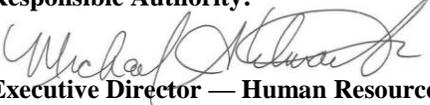
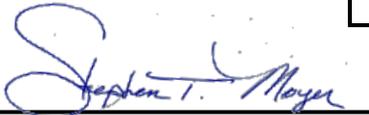


# Executive Directive



<b>Title:</b> <b>Filling Vacant or Re-classified Positions — Structured Selection Process</b>	<b>Executive Directive Number:</b> <b>ADM.050.0050</b>
<b>Related MD Statute/Regulations:</b> Correctional Services Article, §2-103; and State Personnel and Pensions Article, Title 7, Subtitle 2, Annotated Code of Maryland; COMAR 17.04.03 and 17.04.02.02	<b>Supersedes:</b> N/A
<b>Related ACA Standards:</b> N/A	<b>Responsible Authority:</b>  <b>Executive Director — Human Resources Services Division</b>
<b>Related MCCS Standards:</b> N/A	<b>Effective Date:</b> <b>May 15, 2015</b> <b>Number of Pages: 3</b>



**Stephen T. Moyer**  
**Secretary**



**William G. Stewart**  
**Deputy Secretary**  
**for Administration**

## .01 Purpose.

This directive establishes a requirement for a Department of Public Safety and Correctional Services (Department) appointing authority to use a structured selection process consistent with State statute and regulations when permitted to fill a vacant position or an occupied position that has been re-classified due to assignment of higher level duties.

## .02 Scope.

This directive applies to the appointing authority for each Department unit.

## .03 Policy.

In order to identify the most qualified candidate to perform Department or unit duties, the Department shall conduct personnel transactions related to filling a vacant position or occupied position that was re-classified due to assignment of higher level duties using a structured selection process authorized under the State Personnel System.

## .04 Definitions.

A. In this directive, the following terms have the meanings indicated.

B. Term Defined.

- (1) “Appointing authority” means an individual employed by the Department who is authorized, consistent with the provisions of the State Personnel and Pensions Article, Annotated Code of Maryland, and any personnel policies issued pursuant to it, to appoint, promote, transfer, reassign, and discipline employees assigned to the appointing authority's unit.
- (2) “Qualified candidate” means a non-temporary skilled or professional service employee who meets all requirements of the classification specification or classification description and any selective qualifications of the position.

**Executive Directive Number: ADM.050.0050**

- (3) "Structured selection" means a selection made from a list or registry of eligible candidates in accordance with State Personnel and Pensions Article, Title 7, Subtitle 2, Annotated Code of Maryland and COMAR 17.04.02 and 17.04.03.

**.05 Responsibility/Procedures.**

A. An appointing authority shall use a structured selection process to identify the best qualified candidate from a list of eligible candidates in accordance with provisions of State Personnel and Pensions Article, §7-209, Annotated Code of Maryland to fill:

- (1) A vacant employment position; or
- (2) An occupied position that was re-classified to a higher classification.

B. An appointing authority may only apply provisions established under COMAR 17.04.02.02C related to promoting an employee from within the unit to a re-classified position if exceptional circumstances exist and before assigning an employee to perform the duties of the re-classified position the appointing authority:

- (1) Documents the exceptional circumstances providing:
  - (a) Position identification number;
  - (b) Existing classification (code number and title);
  - (c) Higher classification (code number and title);
  - (d) Name of organizational unit;
  - (e) Unit supervisor's name and title;
  - (f) List of employees qualified and considered for the higher class in the organizational unit by name, classification, race, sex, and Social Security number;
  - (g) Name of the individual to be placed in the position;
  - (h) Justification for assignment of additional duties or request for promotional reclassification for the specific individual, which may include experience, training, work performance, seniority, or the fact that no other competition exists for the job; and
  - (i) Signatures of the immediate organizational unit supervisor and the appointing authority or designee;
- (2) Submits the documentation required under §.05B(1) of this directive to the Executive Director — Human Resources Services Division (Executive Director); and
- (3) Receives written authorization from the Executive Director to place the selected employee in the re-classified position.

**Executive Directive Number: ADM.050.0050**

- C. An appointing authority faced with a vacancy or re-classification of an occupied position that necessitates placing an employee in acting capacity shall:
  - (1) Obtain written authorization from the Executive Director in accordance with provisions under .05B of this directive before placing an employee in acting capacity.
  - (2) Ensure compliance with provisions of COMAR 17.04.02.06 and .07 for acting capacity pay.
- D. Upon receipt of documentation under provisions of §.05B(2) of this directive, the Executive Director shall appropriately consult with the Deputy Secretary for Administration and, if necessary other members of the Secretary’s Executive Staff, before issuing a decision on filling the position.
- E. If notified under §.05C(1), the Executive Director shall:
  - (1) Consult with the appointing authority; and
  - (2) Determine the best action to meet the personnel needs of the appointing authority concerning filling the position.

**.06 Attachment(s)/Links.**

There is no attachment to this directive.

**.07 History.**

This directive supersedes provisions of any other prior existing Department or unit communication with which it may be in conflict.

**.08 Correctional Facility Distribution Codes.**

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S — Human Resources staff