

Provisional Appointments

3.2.3

PURPOSE

Provisional appointments may be made to temporarily fill positions in the classified service of the Civil Service System when no eligible list exists for that position. The purpose of making a provisional appointment is to allow the City to immediately fill a position that cannot be filled through the normal process of hiring from an eligible list.

AUTHORITIES

San Jose City Charter, Section 1101, (a)

The Unclassified Service shall comprise and include all of the following officers and employees:

- (6) Persons employed to temporarily fill positions in the classified service when no eligible lists of applicants for such positions exist, until such time as eligible lists are created and persons can be hired therefrom to fill such positions.

San Jose Municipal Code, Section 3.04.330

“Provisional employee” means a person appointed to fill a position for which no appropriate employment list exists, pending an examination.

San Jose Municipal Code, Section 3.08.030

“Provisional appointment” means the appointment of an individual as an employee to fill a position temporarily in the classified service when no eligible list of applicants for such position exists, until such time as an appropriate eligible list is established and a person can be hired therefrom to fill such position. Provisional appointments are made under the provisions of paragraph (6), Subsection 1101 (a) of the Charter of the city. To be provisionally appointed to a position, an employee must meet the minimum qualifications for the class to which the position is allocated.

POLICY

1. Requests for Provisional Appointments.

A Department Director or Council Appointee may request a provisional appointment to the Director of Human Resources if no eligible list exists for the relevant classification. The request should specify the reasons why a provisional appointment is considered necessary.

2. Criteria for a Provisional Appointment.

Provisional appointments may be made only at the discretion and upon approval of the Director of Human Resources. The Director will consider and evaluate requests for provisional appointments on the basis of the following criteria:

- urgency for the position to be filled,
- length of time it is expected to take to establish an eligible list,
- impact of the provisional appointment on City employees (e.g. opportunities, size of candidate pool, and degree of competition).

Provisional Appointments**3.2.3****3. Recruitment.**

Human Resources will normally publicize a provisional opportunity for fifteen (15) calendar days using the established methods: posting a job announcement, including it on the recorded telephone hotline, and using Virtual Valley or other computer-based listing services. There may be instances, however, where recruitment is not conducted because of the specialized nature of the position, the degree of urgency, and the availability of one or more qualified in-house candidates.

4. Application.

Candidates for provisional appointments must submit a completed City job application. Human Resources will screen the applications to determine whether or not each applicant meets the minimum qualifications for the position. A provisional candidate must meet the established minimum qualifications prior to appointment.

5. One Year Limit.

Each provisional appointment shall include a limit date of one year. During the ensuing year, Human Resources will schedule and administer an appropriate exam. If, however, the exam is not completed and an eligible list is not established after one year, the provisional appointment shall end and the provisional employee shall be returned to his or her former position, or separated from City employment if he or she did not have prior City service.

6. Appointment from an Eligible List.

When an eligible list is created for a class that has a provisional employee, the department must submit a personnel requisition and follow the established Civil Service process for filling the position. Candidates' names will be certified to the departments using the Rule of Ten. If the provisional employee is among the ten names certified, the department may request to the Office of Equality Assurance to limit the interviews to the provisional employee and those above the provisional employee on the list.

7. Selection within 60 Days.

After an eligible list is established for a classification that includes a provisional employee, the department with the provisional employee must complete the selection process within sixty (60) days from the date of the eligible list. No provisional appointment shall continue beyond sixty (60) days from the date of the list.

8. Arranging Termination.

In the event that a provisional employee is not selected to fill the position after the use of an eligible list, it is the responsibility of the department to inform Human Resources as soon as possible. Human Resources will advise the department on the employee's status after the provisional appointment ends, including any bumping or placement rights. The department

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shall then inform the provisional employee of his/her status and arrange for a termination date (not to exceed sixty (60) days from the date of the list).

PROCEDURES

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| Department Director | 1. Submits a request to make a provisional appointment to the Director of Human Resources. |
| Director of ES | 2. Reviews and approves/denies the request based on the above criteria. |
| Human Resources | 3. Conducts recruitment and publicizes the provisional opportunity as appropriate. |
| Human Resources | 4. Accepts and screen applications. Refers some or all qualified applicants to the department. |
| Department | 5. Evaluates and interviews applicants and makes a tentative selection. |
| Department | 6. Offers position to applicant. |
| Department | 7. Upon conclusion of selection process, informs ES of results and arranges a start date for new provisional appointment. |
| Human Resources | 8. Completes the appointment of the provisional employee and establishes a one year limit date. |
| Human Resources | 9. Prepares and administers the examination, with cooperation from the affected department, and establishes an eligible list. |
| Human Resources | 10. Upon completion of the examination and eligible list, submits a personnel requisition to Human Resources. |
| Human Resources | 11. Provides department with names of top 10 (or more) candidates according to City's certification rules. |
| Department | 12. Evaluates candidates and makes a selection no later than sixty (60) days from the date of the eligible list establishment. Informs Employee Services. |
| Department | 13. If a provisional employee is not selected, coordinates with Employee Services in arranging for a termination within sixty (60) days from the date of the list. |

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Approved:

/s/ Nona Tobin
Director of Human Resources

April 20, 1997
Date