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taken. No information concerning the nature of the tests shall be divulged to any person prior to examination. Proved disclosure of unauthorized release of examination material by any employee shall be the basis for disciplinary action.

**904.215 Protection of Confidentiality of Materials**

- A. Because of the continuing use of examination materials, and where exposure would jeopardize the confidentiality of the examination questions, the review of such test materials shall not be permitted.
- B. All examination materials relating to a particular applicant, or applicants including, but not limited to reports of character and material regarding personal suitability of the applicant, shall be considered confidential material. Such examination material shall be maintained for a period of one year from the date the eligibility list was established.

**904.216 Special Provisions**

Special arrangement for examinations on a non-competitive basis, such as upon reallocation of position, temporary appointments and for employment of labor or custodial personnel, may be made by the Director of Education/Superintendent subject to the limitations which follows:

**A. Non-Competitive Examination**

The Director of Education/Superintendent may authorize non-competitive examinations under any of the following conditions:

- 1. No more than one person applies who meets the minimum qualification requirements.
- 2. Examination given is to test the fitness of an employee who has a permanent appointment and who seeks transfer to a position in a class in the same pay grade, but which requires a skill not required in the present classification. [However, the provisions of the Merit Career Plan shall apply to a transfer to a position with Known Promotion Potential (KPP)].
- 3. The examination is to test an employee who has a permanent appointment in a position which has been reallocated to a

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class requiring a new skill.

4. When a permanent position is to be filled by a temporary appointment.
5. To facilitate the employment of qualified persons with disabilities consistent with provisions of law and these rules.
6. Examination given is to test the fitness of a permanent employee who has been previously selected under an announcement for a position with Known Promotional Potential (KPP), and who is to be promoted to the higher grade position.

**B. Labor and Custodial**

Examinations of applicants for the labor classification or for employment as custodian shall be governed by the following regulations:

1. Each applicant for these classes shall, prior to appointment, qualify by examination which shall consist of completing an application form. The Director of Education/ Superintendent shall certify the names of the 10 top applicants in the order of date receipt of application.
2. Notwithstanding the limitation of this rule, the Director of Education/Superintendent may at any time, prescribe such additional tests for applicants in the labor and custodial classes as he shall deem practical and feasible to assure equitable consideration of all applicants.

**C. Appointment of Qualified Individuals with Disabilities**

1. DOE shall employ at least two percent or two individuals with disabilities, whichever is greater, certified by the Department of Vocational Rehabilitation. Such employment shall be on a temporary limited-term appointment, not to exceed a total of 700 hours per annum, regardless of whether the position being filled is budgeted as temporary or permanent.
2. All such individuals with disabilities shall possess the qualifications for the position to which appointed. Eligibility

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lists may be developed for the various positions for which individuals with disabilities are certified.

3. Nothing contained in this section shall be construed to prohibit the Director of Education/Superintendent from employing:
  - a. individuals with disabilities when available and eligible for permanent employment.
  - b. individuals with disabilities employed pursuant to the provisions of Subsection 1 in permanent employment, if such persons qualify for permanent employment before the termination of their temporary appointment.
  - c. if such person is appointed pursuant to this section to a permanent position during or immediately after the 700 hour period, such 700 hours or portion thereof, shall be credited toward such employee's probationary period.
  - d. appointment of individuals with disabilities to permanent positions must be consistent with merit system requirements. In this exception, if the immediate supervisor determines satisfactory performance either prior to, or after the expiration of the 700 hour appointment, the position occupied by the person with a disability(ies) shall be converted to permanent employment.

## **904.300 PREFERENCE**

### **904.301 Preference Credit for Individuals with Disabilities**

Residents of Guam who have physical or mental disabilities, but are physically or mentally able to perform efficiently and safely the duties of the position applied for, as certified by the Director of Public Health and Social Services, shall receive a preferential credit of five points which shall be added to their passing examination score for initial appointment to a position (does not apply to subsequent applications for employment in the government after separation).