

123:1-25-07

**Temporary reassignment of duties.**

(A) The director of transportation may assign, with the approval of the director of administrative services and for a total not to exceed one thousand hours per calendar year, exclusive of overtime, an employee of the department of transportation holding a position in the classified service of the state to duties other than those assigned to the position to which the employee has been legally appointed.

(1) Such a reassignment must be made with the consent of the employee except in the case of a weather emergency proclaimed by the governor or when the director of the department of transportation deems that the reassignment is necessary due to an unusual situation requiring immediate action.

(2) Such a reassignment must be due to the temporary characteristics of the work situation, and the duties must be for the efficient management of the department or for the maintenance of the highways in the interest of the safety of the traveling public.

(3) No employee currently serving in an original probationary period may be considered for temporary work assignment.

(4) The director of transportation shall submit to the director of administrative services the classifications in which such assignments are necessary for the efficient operation of the department of transportation.

(B) Prior to a temporary assignment of work duties, the director of transportation shall certify to the director of administrative services that:

(1) The employee is qualified and physically able to perform the assigned duties;

(2) The temporary assignment of work duties is necessary for the efficient operation of the department of transportation;

(3) The employee has received notice of the temporary assignment of work duties;

(4) The temporary assignment of work duties will neither cause a layoff nor a job displacement of any other person;

(5) The temporary assignment of work duties will not prevent the hiring of any other person from an eligible list; and

(6) The employee has consented to the temporary assignment or that the governor has proclaimed a weather emergency or that the director of the department of transportation has determined that an unusual situation requiring immediate action exists.

- (C) If the number of eligible employees who consent to such temporary assignment exceeds the number of employees needed for the temporary assignment, the director of transportation shall assign the employees on the basis of seniority.
- (D) No employee who is temporarily assigned work duties under this rule shall suffer any loss of pay, position, diminution of position, service rights or benefits as a result of such temporary assignment. Any employee who is temporarily transferred from his permanently assigned position to a temporary position shall be reimbursed for excess travel to and from work during the period of reassignment at the rate per mile set by the director of the office of budget and management.
- (E) No employee shall be temporarily assigned duties under this rule if such duties are those of a higher classification or any classification compensated at a higher pay range than that to which the employee is legally appointed, except as specified by administrative rule.
- (F) The annual performance evaluation of an employee temporarily assigned duties under this rule shall be made as of the employee's usual evaluation date and shall exclude the employee's performance of the temporarily assigned duties.

Five Year Review (FYR) Dates: 5/15/2019 and 05/15/2024

CERTIFIED ELECTRONICALLY

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Certification

05/15/2019

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Date

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Rule Amplifies:	124.32
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