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8. Findings of deception or fraud in the employment process.
  9. Advocates, aids or belongs to any party, organization or association which advocates the overthrow of the Government of Guam or the United States.
  10. Conviction of a crime which bears a nexus to the position applied for.
  11. Failure to report for a scheduled Drug Screening Test without reasonable justification.

In the event the eligible has already received an appointment, the Director of Education/Superintendent shall take appropriate action to ensure the termination of the employee.

- B. The following eligibles, upon their request, may have their names restored to the list of eligibles if the list is still active:
  1. A probational employee who is separated without cause.
  2. An eligible who had been removed from the list under A.(7) above, and who then makes himself available for employment.
  3. An eligible who received an appointment as a result of this list, then resigned in good standing and wishes to be placed on the list for future consideration. This provision applies only to open competitive eligibility lists.

**904.416 Notification of Disqualification of Eligibles**

An eligible who is disqualified pursuant to Rule 904.415, shall be notified in writing, of such action and the reasons for disqualification within 10 work days of the action.

**904.417 Cancellation of Competitive Eligibility Lists**

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The Director of Education/Superintendent may cancel an eligibility list for any of the following reasons:

- A. Changes in the minimum qualifications or classification standards of a class of position.
- B. Abolishment of the class for which the list of eligibles was established.
- C. All eligibles on the list are unavailable for employment.

## **904.500 NON-COMPETITIVE ACTIONS**

### **904.501 Transfers**

- A. Intra-departmental and Inter-departmental

Upon the approval of the Director of Education/Superintendent, employees may transfer within DOE or to DOE when the following conditions are met:

1. the employee meets the minimum qualification requirements for the position which he seeks movement, including any assembled examination requirements.
2. movement is within the same class of position, or from one class of position to another class of position having comparable duties and responsibilities and qualification requirements.
3. any such transfer shall require clearance of the Director of Education/Superintendent and the consent of the employee. The employee shall give the releasing department reasonable notice of the transfer. Prior approval for the transfer is not required by the releasing department. The releasing department cannot require the employee to resign.
4. any employee affected by this section shall not have affected adversely his government service, retirement