1 ARTICLE 45.3A,B-FILLING OF VACANCIES (ODOT, OPRD)

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Section 1. ODOT, OPRD.

- Unless precluded by federal or state law, any vacant permanent bargaining unit position which the Agency chooses to fill shall be filled by using the Agency Layoff List first followed by the Secondary Recall List, If no appointment is made from these lists, the Agency shall follow the procedures outlined below.
- When opportunities for transfer or promotion of employees become open, those employees eligible for interview shall receive at least five (5) days notice unless the employee agrees to an earlier time before the scheduled date of interview. The employee, after receiving such notice, will be allowed a maximum of two (2) working days to accept or reject the interview offer. Fair consideration for the promotion or transfer shall be given to employees who are eligible. For the purposes of this article, and provided the minimum qualifications for the position are met, fair consideration would include:

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i. Internal candidates shall be placed directly into the first round of in-person or virtual interviews and shall not be required to participate in recorded interviews:

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ii. Employees within the Agency shall be given an interview along with gualified external candidates and given one preference point per year of service at the Agency, with a cap of ten points.

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iii. An objective and consistent process.

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Fair consideration is not intended to delay the hiring process. If the agency experiences undue hardship following fair consideration, a streamlined process may be considered.

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If two (2) or more internal candidates are deemed equal, the transfer or promotion shall be given to the candidate who has the greatest length of service with the Agency.

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ODOT ONLY: For open competitive or Agency opportunity recruitments, employees who are currently on the Agency transfer list will be notified of recruitments for the classification and geographic area that the employee indicated on their transfer request form.

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(c) When the position is filled, each unsuccessful employee applicant shall be notified within five (5) days of the appointment that the position has been filled. An employee who is interviewed and not selected for a promotion or transfer may exercise their right for feedback according to article 45 section 5.

Employees may volunteer for transfer. It is the responsibility of any employee wishing to transfer to another location to make a written request to the Agency Personnel Operation Section clearly indicating the reasons for desiring a transfer. Requests based on medical or family welfare situations will be given priority and, at the discretion of the Agency, may be considered to be for the benefit of the Agency.

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- (e) All transfers shall be at the discretion of the Agency. Requests for transfer may be considered separately or in combination with candidates for promotion at the discretion of the Agency. A supervisor who is hiring may consider transfer candidates only or may consider both transfers and other candidates. In all cases, lateral transfers to the same classification shall be considered and offered an initial interview, subject to meeting any special qualifications of the position. Except for hardship transfer requests, when the Agency uses an open competitive recruitment process, transfer candidates will be given first hiring consideration before internal Agency promotion candidates and candidates from outside the Agency.
- 46 (f) Promotion lists shall normally consist of five (5) candidates plus qualified affirmative action candidates 47 whose placement on the list will be by promotional examination and by willingness to accept the promotion 48 offered. Employees with tied scores will all be considered.
 - (g) Any transfer or promotion granted as the result of a competitive interview will be considered to be for the benefit of the Agency. A request for transfer which is granted without the competitive interview procedure or without a notice of vacancy being circulated to eligible employees shall be considered to be for the benefit of the employee and any employee desiring this type of consideration shall agree to this condition when requesting transfer.
- 54 (h) If, because of lack of work, it is necessary to transfer an entire crew, it shall be considered as "at the request of or for the benefit of the Agency."
- 56 (i) If, because of lack of work, it is necessary to transfer an individual employee out of the work unit, it shall be done as follows:
 - (1) The Agency shall first select from the list of volunteer employees who hold equivalent positions. The Agency may deny a request if the employee does not possess the basic skills for the position or is currently essential to the job they are presently on.
 - (2) If there are not employees on the volunteer list for transfer, the Agency shall select an employee for transfer. If selected employees do not wish to transfer, then the seniority points shall be computed only for those qualified employees in the classification at the geographic location, and the one (1) with the least seniority shall be transferred. If there is more than one (1) crew or work unit at the geographic location, then the seniority in a particular classification would apply to all the crews treated as one (1) unit.
 - (j) In any other non-voluntary transfer situation, an employee selected who does not want to transfer shall be entitled to challenge the action through the grievance procedure to determine if the transfer is appropriate. Such hearing shall occur at the employee's option and shall be held prior to the transfer becoming effective.
 - (k) A transfer requested by an employee because of medical condition resulting from job-connected injury shall not be considered to be a transfer for the benefit of the employee but, when made, shall be considered to be for the benefit of the Agency.

(I) Except in the case of an emergency, the Agency shall give the employee a minimum of three (3) days' notice in advance of the reporting date when the employee is being assigned to work at a temporary headquarters. The employee shall be given maximum possible notice when returning to permanent headquarters.

Section 2. DMV Only.

- (a) If two (2) or more DMV candidates are deemed equal, the employee with the most seniority in Driver and Motor Vehicles Services will obtain the position. Seniority will be defined as the length of service with the Driver and Motor Vehicles Services without a break-in-service. Break-in-service shall be defined in Article 70-of the Master Agreement.
- (b) For open competitive or Agency opportunity recruitments, employees who are currently on the Agency transfer list for that classification and location shall be notified of the open position.

Section 2 3. OPRD Only.

- (a) Before the end of a season, if the Agency decides to add additional contiguous days to that season, the most senior seasonal employee still working during that season shall be offered the opportunity to continue to work provided: 1) the employee possesses the knowledge, skills and abilities to perform the work that is required; and 2) the work location is the same management unit that the seasonal employee is working.
- (b) If the most senior seasonal employee is not selected, then the next most senior seasonal employee still working during that season will be offered the opportunity to work provided the criteria stated in Section (a) is met.
- (c) In the event that the extension of a season results in the seasonal employee working without going into off-season status, the Agency shall issue a new projected end of season date at the employee's next benefit service date.
- 98 (d) Seasonal employees not currently employed with the Agency, who have recall rights, shall be eligible to apply for Agency promotional employment opportunities.