Subject: ADVERTISING VACANT POSITION

REFERENCES	SECTIONS
Human Resources Policy Memos http://www.ohr.dgs.ca.gov/default.htm	HR 02-007
Law & Regulation http://www.dpa.ca.gov/statesys/dpa/laws.htm http://www.dpa.ca.gov/statesys/dpa/oalrules.htm	Govt. Code 19052, 19063 SPB Rule 444
Memo of Understanding (MOU) http://www.dpa.ca.gov/collbarg/contract/bumenu.shtm	Varies. See MOU 12, 13 and 15 for Bid Notice Requirements
Responsible Control Agency and Program www.spb.ca.gov	State Personnel Board
State Administrative Manual (SAM) http://sam.dgs.ca.gov/dafualt.htm	Section 0530
SPB/DPA Policy Memos http://www.dpa.ca.gov/statesys/dpa/srchfpml.shtm http://www.spb.ca.gov/pinkies.htm	PML: 2000-63; 2000-64; 2001-55; 2002-01; 2002-061; 2002-062; 2002-038; 2003-032; 2003-033 SPB Pinkie: 4/7/2000
Selection Manual http://www.spb.ca.gov/policy/selectionmanual.htm	3300.2
Other	
State Restrictions of Appointment Manual (SROA) POM Section JOB POM Section RPA Process POM Section How To Fill Vacant Position	V-E-1 http://www.dpa.ca.gov/General/Publications/Manuals/SROA/sroa_manual.pdf http://www.documents.dgs.ca.gov/ohr/pom/JOB.pdf http://www.documents.dgs.ca.gov/ohr/pom/RPAProcessRevise.pdf http://www.documents.dgs.ca.gov/ohr/pom/HowToFillVacantPosition.pdf

Advertising Vacant Position

Definition/ Explanation

A vacancy is defined as a position unoccupied as a result of retirement, transfer, termination, reassignment, or new funding.

Policy

Except as expressly stated below, regardless of the source document(s), e.g., State Restrictions Of Appointment (SROA) Manual, State Personnel Board (SPB) Rule 444, etc., it is the policy of the DGS that all vacancies **shall be advertised** no matter what the appointment method, i.e., promotion, transfer, Training and Development (T&D) assignment, etc., **a minimum of ten (10) working days**.

Posting locations

Places where advertisements for vacancies shall/may be posted are depicted in the table below. Advertising options should be indicated on the Request for Personnel Action (RPA).

Shall be advertised	May be advertised
• DGS Outlook Public Folders, under Public Folders, All Public Folders, DGS-OHR, JOB Opportunities • DGS Home Page under Job Opportunities • DGSNet under Job Opportunities • State Personnel Board – VPOS • DGS Job Hotline	• Capitol Weekly • Other State personnel offices • Bulletin boards (internal and external) • Newspapers • Periodicals • Job fairs • College/university campuses

Note: It is also the policy of the DGS that offices who want to advertise outside of DGS' authority, such as periodicals and/or newspapers, must be paid by the program, **and** the Classification and Pay (C&P) Analyst must review and approve the proposed advertisement prior to publication.

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Advertising Vacant Position, Continued

SPB exemptions from Rule 444

- Executive initiated movement of an employee between positions that are within the same classification and department, e.g., reasonable accommodation placement, stipulation agreement placement, etc.
- A transfer or T&D assignment intended to remedy a particular employee's performance deficiency that has been identified through the performance evaluation process
- An action which provides a modified work assignment necessary to continue the employment of an injured or disabled employee (revised essential function duty statements **must** be reviewed by the C&P Analyst to ensure appropriate allocation)

DGS exemptions from Rule 444

All exemptions must be cleared by the C&P Analyst prior to implementation. Justification for an exemption shall be submitted with the Request for Personnel Action (RPA). To minimize unnecessary paperwork, a JOB will not be required for the following personnel actions:

- Emergency hire (30 days or less)
- Extensions of limited term and temporary authorization utilization (TAU)
- Placements under the Return-to-Work and Reasonable Accommodation Programs
- A "natural progression" promotion-in-place: when the recruitment classification is lower than a Staff Services Manager (SSM) level, e.g., a Staff Services Analyst (SSA) is promoted to the Associate level in-place
- Mandatory reinstatements
- Retired annuitants: when placement is in the blanket
- Transitions from apprenticeships, T&D assignments, and Limited Examination Appointment Program (LEAP) appointments
- Youth Aids
- Transfers within the same classification and within the same division/office, meeting the 35-mile geographic rule

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Advertising Vacant Position, Continued

Post and bid requirements

Post and bid advertising provisions are governed by the Memorandum of Understanding (MOU). Bargaining Units 12, 13, and 15 contain post and bid requirements. Refer to the section in this manual on post and bid **and** the specific MOU for complete advertising requirements.

DGS hotline

Once per week, usually on Monday, a C&P Analyst prints the DGS Intranet JOB and records information on the DGS job information hotline.

Mandatory applicant consideration and notification

All applicants must be considered based on the published standards and selection criteria (found in the job opportunity bulletin-JOB). Consideration may consist of an application evaluation, oral interview, or similar civil service selection techniques, but must be stated on the JOB.

Additionally, all applicants shall be informed of the results of the screening process. Documents relating to the filling of a position are subject to audit by the SPB. Applications, interview questions and notes, rating scale (if used), and letters to unsuccessful applicants **must be maintained for two years**.

Final file date

Although DGS previously permitted the use of a final file date of “until filled” (and some State departments currently allow the practice), it is DGS’s policy that the phrase “open until filled” **shall not** be used as a final file date on the job opportunity bulletin (JOB), under any circumstances.

Reasons for not using the above phrase include the following:

- Violation of the equal employment opportunity laws and regulations, which may lead to a complaint, grievance, or lawsuit against the employer. For example, the hiring coordinator indicated over the phone to an applicant that a particular position, which was still posted, was “now closed” as they had enough applications. However, the position was not, at that point “filled,” but even though the filing date indicated “until filled,” the department would not take any more applications. The action on the hiring coordinator is in violation of the EEOC and the applicant can initiate an action.

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Advertising Vacant Position, Continued

Final file date (continued)

- Creates monitoring problems when placed on SPB's Vacant Position (VPOS) listing. Postings on this site require an actual date. If a date of several months on an open-ended filing period is indicated, it is extremely difficult to track postings and remove, as the Customer Resource Unit (CRU) is never informed when a position has been filled.
- Recruitment difficulty, evidenced in anecdotal information, indicates that most individuals seeing "open until filled" on a JOB do not bother to apply thinking the hiring department has someone in mind for the vacancy and it is not worth his/her effort (pre-selection, which is illegal) or the department has already filled the position.
- Some periodicals print vacancies that state "open until filled" long after the position has been filled. This has and may generate individuals filing for a vacancy six months after it has been filled. This situation has or may lead to legal complications, as discussed above.

Minimum advertising period vs. extensions

The minimum advertising period is ten working days. If your position is a hard-to-fill classification, you may want to allow a minimum of three/four weeks advertising. If after that period of time you do not have a sufficient number of applicants from which to interview or most are unqualified, then you should request the C&P Analyst to re-advertise the position for another period of time, such as an additional three weeks.

Note: This may also require extending a certified employment list, if a list had been requested. Certified employment lists are issued for 120 days and may be extended an additional 120 days.

Out-of-class appointments

In those exceptional situations where the office/division receives approval to offer an out-of-class opportunity to their staff (due to the lack of viable eligibility list), the opportunity **shall** be made available to all staff within the office/division via an e-mail or hard copy of the JOB. Interested employees are given the same time period to apply as any other vacant position advertisement – **10 working days**.

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Advertising Vacant Position, Continued

Non-testing classifications

All vacancy notices for non-testing classes subject to Government Code Section 19063, (reference State Personnel Board (SPB) pinkie dated April 7, 2000), **shall** include application information similar to the following statement:

> "Public assistance recipients under the CalWORKs program who meet the minimum qualifications will have priority consideration in hires for vacancies in non-testing classes as provided in Section 19063."

Posting information

Posting information **shall** be included on CalJOBs, WVPOS and all of DGS' websites showing job openings.

List of non-testing classifications

For a list of non-testing classifications, refer to the SPB "pinkie" dated April 7, 2000, which can be accessed at:

http://www.spb.ca.gov/pinkies.htm