

# Chapter 23: Appointments

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## Overview

Chapter 23 describes the various types of appointments that are available for hiring state classified employees. These rules must be used simultaneously with [Chapter 22](#) to ensure that appropriate appointments can be made based on the type of vacancy announcement that was utilized.

## HR Impact

It is important for HR professionals to understand how to recruit using the vacancy announcements ([Chapter 22](#)) and how to facilitate the various appointments (Chapter 23) in order to create and maintain a sustainable workforce, and ensure that state agencies can fulfill their missions to meet the needs of the citizens of Louisiana.

## Rule-By-Rule Review

### Rule 23.1 Appointments

This rule establishes the mandates required by the state constitution to provide the basis for open competition and ability-based appointments.

### Rule 23.2 Appointment from a Certificate of Eligibles

This rule provides the mechanism for making probational appointments, job appointments, and promotions.

**NOTE:** Information regarding the mechanism for making the various types of appointments may be found [here](#). This information is found in Chapter 22 and 23 Procedures.

### Rule 23.3 Probational Appointment

The probationary period is an essential part of the selection process. It is a working test period lasting 6-24 months, as determined by the appointing authority. Employees on probation may be separated at any time.

An employee cannot be moved while on probation from one department to another or one parish to another unless (see Rule 23.10 for more details):

1. The job is posted or exempt from posting under the provisions of Rule 22.3(b); or
2. The employee applies and has a passing test score.

Applicants must meet the minimum qualifications; have a test score (if required) before the closing date of the posting for those jobs requiring postings; be paid at the range minimum unless using one of the special pay rules; and remain on probation at least six months but no more than 24 months.

(a) This rule allows for probational appointments that may be made without the use of a certificate. Probational appointments that may be made without the use of a certificate are for the following:

1. An individual deemed eligible for services by the Louisiana Rehabilitation Services Program under provisions of Rule 22.8(a). (The vacancy does not need to be posted and no testing is required.)
2. An out-of-state vacancy. (The vacancy does not need to be posted and no testing is required.)
3. Repealed.
4. An applicant eligible for noncompetitive reemployment may be appointed to a probational appointment without requiring a test score, unless the applicant's eligibility is based upon a nonprofessional level job and he is being appointed to a professional level job.
5. Applicants who have attained a 3.5 GPA or higher for a baccalaureate or graduate degree from an accredited university and meet all other requirements of Rule 22.8(c) for exemption from testing.

(b) All probationary periods must be in accordance with [Chapter 9](#) Rules.

**NOTE:** Conversions from job appointment to probational appointment are allowed following Staffing policy. Further information regarding this policy can be found in [Procedures: Converting a Job Appointment to a Probational Appointment](#).

### **Rule 23.4 Promotion**

(a) This rule establishes exceptions for making a promotion without a certificate. Candidates must meet minimum qualification requirements. Promotions that may be made without the use of a certificate are:

1. An individual deemed eligible for services by the Louisiana Rehabilitation Services Program under provisions of Rule 22.8(a). The vacancy does not need to be posted and no test score is required.
2. An out-of-state vacancy. The vacancy does not need to be posted and no test score is required.
3. A permanent classified employee may be promoted to positions to which he would have reemployment eligibility if he were to resign. No test score is required unless the employee's eligibility is based upon a nonprofessional level job and he is being promoted to a professional level job.

All other promotions must be posted. Agencies must have a certificate and applicants must meet testing requirements. The agency may limit the vacancy to an [Approved Promotional Zone](#) and this promotional zone must be stated in the announcement.

(b) Promotions shall be limited to classified employees with permanent status.

(c) No employee who has a current overall performance evaluation rating of “Needs Improvement” or “Unsuccessful” shall be promoted.

### **Rule 23.5 Job Appointment**

(a) A job appointment is a temporary appointment used to fill a position in the classified service for a limited duration. The duration of a job appointment shall not exceed a four-year period. If a job appointment is needed for a longer period of time for rational business reasons, the appointing authority may request approval from the Commission. The Commission has the authority to delegate approval authority to the Director.

(b) Job appointments that may be made without the use of the certificate are:

1. An individual deemed eligible for services by the Louisiana Rehabilitation Services Program under provisions of Rule 22.8(a). The vacancy does not need to be posted and no test score is required.
2. An out-of-state vacancy. The vacancy does not need to be posted and no test score is required.
3. Repealed.
4. An applicant eligible for noncompetitive reemployment may be appointed in a job appointment without requiring a test score, unless the applicant’s eligibility is based upon a nonprofessional level job and he is being appointed into a professional level job.
5. Applicants who have attained a 3.5 GPA or higher for a baccalaureate or graduate degree from an accredited university and meet all other requirements of Rule 22.8(c) for exemption from testing.

(c) The Director has the authority to issue policy standards for the use of job appointments. The policy standards can be found [here](#).

(d) The Commission or Director has the authority to cancel and/or withdraw the agency’s authority to make job appointments.

NOTE: Conversions from job appointment to probational appointment are allowed following Staffing policy. Further information regarding this policy can be found in [Procedures: Converting a Job Appointment to a Probational Appointment](#).

### **Rule 23.6 Classified WAE Appointment**

(a) A classified WAE is a temporary appointment used to fill a position in the classified service for a limited duration. The appointing authority may use the classified WAE appointment for a period not to exceed 1245 hours in a 12-month period. For rational business reasons, the hours may exceed 1245 hours within the 12-month period, but only if granted by the Commission. This type of appointment shall only be made when it is not possible or appropriate to use a job appointment or

probational appointment. This rule allows the Director to establish policy standards for the use of classified WAE appointments. The policy standards can be found [here](#).

(b) This rule allows the Commission or the Director to cancel classified WAE appointments at any time or remove the agency's authority to make classified WAE appointments.

(c) The vacancy does not have to be posted. Neither a certificate nor a test score is required. However, appointees must meet the minimum qualifications for the job.

(d) The classified WAE is also subject to certain layoff related actions.

### **Rule 23.7 Temporary Staffing Services Employee**

When work is required to be performed on a temporary basis and the work is essential to the efficiency of the agency, a temporary staffing services employee may be used provided it meets all the requirements outlined in this rule.

### **Rule 23.8 Transfer of Individual Employees**

An employee may be voluntarily transferred from any position in the classified service in one department to any position in the classified service in another department for which he is qualified and meets all announcement and testing requirements.

NOTE: Employees in temporary, nonpermanent appointments such as job appointments or classified WAEs are not eligible to "transfer" to another department without resigning or being terminated from their temporary appointment. Employees in nonpermanent appointments must compete for a probational or permanent appointment in another Department and apply during the open period. The procedure regarding Transfer of Individual Employees may be found [here](#).

### **Rule 23.9 Temporary Inter-Departmental Assignment**

(a) This rule allows, when departments agree, a permanent classified employee to be assigned to a classified position in another department for a period not to exceed one year. This may be used when agencies partner on a project or when the employee's expertise is needed for a temporary assignment in another agency. The employee must meet the minimum qualifications of the job to which he is being assigned.

(b) This rule allows for the employee who is assigned temporarily to another department to continue to be an employee of the department he was assigned from. The employee retains all of the rights and benefits of his original position and returns to his position at the conclusion of the assignment.

(c) Either of the participating departments can end the assignment at any time. The Director can also end an assignment if it is determined that it violates the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plan, or the policies and procedures issued by the Director.

(d) Notwithstanding any other rules, a temporary inter-departmental assignment may not be continued beyond one year without the Director’s approval.

**NOTE:** Temporary Inter-Departmental Assignment (TIDA) allows for the concept of placing the employee in a leave of absence state in his originating department, as defined in [Chapter 1](#), to be assigned to the receiving department for up to one (1) year. The employee’s benefits, rights, and responsibilities follow him so that there is no disruption or cancellation of those eligibilities. The participating agencies should discuss those issues with the employee.

**Rule 23.10 Reassignment and Position Change**

(a) An appointing authority may reassign any probationary or permanent employee to a position with a different job title that has the same maximum rate of pay, provided the employee meets the minimum qualifications of the job to which he is being assigned and has met Civil Service requirements for testing and competition.

<b>Reassignment is movement of an employee to a position with a different title with the same maximum rate of pay.</b>	
<ul style="list-style-type: none"> <li>• Probational – Same Parish</li> <li>• Probational – Different Parish</li> <li>• Job Appointment – Same Parish</li> <li>• Job Appointment – Different Parish</li> </ul>	<ul style="list-style-type: none"> <li>• Vacancy must be posted, employee must apply, qualify and have any required test score unless exempted under provision of Rule 22.8(a)(b)(c)(d): Exemptions from Testing Requirements or Rule 23.13: Noncompetitive Reemployment Based on Prior State Service.</li> </ul>
<ul style="list-style-type: none"> <li>• Permanent – Same Parish or Different Parish</li> </ul>	<ul style="list-style-type: none"> <li>• No need to post since the job will have the same pay grade and the employee should have re-employment eligibility.</li> <li>• Employee must qualify.</li> <li>• No testing is required unless the employee holds a non-professional level job and is being placed into a professional level job.</li> </ul>

(b) An appointing authority may position change any probationary or permanent employee to a different position number with the same job title.

<b>Position Change is movement to a job with the same title but with a different position number.</b>	
<ul style="list-style-type: none"> <li>• Probational – Same Parish</li> <li>• Job Appointment – Same Parish</li> </ul>	<ul style="list-style-type: none"> <li>• No posting required for either situation.</li> </ul>

<ul style="list-style-type: none"> <li>• Probational or Job Appointment – Different parish</li> </ul>	<ul style="list-style-type: none"> <li>• Vacancy must be posted – in most cases the employee should already have a test score from the prior appointment or was exempted under provision of Rule 22.8(a)(b)(c)(d): Exemptions from Testing Requirements or Rule 23.13: Noncompetitive Reemployment Based on Prior State Service.</li> </ul>
<ul style="list-style-type: none"> <li>• Permanent - Same Parish or Different Parish</li> </ul>	<ul style="list-style-type: none"> <li>• A position change of a permanent classified employee may be made without posting.</li> </ul>

### Rule 23.11 Change in Duty Station

An appointing authority may change the duty station of a permanent employee from one geographical area to another. An appointing authority may change the duty station of a probationary employee from one geographical area to another in accordance with guidelines specified by the Director to ensure observance of appropriate competition requirements.

- When the duty station of a position occupied by a permanent or probationary employee is changed from one geographical area to another, there is no vacancy and therefore no need for a job posting.
- When the duty station of a probationary employee is changed from one geographical area to another, the appointing authority shall maintain documentation showing when the need for the change in duty station was identified and the business reason for the change.

### Rule 23.12 Detail to Special Duty

Refer to [Procedures: Policy Standards for Details to Special Duty](#) for specific directives on who can be detailed to special duty.

Detail to special duty may be used to fill a temporary need such as an employee being placed on a project or to fill in for an employee on extended absence. This type of detail is temporary in nature. Once the detail has ended, the employee is returned to his original position. Even though vacancies for details to special duty used to fill a temporary need are exempt from the announcement requirements under [Rule 22.3\(b\)5](#), employees shall meet the State Civil Service minimum qualifications and testing requirements for the job title of the detail position.

State Civil Service Director approval is required **prior** to the detail of any probational employee or a permanent classified employee who does not meet the State Civil Service minimum qualifications and testing requirements for the job title of the detail position. SCS recommends that these requests are submitted at least five business days prior to the proposed effective date.

No detail shall exceed one year without the SCS Director’s **prior** approval.

(a) This rule allows the appointing authority to assign an employee to a different position in the same department for up to one month without changing the employee’s classification or pay. After one

month, the appointing authority is required to detail or otherwise place the employee in the position or return the employee to his original position. When an employee is detailed, pay is set in accordance with [Chapter 6](#) pay rules.

(b) This rule requires the appointing authority to obtain prior approval from the SCS Director when the detail is anticipated to exceed one year. The agency is required to retain justification for all details needed for more than one month but is also required to submit justification with all details requiring the Director's approval. This rule is subject to Rules [17.20\(b\)4](#) and [17.25](#) concerning layoff related details.

(c) This rule allows the SCS Director to issue policy standards for use of details to special duty.

(d) An appointing authority may end a detail at any time.

(e) This rule allows the SCS Director to cancel a detail to special duty at any time and/or withdraw an agency's authority to detail employees for longer than one month.

(f) No employee who has a current overall performance evaluation rating of "Needs Improvement" or "Unsuccessful" shall be detailed to a higher-level position.

### **Rule 23.13 Noncompetitive Reemployment Based on Prior State Service**

(a) This rule establishes the parameters that allow a previous state employee to be noncompetitively reemployed. The rule means:

- Within 10 years from separation, a former permanent employee may be reemployed in any job for which he meets the minimum qualifications.
- The job must have the same or lower maximum salary as the current maximum for the job in which he had permanent status.
- If the former job in which the employee or former employee held permanent status undergoes a change in title, and it was not an upward reallocation of the position after the employee separated from it, and there are no legal barriers, the employee or former employee does not lose his reemployment eligibility for the position or for a lower position in the same job series.
- If the former job in which the employee or former employee held permanent status undergoes a change in minimum qualifications, and there are no legal barriers, the employee or former employee does not lose his reemployment eligibility for the position or lower position in the same job series;
- When these situations occur, eligibility remains even if the maximum pay has moved upward.
- Also, he shall be eligible to be reemployed in any other job at the same or lower current maximum pay as the job to which his position changed in title, provided he meets the minimum qualifications.

(b) No former employee shall acquire eligibility for noncompetitive reemployment through service in a position from which he was dismissed or resigned to avoid dismissal or demoted for cause.

(c) No former employee shall possess eligibility for noncompetitive reemployment for the position of Director of Louisiana State Civil Service.

(d) The former employee may be required to provide proof or evidence of his or her prior employment before being eligible for reemployment under this rule.

#### **Rule 23.14 Demotion**

This rule allows for a permanent or probationary employee to be demoted to a lower level position for which he possesses the minimum qualifications. This demotion may be for cause or at the request of the employee.

If a probational or temporary employee is demoting, the vacancy must be posted and the employee must apply during the open period, must meet the minimum qualifications for the job and have the required test score, unless exempted under the provisions of [Rule 22.8\(a\)](#), [Rule 22.8\(b\)](#), [Rule 22.8\(c\)](#) "Exemptions from Testing Requirements" or [Rule 23.13](#), "Noncompetitive Reemployment Based on Prior State Service."

#### **Rule 23.15 Restoration of Duty Upon Return from Military Service**

This rule provides for restoring an employee to his position upon return from military service. Any employee, who subsequent to June 24, 1948, has left or leaves a classified position in which he was or is serving with probationary or permanent status, for active duty in the armed forces of the United States for not more than six years of voluntary service or an indefinite period of involuntary service and who upon separation from the armed forces by honorable discharge or under honorable conditions makes application for reemployment within 90 days thereof or within 90 days after he is released from hospitalization continuing after discharge for a period of not more than one year.

(a) This rule requires the appointing authority to restore the employee to his position in the department where he worked prior to leaving for military service if he is still qualified to perform the duties of such position, or to a position of like seniority, status and pay; or

(b) When the employee is not able to perform the duties of his position because of disability sustained during military service but qualified to perform duties of another position in the department where he formerly worked, this rule requires the appointing authority to restore the employee to another position for which he is qualified. The employee will be provided seniority status and pay or the nearest approximation thereof consistent with the circumstances in his case.

#### **Rule 23.16 Cancellation of Eligibility for Appointment**

This rule provides the Director authority to cancel the employment eligibility of applicants or employees in certain circumstances.

(a) This rule allows the Director to cancel the employment eligibility of any applicant or of any employee serving with other than permanent status following certification or employment if the applicant/employee:



1. Cannot be legally employed;
2. Does not meet the minimum qualifications established;
3. Has been convicted of a felony;
4. Was dismissed from state service or resigned to avoid dismissal while serving with permanent status; or
5. Has submitted false information during the application or examination process or otherwise attempted to fraudulently secure eligibility for appointment for self or others.

(b) This rule requires the Director to notify the applicant whose employment eligibility has been cancelled under this rule.

(c) When an employee's employment eligibility has been cancelled under this rule, the Director is required to notify the employee and the appointing authority, and the appointing authority is required to terminate his or her employment.

### **Rule 23.17 Withdrawal of Authority**

This rule provides the Director with the authorities authorized in this chapter.

## **Procedures**

- [Converting a Job Appointment to a Probational Appointment](#)
- [Policy Standards for Classified WAE Appointments](#)
- [Policy Standards for Details to Special Duty](#)
- [Policy Standards for Job Appointments](#)
- [Transfer of Individual Employees](#)

## **Job Aids and Resources**

- [Agency Posting Guidelines for the Various Appointment Types](#)
- [Agency Request for Extension of Job Appointment](#)
- [Classified WAE Position Description](#)
- [Classified WAE Request to Exceed 1245 Hours](#)
- [Classified WAE Request to Reappoint Incumbent when 1245 Hours was Exceeded](#)
- [Classified WAE Flowchart](#)
- [Request for SCS Director Approval of Detail to Special Duty](#)
- [Required Documentation for Classified WAE Positions](#)
- [Statement of Agreement and Understanding – Employment in a Non-Permanent Position](#)