Chapter 22: Requirements for Filling Job Vacancies

Overview

State Civil Service by means of rules and policies has granted agencies a great deal of delegated authority in the area of recruiting and staffing. Agencies operating under this delegated authority are required to do two things: 1) uphold merit system principles, and 2) meet the requirements of Article X of the state constitution in all hiring and staffing actions.

Article X specifically requires that:

1. Permanent appointments and promotions in the classified service shall be made based upon merit, efficiency, fitness, and length of service as ascertained by examination which, so far as practical, shall be competitive.
2. No classified employee shall be discriminated against because of political or religious beliefs, sex, or race.
3. The objectives and purposes of a merit system shall be accomplished.

Merit System principles include:

1. Recruiting qualified individuals in an effort to achieve a diverse workforce representing all segments of society.
2. Selection and advancement on the basis of relative ability, knowledge, and skills; after fair and open competition.
3. Employees and applicants should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition and with proper regard for their privacy and constitutional rights.

HR Impact

When filling classified job vacancies, the HR professional must follow requirements to ensure that appointments in the classified service are based on merit system principles. The HR professional's job is to uphold those principles by encouraging the recruitment of qualified individuals to achieve a diverse workforce. The HR professional must also seek to ensure that selection and advancement of employees is based on ability, knowledge, skills, and fair and open competition, which assures that all receive equal opportunity.

This chapter provides the information and tools necessary to ensure that vacancies are filled following those principles.

Rule-By-Rule Review

Rule 22.1 Methods of Filling Vacancies

This rule lists the types of appointments that may be used to fill vacancies. Each type of appointment is further described in Chapter 23.

Rule 22.2 Filling Vacancies Prior to the Election for a Statewide Elected Office

Jobs at or above pay levels MS-524, AS-623, SS-422, PS-120, WS-223, or TS-319 cannot be filled between the date of any election for a statewide office and the date the elected official takes office without prior approval from the Director.

NOTE: A General Circular will be issued with specific instructions at the appropriate election time.

Rule 22.3 Public Announcement of Job Vacancies.

(a) All vacancies in the classified service filled by probational appointments, job appointments, or promotions must be posted in the LA Careers system except those specifically listed below in Rule 22.3(b) and in Procedures: Conversion from a Job Appointment to Probational Appointment.

Jobs can be posted in one of two ways, either for a continuous recruitment or for a specific vacancy. The vacancy must be posted for a minimum of five calendar days (not including the date the posting opens).

The eligible list may be established the day after the announcement closes, provided the agency complies with La. R.S. 1:60 (Timely filing of papers due; presumption).

NOTE: LA Careers Online Application and Applicant Tracking System is used to manage the recruitment process from the creation of the requisition to the filling of the job. Specific procedures have been established for agency users for posting and filling vacancies. More information regarding those test periods and applications can be found in Job Aids and Resources: Agency Guidelines for Posting Jobs in LA Careers. Colleges and universities that have established a memorandum of understanding with State Civil Service to post within their own approved online application posting and tracking system are exempted from posting in the LA Careers system.

(b) A vacancy may be filled **without** posting under the circumstances listed below:

1. Appointment from a Department Preferred Reemployment List.
2. Classified WAE appointment.
3. Noncompetitive appointment of an individual deemed eligible for services by the Louisiana Rehabilitation Services Program under provisions of Rule 22.8(a).
4. Noncompetitive reemployment of a former employee based on prior state service under Rule 23.13(a).
5. Detail to special duty.

6. Demotion of a permanent classified employee.
7. Reassignment, position change, or lateral transfer of a permanent classified employee.
8. Out-of-state vacancies filled in accordance with Rule 22.8(b).
9. Temporary Inter-Departmental Assignment.
10. When nonclassified employees are declared to be in the state classified service or are acquired by a state agency in accordance with Rule 24.2.
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.
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.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.
13. Probational or job appointment of an applicant who has attained a 3.5 GPA or higher for a baccalaureate or graduate degree from an accredited university and meets all other requirements of Rule 22.8(c) for exemption from testing.

NOTE: By policy, converting a job appointment to probational appointment does not require re-announcement as long as the policy listed in Procedure: Conversion from a Job Appointment to Probational Appointment is followed.

(c) This rule allows the appointing authority to limit application for promotion to permanent classified employees of an Approved Promotional Zone. The promotional zone must be approved by the Director.

Rule 22.4 Rejecting Applicants for Employment

This rule lists the reasons an applicant can be rejected for employment. Applicants who have been rejected for a job must be notified either by email or mailed notices. Reject notifications should be sent to applicants if the applicant:

(a) Cannot be legally employed;

(b) Does not meet the minimum qualifications requirements for the job as shown in the job specifications. (Agencies may seek additional qualifications for applicants, but applicants cannot be rejected if he meets the minimum qualifications.)

(c) Has been convicted of a felony;

(d) Was dismissed or resigned to avoid dismissal while serving with permanent status; or

(e) Has submitted false information during the application or examination process or attempted to do something fraudulently to secure a hire for himself or others.

Rule 22.5 Minimum Qualifications

(a) The Director establishes minimum qualifications. Appointees must meet the minimum qualifications for jobs unless exempted under Rule 22.5(e), Rule 23.12, Rule 23.13(a) or Rule 5.8. If a nonpermanent employee does not meet the minimum qualifications for the job, the Director may order the separation of that employee.

(b) Repealed.

(c) Minimum qualifications determinations are made by either SCS or the appointing authority under delegated authority. The Director has the right to review decisions by the appointing authority and the Director's decision is final.

(d) Applicants who do not meet minimum qualification requirements may request a review of the decision by the Director. The request must be in writing and received or postmarked within 30 days of the rejection notice. The SCS review process is complete upon the Director's decision.

(e) When previously established minimum qualifications are changed and an incumbent does not meet the new requirements, he shall be allowed to:

1. remain in the position, provided there are no legal barriers, such as the lack of a legally-required license or certification; or
2. qualify for a higher level job in the normal career path of the job occupied. The incumbent must acquire the difference between the minimum qualifications of that job and the higher-level job as of the effective date of the change, provided there are no legal barriers. When making appointments, promotions, demotions or dismissals, or taking other personnel actions, appointing authorities may neither favor nor discriminate against classified employees because of their race, sex, political or religious opinions or affiliations, or membership or nonmembership in any private organization.

Rule 22.6 Examinations

(a) This rule explains that some classified jobs require examinations or evaluations to further assess an applicant's experience and qualifications. Examinations may include, but are not limited to, tests, experience, and training evaluations. This rule allows the Director to conduct examinations and establish requirements, schedules, procedures, and policies regarding testing. For information about the written tests, go to our website, under HR Professionals and click on the link "Job Information and Test Finder."

NOTE: Click Procedures: Verification of a Candidate's Score for additional information for verifying a candidates' test scores in LA Careers.

(b) The Director may authorize an appointing authority to conduct examinations that are job-related to further assess the applicant.

(c) This rule defines what "test" means for State Civil Service jobs.

(d) Test takers shall be notified of their test scores by State Civil Service or agency appointing authority if the test is administered by the agency.

(e) Test scores are subject to review by the Director or appointing authority. Requests for review must be made in writing and received or postmarked within 30 calendar days following the date of notice of the test result. If a test score is in error, it will be corrected, but it will not invalidate an appointment.

NOTE: Applicants can apply to re-take the same test every 90 days. Minimum passing scores have been set for each test. Passing scores range from 70 to 100. Persons failing to pass a test will receive a notice of failure rather than a numeric score. There will be no numeric scores below 70. When an applicant re-takes a test, the applicant's official grade will be the highest grade obtained and recorded on the test in the LA Careers system. All test scores have a two-year expiration date.

Rule 22.7 Veterans Preference; Proof of Eligibility

(a) For original appointments, eligible applicants who meet minimum qualifications and testing requirements shall have five or ten points added to their final examination score for veterans' preferences.

INFORMATION: Guidelines and information regarding Veterans Preference and Proof of Eligibility can be found here.

Rule 22.8 Exemptions from Testing Requirements

(a) This rule allows an appointing authority to fill a vacancy using a probational appointment, job appointment, or promotion of a person indicated as eligible by Louisiana Rehabilitation Services **without that individual** testing. Such a vacancy also need not be posted under rule 22.3(b)3. The appointing authority making the appointment must document that the appointee meets the qualification requirements and must make such records available to the Director upon request. Individuals eligible for this testing exemption, who apply to a vacancy in the LA Careers system that requires a test, must provide at time of posting, their letter indicating that they have been deemed eligible for services by Louisiana Rehabilitation Services. These individuals can then be added to the eligible under this rule.

NOTE: The following must occur:

- Individuals applying to vacancies requiring a test in LA Careers who use this rule MUST include a copy of the letter from Louisiana Rehabilitation Services deeming them eligible for services to be placed on the eligible list.
- The appointing authority making the appointment MUST document that the appointee meets the qualification requirements and must make such records available to the Director upon request.

(b) Out-of-state vacancies may be filled by probational appointment, job appointment or promotion, **without posting** the vacancy or testing.

NOTE: This rule pertains to out-of-state vacancies, not out-of-state applicants. Applicants who reside outside of the state of Louisiana must possess a valid test score in order to be eligible for hire for in-state vacancies unless they meet one of the other exceptions listed.

(c) Repealed effective January 1, 2024.

(d) Veterans of the armed forces who have been honorably discharged from active duty within the previous 12 months may be appointed into a probational or job appointment without a test score, provided:

i. The veteran meets the minimum qualifications for the job,
ii. The veteran was honorably discharged,
iii. served at least 90 days of active service for purposes other than training, and
iv. An offer made to an active member of the armed forces but does not have an effective date of appointment prior to the discharge date.

(d) An applicant who meets the Minimum Qualifications and has a Peace Officer Standards and Training (POST) certification from a Louisiana accredited training academy may be appointed by probational appointment or job appointment to a job which requires the Protective Services Exam without a test score. The applicant's POST certification shall not be under suspension or pending a revocation hearing.

NOTE: Staffing policies allow these additional exemptions to testing requirements:

- Noncompetitive reemployment, unless the applicant previously held a non-professional level job and is being reemployed into a professional job.
- Promotion of a permanent status employee who has noncompetitive reemployment eligibility, unless the eligibility is based on a non-professional level job and the employee is being promoted into a professional job.
- Reallocation other than from a non-professional to a professional level job.
- Promotion of a permanent classified employee to another job requiring the same test as the job the employee currently holds.
- Demotion of a permanent classified employee, unless from a non-professional to a professional level job.
- Appointment to a classified WAE job.
- Conversion of job appointees to probational appointments in the same job title.
- Employees appointed to jobs requiring the same test of a job they previously occupied with permanent status.
- Employees who are employed at the State Civil Service Testing and Recruiting Center and/or who serve as State Civil Service test monitors.

More details on these additional testing exemptions may be found in Procedures: Additional Testing Exemptions.

Rule 22.9 Certificates of Eligibles

This rule authorizes the creation certificates and clearly establishes the information that constitutes a Certificate of Eligibles. Policies regarding Certificate of Eligibles which include Vacancy Announcements and Continuous Recruitment, can be found in Eligible List Quick Sheet for a Vacancy Announcement and Eligible List Quick Sheet for a Continuous Recruitment.

(a) Each vacancy requires public announcement to fill the position. This rule authorizes the Director to create or authorize the appointing authority to create a certificate containing names of applicants who:

1. Meet the minimum qualifications.
2. Have attained test scores if required by State Civil Service.
3. Have applied during the open period of the announcement.
4. Have met any other eligibility requirements established by the Director, Civil Service Rules or law.
5. Have met any other job-related certification requirements requested by the appointing authority, approved by the Director, and stated in the job posting.
6. Are in the promotional zone approved by the Director and stated in the announcement, if the vacancy is to be filled by promotion.
7. Have indicated they are available to work in the parish of the vacancy.

(b) This rule provides for the certificate to reflect veteran's preference points for eligible applicants.

(c) This rule requires the Director to establish policies and procedures for creating certificates, including record keeping requirements.

(d) The effective date of the appointment is determined by the certificate and must be after the date the posting closes, and must not be prior to the time the employee began work.

(e) This rule allows the appointing authority to not fill an announced vacancy if desired.

(f) This rule authorizes the Director to impose more restrictions on hiring and promotion when it is in the best interest of the state.

NOTE: Staffing Policy regarding Vacancy Announcement, Continuous Recruitment and Testing Exemptions are found in Procedures: Vacancy Announcement, Continuous Recruitment and Testing Exemptions.

NOTE: The SCS pre-employment application for classified positions contains a question asking applicants to indicate whether or not they are currently holding or running for an elective public office. It is SCS practice to place on the eligible list persons who are otherwise qualified and who answer "yes" to this question. Although such applicants cannot be appointed to a classified job while

campaigning for or serving in an elected public office, this should not prevent them from applying. However, if the hiring agency wishes to make an offer to such an applicant and the applicant wishes to accept, the applicant must resign from the elected public office or campaign prior to the effective date of the classified appointment. Prior to making offers, hiring agencies should review how applicants answered this question to avoid a potential rule violation.

Rule 22.10 Mandatory Training Requirements

By this rule, the Commission established mandatory training for employees who occupy or are appointed to designated supervisory, managerial, or administrative jobs. This is known as the Mandatory Supervisory Training Program. Each department is responsible for advising their employees about training requirements and employees who fail to meet the required training within the specified period of time may be disciplined or removed in accordance with Chapter 12 of the Civil Service Rules.

Rule 22.11 Withdrawal of Authority

This rule allows the Director to withdraw any authority authorized under this chapter from an appointing authority.

Procedures

- Additional Testing Exemptions
- Continuous Posting Guidelines
- Continuous Posting Questionnaire
- Conversion from Job Appointment to Probational Appointment – Posting Requirement
- Creating Eligible Lists: Vacancy Announcement, Continuous Recruitment and Testing Exemptions
- Verification of a Candidate's Score in LA Careers
- Veterans Preference Information; Proof of Eligibility
- **Job Posting Templates**
    - Job Posting Templates are now available in the HR Portal under Louisiana Jobs Resources.
- **LA Careers**
    - LA Careers Online Application System
    - LA Careers Recruitment Lifecycle/Quick Sheets
    - Print Application for Jobs with no Posting Requirements
- **LA Careers Summary of Procedures**
    - Best Practices
    - FAQs for LA Careers Procedures
    - FAQs for Announcements/Applicant Inquiries
    - Staffing Documentation Requirements

Job Aids and Resources

- Approved Promotional Zones
- Fair Chance for Workers
- Glossary of Staffing Terms
- Job Information and Test Finder
- Jobs by Series Number and Test Name
- LA Careers Posting Tips
- Maintaining Applicant Flow Records
- **Minimum Qualifications – Development and Evaluation**
    - Evaluating Work Experience
    - Interpreting Educational Requirements
    - Minimum Qualification Change Request Form