

123:1-41-17

**Reemployment rights.**

- (A) General. Each laid-off or displaced employee, in addition to the reinstatement rights set forth in this chapter, shall have the right to reemployment with other agencies within the layoff jurisdiction. The right to reemployment is limited to the same classification from which the layoff or displacement initially occurred.
- (B) Creation of recall lists for reemployment. The director shall create, by appointment type, a jurisdictional recall list for each classification by combining the recall lists of each appointing authority within a layoff jurisdiction but excluding the names of reduced employees. The name of a laid-off employee shall appear on a jurisdictional recall list for the classification and appointment category from which the employee was initially laid off or displaced.

In cases of identical retention point totals, those employees having the ~~most~~ "seniority," ~~defined as the~~ longest period of continuous state service, shall be placed on the list first, and if still unresolved, the director shall determine the order of names on the list.

An employee's name shall remain on the jurisdictional recall list for a period of one calendar year from the date the employee was first laid off or displaced from his or her original classification.

The director shall determine that the appointing authority's recall list for employees entitled to reinstatement to that classification has been exhausted before certifying any name from the jurisdictional recall list.

- (C) Administration of recall lists for reemployment to vacancies without position-specific minimum qualifications.

A vacant position must be accepted or declined in writing by the first person on the jurisdictional recall list for that classification before the next person on the jurisdictional recall list may be considered for reemployment.

- (D) The administration of recall lists for reemployment to vacancies with position-specific minimum qualifications established pursuant to rule 123:1-7-04 of the Administrative Code shall comply with the following requirements:

(1) Appointing authorities may request up to five names off the recall list in response to a position that has position-specific minimum qualifications. The first five names, ranked in retention point order, will be sent to the agency.

~~(1)~~(2) Appointing authorities shall administer a valid proficiency instrument to the first person on the recall list to determine whether the person meets the position-specific minimum qualifications. Therefore, for efficiency, the

appointing authority may contact all five people at once asking each one to demonstrate how that person meets the position-specific minimum qualifications attached to the position. The appointing authority must notify each contacted employee that individuals shall only be considered in retention point order. The person with the most retention points that meets the position-specific minimum qualifications shall be awarded the position.

~~(2)~~(3) After the appointing authority identifies the person with the most retention points that meet the positions-specific minimum qualifications, that person must accept or decline the vacancy in writing before the next person on the recall list may be considered for reemployment. If the person with the most retention that meets the position-specific minimum qualifications declines the position, and the appointing authority contacted five people at once, the agency may review the next person from the recall list in retention point order. The first person on the jurisdictional recall list, if he or she meets the position-specific minimum qualifications, must accept or decline the vacancy in writing, before the next person on the recall list may be considered for reemployment.

(4) During the time when five names are released to one appointing authority, the director will continue to send the same five names to other agencies requesting the classification in question.

(E) Probationary period. Any employee reemployed under this rule shall not serve a probationary period when reemployed; except an employee laid off or displaced while serving an original or promotional probationary period shall begin a new probationary period.

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Certification

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Date

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