

State of California

MEMORANDUM

Date: July 26, 1993

Reference Code: 93-52

To: PERSONNEL MANAGEMENT LIAISONS

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Labor Relations Officers
Personnel Officers
SROA Coordinators

From: Department of Personnel Administration
Classification and Compensation Division

Subject: Revision 93-01 to the State Restriction of Appointments (SROA)
Policy and Procedure Manual

This memorandum distributes Revision 93-01 to the SROA Policy and Procedure Manual.

The revision includes the following:

1. Insert Cover Page (one page) and Revision Record (one page) in the front of the Manual.
2. Insert new Table of Contents (two pages) and replace the original.
3. Insert new pages 3, 4, 9, 12, 12.1, 13, and 13.1 and replace original pages 3, 4, 9, 12, and 13.
4. Insert new Index (two pages) and replace the original.

Please contact Joe Broderick at (916) 324-9381 if you have any questions.


Mike Vargas
Staff Reduction Coordinator

Attachments

ccd/C21097



STATE RESTRICTION OF APPOINTMENTS
PROGRAM

POLICY AND PROCEDURE MANUAL
NOVEMBER 1992

(JULY 1993)



Department of Personnel Administration
 State Restriction of Appointments
 Policy and Procedure Manual Revision Record

(Original manual issue date: November 16, 1992)

SROA REVISION NUMBER	DATE INSERTED	INITIALS	SROA REVISION NUMBER	DATE INSERTED	INITIALS
1			21		
2			22		
3			23		
4			24		
5			25		
6			26		
7			27		
8			28		
9			29		
10			30		
11			31		
12			32		
13			33		
14			34		
15			35		
16			36		
17			37		
18			38		
19			39		
20			40		



STATE RESTRICTION OF APPOINTMENTS PROGRAM

POLICY AND PROCEDURE MANUAL

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. ADMINISTRATIVE RESPONSIBILITY	1
A. Department of Personnel Administration	1
B. State Personnel Board	2
III. SROA AND SURPLUS DESIGNATIONS	2
A. Designation as a Layoff/Surplus Department	2
B. Eligibility for Placement on SROA Lists	3
C. Eligibility for Placement of Employees in Department-Specific Classes on SROA Lists (Layoff Department)	3
D. Designation as a Surplus Employee	4
E. Placement of CEA Employees on SROA Lists	4
F. Eligibility of SROA/Surplus Employees for Relocation Expenses	4
IV. MANAGEMENT OF SROA LISTS	5
A. Employee Rights and Obligations	5
B. Length of SROA Eligibility	6
C. Placement of Employee Names on SROA Lists	6
D. Placement of Employee Names on Appropriate SROA Lists ...	6
E. Placement of CEA Employee Names on SROA Lists	7
F. Removal from SROA Lists	7
V. FILLING POSITIONS	7
A. Certifications	7
B. Updating SROA Lists	8
C. Contacts	8
D. Clearance of SROA Lists	9
E. Hiring	10
F. Appointment of Surplus Employee Not on SROA List	10
G. Probationary Periods	11
H. Appointment Audit Procedures	11
VI. SROA POLICY EXEMPTIONS	11
A. Appointment from a Reemployment List	11
B. Mandatory Reinstatement to Same Class in Same Agency ...	12
C. Transfer or Training and Development Assignment to Same Class in Same Agency	12



D.	Transfer or Training and Development Assignment to Different Class in Same Agency or Voluntary Demotion in Same Agency	12
E.	Appointment of a Retired Annuitant	12
F.	Reasonable Accomodation of Disabled Employee	12
G.	Emergency Appointments	12
H.	Permissive Reinstatements after Layoff and Hires from General Reemployment Lists	12
I.	Employee with Documented Performance Problem	12
J.	To Full Time from a Reduced Worktime in the Same Class and Agency	13
K.	Promotions in Place	13
L.	Transition of Limited-Term (LT) Employee Who Was Surplus or on SROA List at Time of LT Appointment to Permanent Position	13
M.	Transition of Limited-Term Employee Who Received the Appointment Prior to the Commencement of the Layoff Cycle (July 1, 1992)	13
N.	Limited-Term Appointment of Less Than Three Months	13
O.	Seasonal Clerks, Student Assistants, Graduate Student Assistant, and Casual Trades Classes	13
P.	Out-of-Class Assignments	13
VII.	SPECIAL EXEMPTIONS TO SROA	13
A.	Limited-Term Appointments	13.1
B.	Transfers, Voluntary Demotions, or Training and Development Assignments to Different Departments	14
C.	Other Special Exemptions	14
VIII.	CORRECTION OF SROA VIOLATIONS	15
A.	Clerical or Procedural Error	15
B.	Policy or Rule Violation	15
IX.	SROA INTERACTION WITH SPECIAL PROGRAMS	15
A.	Career Opportunities Development (COD)	15
B.	Limited Examination Appointment (LEAP) Program	15

INDEX

ATTACHMENTS

A	Government Code Sections 19998 and 19998.1
B	DPA Rules 599.854; 599.854.1; 599.854.2; 599.854.3; and 599.854.4
C	State Restriction of Appointments Scanner Form
D	Summary of Transactions Covered by SROA and Exempt from SROA



B. Eligibility for Placement on SROA Lists. Placement on SROA lists is limited by DPA Rule 599.854.1 to those employees who are actually subject to layoff or demotion in lieu of layoff. A department, therefore, that was going to abolish two positions in the class of Staff Services Analyst (SSA) could only place the two employees with least seniority on the SSA SROA list. DPA Rule 599.854.1, however, authorizes DPA to add more employees in the classes and areas of layoff, if it will prevent the layoff/demotion of other employees.

1. The layoff department should use the years of service which are used to determine their employees' vacation accrual rates as rough seniority scores. These scores should then be used to identify the employees who are actually in jeopardy of layoff/demotion in each class/area of layoff. (Please note that prior to actual layoffs/demotions, actual seniority scores must be obtained from DPA.)
2. For each class approved for SROA, three employees per position being abolished may be offered the opportunity to submit SROA forms. Example: A department plans to abolish five of its total of 50 Office Technicians in Sacramento. The 15 employees with the lowest years of service would be offered the opportunity to submit SROA forms. The layoff department could request that DPA designate the remaining Office Technicians as surplus employees.
3. Exceptional Situations. DPA may make exceptions to the general rule described in Sections B. 1. and 2., if it appears that the anticipated layoff will be very severe or some other unusual circumstance warrants it.
 - a. Normally, employees in jeopardy of layoff/demotion who can be placed within the agency through involuntary transfer to other classes and/or locations are not placed on SROA lists. However, DPA will determine, on a case-by-case basis, if the inclusion of such employees on SROA lists is appropriate.
 - b. Normally, employees in a program that is leaving the State's jurisdiction, such as one becoming part of a county government, are not placed on SROA lists. However, DPA will determine, on a case-by-case basis, if the inclusion of such employees on SROA lists is appropriate.

C. Eligibility for Placement of Employees in Department-Specific Classes on SROA Lists (Layoff Department). An employee is normally placed on the SROA list for the class that she/he is currently serving in; however, this would not be logical in the case of an employee in a class used only by the layoff department. For example, if DPA were to be laying off employees in the class of Personnel Program Analyst, which is used only by DPA, it would not benefit an incumbent to be placed on the SROA list for that class, because no hires would be made from the list. The incumbent should, instead, be placed on the list for an appropriate class, such as Associate Personnel Analyst, in which actual employment opportunities exist. An employee shall be placed only on one appropriate class list.



1. Determination of Appropriate SROA Class (Layoff Department). An appropriate SROA class must meet the following criteria:
 - a. Have a salary range the same as or lower than the class of layoff; and
 - b. Have essentially the same class concept; and
 - c. Be a servicewide class or another department-specific class, in which actual employment opportunities exist.
 2. Selection of Another Department's Department-Specific Class (Layoff Department). If the layoff department selects another department's department-specific class as an appropriate class, the layoff department must first discuss the selection with the other department, to ensure that the classes have essentially the same class concepts and that the appropriate class offers actual employment opportunities. DPA will resolve any differences of opinion.
 3. Delegation of Selection of Appropriate Classes (Layoff Department). Layoff departments are delegated the authority to select appropriate SROA classes for placement of employees in their department-specific classes. The layoff departments must maintain a record of their analyses that show that the selected classes meet the three criteria in Subsection C.1. above. If the selected class is a department-specific class used by another department, the layoff department must maintain a record of the contact with the other department that includes the name of the contact person, the position of the other department, and the date of the contact.
- D. Designation as a Surplus Employee. Designation as surplus is normally limited to employees in the classes/areas of layoff; however, the CCD Analyst may approve the inclusion of employees in other classes/areas, if such action will reduce the need to layoff/demote employees in the classes/areas of layoff.
- E. Placement of CEA Employees on SROA Lists. If a CEA position is to be abolished as surplus, the incumbent may be placed on the SROA list for his/her former position ONLY IF the return to the former position will result in a layoff. "Former position" is defined as the last position held as a probationer or permanent employee or a position in another class that has the same or lower salary range, essentially the same class concept, and in which actual employment opportunities exist. There are no enhanced SROA rights. If a CEA employee exercises enhanced reinstatement rights and a layoff occurs later, then the employee and/or others in the class will be eligible for placement on a SROA list.
- F. Eligibility of SROA/Surplus Employees for Relocation Expenses. SROA/surplus status does not grant entitlement to relocation expenses, UNLESS the SROA/surplus employee has already received a layoff notice prior to a job commitment being made. If a layoff notice has been received, then the appointment is in lieu of layoff, and the employee is entitled to relocation expenses.



D. Clearance of SROA Lists

1. Employees who do not respond (IDNR) or do not appear for interviews or work (IDNA) should be removed from the SROA lists by the hiring departments. Employees are to be allowed a reasonable time to respond to inquiries as provided for by SPB Rules 258 and 260. For SROA lists only, departments should remove the names of ALL persons who don't respond or appear, not just those down to the name of the person hired from the list; and the names of those who don't respond or appear should be removed even if the list is not used to fill the position. An employee may request that her/his name be restored to the list if there was a valid reason for not responding or appearing. The request must be in writing and include a description and validation of the reason. Examples of acceptable reasons and validations would include an emergency medical condition requiring hospitalization verified by a doctor; and a vacation away from home verified by airline tickets.
2. A name may be cleared from a SROA list if the employee (1) has been hired by another agency to a nonsurplus position (HS); (2) waives eligibility for appointment (AW); or (3) is hired from this certification (H).
3. Special exemptions authorized in this Manual may be used to clear a name of a SROA list eligible.
4. Interchangeable Positions (Classes). The groupings of interchangeable positions (classes) are listed in the SCO Payroll Procedures Manual. They were approved by the Department of Finance to facilitate the practice of hiring employees at the entry level and later promoting them to the journey level without submission of another Form 607.

When filling a position in a grouping of interchangeable positions (classes), it is necessary to only clear the SROA list for the class that is being recruited for. For example, the Associate Governmental Program Analyst, Staff Services Analyst (General), and Junior Staff Analyst (General) are interchangeable. If the position is to be advertised and filled as a Staff Services Analyst (General), it is only necessary to clear the Staff Services Analyst (General) SROA list and surplus employees who are eligible for the Staff Services Analyst (General) class.

5. Department-Specific Classes (Hiring Department). If there is no SROA list for a department-specific class, the hiring department must select an appropriate class for which a SROA list exists, and clear that list prior to hiring a nonsurplus employee, unless an exemption is appropriate. DPA must approve the appropriate class, and, if necessary, will assist in identifying an appropriate class. The appropriate class will normally have a salary within transfer range of the class of hire; have essentially the same class concept; and be a servicewide or department-specific class for which a SROA list exists.



- B. Mandatory reinstatement to same class in same agency.
- C. Transfer or Training and Development Assignment to same class in same agency.
- D. Transfer or Training and Development Assignment to different class in same agency, or voluntary demotion in same agency.

EXCEPTION: Transfers and training and development assignments that result in career changes to entry-level classes require close review because of inequities that could result from such transactions in a department that is, or may be, going through staff reductions. For example, if an employee with 30 years of State service is allowed to transfer to an entry-level class in a different occupation, he/she, in the event of a layoff after only a few months' service, could bump an employee who had been in that occupational area for several years, but had a lesser total of State service. To determine if a career change will occur, you should refer to the schematic codes of the classes. Surplus departments must forward such transactions to DPA for approval.

The approval may be delegated to nonsurplus departments upon submission of a request to DPA.

- E. Appointment of a retired annuitant.
- F. Reasonable accommodation. Maintain requests for accommodation, doctors' statements, and analyses of the requests.
- G. Emergency appointments. Maintain records of the rationales for the emergencies, duty statements, and descriptions of the assignments.
- H. Permissive reinstatements after layoff and hires from general reemployment lists. An employee who has been laid off or demoted in lieu of layoff may be permissively reinstated to a class other than the one from which she/he was laid off/demoted.
- I. Employee with documented performance problem. A SROA or surplus employee need not be considered for appointment **IF** the employee's performance was documented as less than "Satisfactory" in her/his current class, which is the class upon which the SROA or surplus eligibility is based. Documentation includes:
 1. A performance report during the last 12-month period with an overall rating of "Improvement Needed" or "Unsatisfactory"; or
 2. A performance report during the last 12-month period with a rating of "Improvement Needed" or "Unsatisfactory" in a factor that is critical to success in the position to be filled. (For example, an employee on the SROA list for a supervisory class whose supervisory skills were rated "Improvement Needed" or "Unsatisfactory"); or
 3. A rejection during probation within the last three-year period in the SROA class; or



4. A formal adverse action during the last three-year period, if the causes of the action are related to performance of the duties of the position.
5. Letters of correction from supervisors.



J. To full-time from a reduced worktime in the same class and agency.
Applies only to permanent full-time employees, who voluntarily reduced their time bases under the Reduced Worktime Act, and are returning to full-time status in the same classes/agencies.

K. Promotions in place. All of the following criteria must be met:

1. There is no true vacancy; and

NOTE: In order to determine whether or not a true vacancy exists, it is necessary to look beyond the position in question. For example, presume that an Office Services Supervisor (OSS) I position has gradually increased in numbers of subordinates to the level where it may be more appropriately classified as an OSS II. If this is the only OSS I position in the department in the geographic area, then no true vacancy exists. If, however, there are several other OSS I positions and one is vacant, then the incumbent of the position that has grown could be placed in it and the SROA process must be used to fill the new OSS II position.

2. There is no change of position, assignment, or supervisory/subordinate relationship of employee; and

3. The promotion is clearly identified as typical in cases where the employee is to move to the next higher level in a class series. To determine if the promotion is "typical", identify the classes from which the majority of incumbents in the promotional class have historically promoted from.

NOTE: Positions that are established interchangeably such as Staff Services Analyst and Associate Personnel Analyst meet the criteria for promotions in place.

L. Transition of limited-term (LT) employee who was surplus or on SROA list at time of LT appointment to permanent position.

M. Transition of limited-term employee who received the appointment prior to the commencement of the layoff cycle (July 1, 1991) to a permanent position.

N. Limited-term appointment of less than three months.

O. Seasonal Clerks, Student Assistants, Graduate Student Assistants, and Casual Trades Classes.

P. Out-of-class assignments.

VII. SPECIAL EXEMPTIONS TO SROA. Some types of appointments may be considered for special exemptions due to extraordinary circumstances. Special exemptions must be requested in writing and approved in advance by the SROA Unit at DPA. Blanket special exemptions will not be granted (DPA Rule 599.854.4). Attachment D contains a summary of transactions covered by the SROA program (and whether determinations are delegated to departments) and those exempted.



A. Limited-term appointments. For project jobs of three to nine months, where there is no possibility of a permanent appointment. A narrative request must be submitted that fully describes the project and the product to be produced; explains why the SROA process can not be used; and includes a copy of the duty statement. Extensions will RARELY be granted. Such a request must include an explanation of what caused the need to extend the project; the length of the requested extension and an analysis that shows that this time will be sufficient to complete the project; and a description of the consequences of not extending the appointment.



STATE RESTRICTION OF APPOINTMENTS PROGRAM

POLICY AND PROCEDURE MANUAL

INDEX

<u>Subject</u>	<u>Manual Sections</u>
Appropriate SROA classes	III.C.1; IV.D; IV.E
Audit procedures	V.H
Authority for SROA Program	I; Attachments A & B
Career Executive Assignments	III.E; IV.E
Career Opportunities Development Program	IX.A
Certification from SROA lists	V.A.; V.B; V.C
Clearance of SROA lists	V.B.2; V.C; V.D.1-5; V.E.2; V.E.4; VII.D; IX.A.2; IX.A.3; IX.B
Critical hiring needs	VII.C
Delegations to departments	III.C.3; V.E.4; VI.A-P
Department of Personnel Administration	II.A
Department-specific classes	III.C.2; V.D.5
Emergency appointments	VI.G
Filling positions	V.E; V.F
Hires above minimum	IV.A.7
Inactive SROA status	IV.A.6
Interchangeable positions	V.D.4; VI.K.3
Layoff plan	III.A
Limited Examination Appointment Program	IX.B
Limited-term appointments	IV.A.2; IV.A.10; VI.L-N; VII.A
Mandatory reinstatements	I; V.E.2; VI.B
Order of appointments	I; V.A.1; V.A.2.a-d
Out-of-class assignments	VI.P
Performance problems	VI.I
Permissive reinstatements	VI.H
Policy exemptions	VI.A-P
Probationary periods	V.G; VI.I.3
Promotions	IV.A.8; VI.K
Reasonable accommodation	VI.F
Reemployment lists	I; IV.F.6; V.A.1; V.A.2.a; V.A.2.b; V.E.2; V.E.4; VI.A; VI.H
Relocation expenses	III.F
Removal from SROA lists	IV.A.4; IV.F; V.D.1
Retired annuitants	VI.E
Special exemptions	V.D.3; VII.A-C
SROA employees	I; III.A; III.C; III.D; III.E; IV.B-E; V.A.2.c; V.E.2; V.E.4
SROA lists	IV.A.4-6; IV.F; V.A.2.c; V.A.3
SROA violations	VIII.A; VIII.B

(July 1993)



<u>Type of Transaction</u>	<u>SROA Clearance Required</u>	<u>DPA Exemption Required</u>
Transfer or T&D Assignment to different class in same department that does not result in career change	No	No
Transfer or T&D Assignment to different class in same department that results in career change	Yes**	Yes**
Transfer, Voluntary Demotion, or T&D Assignment to different department	Yes*	Yes*
Transition of LT employee, who was surplus or on SROA list at time of LT appointment, to permanent position	No	No
Transition of LT employee, who received LT appointment prior to commencement of layoff mode (July 1991), to permanent position in place	No	No
Voluntary demotion in same department	No	No

- (*) - Refer to special criteria in SROA Manual that must be met.
- (**) - Nonsurplus departments may request delegation of this transaction from DPA.

