

BOBBY JINDAL
GOVERNOR



PAUL W. RAINWATER
COMMISSIONER OF ADMINISTRATION

State of Louisiana
Division of Administration
Office of Human Resources

DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 45

EFFECTIVE DATE: September 25, 2001

REVISED DATE: September 25, 2003; February 12, 2007; June 14, 2012

SUBJECT: Hiring Above the Minimum, Civil Service Rule 6.5(g)

AUTHORIZATION: 
Steven Procopio, Appointing Authority

I. POLICY:

Upon recommendation from the section head, the appointing authority of the Division of Administration (DOA) will consider paying an employee a salary above the minimum rate of the pay grade, not to exceed the third quartile, upon initial hire or within one year of initial hire* under the following conditions:

- The applicant possesses extraordinary or superior qualifications, credentials, and/or skills above and beyond those normally required for the position, and
- Those qualifications, credentials and/or skills would be particularly beneficial in the position to be filled, and
- The nature of the appointment is probational or a job appointment.

Specific verification of the qualifications, credentials, and/or skills possessed and evidence of how those qualifications, credentials and or/skills would be particularly beneficial in the position to be filled is required. Formal documentation of that verification and evidence must be created and available for audit.

* **If the effective date of the new employee's pay under Civil Service Rule 6.5 (g) is after the initial date of hire, the pay change must be prospective.**

Upon recommendation from the section head and with the approval of the appointing authority, the salaries of all probational or permanent employees who occupy positions in the same job title and who possess the same or equivalent qualifications, credentials, and/or skills may be adjusted up to but not to exceed the amount of the percent difference between the special hiring rate and the minimum of the pay grade. The same verification process used for the applicant is required and formal documentation must be created and available for audit. Such adjustments shall only be made on the same effective date that the higher pay rate is given to the newly hired employee.

If an employee with permanent status resigns and is then rehired into either the same position or into the same job title or a lower level job in his career progression group at the same agency, the employee shall not be eligible for an increase under the rule unless there has been a break in State service of at least 60 days.

Prior to committing a salary to an applicant, sections must provide the request along with all documentation to the OHR for review. Following a review of the documentation received, the Office of Human Resources will make a recommendation to the appointing authority. Human Resources is unable to provide any recommendation prior to receiving the completed documentation from the section.

NO OFFER OF EMPLOYMENT AT A SALARY ABOVE THE MINIMUM OF THE PAY GRADE SHALL BE MADE WITHOUT REVIEW BY THE OFFICE OF HUMAN RESOURCES AND APPROVAL FROM THE APPOINTING AUTHORITY.

II. AUTHORITY:

Civil Service Rule 6.5(g) allows the appointing authority to hire individuals in classified positions above the minimum of the pay grade of the position when the individual possesses extraordinary or superior qualifications, credentials, and/or skills, when certain conditions are met. The Rule further allows the appointing authority to raise the pay of existing employees if they are in the same job title and also possess extraordinary or superior qualifications, credentials, and/or skills. Civil Service General Circular 1010 dated April 12, 1991, advises conservative use of this Civil Service Rule.

The Department of State Civil Service interprets this rule to apply only to initial hires and to become effective on the date of hire or on a date thereafter, but no later than one year following the hire date, with the exception of the stipulations outlined below. Thus the Rule *may not be used in the following situations:*

1. In a highly competitive situation where suitable and extraordinarily qualified applicants are available without use of Rule 6.5(g), or
2. To fill a lower level position when a higher level position is more appropriate, or

3. To fill an entry level position (unless unusual circumstances exist), or
4. When formal training is readily available to present employees, with which they might become equally well qualified as the applicant, or
5. When present employees, who possess the equivalent qualifications, credentials, and/or skills could be promoted, or
6. In a lateral move of a permanent, classified employee within a department or from one department to another department, or
7. Upon promotion of a permanent, classified employee within the same department or from one department to another, or
8. For an individual with permanent status who resigns his position and is then rehired into either the same position or into the same job title or a lower level job in his career progression group at the same agency, unless there has been a break in State service of at least 60 days.

III. RESPONSIBILITY:

Section Heads are responsible for:

1. Ensuring that there are funds available for any recommendation made to the appointing authority.
2. Demonstrating that the qualifications, credentials, and/or skills which make the applicant extraordinarily well qualified are directly related to and will be beneficial to the performance of the duties and the undertaking of the responsibilities of the position to be filled:
 - a. Obtain an accurate position description (SF-3) for the position to be filled. On that document, highlight those duties, responsibilities, and/or skills for which the applicant is extraordinarily well qualified. If the officially allocated position description is not accurate, an updated position description must be prepared which is current and accurate.
 - b. Obtain a current Civil Service Application (SF-10) for the applicant. On that document, highlight the qualification, credentials, and/or skills which make the applicant extraordinarily well qualified.
 - c. Correlate the highlighted duties and responsibilities on the position description with the qualifications, credentials, and/or skills on the individual's Civil Service Application. This correlation should be demonstrated by placing a number in the margin next to the highlighted

qualifications, credentials, and/or skills and placing the same number in the margin of the position description next to the highlighted duties and responsibilities to which it applies.

3. For **each incident** of qualifications, credentials, and/or skills claimed by the applicant which are considered extraordinary and which are being used to justify hiring above the minimum of the pay range, a verification must be made. Specifically:

- a. The section head must obtain a release from the applicant prior to checking references (see attached "Release for Reference Checking" form).
- b. Contact the employer under whom each work experience was gained and confirm with the employer that the applicant worked for him during the period of time indicated on the application. Further, confirm that the applicant performed the duties or exhibited the skills claimed on the application during the period claimed. Prepare a document which includes:
 - o The name and title of the section head (or his designated representative) verifying the qualifications, and
 - o The name and position of the employer to whom the section head (or his designated representative) spoke with to confirm information on the application, and
 - o The date and time the conversation took place, and
 - o The specific work experience which the employer confirmed that the applicant had obtained.

The documentation must be dated and signed by the section head (or his designated representative) making the confirmation call. A *Verification of Employment [6.5(g)] Request* form may be obtained at:

<http://www.doa.louisiana.gov/ohr/forms/forms1.htm>

- c. An academic degree should be verified by instructing the individual to provide a copy of the transcript or diploma from the institution attended. Official transcripts must be submitted to OHR within two weeks of hire.
 - d. The section head must obtain a copy of documentation such as a certificate or letter of award which proves the credentials claimed by the applicant, if those credential will be used to justify a higher beginning salary.
4. The Rule allows the appointing authority to raise the salaries of current probational and permanent employees, not to exceed the maximum of the pay grade, if they occupy positions in the same job title and possess the same or

equivalent experience, credentials, and/or skills. Such adjustments shall only be made on the same effective date that the higher pay rate is given to the newly hired employee.

- a. The section head must review the background of current employees in the same job title to determine if any possess the same or equivalent qualifications, credentials, and/or skills. A statement must be included in the documentation submitted to the appointing authority which indicates **whether or not other such employees were found**.
 - b. **If other employees in the same job title are found to possess the same or equivalent qualifications, credential, and/or skills**, and are thus also eligible for an increase in pay under 6.5(g), then the section head must make a recommendation to the appointing authority to either **increase the pay or not increase the pay** of these employees. If a recommendation to increase the pay is approved, each request for a change in pay must be accompanied by the same documentation of verification as is required for the individual being hired. Should the section head find employees in the same job title with the same or equivalent qualifications, credentials, an/or skills, but does not recommended an increase in pay for those individuals, he must include a written explanation for the recommendation. Some examples or reasons not to recommend a pay increase could be prior performance appraisal, performance deficits, behavioral problems, budgetary reasons, etc.
5. The Rule demands that any pay rate under 6.5 (g) be implemented in accordance with written policies and procedures established by the department and that such policies must be posted in a manner, which assures availability to all employees.
 - a. The section head must assure that this policy is posted in one or more locations to assure that it is accessible to all employees. The section head must assure that the posting remains in place permanently or is replaced when appropriate.
 6. The section head must submit a copy of the documentation required in #2, #3, and #4 above, along with his recommendation, to the Office of Human Resources for recommendation to the appointing authority. The section head must maintain, in-house, a copy of the same documentation available for audit by any regulatory agency.

IV. QUESTIONS:

Questions regarding this policy should be directed to the Office of Human Resources.

V. EXCEPTIONS:

Request for exceptions to this policy should be submitted to the appointing authority with specific and compelling justification.

RELEASE FOR REFERENCE CHECKING

“We want you to know that reference checking is an important part of our hiring process. In addition to contacting the persons you furnished us as references on your Civil Service Application or resume, we may also contact other business associates, acquaintances and friends. We ask all references a series of questions about work experience, character, personal habits, educational background and personality. In some cases we ask an outside firm to check references.”

“I voluntarily consent to allow the Division of Administration or any of its officers, employees or agents to check my references by contacting any person whom they deem to be an appropriate reference. I understand that these questions may be about my personal or educational background, work experience, character and personality.”

Signature

Date