



Post Office Box 94111  
Baton Rouge, LA 70804-9111

[www.civilservice.la.gov](http://www.civilservice.la.gov)

**SHANNON S. TEMPLET, DIRECTOR**  
Phone: 225-342-8274  
Fax: 225-342-8058  
TDD: 800-846-5277  
Toll Free: 866-783-5462

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## GENERAL CIRCULAR NUMBER 2013-027

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**DATE:**           **October 3, 2013**

**TO:**             **Heads of State Agencies and Human Resources Directors**

**SUBJECT:**   **Public Hearing to consider amendments to civil service rule 1.27, 6.14, 6.16.2, 10.1, 10.7, 17.12, 17.14, 22.3, 22.9, 23.3, to adopt rule 6.8.2 and to repeal rule 1.15.1.2, 6.15(f), 17.16, 22.5(b), and 23.5(b)(3).**

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The State Civil Service Commission will hold a public meeting at 9 a.m. on Wednesday, November 6, 2013, to consider amendments to civil service rule 1.27, 6.14, 6.16.2, 10.1, 10.7, 17.12, 17.14, 22.3, 22.9, 23.3, to adopt rule 6.8.2 and to repeal rule 1.15.1.2, 6.15(f), 17.16, 22.5(b), and 23.5(b)(3).

The hearing will be held in the Louisiana Purchase Room of the Claiborne Building, 1201 North Third Street, Baton Rouge, Louisiana. Individuals who wish to comment on this proposal may do so at the public hearing, by writing to the Director of the Department of State Civil Service at Post Office Box 94111, Baton Rouge, Louisiana, 70804-9111, or by emailing the Civil Service Commission at [civilservicecommission@la.gov](mailto:civilservicecommission@la.gov). If any accommodations are needed, please notify the Department at (225) 342-8272 prior to the meeting.

### **Chapter One Changes**

The proposed changes to Chapter 1 include the repeal of the Flexible Qualifications definition, which is explained under the Changes to Chapter 22. In addition, a change to the definition of Promotion is proposed to further clarify that promotions are available only to employees serving with permanent status.

Current Rule	Proposed Rule
<b>CHAPTER 1 Changes:</b>	
<b>1.15.1.2 Flexible Qualifications</b>	
Are qualification standards established by the Director and included on the job specification that appointing authorities are expected to use in the same manner as Minimum Qualifications for most appointments but which may be adjusted in circumstances when the appointing authority can justify it by documenting a rational business reason, such as having no applicants who meet the Flexible Qualifications stated on the job specification.	<b>Repealed- Effective November 6, 2013.</b>
<b>1.27 Promotion</b>	
Means a change to a different position allocated to a higher job.	Means a change <b><u>of a permanent status employee</u></b> to a different position allocated to a higher job.

**Chapter Six Changes**

The proposed changes to Chapter 6 reference performance adjustments for Classified–When Actually Employed (WAE) employees, the pay of employees who are relocated during a layoff, abolishment of the red circle rate for demotions in lieu of layoffs and the use of optional pay adjustments.

The proposed adoption of Rule 6.8.2 moves Rule 17.16 from the Layoff Chapter to the Pay Chapter. Rule 6.8.2 will read as current Rule 17.16, which will be abolished. **Rule 6.8.2 will need to be approved by the Commission and the Governor.**

Current Rule	Proposed Rule
<b>CHAPTER 6 Changes</b>	
	<b>Rule 6.8.2 Pay Upon Relocation</b>
	Pay may be reduced upon movement to lower jobs <b><u>as a result of a layoff.</u></b> Pay reductions shall be uniform in their percentage for all affected employees. If the uniform pay reduction results in an employee’s rate of pay falling above the maximum of the pay range, the appointing authority may choose one of the following options for all employees similarly situated: <ol style="list-style-type: none"> <li>1. The pay of affected employees may be reduced to the range maximum; or</li> <li>2. The pay of affected employees may be set at the red-circle rate.</li> </ol>

The proposed change to Rule 6.14 specifically indicates that Classified–WAE employees are not eligible for a performance adjustment. This is due to the fact that Classified–WAE employees may be hired at any rate of pay in their pay range. **Rule 6.14 must be approved by the Commission and the Governor.**

6.14 Performance Adjustments	
<p>(a) An employee who is active status as of June 30 of the performance evaluation year becomes eligible for and may be granted a performance adjustment, provided that the appointing authority has determined his performance merits such an adjustment.</p> <p style="text-align: center;">***</p>	<p>(a) An employee who is active status as of June 30 of the performance evaluation year, <b><u>except for those serving as classified When Actually Employed (WAE) employees</u></b>, becomes eligible for and may be granted a performance adjustment, provided that the appointing authority has determined his performance merits such an adjustment.</p> <p style="text-align: center;">***</p>

The proposed change to Rule 6.15 is to repeal a red circle rate when an employee is demoted in lieu of layoff. Since demotion in lieu of layoff no longer exist, an appointing authority must use the business reorganization rule, section (f) of Rule 6.15 has become obsolete.

6.15 Red Circle Rates	
<p>Rates that fall within the range or within the base supplement authorized for a position become the employee’s authorized individual pay rate. Excluding those that fall within the base supplement authorized for a position, individual pay rates that fall about the maximum of the established for the grade become red circle rates; or under the conditions outlined below in subsection (d) of this rule, individual pay rates that fall above the base supplement authorized for a position become red circle rates. Such red circle rates remain in effect until the range or range plus authorized base supplement for a position catches up with the rate; however, eligibility for a red circle rate is lost upon separation from state service or demotion except as provided in part (f) of this rule. Individuals whose salary rates are red circled shall not be eligible for any other pay adjustments provided for in the rules. Red circle rates are assigned under the conditions as outlined below:</p> <p style="text-align: center;">***</p> <p>(f) When an employee is subject to a demotion in a layoff, including a layoff as provided for in Rule 17.9(c), and the layoff was not absolutely required because of budgetary cuts, except that the pay upon demotion in such a layoff for an employee whose current pay rate within the base supplement exceeds the range or the range plus authorized base supplement for the position to which he is demoted shall be set no higher than his current salary and at the higher of the following:</p> <p style="padding-left: 40px;">(1) The range maximum (this is a red circle rate) of the position from which he is to</p>	<p>Rates that fall within the range or within the base supplement authorized for a position become the employee’s authorized individual pay rate. Excluding those that fall within the base supplement authorized for a position, individual pay rates that fall about the maximum of the established for the grade become red circle rates; or under the conditions outlined below in subsection (d) of this rule, individual pay rates that fall above the base supplement authorized for a position become red circle rates. Such red circle rates remain in effect until the range or range plus authorized base supplement for a position catches up with the rate; however, eligibility for a red circle rate is lost upon separation from state service or demotion. <del>except as provided in part (f) of this rule.</del> Individuals whose salary rates are red circled shall not be eligible for any other pay adjustments provided for in the rules. Red circle rates are assigned under the conditions as outlined below:</p> <p style="text-align: center;">***</p> <p>(f) <b>Repealed effective November 6, 2013</b></p>

<p>demote, or                  (2) Within the range maximum plus the base supplement (this is not a red circle rate) authorized for the position to which he is to demote.</p>	
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The proposed change to Rule 6.16.2 is being considered to provide greater flexibility to state agencies in the use of Optional Pay Adjustments. First, the proposal raises the cap available for agencies to match a job offer to an employee from a non-State job, or an unclassified job at a different department from 10% to 15%. Second, the proposal reduces the cap from 10% to 7% for additional duties. This reduction is being considered to allow agencies to grant payments for additional duties under their own authority without having to obtain approval from the State Civil Service Commission. Currently, agencies are allowed to pay up to 7% under their own authority and request an additional 3% increase from the Commission. The proposal also includes a restriction that employees may not receive more than 15% base pay adjustments under optional pay for additional duties within three consecutive years. The proposal retains the other two reasons for optional pay adjustments, but each option will now have its own identifiable paragraph. **Rule 6.16.2 must be approved by the Commission and the Governor.**

<b>6.16.2 Optional Pay Adjustments</b>	
<p>Subject to the provisions of Rule 6.29, an appointing authority may, at his own discretion, grant individual pay adjustments to permanent employees to provide for the retention of an employee whose loss would be detrimental to the State service or to adjust pay differentials between comparable employees or to compensate employees for performing additional duties or to recruit employees into positions for which recruiting is difficult. Such increases shall not exceed 10% in a July 1 to June 30 period for an individual employee and shall not duplicate payment received pursuant to other pay rules. Such increases may be made as either a lump sum payment or a permanent addition to the employee's base salary. Such optional pay adjustments shall be implemented in accordance with written policies and procedures established by each department. Such policies must receive advance approval from the Civil Service Commission and shall be posted in a manner that assures their availability to all employees. Such policies shall also include a public posting of all recipients.</p>	<p>Subject to the provisions of Rule 6.29, an appointing authority may, at his own discretion, grant individual pay adjustments to permanent employees for the following reasons:</p>
	<p><b><u>(a) Matching a Job Offer - To provide for the retention of an employee whose loss would be detrimental to the State service, an appointing authority may grant an employee up to a 15% base pay or lump sum to match a verified, non-State job offer or unclassified job offer in a different state</u></b></p>

	<u>department. An appointing authority may ask the Commission to authorize an increase greater than 15%.</u>
	<u>(b)Compression Pay - An appointing authority may grant an employee a pay increase of up to 10% of the employee’s base pay to reduce pay compression, realign pay between comparable employees, or alleviate supervisor/subordinate pay inversions caused by job and pay plan changes.</u>
	<u>(c)Additional Duties - To compensate employees for performing additional duties, an appointing authority may grant an employee a base pay increase or lump sum payment of up to 7%. Employees at the maximum of the pay range may only receive a lump sum payment. An employee may not receive more than 15% base pay increases within three consecutive years.</u>
	<u>(d) Recruitment – May grant an employee a pay increase of up to 10% of the employee’s base pay to recruit employees into position for which recruiting is difficult.</u>
	<u>Such optional pay adjustments shall be implemented in accordance with written policies and procedures established by each department. Such increases shall not exceed 15% in a fiscal year for an individual employee and shall not duplicate a payment received pursuant to any other Rule. Such policies must receive advance approval from the Civil Service Commission and shall be posted in a manner that assures their availability to all employees. Such policies shall also include a public posting of all recipients.</u>

**Chapter Ten Changes**

The proposed changes to Chapter 10 reference the Performance Evaluation System and Classified –WAEs. The proposed change specifically indicates that performance evaluations are not required for those employees serving on a Classified –WAE appointment.

Current Rule	Proposed Rule
<b>CHAPTER 10 Changes:</b>	
<b>10.1 Performance Evaluation System: Required Components</b>	

<p>(a) The Performance Evaluation System is a tool used to measure individual performance and to develop employees into high-performing individuals. This Performance Evaluation System is effective July 1, 2012, and applies to all classified employees. The performance evaluation year shall be July 1<sup>st</sup> through June 30<sup>th</sup> of each year. The Performance Evaluation System shall consist of at least the following components:</p> <p style="text-align: center;">***</p>	<p>(a) The Performance Evaluation System is a tool used to measure individual performance and to develop employees into high-performing individuals. This Performance Evaluation System is effective July 1, 2012, and applies to all classified employees <b><u>except for those serving as classified When Actually Employed (WAE) employees.</u></b> The performance evaluation year shall be July 1<sup>st</sup> through June 30<sup>th</sup> of each year. The Performance Evaluation System shall consist of at least the following components:</p> <p style="text-align: center;">***</p>
<p><b>10.7 Official Performance Evaluations and Evaluation Sessions</b></p>	
<p>(a) Official performance evaluations are required for all classified employees. The Evaluating Supervisor shall base the official evaluation of the employee’s performance on the work task and behavior standards as stated on the performance planning and evaluation form.</p> <p style="text-align: center;">***</p>	<p>(a) Official performance evaluations are required for all classified employees <b><u>except those serving as classified WAE employees.</u></b> The Evaluating Supervisor shall base the official evaluation of the employee’s performance on the work task and behavior standards as stated on the performance planning and evaluation form.</p> <p style="text-align: center;">***</p>

**Chapter Seventeen Changes**

The proposed changes to Chapter 17 reference Layoffs. The changes are mostly clean-up to specifically address a number of policy requirements currently outlined in the HR Handbook.

The proposal clearly indicates that the General Notice to employees of an impending layoff and the Individual Notification of Layoff Notices are two separate notifications; a number of references to weeks have been changed to calendar days, and the employee comment period will be specifically outlined by rule.

The most significant changes include the requirement that state agencies **shall** provide a copy of the proposed layoff plan with the individual notice of impending layoff. This is currently the practice outlined in the HR Handbook and sample notification templates; however, many questions have arisen as to whether or not “providing a copy” included posting of such proposal on the agencies website or intranet. The intent is that employees are provided a written copy of the proposed layoff plan with their written notice. The changes also indicate that if the Director makes any changes to the proposed layoff plan, the agency shall provide a copy of the revised plan to each affected employee. Depending on the significance of the change, it is proposed that the Director will retain the right to re-open the employee comment period.

Current Rule	Proposed Rule
<p><b>CHAPTER 17 Changes:</b></p>	
<p><b>17.12 Layoffs Involving Permanent Employees</b></p>	
<p>This rule applies to layoffs of permanent employees and layoff plans that affect a combination of permanent and probational</p>	<p>This rule applies to layoffs of permanent employees, <del>and layoff plans that affect a combination of permanent and probational</del></p>

employees.	employees.
(a) As soon as it is determined that a layoff will be necessary, the appointing authority shall make a reasonable attempt to notify all employees who may be affected.	(a) As soon as it is determined that a layoff will be necessary, the appointing authority shall make a reasonable attempt to notify all employees who may be affected <b><u>that a layoff plan may be submitted to the Director. This shall be considered the general notice of impending layoff and shall be separate from the individual notification process required in Rule 17.12(c.)</u></b>
(b) A written plan shall be submitted to the Director for consideration at least two calendar weeks prior to the effective date of the layoff.	(b) A written plan shall be submitted to the Director for consideration at least <b><u>sixteen (16) calendar days</u></b> prior to the effective date of the layoff.
(c) Employees who may be laid off or moved to a vacant position as the result of a layoff shall be notified in writing. The Director or the Commission shall not approve any plan until at least five calendar days after notification of the last affected employee.	(c) <b><u>Employees who may be relocated or laid off shall be notified as follows:</u></b> <b><u>(1) The appointing authority shall provide in writing to each employee an individual notice of impending layoff action and a copy of the proposed plan which the agency submitted to the Director.</u></b> <b><u>(2) Each employee shall have the right to comment in writing to the Director regarding the proposed layoff plan. The comment period shall end five (5) calendar days after the last employee has received the individual notice of impending layoff action. Neither the Director nor the Commission shall approve any layoff plan before the comment period expires.</u></b> <b><u>(3) During the comment period, the Director may make changes to the layoff plan submitted by the appointing authority. If any changes to the plan are made by the Director, the appointing authority shall provide a copy of the revised layoff plan to each employee. The Director or the Commission shall have the discretion to mandate another comment period, during which employees shall have the right to comment in writing according to subsection (c)(2) of this rule. Neither the Director nor the Commission shall approve any revised layoff plan before the comment period expires.</u></b>
(d) Once a layoff plan is approved by the Director or Commission, it shall be made available to the employees who may be affected.	<b><u>(d) Upon Director or Commission approval of the layoff plan, the appointing authority shall provide in writing to each employee to be relocated or laid off a final notice of layoff action and a copy of the Director's approval letter.</u></b>
(e) Each employee who is eligible to move to a	(e) <b><u>The effective date of the layoff shall not</u></b>

<p>vacant position created by the layoff process shall be notified of his/her offer. There shall be at least five calendar days between the last such notice and the effective date of the layoff.</p>	<p><b><u>occur before six (6) calendar days following the day that the last employee has been given final notification of the layoff or relocation action.</u></b></p>
	<p><b><u>(f) The individual notice of impending layoff action and the final notice of layoff action shall be provided to the affected employees in accordance with the provisions of Rule 12.8.1.</u></b></p>
	<p><b><u>(g) The Director may establish handbook procedures related to the notification process in the layoff rules.</u></b></p>

The proposed amendment to Rule 17.14 is to only change the reference of Rule 17.16 to Rule 6.8.2.

17.14 Requirements for the Written Layoff Plan	
<p>The layoff plan shall include, but not necessarily be limited to, the following items:</p> <ol style="list-style-type: none"> <li>1. Affected organizational unit</li> <li>2. Reasons why the layoff is being proposed</li> <li>3. Any budgetary measures which may have been taken to avoid a layoff</li> <li>4. Proposed effective date of the layoff</li> <li>5. Definition of commuting area for this layoff (refer to Rule 1.9.01)</li> <li>6. How pay on relocation to lower jobs will be set, if applicable. (refer to Rule 17.16)</li> <li>7. For the abolished positions, list:                         <ol style="list-style-type: none"> <li>a) Parishes where the positions are domiciled;</li> <li>b) Affected job titles;</li> <li>c) Career field for each affected job title; and</li> <li>d) Number of positions for each affected job title.</li> </ol> </li> <li>8. If any affected employees are in Career Field 9999, propose an appropriate expansion of their career field, with justification. If no expansion is proposed, explain why.</li> <li>9. List the Parish, Career Field, Name, Job Title, and Adjusted Service Date for employees who are expected to be laid off.</li> <li>10. List the Parish, Career Field, Name, Job Title, and Adjusted Service Date for employees who will be moved to vacancies</li> </ol>	<p>The layoff plan shall include, but not necessarily be limited to, the following items:</p> <ol style="list-style-type: none"> <li>1. Affected organizational unit</li> <li>2. Reasons why the layoff is being proposed</li> <li>3. Any budgetary measures which may have been taken to avoid a layoff</li> <li>4. Proposed effective date of the layoff</li> <li>5. Definition of commuting area for this layoff (refer to Rule 1.9.01)</li> <li>6. How pay on relocation to lower jobs will be set, if applicable. (refer to Rule <b><u>6.8.2</u></b>)</li> <li>7. For the abolished positions, list:                         <ol style="list-style-type: none"> <li>a) Parishes where the positions are domiciled;</li> <li>b) Affected job titles;</li> <li>c) Career field for each affected job title; and</li> <li>d) Number of positions for each affected job title.</li> </ol> </li> <li>8. If any affected employees are in Career Field 9999, propose an appropriate expansion of their career field, with justification. If no expansion is proposed, explain why.</li> <li>9. List the Parish, Career Field, Name, Job Title, and Adjusted Service Date for employees who are expected to be laid off.</li> <li>10. List the Parish, Career Field, Name, Job Title and Adjusted Service Date for employees who will be moved to vacancies</li> </ol>

<p>created as a result of the layoff, and the job title planned to be offered to each employee.</p> <ol style="list-style-type: none"> <li>11. Exemptions made, if any, under Rule 17.15(e) and reasons for these exemptions.</li> <li>12. Exceptions requested, if any, under Rule 17.3 and reasons for these exceptions.</li> <li>13. Name, job title, beginning and ending date of appointment, authorizing rule number and pay of all unclassified and classified temporary, non-permanent appointees in the affected organization unit, and how these positions will be affected by the layoff.</li> <li>14. Contracts either currently in effect or anticipated that may be causative of or related to the layoff.</li> </ol>	<p>created as a result of the layoff, and the job title planned to be offered to each employee.</p> <ol style="list-style-type: none"> <li>11. Exemptions made, if any, under Rule 17.15(e) and reasons for these exemptions.</li> <li>12. Exceptions requested, if any, under Rule 17.3 and reasons for these exceptions.</li> <li>13. Name, job title, beginning and ending date of appointment, authorizing rule number and pay of all unclassified and classified temporary, non-permanent appointees in the affected organization unit, and how these positions will be affected by the layoff.</li> <li>14. Contracts either currently in effect or anticipated that may be causative of or related to the layoff.</li> </ol>
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The proposal to repeal Rule 17.16 is in compliance with the proposed adoption of Rule 6.8.2. Rule 6.8.2 will mirror the language of current Rule 17.16.

<p><b>17.16 Pay Upon Relocation</b></p> <p>Pay may be reduced upon movement to lower jobs. Pay reductions shall be uniform in their percentage for all affected employees. If the uniform pay reduction results in an employee’s rate of pay falling above the maximum of the pay range, the appointing authority may choose one of the following options for all employees similarly situated:</p> <ol style="list-style-type: none"> <li>1. The pay of affected employees may be reduced to the range maximum; or</li> <li>2. The pay of affected employees may be set at the red-circle rate. (See Rule 1.33.01)</li> </ol>	<p><b>Repealed and re-enacted as Rule 6.8.2 effective November 6, 2013.</b></p>
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**Chapter Twenty-two changes**

The proposed changes to Chapter 22 reference Public Announcement of Job Vacancies, Flexible Qualifications, and Certificates of Eligible.

A proposal to add the job of Nurse Technician to be filled without public announcement under Rule 22.3(b). This change is to allow the placement of an employee that failed their registered nurse state board exam into a lower level job while they re-take the exam. This is a temporary position and only incumbents that have failed the exam can be placed in this job.

Current Rule	Proposed Rule
<b>CHAPTER 22 changes</b>	
<b>22.3 Public Announcement of Job Vacancies</b>	
<p>(b) A vacancy may be filled without public announcement in the circumstances listed below:</p> <ol style="list-style-type: none"> <li>1. Appointment from a Department Preferred Reemployment List</li> <li>2. Classified WAE appointment</li> <li>3. Noncompetitive appointment of a client of a State Vocational Rehabilitation Services Program or a State Blind Services Program under provisions of Rule 22.8(a)</li> <li>4. Noncompetitive reemployment of a former employee based on prior state service under provisions of Rule 23.13(a)</li> <li>5. Detail to special duty</li> <li>6. Demotion of a permanent classified employee</li> <li>7. Reassignment, position change or lateral transfer of a permanent classified employee</li> <li>8. Out-of-State vacancies filled in accordance with Rule 22.8(b)</li> <li>9. Temporary Inter-Departmental Assignment</li> <li>10. When non-classified employees are declared to be in the State Classified Service or are acquired by a State Agency in accordance with Rule 24.2</li> <li>11. Noncompetitive promotion of a permanent classified employee to a position to which he or she would have noncompetitive reemployment eligibility under Rule 23.13 if he or she were to resign.</li> </ol>	<p>(b) A vacancy may be filled without public announcement in the circumstances listed below:</p> <ol style="list-style-type: none"> <li>1. Appointment from a Department Preferred Reemployment List</li> <li>2. Classified WAE appointment</li> <li>3. Noncompetitive appointment of a client of a State Vocational Rehabilitation Services Program or a State Blind Services Program under provisions of Rule 22.8(a)</li> <li>4. Noncompetitive reemployment of a former employee based on prior state service under provisions of Rule 23.13(a)</li> <li>5. Detail to special duty</li> <li>6. Demotion of a permanent classified employee</li> <li>7. Reassignment, position change or lateral transfer of a permanent classified employee</li> <li>8. Out-of-State vacancies filled in accordance with Rule 22.8(b)</li> <li>9. Temporary Inter-Departmental Assignment</li> <li>10. When non-classified employees are declared to be in the State Classified Service or are acquired by a State Agency in accordance with Rule 24.2</li> <li>11. Noncompetitive promotion of a permanent classified employee to a position to which he or she would have noncompetitive reemployment eligibility under Rule 23.13 if he or she were to resign.</li> </ol> <p><b><u>12. Appointment to Nurse Technician for applicants hired as a Registered Nurse 1 or a Registered Nurse 1-Student Health that are required to re-take the State Board of Nursing examination.</u></b></p>

A proposal to repeal Rule 22.5(b) is being considered. Review indicates that state agencies are not using Flexible Qualifications and prefer the use of Minimum Qualifications. Currently, flexible qualifications are only available to administrative support positions.

<b>22.5 Minimum Qualifications; Flexible Qualifications</b>	<b>22.5 Minimum Qualifications</b>
<p>(a) The Director shall establish Minimum Qualifications which shall be included in the job specification for each classified job except as provided in Rule 22.5(b). Appointees must meet the Minimum Qualifications for the job unless exempted under provisions of Rules 22.5(e), 23.12, 23.13(a) or 5.8. The Director may order the separation of any non-permanent employee who</p>	<p>(a) The Director shall establish Minimum Qualifications which shall be included in the job specification for each classified job, <del>except as provided in Rule 22.5(b).</del> Appointees must meet the Minimum Qualifications for the job unless exempted under provisions of Rules 22.5(e), 23.12, 23.13(a) or 5.8. The Director may order the separation of any non-permanent employee who</p>

does not meet the Minimum Qualifications.	does not meet the Minimum Qualifications.
(b) The Director may establish Flexible Qualifications instead of Minimum Qualifications. If established, they shall be included in the job specification. An appointee should meet the Flexible Qualifications. However, an appointing authority may make an exception provided there are rational business reasons and these are properly documented.	<b>Repealed – Effective November 6, 2013</b>

A proposed amendment is being made to Rule 22.9 to clarify the effective date of an appointment must be AFTER the date the job vacancy announcement closes.

<b>22.9 Certificates of Eligibles</b>	
(d) The appointment authority shall determine the effective date of the appointment from the certificate, but in no case shall the effective date be prior to the closing date of the announcement or prior to the time the employee began work.	(d) The appointment authority shall determine the effective date of the appointment from the certificate, but in no case shall the effective date be prior to the <b>day following</b> the closing date of the announcement or prior to the time the employee began work.

**Chapter Twenty-three changes**

A proposal to repeal Rule 23.5(3) is being considered to correct a contradiction between Rule 23.3 and Rule 23.5 since the hire of an applicant with a 3.5 GPA is not listed under Rule 22.3 – Public Announcement of Job Vacancies. Current rules indicate that a job must be announced but does not require a Certificate of Eligibles. The rationale is to allow for a testing exemption not an open competition exemption.

Current Rule	Proposed Rule
<b>CHAPTER 23 changes</b>	
<b>23.3 Probational Appointment</b>	
<p>(a) Probational appointments may be made without the use of a certificate:</p> <ol style="list-style-type: none"> <li>1. Of a State Vocational Rehabilitation or a State Blind Services program client under Rule 22.8(a).</li> <li>2. For out-of-state vacancies under Rule 22.8(b).</li> <li>3. Of applicants with 3.5 GPA under Rule 22.8(c).</li> <li>4. By reemploying a former employee under Rule 23.13.</li> </ol> <p>(b) When a vacancy is filled by probational appointment, such appointment shall be for a probationary period in accordance with Chapter 9 of these Rules.</p>	<p>(a) Probational appointments may be made without the use of a certificate:</p> <ol style="list-style-type: none"> <li>1. Of a State Vocational Rehabilitation or a State Blind Services program client under Rule 22.8(a).</li> <li>2. For out-of-state vacancies under Rule 22.8(b).</li> <li><b>3. Repealed effective November 6, 2013.</b></li> <li>4. By reemploying a former employee under Rule 23.13.</li> </ol> <p>(b) When a vacancy is filled by probational appointment, such appointment shall be for a probationary period in accordance with Chapter 9 of these Rules.</p>

23.5 Job Appointment	
***	***
(b) Job appointments may be made without the use of a certificate:	(b) Job appointments may be made without the use of a certificate:
<ol style="list-style-type: none"><li>1. Of a State Vocational Rehabilitation or a State Blind Services program client under Rule 22.8(a).</li><li>2. For out-of-state vacancies under Rule 22.8(b).</li><li>3. Of applicants with 3.5 GPA under Rule 22.8 (c).</li><li>4. By reemploying a former employee under Rule 23.13.</li></ol>	<ol style="list-style-type: none"><li>1. Of a State Vocational Rehabilitation or a State Blind Services program client under Rule 22.8(a).</li><li>2. For out-of-state vacancies under Rule 22.8 (b).</li><li>3. <b>Repealed effective November 6, 2013.</b></li><li>4. By reemploying a former employee under Rule 23.13.</li></ol>
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Sincerely,

s/Shannon S. Templet  
Director