

PERSL 1347

DATE: June 26, 1998

TO: Personnel Directors/Designees  
Labor Relations Directors/Designees  
DOER Labor Relations and Staffing Divisions

FROM: Katherine Megarry, Labor Relations/Compensation Division  
Eric Tomanek, Staffing Division

PHONE: 297-7798/ 296-8267

RE: Vacancy-filling with position qualifications/ Clerical Consolidation Reminders

The purpose of this packet is three-fold: first, to explain the position-filling process under the new position qualification language; second, to provide some updates related to the position qualification process; and third, to provide some updates related to the Clerical Consolidation.

1) How to fill Unit 6 positions using position qualifications.

As you read in my memo of 3/27/98, the Position Qualification language that applies to vacancy-filling and layoffs for *all* Unit 6 classes goes in to effect on 7/8/98. The attached document is a step-by-step summary of how to fill Unit 6 positions beginning 7/8/98.

NOTE: Position qualification language will also apply to all layoff situations beginning 7/8/98. Please review the appropriate contract provisions before initiating any layoffs.

2) Updates related to new position qualification process.

a) Additions to statewide standard menu of position qualifications. In my 3/27/98 memo, I distributed a standard menu of position qualifications available statewide. This menu was dated 12/3/97. Attached to this memo, please find a new updated statewide menu.

b) If you wish you to use a position qualification that is not on the standard menu, you must either use a position qualification off of your agency-specific menu or follow the non-menu process, both of which are explained in my 3/27/98 memo and in Appendix Q, Section 2. Please note that for non-menu qualifications, the Local Union has a 3 day window to raise concerns (see p. 437 of AFSCME contract). Because of the short 3-day window, agencies and Local Unions are encouraged to agree to specific contact people i.e. "who will be the 'Local Union designee' for agencies to notify regarding a non-menu qualification?" and "who should the 'Local Union designee' notify if the Union has a concern about a non-menu qualification?"

c) As a reminder: position qualifications should not include skills for which training is routinely provided on the job or which are readily acquired on the job, such as specific computer software. For example, it is generally not appropriate to require specific software packages or specific models of office equipment (e.g. SEMA4, MAPS, Word Perfect, CACS, Rumba, SCUPPS, FANS, CHIEFS, Xerox model XXIII) as a position qualification.

3) Reminders related to the Clerical Consolidation on 7/8/98.

a) Please note that part of the negotiated agreement on the Clerical Consolidation included an agreement on “low cost implementation”. This means that any MJAQ appeals, reallocation requests or change of allocation requests that occur between 7/8/98 and 6/30/99 (*and* that result in an allocation to a *consolidated* class) will be processed according to the low cost implementation agreement. The only increases on promotion that will be allowed are for promotions to true vacancies or increases necessary to bring someone to the minimum of the new range. [Standard progression increases are not affected by this provision.]

Examples:

\* An employee converted to an OAS Intermediate classification on 7/8/98 requests a MJAQ appeal (Sept. 1-14, 1998) which results in him/her being placed in the OAS Senior classification. The employee does not receive a promotional increase.

\* During the time period 7/8/98 - 6/30/99, the same employee submits an audit request (instead of a MJAQ appeal) and is reallocated to OAS Senior. S/he will still not receive a promotional increase.

\* The same employee submits an audit request and is reallocated to the Executive 2 classification. S/he *will* receive a promotional increase because the Executive 2 classification is not part of the Clerical Consolidation.

b) Remember that Commissioner’s Plan employees in AFSCME classes that are consolidating will be converted to the new classes on 7/8/98 in accordance with Appendix O of the Commissioner’s Plan, *not* Appendix Q of the AFSCME contract. Thus, the appeal process and related provisions of Appendix Q (and the recently-negotiated MOU to Appendix Q) do not apply to confidential and insufficient-work-time employees.

c) By the same token, Commissioner’s Plan Confidentials are not impacted by the AFSCME contract’s change from class seniority to state seniority for Units 4 and 6. Thus, you must still keep track of classification seniority for Commissioner’s Plan Confidentials. (Effective 1/31/98, insufficient-work-time employees use continuous State

employment rather than Class Seniority). This will present some issues for you, particularly for Confidential employees who have any *previous* service in classes which are converting to a *lower* range. This would include previous service in the following classes: Data Entry Operator series, Stores Clerk, Word Processing Operator 1, Switchboard Operator. In general, it is not our intent to change the classification history/credit of these employees. They are to carry with them any classification credit previously granted. In most cases, this means that a confidential employee's class seniority date in his/her new consolidated clerical class will be the class seniority date in the last class prior to conversion. Please read through the following for an example:

Employee transferred from Data Entry Operator to a confidential CT2 in 1993. Because those classes were transferable at that time and were "related classes," the employee carried the Data Entry classification seniority with him/her to the CT2 classification. After the 7/8/98 consolidation, CT2 will convert to Office and Administrative Specialist, and Data Entry Operator will convert to Office Specialist. Because those classes will no longer be transferable, a question has been raised regarding the determination of classification seniority. It is our interpretation that, even after the 7/8/98 consolidation, the above-mentioned employee's classification seniority for Office and Administrative Specialist will continue to contain that previous Data Entry Operator time.

d) Earlier this Spring (3/27/98), you received a copy of the tentative agreement of a MOU to Section 1E "Review Process" of AFSCME's Appendix Q. This MOU has now been ratified and will go in to effect with the rest of Appendix Q on 7/8/98. Questions regarding this MOU (or the rest of Appendix Q) can be directed to myself or your Labor Relations or Staffing Representative. If you need another copy of the MOU, it is available on DOER's web page, or you may contact Ann Maile at 296-2516.

CC: Cindy Lukas, SEMA4  
Bob Buckingham, AFSCME

## HOW TO FILL UNIT 6 POSITIONS, effective 7/8/98

The “position qualification” process applies to all Unit 6 classes, whether consolidated or not.

1. Decide to fill a vacancy.
2. Decide on any position qualifications needed for the position. These should be qualifications (job-related knowledge, skills and abilities) required for initial appointment to a specific position and necessary for satisfactory performance of the job on Day One. Position qualifications are *in addition* to exam criteria for a class. Position qualifications are not to include training that is routinely provide on the job or readily acquired on the job (example: knowledge of a *specific* computer software package would generally not be an acceptable position qualification).
3. Post the vacancy and include any position qualifications on the posting\*.  
You may use:
  - a) position qual’s off the standard menu; or
  - b) position qual’s off of an agency-specific menu; or
  - c) non-menu position qualification

[See also 3/27/98 memo for further explanation].

\*If the vacancy is in one of the new consolidated classes (for which there currently is no exam), you are encouraged to note the job class of the related list you plan to certify. See #10 below.

4. If you use a non-menu qualification, you must notify the Local Union before *or* during the posting process. The Union has 3 days to present concerns regarding the validity of the qualification. After you respond to the Union’s concerns, they retain the right to request a final determination by DOER Staffing. (See AFSCME contract p. 437.) You may continue with your hiring process during this review, but you should understand that, if Staffing’s review does not support your position qualification, you will need to reconsider any candidates previously rejected for failure to meet the position qualification.
5. Accept bids.
6. Rule out any bidders who do not meet the position qualifications.  
Agencies are allowed to use any process they wish to determine whether candidates meet position qualifications, provided it is legal, job-related and uniformly applied to all applicants. (See additional position qualification information sent out in 3/27/98 memo.)

7. From among the position-qualified bidders only, you should select the most senior bidder, provided the senior employee's ability and capacity to perform the job are relatively equal ("head and shoulders" test) to that of other bidders.
8. If there are no bidders, continue through the selection process (seniority unit layoff list, claimers, class layoff list). In all cases, you must apply the same position qualifications that were initially posted. Only candidates who meet those position qualifications should be considered for appointment.
9. If a person certified from a seniority unit or class layoff list does not meet the position qualifications for the vacancy, enter a disposition code of "Q" on the certification report. Return the completed certification report to DOER Applicant Services as you normally would.
10. Exams for the new consolidated clerical classes are still being developed. Until eligible lists for the new classes are available, agencies may use higher/equal related lists (including those for the "old" clerical classes) to fill vacancies. If your agency enters its own Request to Employ and generates certification in SIGMA, follow the standard instructions for certifying a related list. If not, submit your Request to Employ to DOER Applicant Services and note the related list you wish to use in the "remarks" section. (Note: if you are requesting Data Entry Operator as a related list, also submit a Skill Search profile).
11. Once you have received a certification or Cooperative Placement referral, you must:
  - a) Rule out anyone who does not meet position qualifications.
  - b) From among those who meet position qualifications, apply standard Eligible List language i.e., if you are going to make a promotion, you must select the most senior employee for whom the job would be a promotion provided his/her ability and capacity to perform the job are relatively equal ("head and shoulders" test) to that of other certified eligibles or Cooperative Placement referrals.
12. If you are going to fill the vacancy via a transfer, demotion, reinstatement, or other process, you must only consider those who are position qualified.
13. Agencies need to retain information documenting:
  - a) the basis/justification for the position qualifications (how they are job-related); and
  - b) the reasons why individuals were rejected on the basis of those position qualifications (e.g., the process used to assess the position qualifications and the results for each individual assessed).

If you have further questions relating to vacancy-filling, contact your DOER Staffing Representative.

## STANDARD MENU

June 25, 1998

- Math (e.g. equations, account reconciliation, making change)
- Typing/Keyboarding (WPM)
- Data Entry Performance
- Stenography (WPM)
- Dictaphone/Tape Transcription
- Non-English Languages (Speaking/translation and/or Writing and/or Reading) e.g., Spanish, Braille
- English (Speaking and/or Writing and/or Reading Orally)
- Signing Skills
- Legal Secretary
- Drivers License (possession of valid drivers license)
- Computerized Inventory Control Systems
- Word Processing
- Desktop Publishing
- Spreadsheets
- Data Base Management
- Physical Demands (e.g., lifting, standing, sitting, pulling)
- Bookkeeping
- Accounting/Budgeting/Expense
- Specialized Terminology (e.g. medical coding/terminology or legal terminology)
- Customer Service Skills (phone, in person, public presentations)
- Lead Work Skills (e.g. the experience, organizational and/or personal skills necessary to perform hiring, assigning work, directing, scheduling, vacation/sick leave approval, and/or manage an office.)
- Development of administrative and programmatic procedures (standard for Sr and Princ levels only)