GENERAL
To fill a vacant position on a permanent basis, an appointing authority may appropriate or create an eligible list or appoint an individual who is eligible for transfer, voluntary demotion or reinstatement. The options to appropriate or create an eligible list may only be exercised if no departmental reemployment list with a qualified and willing individual exists for the classification in question. Transfer, voluntary demotion or reinstatement outside of the competitive process may occur prior to announcing a position, but cannot occur once the announcement is posted until the eligible list expires. Individuals eligible for transfer, voluntary demotion and reinstatement who are interested in an announced position must therefore apply and compete under the same parameters as all other applicants and candidates, unless applying under a transfer announcement.

ELIGIBLE LISTS
Generally, an appointing authority has the discretion to:
- Appropriate an eligible list;
- If no list of higher priority exists, create an eligible list of lesser priority for each vacant position, even if an eligible list for an identical position exists; or
- Create a list of higher priority.

The priority of employment lists is as follows: 1) departmental reemployment lists, 2) promotional eligible lists, 3) open competitive eligible lists. (Note that an upward allocation of an encumbered position, commonly referred to as a reallocation, is a type of promotional eligible list.)

Utilize a departmental reemployment list
A departmental reemployment list is the highest priority of employment list. It contains the names of certified employees who were separated from employment or demoted as the result of layoff or the individual allocation of a position. When filling a vacancy, if a departmental reemployment list containing the name of a qualified and willing individual exists for the classification in question, the position must be offered to the individual on the departmental reemployment list. If the departmental reemployment list contains more than one qualified and willing individual, the appointing authority may appoint any such individual. An appointing authority also has the discretion to consider appointing individuals on reemployment lists from other departments an eligible list.

Appropriate an eligible list
If no employment list of higher priority exists for a vacant position, an appointing authority has the discretion to appropriate an eligible list that already exists for a similar position. Caution should be exercised when appropriating a list that was created for a different classification. Additional information regarding eligible lists is available in the Technical Guidance – Eligible Lists available online.
When considering whether to appropriate an eligible list, the classifications, pay ranges and duties of the positions in question should be considered when determining whether or not the positions are similar enough to support appropriating the list in question. As well, the knowledge, skills, abilities and personal characteristics required for the individual appointed should be highly similar for both positions. In addition, the method of recruitment must be considered, particularly when considering appropriating an eligible list established by a different department. For example, an appointing authority could not appropriate a list from a different department if the list to be appropriated was created as a result of recruitment limited to the department.

**Create an eligible list**

If no employment list of higher priority exists for a vacant position, an appointing authority has the discretion to post an announcement and engage in fair and open competition through comparative analysis. Recruiting on an open competitive basis allows all applicants who are residents of Colorado, including current State of Colorado employees, and all applicants who apply for a position located within 30 miles of the state border to compete for the position. However, an appointing authority may choose to implement a more limited recruitment method. Additional information regarding recruitment options is available in the [Technical Guidance – Job Announcements](#) online. Additional information regarding comparative analysis is available in the [Technical Guidance – Comparative Analysis](#) online.

**TRANSFER/VOLUNTARY DEMOTION/REINSTATEMENT**

An employee who transfers, voluntarily demotes or reinstates must meet the qualifications for the position to which he/she is appointed. An appointing authority has the discretion to appoint an individual who is eligible for transfer, voluntary demotion or reinstatement to a vacant position without going through the competitive process if the position has not been announced or the eligible list for the position has expired.

**Transfer**

Transfer is a discretionary appointment of a qualified and current employee to a different position in the same class or to a different class with the same pay range maximum. An employee does not need to be certified in his/her current class to be eligible for transfer to another department, but departments have the discretion to implement their own policies regarding the eligibility of employees to transfer internally. An appointing authority has the discretion to allow a certified transferring employee to remain in certified status or to require a six-month trial service period. Additional information regarding employee status is available in the [Technical Guidance – Employee Status](#) online.

**Non-Disciplinary (Voluntary) Demotion**

Non-disciplinary, or voluntary, demotion is a discretionary appointment of a current employee to a position in a class with a lower pay range maximum. An employee does not need to be certified in the current higher class to be eligible for voluntary demotion to another department, but departments have the discretion to implement their own policies regarding the eligibility of employees to demote internally. A certified employee who voluntarily demotes remains in certified status, even if the demotion is to a position in a class in which the employee was not previously certified.
Reinstatement
Reinstatement is a discretionary appointment of a former qualified employee who resigned in good standing to a class in which he/she was certified or a current employee who voluntarily demoted while in good standing to a position to the higher class in which he/she was previously certified. Former employees are also eligible for reinstatement to a class with the same or lower pay range maximum if the class is related to the class in which they were previously certified and left in good standing. Similar to appropriating a list, the classifications, pay ranges and duties of the position duties in question should be considered when determining whether or not the positions are related. An appointing authority has the discretion to require a reinstating employee to serve a 12-month probationary period or a six-month trial service period.
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State Chief Human Resources Officer: [Signature]  
Date: 1/15/14