

Post and Bid Process December 2006

Background

During collective bargaining negotiations in 2002, the Service Employees International Union, Local 1000 (SEIU), and the Department of Personnel Administration (DPA) agreed to implementation of a pilot Post and Bid (P&B) Program. Under the terms of the negotiated agreement, effective May 1, 2002, State departments were required to fill fifty percent (50%) of all permanent full-time vacancies in specifically designated classifications through the negotiated seniority based P&B process. Due to a series of court actions and pending arbitration proceedings, implementation of the negotiated P&B program was delayed. Under terms of a settlement agreement reached through the arbitration process, effective December 1, 2006, the Air Resources board (ARB) is required to offer a specific number of permanent full-time vacancies in the following classifications through the negotiated seniority based pilot P&B process.

Designated Classification	Bargaining Unit	Positions Subject to Post & Bid
Associate Governmental Program Analyst	1	2
Office Assistant (General/Typing)	4	2
Management Services Technician	1	2
Personnel Specialist	1	2
Staff Services Analyst	1	3

Once the required number of positions has been made available under the P&B Program, the pilot P&B Program will end.

P&B Administrative Program Responsibilities

Katrina Hollingsworth, Human Resources, has been designated the P&B Analyst. Katrina will be responsible for ensuring all permanent full-time vacant positions in the designated P&B classifications are posted and filled according to the terms of the negotiated collective bargaining agreements and arbitration settlement agreement. Upon receipt of the customary Request for Personnel Action (RPA) package in the Human Resources Branch (HRB), the P&B Analyst is responsible for:

- calculation and posting of annual Seniority Lists;
- making Seniority Lists available upon request by employees;
- reviewing and approving position allocations;
- posting of job ads for P&B designated positions;
- collective job bids;
- determining bidder eligibility, and
- awarding the position to the most senior eligible bidder.

In the event it is determined a position cannot be filled through the PYB process, the P&B Analyst will notify the appropriate HR Analyst who will work with the hiring manager to fill the position through traditional methods.

Staci Cain, Labor Relations Officer (LRO), will be responsible for:

- coordination and all administrative functions of the P&B Joint Dispute Committee, and;
- receipt and processing, via the P&B Joint Dispute Resolution Committee, all P&B program award protests.

Process for Designation of Positions Subject to P&B

Full time, permanent vacancies in P&B designated classifications, advertised on or after December 1, 2006, will be subject to the P&B process until the required numbers of positions are filled.

Seniority Score Lists

For purposes of the P&B program, seniority is defined as "total months of State service as used for vacation and annual leave accrual purposes." The P&B analyst will be responsible for calculating employee seniority scores, providing seniority score information to Bargaining Unit (BU) 1 and 4 employees and for posting of seniority score lists. Initial seniority will be based on the employee's seniority as of the December 2006 pay period. A new seniority list will be calculated and posted each December until ARB has met its obligation under the P&B arbitration settlement agreement. The Seniority Score List will be the sole determinant of seniority for P&B selections until a new list is developed the following December. Seniority scores will be posted on ARBInside at <http://arb.ca.gov/as/personnel/jobs/post&bid/seniority/seniorityseniority.htm>, and will be made available upon request to all employees per the terms of negotiated agreements.

Seniority Score Challenges

Employees have thirty calendar days from the date the Seniority Score List is posted and made available to all employees to challenge their posted seniority score. Seniority Score Challenges are to be submitted to:

Katrina Hollingsworth
Post & Bid Program Analyst
Human Resources Branch
1001 I Street, 20th Floor
Sacramento, CA 95814

Posting of P&B Job Notices

All P&B position vacancies MUST be identified as P&B positions and MUST be posted for no less than ten (10) calendar days on the State Personnel Board Vacant Positions Database (WVOPS) at http://www.spb.ca.gov/employment/wvpos_index.htm. The P&B Analyst will be responsible for posting all P&B Notices to the WVPOS P&B position vacancies will also be posted to the ARBInside at <http://arb.ca.gov/as/personnel/jobs/examvac.htm>.

Bid Eligibility and Submittal Process

A. Eligibility to Bid

- 1) To be eligible to bid, employees must be employed by the ARB and meet one of the following criteria:
 - Have permanent full-time civil service status in the same civil service classification as the posted P&B position.
 - Have permanent intermittent civil service status in the same civil service classification as the posted P&B position and meet the eligibility criteria for a time base change under State Personnel Board Rule 277.
- 2) Employees who are on probation or on an official Training and Development assignment are not eligible to bid.

- 3) Employees must meet the minimum qualifications for the posted position including any educational or certificate requirements and possess the physical abilities required to perform the essential functions of the posted position.
- 4) Employees must have overall satisfactory performance in their current job. In the absence of a current (within the past twelve months) performance appraisal or evaluation to the contrary, the employee's performance shall be deemed satisfactory.
- 5) For the twelve calendar months preceding onset of the P&B process, an employee who receives an adverse action that relates to job performance will be precluded from participation.
- 6) An employee who successfully bids pursuant to this P&B process is precluded from bidding on other positions for a period of twelve months from the date appointed to the position. When an employee has two or more bids pending and accepts an offer, all other outstanding bids shall be deemed withdrawn. The employee is responsible for notifying the contact person(s) of any outstanding bids.
- 7) An employee who declines an offered position pursuant to the P&B process is precluded from bidding on any position for a period of three months from the date the position was declined.
- 8) An employee may be precluded from participation in the P&B process due to verifiable security reasons, safety, or other job related reasons (e.g., restraining order, violence in the workplace, court order, etc.).

B. Bid Submittal

Eligible employees may bid for posted positions by submitting a completed [Examination and/or Employment Application \(STD. 678\)](#). Employees must write "P&B", the RPA number and the position number on the application in the "EXAMINATION(s) or JOB TITLE(s) FOR WHICH YOU ARE APPLYING" area.

In order to be considered for a posted position, eligible employees MUST submit the completed application to the P&B Analyst as designated on the posted job announcement. The application MUST be received on or before the final filing date specified in the posted bid notice.

Important Note:

- *The Examination and/or Employment Applications (STD. 678) are not to be forwarded to individual hiring supervisors.*
- *Applicants who fail to submit their application to the designated P&B Analyst on or before the filing date posted in the Bid Notice will not be considered for appointment.*

Selection Process

Interviews **may not** be conducted as part of the P&B selection process. In accordance with the negotiated terms of the BU 1 and BU 4 agreements, P&B positions must be awarded to the eligible bidder in the geographic area with the highest seniority score. Selection will be determined based solely on candidate eligibility to bid (see section "Eligibility to Bid") and Seniority Score based on geographic location. For purposes of the P&B program, geographic areas have been established as follows:

- El Monte
- Sacramento

Selection for appointment will be determined in the following order:

- The most senior bidder from within the appropriate geographic area, if any, will be offered the position.
- If no employee from within the departmental geographic area bids, the most senior bidder in the department shall be offered the position.

Tentative Offer

The P&B Analyst will make a tentative offer of employment to the eligible bidder, according to geographic area, with the highest seniority score. The individual selected will have a maximum of five workdays from the date of the award offer to accept or reject the offer. Failure to respond to the offer within the time frame shall be considered a rejection of the offer. Employees may designate, in Section 12 of the Employment and/or Examination Application (STD. 678), the name and phone number of an individual who may act on their behalf to accept or reject the employment offer. If the job offer is accepted, the P&B Analyst will notify all bidders of the bid award in writing, via e-mail, within five workdays of awarding the bid.

Bidding employees who accept appointment waive all rights to claim moving, relocation and associated travel and per diem expenses. However, this does not preclude payment of such expenses in whole or in part at management's discretion.

Documentation of Declined Job Offer

If the most senior eligible bidder declines the job offer, the P&B Analyst will complete the Post and Bid Declined Offer Confirmation form (ASD/HRB 268) to document non-acceptance of the offer. The P&B analyst will identify the next eligible senior bidder. This will be documented in the RPA package.

Dispute Resolution

Employees who dispute the appropriateness of the bid award for a posted position may file a written protest by completing the Bid Dispute Resolution Form (ASD/HRB 269). The protest MUST be filed within five workdays after receipt of notification of the bid award. The selected bidder's appointment date will be put on hold until the decision of the P&B Joint Resolution Committee has been issued. The P&B Joint Resolution Committee will have ten workdays to review the dispute and issue a decision in writing to the person filing the dispute. Dispute Resolution Forms must be mailed to:

Staci Cain
Labor Relations Officer
Human Resources Branch
1001 I Street, 20th Floor
Sacramento, CA 95814

The Labor Relations Officer (LRO) will convene the members of the P&B Joint Resolution Committee to review the dispute issues, render a resolution decision and prepare a response. Disputes are resolved by a majority vote. Lot determines ties. The LRO will be responsible for the processing and distribution of the P&B Joint Resolution Committee decision and written response. The LRO will also be responsible for maintaining sufficient data to track and verify compliance with the provisions of the negotiated agreements as it relates to record keeping requirements of the Joint Resolution Committee.

If the dispute is determined valid, the P&B Analyst will notify the hiring manager that the original offer is invalid and the process of determining the eligible bidder with the highest seniority must be made based on the impact of the resolution committee decision. This will be documented in the RPA package.

Final Award

The hiring manager will contact the candidate to make the final offer. The hiring manager will negotiate an effective start date with the releasing manager. The individual awarded the position will be expected to report to the new position in no less than fourteen calendar days unless agreed otherwise by the current and hiring supervisor. The start date must be effective within thirty calendar days of the date the employee accepted the position. If the position requires additional hiring approval, such as a freeze exemption, medical clearance, fingerprinting, etc., a conditional job offer will be made and the report date may be established based on approved clearance dates.

Employees who have been awarded positions through the P&B process are precluded from bidding on other P&B positions for a period of one year from the final award date.

No Bids Received for P&B Positions

If no bids are received for P&B positions, the P&B Analyst will record this information on the RPA log and the position will be re-advertised. The P&B Analyst will inform the hiring manager and the appropriate HR Analyst that the position may be filled through other means, such as transfers, certification, Training and Development Assignments, etc.

30-Day Trial Period

All non probationary employees will have the right to a "no-fault" return to their former position (as defined in [Government Code section 18522](#)). The employee must submit a written request to their current supervisor. Management also reserves the right to return a non probationary employee to their former position (as defined in [Government Code section 18522](#)) for verifiable reasons. Under the "no fault" return, the position shall be re-bid and the employees' right to bid shall be restored.

Questions Pertaining to the P&B Agreement

Employees who have questions pertaining to interpretation of specific items in the P&B Agreement are encouraged to contact [SEIU](#) directly.

Managers who have questions pertaining to filling a position under the P&B process should contact Katrina Hollingsworth, Post & Bid Analyst at (916) 323-4957 or via email at khollings@arb.ca.gov.