

CIVILIAN RULE 3

ASSIGNMENTS AND PROMOTIONS

Section 3-1 Assignment policy

Any employee may be assigned or reassigned from one division to another by the Superintendent according to the needs of and the best interests of the Department.

Section 3-2 Promotions

A. Promotions shall be accomplished as follows:

1. All position vacancies that could be a promotion for any employee of the Department shall be advertised, throughout the Department;
2. When the Human Resources Division becomes aware that a vacancy exists or will exist on a specific date, with the authority of the Assistant Chief of Staff (AC/S) Human Resources and Administration (HRA), shall forward a notice of the vacancy and the minimum qualifications for said vacancy to each division and district commander. This shall not affect the reclassification of an employee on an existing position. Such reclassification shall not necessitate publication by the Human Resources Division;
3. Commanders shall disseminate the announcements to most reasonably ensure that all eligible and interested personnel are timely informed of the announced vacancies. Such dissemination shall constitute adequate notification of position vacancies by the Department;
4. All persons meeting the minimum qualifications, who are interested in being considered for such vacancy, shall complete an on-line application through the State's electronic job bank system no later than 3:30 P.M. (state time) on the deadline date. Human Resources Division personnel shall determine if the applicants meet minimum advertised qualifications;
5. All persons completing such application, who meet the minimum qualifications for the vacancy and who successfully pass any screening examination, shall be interviewed by a committee appointed by the AC/S HRA. Those persons who do not meet minimum qualifications and/or who do not successfully pass any screening examination shall be notified, in writing, by the Human Resources Division;
6. After such interview, the Personnel Board shall consider all information concerning the persons interviewed which is available to them and, with due consideration for the requirements of the position to be filled, the Board shall make a recommendation to the Superintendent; and
7. If the recommendation is different than that of the interview committee, the reason(s) shall be explained and documented in the official minutes of the Personnel Board, for review by the Superintendent.

B. Promotions shall be made by the Superintendent after consideration of the recommendations of the Personnel Board.

C. Employees who have been promoted:

1. Shall serve a probationary period of at least six (6) months from the date of the promotion except those assigned to technical positions who shall serve a probationary period of one year. For the purpose of this rule, technical positions shall be defined as outlined in [HMR-020](#);

2. Permanent employees, serving a probationary period as a result of a promotion, are required to satisfactorily complete the probationary period in order to become permanently assigned in the new class;

3. If a permanent employee is promoted within the Department and does not successfully complete the probationary period, the Department shall make a good faith effort to return the employee to the employee's prior classification and location. This shall be called a return to previous status and shall not constitute a demotion. The employee's salary shall be the same salary that existed prior to the promotion plus any interim across the board salary increases;

4. If a permanent employee from another agency is accepted for a position in the Department and the employee does not successfully complete the probationary period, the Department shall return the employee to the former classification in the Department and location, if such a position is available. If a position described in the preceding sentence is not available, the employee shall be returned to an available position in the former classification, in the Department, at any location; and

5. If there are no available positions in the former classification in the Department, layoff procedures shall be initiated to determine which employee will be laid off.

Section 3-3 **Transfers**

A. Employees wishing to transfer outside their assignment shall complete an on-line application through the State's Electronic Job Bank System, and shall submit a memorandum, through channels, to the Superintendent and copies to the AC/S HRA. The request shall be forwarded to the Human Resources Division by the appropriate commander or AC/S for determination of eligibility and qualification prior to forwarding it to the Superintendent for action.

2. Employees may request a transfer only to positions/classifications that have the same job requirements and salary as the position they currently hold or have held sometime in the past or for which they have met the job requirements, through testing.

B. Employees may be transferred at any time by the Superintendent for the good of the Department. The Department agrees that permanent transfers will not be used as a form of discipline. Provided, however, the Department retains the right to temporarily reassign an employee for training, retraining, or additional supervision in conjunction with disciplinary action or while investigating whether discipline is appropriate.

C. The foregoing provisions shall in no manner restrict the Superintendent's right to reassign or reallocate personnel or positions prior to determining the vacant position the Superintendent will fill under this rule.