

# Proposed Revisions Addressing Veterans' Preference and Applicant Pools

## 2-7 Drug and Alcohol Testing

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### 2-7.4 Penalties

#### (a) Classified employees.

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- (2) ~~Employee selected for~~ Test-designated positions. An employee selected for a test-designated position ~~is prohibited from~~ cannot ~~servicing~~ in the test-designated position until the employee has submitted to and passed a preappointment drug test. If the employee fails or refuses to submit to the drug test, interferes with a test procedure, or tampers with a test sample, the following occurs:
  - (A) The employee cannot be appointed, promoted, assigned, recalled, or otherwise placed in the test-designated position.
  - (B) The employee is ~~removed from all applicant pools~~ ineligible for appointment to any test-designated positions ~~and is disqualified from any test-designated position for a period of~~ 3 ~~three~~ years.
  - (C) If the employee interferes with a test procedure or tampers with a test sample, the employee may also be disciplined as provided in subsection (a)(1).

#### (b) New hires.

- (1) **Rescission of conditional offer of employment.** If a person given a conditional offer of employment fails or refuses to submit to the preemployment drug test, interferes with a test procedure, or tampers with a test sample, the appointing authority must rescind the conditional offer of employment in writing. The ~~written~~ rescission must include notice of the complaint procedure and the 14-day time limit provided in subsection (b)(2). A person whose conditional offer of employment is rescinded must not be appointed to the position in the classified service. The person also is ~~removed from all applicant pools and is disqualified from~~ ineligible for appointment to the classified service for ~~a period of~~ 3 ~~three~~ years.

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## 3-1 Examinations

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### 3-1.4 Reasonable Accommodations

~~Civil service staff~~ Appointing authorities shall make reasonable accommodations in ~~its~~ their application and appraisal ~~process~~ methods for a person with a disability who makes a ~~reasonable~~ request for reasonable accommodation in advance. ~~Civil service staff~~ Appointing authorities may offer an alternative evaluation method for a person with a disability if the person ~~is unable to~~ cannot participate in the regular appraisal ~~process~~ method. ~~Civil service staff is~~ Appointing authorities are not required to make an accommodation that would cause undue hardship.

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## 3-1.5 Integrity of Process

(a) ~~Prohibited Practices~~Acts. During the application, appraisal, or appointment process, a person shall not do any of the following:

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(5) Compromise the integrity of the appraisal ~~process~~method.

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(b) **Sanctions**. If ~~civil service staff finds that~~ an applicant has engaged in any prohibited act, the state personnel director may do any of the following:

(1) Cancel or limit the applicant's eligibility for appointment in the classified service~~state employment~~.

(2) Require-Revoke the ~~separation of the~~ applicant's appointment~~from state employment~~.

(3) Impose any other ~~or additional~~ appropriate ~~sanctions that is appropriate~~.

## 3-2 ~~Applicant Pools and~~ Recall Lists

### ~~3-2.1 Applicant Pool~~

~~Civil service staff may establish and maintain applicant pools. Applicant pools may be divided by geographic area, organizational unit, occupational specialty, type of appointment, or other criteria. The state personnel director shall issue regulations for the duration and use of applicant pools. A person's eligibility to remain in an applicant pool or to be referred for a position is determined under the civil service rules and regulations in effect at the time the employee's name is referred to an appointing authority.~~

### ~~3-2.2 Removal from Applicant Pool~~

~~Civil service staff may remove a person from an applicant pool for any of the following reasons:~~

~~(a) Appointment.~~

~~(b) Separation or retirement from state service.~~

~~(c) Evidence that the person is unable to perform satisfactorily, with or without reasonable accommodations, the essential duties of the job.~~

~~(d) Evidence of conduct that indicates that the person is unfit or unsuitable for appointment.~~

~~(e) Conduct that violates rule 3-1.5 [Integrity of Process].~~

~~(f) Expiration of an applicant pool or eligibility.~~

### 3-2.31 Recall Lists

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### 3-2.42 Removal from Recall Lists

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## 3-3 Appointments and Job Changes

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### 3-3.4 Hire

An appointing authority may appoint a qualified candidate to a position in the classified service as authorized by and in accordance with the civil service rules and regulations. A candidate may be qualified for appointment ~~if in one or more of the following ways:~~

~~(a) — The candidate is listed in an appropriate civil service applicant pool.~~

~~(b) — The candidate meets the civil service qualifications for appointment to a designated classification.~~

~~(c) — The candidate or is qualified after review by civil service staff.~~

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### 3-3.7 Promotion

An appointing authority may appoint a qualified employee candidate to another position at a higher classification level as authorized by and in accordance with the civil service rules and regulations. A candidate may be qualified for appointment ~~in one or more of the following ways:~~

~~(a) — The candidate is listed in an appropriate civil service applicant pool.~~

~~(b) — if tThe candidate meets the civil service qualifications for appointment to a designated classification or.~~

~~(c) — The candidate is qualified after review by civil service staff.~~

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## 3-8 Veterans' Preference

### 3-8.1 Veterans' Preference Authorized

An applicant who is qualified for ~~initial~~ appointment in the classified service is eligible for a preference in consideration during the selection process. A qualified applicant who is granted a preference is not guaranteed appointment in the classified service.

### 3-8.2 Qualifications

(a) **Veteran.** A *veteran* is a person who (1) has 90 or more ~~calendar~~ days of active ~~—~~duty service in the armed forces of the United States ~~and~~; (2) was honorably discharged from active duty, ~~and (3) has not retired from any uniformed service.~~ A veteran may also include a servicemember scheduled to separate from active service within six months if suitable proof of a likely honorable discharge can be provided by the branch of service. Any candidate prequalified for veterans' preference must notify civil service staff to update any preference granted if not ultimately honorably discharged.

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## 3-8.3 Types and Order of Veterans' Preference

While still otherwise evaluated by the appointing authority using the same merit appraisal methods used for other applicants in the candidate pool, ~~During a selection process,~~ a qualified eligible applicant who requests a preference in consideration when applying ~~receives is given one of~~ the following preferences:

(a) ~~Civil service~~ Written examination preference points. If the selection process is based in whole or in part on a numerical score on an agency's written ~~civil service~~ examination, ~~civil service staff~~ an appointing authority shall add the following preference points to an applicant's final passing score:

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(b) **Agency preference points.** If an ~~qualified eligible applicant is not given preference points under subsection (a) and the~~ appointing authority uses a preliminary applicant screening process based in whole or in part on a numerical score, the appointing authority shall add the following preference points to ~~the~~ a qualified eligible applicant's screening score:

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(c) **Preferential consideration by appointing authority.** If an ~~qualified eligible applicant is not given preference points under either subsection (a) or (b), the~~ appointing authority shall give preferential consideration to the ~~qualified eligible applicant as follows:~~

~~(1)~~ ~~If the~~ appointing authority uses a mechanical or random screening process to reduce the number of applicants placed in the candidate pool, ~~the~~ a qualified eligible applicant must be retained and placed in the candidate pool.

~~(2)~~ ~~A qualified eligible candidate retained in the candidate pool must be evaluated by the appointing authority using the same merit appraisal methods used for other candidates in the candidate pool.~~

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## 9-1 Definitions

Unless the context clearly provides otherwise, the following terms in the civil service rules and regulations are defined as follows:

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### Applicant

*Applicant* means a person who applies for consideration for appointment to a classified position ~~requests to participate in an appraisal process.~~

### Applicant Pool

*Applicant pool* means a group of applicants whom civil service staff has determined to be qualified.

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## Appraisal Method

*Appraisal method* means a technique ~~used to evaluate~~ to assess relevant job-related knowledge, skills, abilities, ~~competencies~~, and other qualifications necessary for successful job performance to determine ~~eligibility-qualification~~ for and appointment to a position in the classified service.

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