MEMORANDUM

DATE: May 2, 1997

PERSONNEL MANAGEMENT LIAISONS REFERENCE CODE: 97-013

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers
Labor Relations Officers
State Restriction of Appointments Coordinators

FROM: Department of Personnel Administration

Classification and Compensation Division

SUBJECT: Revision to the State Restriction of Appointments Manual

CONTACT: Joe Broderick

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This memorandum forwards Change 1 to the State Restriction of Appointments (SROA) Manual. The primary revisions to the process are described in the following paragraphs.

The process for removing an employee's name from an SROA list after three waivers will be deleted and we will return to the process in place prior to the September 1996 revisions to the SROA Manual. The prior process calls for a hiring department to notify the Department of Personnel Administration (DPA) when an SROA or surplus employee refuses a job offer. DPA will determine why the employee refused the job offer. If the reason is not valid, DPA will ask the layoff department to advise the employee in writing that future nonvalid refusals of job offers will result in removal from SROA and/or surplus status. If a future nonvalid refusal of a job offer does occur, DPA will notify the layoff department in writing that the employee is being removed from SROA and/or surplus status and ask the department to provide the employee with a copy of the memorandum.

The process for transitioning a limited-term (LT) appointment or training and development (T&D) assignment to a permanent, full-time appointment will specify that LT appointments and T&D assignments in a layoff department that are in the classes and area of layoff shall not be converted to permanent, full-time appointments.

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Injured State Worker Assistance Program (ISWAP) participants will be given the opportunity to have their names included for information only on SROA lists until January 1, 1998. If a more effective system for disseminating their names to potential employers is not devised by then, the SROA process will continue to disseminate their names for informational purposes.

The wording concerning the ability of DPA to place additional names on SROA lists or on surplus status has been revised in several sections of the SROA Manual.

Hiring departments filling department-specific classes will be required to advertise the opportunities at least ten days prior to the closure of the filing period.

Please insert the following pages that are attached to this memorandum in the SROA Manual dated September 1996: iii; 1-2; 7-8.1; 11-16; 19-20; 23-24; index 1-2. Enter Change 1 in the Revision Record in the front of the SROA Manual.

Please contact Joe Broderick or Vickie Cooley at (916) 324-9381, fax (916) 327-1886, or Calnet 454-9381, if you have any questions.

Mike Vargas

Program Manager

Attachments

STATE RESTRICTION OF APPOINTMENTS PROGRAM POLICY AND PROCEDURE MANUAL

I. <u>INTRODUCTION</u>

The State Restriction of Appointments (SROA) process is an alternative to layoff that gives the Department of Personnel Administration (DPA) the authority to restrict the methods of appointment available to appointing powers in order to give employees in jeopardy of layoff an opportunity to locate safe State employment.

This manual contains a description of the SROA process, a description of the responsibilities and rights of all affected parties, and delegates specific SROA exemption determinations to hiring departments.

II. ADMINISTRATIVE RESPONSIBILITY

A. DPA

DPA administers the SROA Program and has the following responsibilities:

- 1. Developing and maintaining the SROA rules and policies.
- 2. Making the initial determination that an agency has surplus employees who are eligible to participate in the SROA Program.
- 3. Approving individual employees for participation in the SROA Program.
- 4. Exercising tight control over numbers of employees placed on SROA lists and those granted surplus status to ensure those included will lessen the impact of layoffs.
- 5. Reviewing and making decisions on requests for exemptions to the SROA process.
- 6. Auditing appointments to surplus classes to ensure compliance with SROA policy.
- 7. Determining and implementing appropriate corrective actions for SROA policy violations.

B. STATE PERSONNEL BOARD (SPB)

SPB is responsible for the following activities:

- 1. Collecting employee information on the SROA scantron form, "State Restriction of Appointments Program" (Attachment C), and placing employees' names on SROA employment lists. Returning forms to layoff departments after names are placed on lists.
- 2. Maintaining and issuing SROA employment lists to hiring agencies.
- 3. Answering telephone inquiries regarding certification of eligible surplus employees.
- 4. Maintaining data printout listings for SROA lists.
- 5. Reviewing and making decisions on appeal determinations made by SPB Certification Unit staff.

C. LAYOFF DEPARTMENT

A layoff department's responsibilities include the following:

- 1. Briefing employees in jeopardy of layoff in person, in writing, or by telephone of their rights and obligations and how to complete the SROA scantron form.
- 2. Making DPA resource materials available.
- 3. Reviewing SROA scantron forms for completeness and accuracy and sending to SPB Certification Unit.
- 4. Issuing letters to SROA and surplus-designated employees introducing them to prospective hiring departments. Letters should include class titles, status as SROA or surplus, the reasons for the layoffs, and the dates of layoffs.
- 5. Conducting initial investigation into SROA or surplus employee complaints of SROA violations and forwarding those with substance to DPA's SROA Unit.

F. ELIGIBILITY OF SROA/SURPLUS EMPLOYEES FOR RELOCATION EXPENSES

SROA/surplus status does not grant entitlement to relocation expenses, <u>UNLESS</u> 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.

G. ELIGIBILITY OF PART-TIME OR PERMANENT INTERMITTENT EMPLOYEE FOR A FULL-TIME POSITION

A part-time or permanent intermittent employee on an SROA list or who is surplus need only be considered for a permanent, full-time position if he/she has worked the necessary hours to qualify for a permanent appointment.

IV. MANAGEMENT OF SROA LISTS

A. EMPLOYEE RIGHTS AND OBLIGATIONS

- 1. When DPA has approved an employee's department, class, and work location for inclusion in the SROA program, and has agreed that the employee is eligible for SROA list participation, the employee may place his/her name on the SROA list for the class by completing the SROA scanner form (Attachment C) available in his/her department's personnel office. This is voluntary on the part of the employee; however, placement on an SROA list is the only method by which an employee in jeopardy of layoff/demotion can be guaranteed to be contacted for employment opportunities. Scantron forms should be sent directly to SPB Certification Unit which will return the forms to the departments when names are placed on SROA lists.
- 2. A limited-term or temporary authorization appointment does not give an employee SROA eligibility. An employee's SROA eligibility is limited to status resulting from a probationary or permanent appointment.
- 3. An employee on an SROA list who does not respond to written or telephone contacts or does not appear for interviews is removed from the SROA list by the hiring department.

- 4. An employee on an SROA list must respond in a reasonable time to an inquiry from a potential hiring department to see if the employee is interested in a possible appointment. The following time standards contained in SPB Rule 258 apply: (1) Telephone: two days' response time following the initial contact; (2) Telegram: three days, exclusive of Saturdays, Sundays, and legal holidays, after the date the telegram is sent; (3) Mailgram: four days, exclusive of Saturdays, Sundays, and legal holidays, after the date the mailgram is sent; (4) Mail (in town): four days, exclusive of Saturdays, Sundays, and legal holidays, after the date the notice is sent; (5) Mail (out of town): six days, exclusive of Saturdays, Sundays, and legal holidays, after the date the notice is sent. Failure to respond within these time frames constitutes a waiver of certification and the hiring department may bypass the employee.
- 5. An employee on an SROA list must make himself/herself available for a job interview within a reasonable time or it will constitute a waiver of certification. This time standard should be the same as that used by the hiring department when normally scheduling and conducting job interviews.
- 6. An employee on an SROA list who is offered a job that meets the employee's conditions of employment on the SROA scantron form must respond with a decision within two working days or it will constitute a waiver of certification and the hiring department may bypass the employee.
- 7. An employee on an SROA list may be removed from the list or surplus status, if he/she refuses valid job offers. A valid job offer means that the job is in one of the areas selected by the employee on the SROA scantron form and is in the employee's current class or closely related class in which he/she could be expected to succeed. If an employee refuses one job offer, DPA will investigate and if the reason for refusal is not valid, the layoff department will notify the employeee in writing that another nonvalid refusal will result in loss of SROA/surplus status. If that occurs, DPA will notify the layoff department and employee in writing. An example of a valid job offer refusal would be an employee feeling unable to deal with working in a prison.

- 8. An employee on an SROA list may update pertinent information on the SROA scanner form, such as home telephone and areas in which he/she would work, in the following ways:
 - a. Request that their personnel offices revise the information through the certification process; or
 - b. By writing to the SPB Certification Unit, 801 Capitol Mall, Room 360, Sacramento, CA 95814.

respond or appear should be removed even if the list is not used to fill the position. The removal of these names will contribute to maintaining workable SROA lists.

- 2. At the conclusion of 120 calendar days, an employee's name is automatically deleted from the SROA list.
- 3. When a department is no longer in a surplus mode, it should notify **DPA so** that all its employees' names may be removed from SROA.
- 4. When a class is no longer subject to layoff/demotion, the department that placed the class on SROA should notify DPA that employees' names should be removed from the SROA list. The notification should contain the names, classes, and social security numbers of the employees to be removed. The notice will be forwarded by DPA to SPB for removal of names.
- 5. When an employee is hired from an SROA list, the hiring department must clear the name from the list.
- 6. When an employee is laid off or demoted in lieu of layoff, he/she is placed on the reemployment list and his/her name will be removed from the SROA list by SPB.
- 7. When an employee refuses more than one valid job offer. Refer to Section IV.A.7 for more details.

V. <u>FILLING POSITIONS</u>

A. CERTIFICATIONS

1. Order of Preference

The order of preference, in accordance with GC Section 19054, in certifying eligibles is: NextSTEP; Subdivisional Reemployment List; Departmental Reemployment List; General Reemployment List; SROA

List; and promotional and open lists. SROA lists will appear on the certification following general reemployment list names; however, appointments of persons on SROA list and of persons designated surplus are not list appointments but transfers. This means that, in accordance with GC 19052, the appointments of SROA and surplus employees may take precedence over all list appointments.

2. Certification Rules

a. NextSTEP Lists

These lists take precedence over all types of appointments, including SROA and surplus except mandatory reinstatements. Rule of the List applies.

b. Subdivisional and Departmental Reemployment Lists

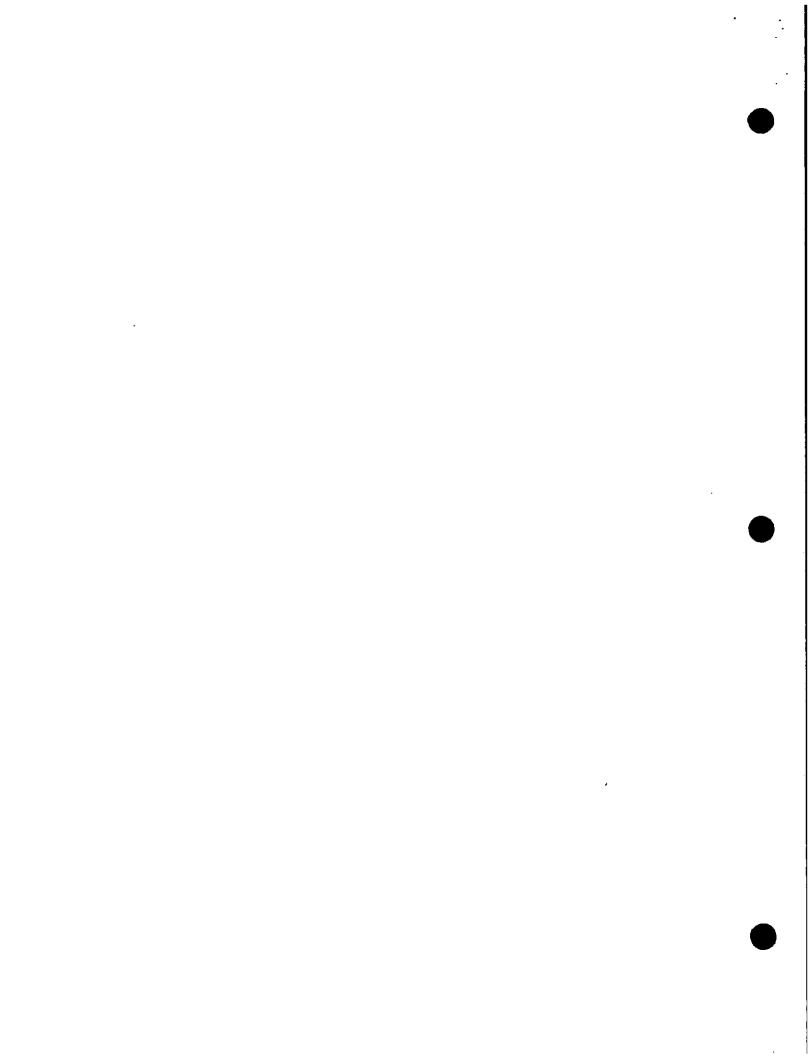
The individual standing highest on the subdivisional reemployment list must be appointed (Rule of One Name). If there is no subdivisional reemployment list, the individual standing highest on the departmental reemployment list must be appointed (Rule of One Name).

c. General Reemployment Lists

If there is neither a subdivisional or departmental reemployment list, appointment may be made from one of the three persons highest on the general employment list (Rule of Three Names). If fewer than three names are on a general reemployment list, an appointing power may make an appointment of a person on the general reemployment list or go to the SROA list and make an appointment of anyone on the SROA list since it is Rule of the List. In such a case the appointing power could also appoint an employee designated surplus who is not on any list.

d. SROA Lists

Appointment may be made from anyone on an SROA list (Rule of the List). You may not move to the next employment list (usually promotional) without an exception as long as there is at least one name on the SROA list or on surplus status.



e. Surplus Employees

Employees not on SROA lists who have been designated surplus by DPA have status equal to employees on SROA lists.

Surplus employees may be appointed even if an SROA list exists.

f. Injured State Worker Assistance Program (ISWAP) Lists

Rule of the List applies, but it is not necessary to clear the list. Please see X.D. for more detail.

3. Extension of Certifications

Departments may request an extension of a certification if an appointment has not been made in 60 days. If the SROA names on the original certification were cleared, new SROA names on the extension need not be cleared. New reemployment list names, however, would have to be cleared, prior to using lists other than the SROA lists.

B. UPDATING SROA LISTS

- 1. The number of names on an SROA list may vary daily, due to the addition or deletion of names.
- 2. A department need only clear the certification list ordered at the time recruitment began that was used to make a commitment. It is not necessary to clear additional SROA employees added to the original list once a commitment has been made.

C. CONTACTS

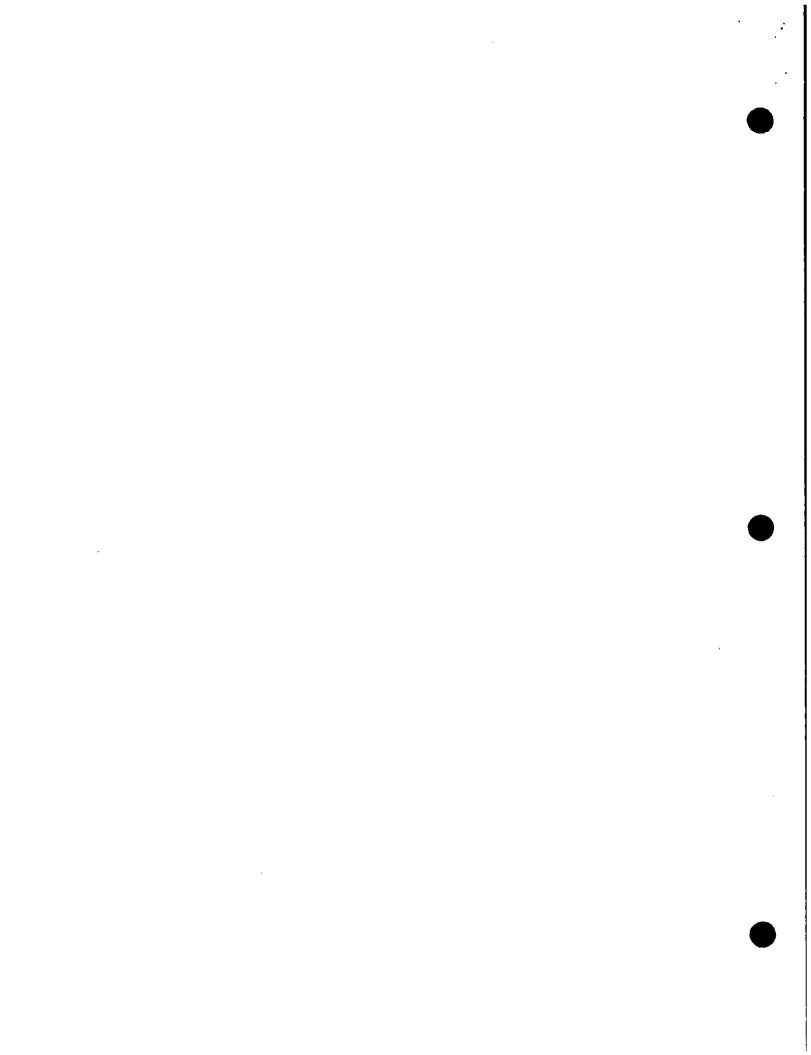
All contacts to employees on SROA lists should be made in writing. Telephone contacts may be made if followed up in writing. Contacts are normally valid for 60 days; however, if an SROA certification is extended beyond 60 days, it is not necessary to reissue contact letters to the SROA eligibles.

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 do not respond or appear, not just those down to the name of the person hired from the list; and the names of those who do not respond or appear should be removed even if the list is not used to fill the position. An employee may request that his/her 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 an 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. A name may be removed from an SROA list after three waivers in accordance with GC Section 18935 and SPB Rule 262. (Refer to Section IV.A.7.)
- 4. Special exemptions authorized in this manual may be used to clear a name of an SROA list eligible.
- 5. <u>Interchangeable Positions (Classes)</u>

The groupings of interchangeable positions (classes) are listed in the State Controller's Office 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 AGPA, SSA (General), and Junior Staff Analyst (General) are interchangeable. If the position is to be advertised and filled as a SSA (General), it is only necessary to clear the SSA (General) SROA list and surplus employees who are eligible for the SSA (General) class.



6. <u>Department-Specific Classes (Hiring Department)</u>

If there is no SROA list for a department-specific class in a hiring department and the hiring department wishes to fill a position in the class, it is not necessary for the hiring department to select an appropriate class. The hiring department, however, must advertise the position in accordance with the provisions in this manual at least ten days prior to the closure of the filing period and consider all surplus employees who apply.

E. HIRING

- 1. Hiring departments must widely circulate job opportunity bulletins, focusing on departments that are facing layoffs. Departments are encouraged to utilize the vacancy data base system (VPOS).
- 2. Contact eligibles on the SROA list for the class or for the appropriate class, if there are no reemployment lists or mandatory reinstatements, for the class in which the position is to be filled.
- 3. Verify that employees who claim to be surplus are in classes/departments listed as surplus on the listing prepared by DPA.
- 4. If there is no reemployment list and the SROA list has been cleared and no surplus employees express interest, the position may be filled by a non-SROA, nonsurplus employee without contacting DPA for approval.

F. APPOINTMENT OF SURPLUS EMPLOYEE NOT ON SROA LIST

1. A hiring department need only interview and hire a surplus employee in the employee's current class or in other classes to which the employee could otherwise transfer [GC Section 18525.3(b) and SPB Rule 431] IF the employee possesses personal skill and experience in the occupational area encompassed by the class. The skill and experience may have been obtained either inside or outside State service.

Example 1. If the Employment Development Department (EDD) wished to fill a Tax Auditor III, EDD, position, they would have to interview a surplus AGPA who applies, IF he/she possesses experience in a different job performing professional tax accounting or auditing work, including

complex audits or financial examinations. EDD would have to hire the AGPA or another surplus or SROA list employee or obtain an exemption.

Example 2. If a second surplus AGPA applied for the Tax Auditor III, EDD, position and did not possess any professional tax accounting or auditing experience, EDD would not have to interview or consider him/her for appointment. Documentation should be maintained by EDD.

2. The skill and experience that are evaluated in determining whether or not an individual must be considered for a position must represent the area(s) of expertise that is/are most important for success in the class. This would normally be the basis for the setting of the salary of the class.

G. SUPERVISORS AND MANAGERS IN BROAD CLASSES AT STAFF SERVICES MANAGER I PAY LEVEL AND ABOVE

A hiring department need interview and hire an employee on the SROA list for a broad managerial or supervisory class at the SSM I pay level and above ONLY IF the employee possesses the knowledge, skills, and abilities necessary for successful performance in the position being filled. For example, a department filling an SSM II Budget Officer position would not have to consider employees on the SSM II SROA list who had only worked in personnel. On the other hand, the class of Labor Relations Manager I would not be considered a broad class and the hiring department would not have the same discretion as in the prior example of the SSM II.

Departments are delegated the responsibility of determining whether or not employees do or do not possess the requisite knowledge, skills, and abilities.

H. PROBATIONARY PERIODS

An appointing power may require a surplus/SROA employee to serve a new probationary period, unless the appointment is to a class in which the employee satisfactorily completed the probationary period under the same appointing power. An employee rejected during probation would be returned to his/her former agency and would again be subject to layoff.

K. TO FULL TIME FROM A REDUCED WORKTIME IN THE SAME CLASS AND DEPARTMENT

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.

- L. 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.

<u>NOTE</u>: Positions that are established interchangeably such as SSA and APA meet the criteria for promotions in place.

- M. TRANSITION OF LIMITED-TERM (LT) EMPLOYEE WHO WAS SURPLUS OR ON SROA LIST AT TIME OF LT APPOINTMENT TO PERMANENT POSITION
- N. LT APPOINTMENT OF LESS THAN THREE MONTHS

O. PERMANENT APPOINTMENT IN THE SAME POSITION OF AN EMPLOYEE WHO IS ON AN LT APPOINTMENT

An employee on an LT appointment may be converted to a permanent appointment in the same position if SROA was cleared when the LT appointment was made and it was announced at that time that the position would be converted if specific events occurred, such as the retention of Federal or industry funding. An incumbent may also be converted if there was no SROA list for the class or no surplus employees when the LT appointment was made. A layoff department shall not convert an LT appointment to permanent if the class is in the area and class of layoff.

- P. SEASONAL CLERKS, STUDENT ASSISTANTS, GRADUATE STUDENT ASSISTANTS, AND CASUAL TRADES CLASSES
- Q. 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. LT 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.

contracts can still be developed, because many COD classes are not on SROA and others, such as Office Assistant, that are on SROA have significant turnover rates. Appointing powers and the COD Unit at SPB should consider these factors before finalizing contracts.

2. <u>Initial Hires into COD-Funded Positions in Restricted Classes</u>

COD eligibles may be on SROA lists; therefore, SROA lists must be screened for eligibles. If eligibles are found, they must be hired or cleared before other lists may be used. WIN/COD eligibles will be flagged "9" and COD/REHABILITATION eligibles will be flagged "H" on SROA lists. If an SROA list contains no COD eligibles, it may be bypassed and other lists used.

3. Transitioning COD Employees into Permanent Positions in SROA Classes

After employees in COD-funded positions have served their training periods, they may be transitioned to permanent civil service positions as follows:

- a. COD employees hired to status classes from eligible lists, which were cleared for SROA candidates, may transfer to permanent positions in the same class without clearing SROA (Intra-agency transfers in same class are exempt from SROA).
- b. COD employees hired into TAU classes who must compete in competitive examinations to transition, may be hired into permanent positions only after the SROA lists for the classes of transition have been cleared.

B. LIMITED EXAMINATION APPOINTMENT (LEAP) PROGRAM

Before a LEAP eligible may be initially hired, the SROA list for the class of appointment must be cleared. When a LEAP eligible has successfully completed the training period, he/she may receive a permanent appointment without clearing the SROA list again.

C. STATE EMPLOYEE PLACEMENT PROGRAM (NextSTEP)

NextSTEP applies only to employees in Bargaining Units 1, 4, 15, 18, and 20 who have suffered qualifying industrial injuries and illnesses and who are unable to perform the duties of their current classes. The NextSTEP Program is described in Personnel Management Liaison Memorandum 95-054. NextSTEP employees will be placed on up to six SROA lists, and may remain on the lists for up to 15 months. They have hiring preference over all appointments except mandatory reinstatements and they do not have the option of waiving appropriate job offers. Their names will appear at the tops of SROA lists and will be noted as NextSTEP. The NextSTEP Program is managed in DPA's Workers' Compensation and Safety Program and SROA/NextSTEP application form should be sent to the NextSTEP Coordinator at DPA. The SROA system is used to assist in the placement of these employees so that it is not necessary to develop a separate parallel system.

D. ISWAP

ISWAP is intended to identify employees who are injured and need to be placed in other than their regular jobs.

The SROA process is used as a vehicle to make the names of ISWAP participants known to prospective employers. ISWAP employees receive no preferential hiring rights; that is, their names are published for information only. If, however, an employer wishes to make an appointment of an ISWAP participant, it is not necessary to clear SROA or surplus.

An employee whose medical condition is "permanent and stationary" and is unable to perform his/her normal job may be placed on a maximum of six ISWAP lists and will appear after the names of NextSTEP and SROA employees. ISWAP names may remain on lists for a maximum of one year.

STATE RESTRICTION OF APPOINTMENTS PROGRAM POLICY AND PROCEDURE MANUAL

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