

Any change in the duties of a position, if material, shall operate to abolish it and create a new position which shall be classified under this section.

An. Code, 1924, sec. 8. 1920, ch. 41, sec. 8. 1939, ch. 673, sec. 8.

9. Whenever a vacancy in any position in the classified service is to be filled, the appointing authority shall make requisition upon the Commissioner for eligibles. The Commissioner shall thereupon certify to the appointing authority the names and addresses of the five persons standing highest upon the eligible list for the class in which the position is found, or if there be less than five, then such name or names as may be on such list, and said appointing authority shall appoint one of said persons so certified to said position. That an appointing officer who passes over a veteran eligible as provided in Section 10 of this Article, and selects a non-veteran shall file with the State Employment Commissioner a substantial reason for so doing, which shall become a part of the record of such veteran eligible, and shall be made available upon request to the veteran or his designated representatives; the State Employment Commissioner is directed to determine the sufficiency of such submitted reason and, if found insufficient, shall require such appointing officer to submit more detailed information in support thereof; if the reason so received be deemed insufficient by the State Employment Commissioner, then, he shall order the employment of such veteran by such appointing officer, and a copy thereof shall be sent to the veteran eligible or to his designated representative; in case there is no eligible list for the class, the Commissioner shall forthwith call an examination, and shall post the eligible list resulting therefrom within sixty days from the time of holding said examination, and in case no eligible list results, the Commissioner shall repeat such call and continue to hold examinations until an eligible list results. If necessary to prevent the stoppage of public business, but not otherwise, the Commissioner may authorize temporary appointment as prescribed in Section 12 of this Article.

The list of eligibles for each class of position in the classified service shall be made up first of names of persons who have previously held positions in such class and who were laid off in good standing under Section 20 of this Article, and then of names of persons in the order of merit, who have been examined by the Commissioner and found qualified.

The Commissioner shall divide all classes of positions into two groups known, respectively, as "active" and "inactive", and shall by schedule, made a part of his rules, indicate which classes fall into each group, and shall revise such schedules annually. All classes in which at least three vacancies are anticipated during the ensuing year shall be placed in the active group and examinations for such classes shall be held whenever there are fewer than five names left on the eligible list. All other classes shall be placed in the inactive group, and examinations for such classes shall be held only when there is no eligible list and vacancies occur.

An. Code, 1924, sec. 9. 1920, ch. 41, sec. 9. 1920, ch. 658. 1931, ch. 119. 1936 (Sp. Sess.), ch. 16. 1939, ch. 673, sec. 9.

10. Examinations held by the Commissioner to establish lists of persons eligible for appointment may be written or oral or in the form of a demonstration of skill or any combination of these and shall be of a character fairly to test and determine the relative figures and ability of candi-