicated acceptable	
Failure to be appointed after referral and interview for three or more vacancies with the same appointing authority	✓
Evidence of use of substances that may affect job performance adversely	✓
Failure to meet conditions of employment such as physical requirements, background check, or others listed in announcement	✓
Documented failure to demonstrate proficiency in a required job-related competency set forth in the announcement	✓
Failure to report to duty	
Does not meet minimum qualifications	✓
Not a state/department/division employee on a promotional list	

¹Written request must be made to the Director of Department of Personnel & Administration and approved before removal for “Director’s Cause”.

ATTACHMENT A

Sample Letter: Removal of Name from **One List**
Removal Reason: Referral & Interview for Three or More Vacancies

Name
Address
Address

Dear *Name*:

Thank you for your interest in the _____ (classification) _____ positions with the (agency) _____, registration number _____ .

We appreciate your time and effort in the selection process for these positions. At this time, you have been referred and interviewed three times from this employment list and the hiring authority has chosen not to select you for these vacancies. When this occurs, it is our policy to remove the applicant from further consideration on that particular employment list. This will not affect your future employment opportunities with the State and we encourage you to continue to apply for positions for which you are qualified and interested.

You may contact _____ (name) _____, Human Resource Specialist, at (number) _____, within 5 (calendar) days of receipt of this letter for further clarification.

If your attempted resolution is unsatisfactory and you believe that the removal of your name from the employment list was arbitrary, capricious, or contrary to rule or law, you may file a request for Director review. Your request must be in writing and filed with the Director within ten (10) calendar days from receipt of this notice. Your request must be submitted to:

Colorado State Personnel Director
1313 Sherman St., Room 122
Denver, Co. 80203

We wish you the best in your employment search.

Respectfully,

Human Resources Specialist

ATTACHMENT B

Sample Letter: Removal of Name from **One List**

Removal Reason: Failure to Demonstrate Proficiency in a Required Job Related Competency

Name

Address

Address

Dear *Name*:

Thank you for your interest in the ____ (*classification*) ____ position with the ____ (*agency*),
registration number _____ .

We appreciate your time and effort in the selection process for this position. At this time, the hiring authority is giving further consideration to candidates demonstrating a stronger background in ____**(job related competency)*____, and will not be selecting you for this position. Although you were not selected for this particular vacancy, this does not affect your future employment opportunities with the State and we encourage you to continue to apply for positions for which you are qualified and interested.

You may contact _____ (*name*), Human Resource Specialist, at
(*number*)____, within 5 (calendar) days of receipt of this letter for further clarification.

If your attempted resolution is unsatisfactory and you believe that the removal of your name from the employment list was arbitrary, capricious, or contrary to rule or law, you may file a request for Director review. Your request must be in writing and filed with the Director within ten (10) calendar days from receipt of this notice. Your request must be submitted to:

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We wish you the best in your employment search.

Respectfully,

Human Resources Specialist

**HR Specialist: fill in the specific job competency (i.e. customer service, interpersonal skills, Excel, Word, etc.) or if applicable, provide a general statement such as, several job related competencies.*

ATTACHMENT C

Sample Letter: Removal of Name from All Lists

Name

Address

Address

Dear *Name*:

Thank you for interest in employment with the State of Colorado. I regret to inform you that your name is being removed from consideration for employment with State of Colorado for the following reason:

(CHOOSE FROM THE OPTIONS BELOW AND DELETE OTHERS. PROVIDE SPECIFIC DETAILS TO THE EXTENT NECESSARY FOR THE APPLICANT TO UNDERSTAND THE CIRCUMSTANCES.)

- Reasonable cause as determined by the Director (*include specific details*)
- Use of political pressure or bribery
- Unauthorized access to examination information/material
- False statements or attempt to practice fraud and deception during the application process
- Violation of state statute(s) or regulation(s) that may affect the ability to perform the job

You may contact _____ (*name*), Human Resource Specialist with the (*agency*) _____, at _____ (*number*), within 5 (calendar) days of receipt of this letter for further clarification.

If your attempted resolution is unsatisfactory and you believe that the removal of your name from the employment list was arbitrary, capricious, or contrary to rule or law, you may file a request for Director review. Your request must be in writing and filed with the Director within ten (10) calendar days from receipt of this notice. Your request must be submitted to:

Colorado State Personnel Director
1313 Sherman St., Room 122
Denver, Co. 80203

Respectfully,

Human Resources Specialist

TECHNICAL ASSISTANCE
DHR APPROVAL FOR PUBLICATION

Technical Assistance Topic: Removal of Names

Effective Date of Revisions: September 2006

Date of Superseded Version: February 2002

Section Manager: Laurie Benalco Date: 9/28/06

Deputy Division Director: NA Date: _____

Division Director: [Signature] Date: 9/29/06