

Technical Assistance – Methods to fill Vacancies

Prepared by the Division of Human Resources in the Department of Personnel & Administration. Revised July 2005.

GENERAL

The purpose of this technical assistance is to address the options an appointing authority has when filling a vacant permanent position. Options include transfer, demotion, reinstatement, temporary appointment, and employment lists. The rules around these topics are generally found in Chapter 4. Remember, the term “department” has the same meaning found in rule, specifically, principal department or higher education institution.

A change to Director’s Administrative Procedure 4-11 (previously P-4-8) was implemented on July 1, 2005 to include reappointments into the current definition of reinstatement.

METHODS

Transfer is a discretionary appointment of a current employee to a different position in the same class or a different class with the same grade maximum. Transfers are intended to allow lateral movement of employees within and between agencies. An employee does not need to be certified in a class to be eligible for transfer. A transfer candidate may be interviewed and selected at any point in the process to fill a vacancy. The employee must meet the minimum qualifications for the transfer position.

Non-Disciplinary Demotion is a discretionary appointment of a current employee to any class with a lower grade maximum. At the time of appointment the employee must meet the minimum qualifications for the position.

Reinstatement is a discretionary appointment of either a former certified employee who resigned in good standing and is now returning to the state personnel system or a current employee who voluntarily demoted while in good standing and is now returning to a position in the higher class in which they were previously certified (previous rules referred to this latter situation as reappointment).

At discretion of the appointing authority, the reinstatement privilege allows a person to return to state service or a previously certified class without having to compete; however, it is strongly advised that the individual completes the assessment process along with other applicants in order for the appointing authority to be fully informed of the person's strengths and weaknesses.

Employees or former employees are eligible for reinstatement to those classes for which they were certified and left in good standing. Former employees are also eligible for reinstatement to a class with the same or lower pay grade maximum if the class is related to the class in which they were previously certified and left in good standing. A class is related if the nature of work and duties are similar. The former employee must possess the minimum qualifications for the position in the related class at the time of reinstatement.

Conditional and Provisional appointments provide an appointing authority the flexibility to temporarily appoint a person to a permanent position while an eligible list is established. This option is available only if no eligible list exists. The priority is to first attempt to fill with a certified employee and if no certified employee is available then a person outside the personnel system may be appointed (provisional). This appointment cannot exceed six months.

Employment Lists are established through competitive examinations of competence.

Every attempt is made to keep this information updated. For more 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.

**TECHNICAL ASSISTANCE
DHR APPROVAL FOR PUBLICATION**

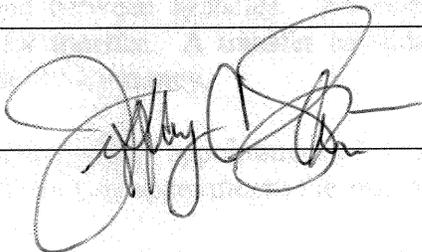
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