

# **Frequently Asked Questions**

## **Administrative Order 225**

### **Appointment of individuals who will apply for a PERS Waiver**

#### **GENERAL QUESTIONS:**

#### **When is the Administrative Order effective?**

The Administrative Order was effective on March 8, 2005. All hires on or after that date must meet the provisions of the Administrative Order.

#### **What is the intent of the Administrative Order?**

The purpose of the retiree rehire provisions of HB 242 is to provide a management tool to help address existing and anticipated recruitment problems currently facing executive branch operating agencies. The intent of the Administrative Order is to ensure that this very important management tool is used to focus in on specific job classes where there are recruitment problems. The intent is to also encourage managers in all state agencies to anticipate and plan for the eventuality of retirement of the state's seasoned workforce in the classified service in a manner that does not undermine the state's workforce or create morale problems among less experienced staff who are preparing for promotional opportunities created by retirement of their coworkers. Finally, the intent of the Administrative Order is to encourage managers to begin looking at the strategic staffing needs of their organizations and to begin planning for the anticipated "retirement wave" that workforce demographics indicate is quickly approaching.

#### **What are the basic provisions of the Administrative Order?**

- 1 The hiring authority must run a competitive recruitment of at least 15 days in order to consider an individual seeking employment under the provisions of a 242 waiver.
- 2 The individual must have been separated from state service for at least 30 days prior to appointment.
- 3 The applicant pool must result in a pool of fewer than five qualified, eligible and available applicants.
- 4 The hiring authority must demonstrate why no other applicant will have the knowledge, skills or ability to perform the duties of the position after the full probationary period.
- 5 Once an individual is hired who is working under the terms of a PERS waiver, the employing agency must work with the division of personnel to identify the critical components of the position; what knowledge, skills and abilities need to be developed in the organization to assure that the work can be accomplished once the appointed individual separates; and to develop a plan for accomplishing the transfer of knowledge.
- 6 Step placement will be based on the applicable statutes, personnel rules, collective bargaining agreements, and enforceable policies and procedures.
- 7 State agencies are encouraged to develop a strategic view of human resource needs.

**What types of positions does the Administrative Order apply to?**

Positions in the classified service.

**Does it apply to positions in the Partially Exempt or Exempt service?**

It does not. Individuals seeking reemployment under a PERS waiver in a Partially Exempt or Exempt position remain subject to appointment conditions established by the Office of the Governor and the principal head of the department or agency where the position is assigned.

**Does this mean that the current sunset clause contained in HB242 of July 1, 2005 is being removed?**

There is a bill pending in the legislature that would delay the sunset clause by another 4 years. At this time it is unknown whether or not that legislation will be approved.

**Where can I find the Administrative Order?**

On the Governor's Home page: <http://gov.state.ak.us/admin-orders/225.html> ....

**Where can I find information on Workforce Demographics?**

[http://dop.state.ak.us/fileadmin/Statewide\\_Planning\\_Research/pdf/WorkForceProfile.pdf](http://dop.state.ak.us/fileadmin/Statewide_Planning_Research/pdf/WorkForceProfile.pdf)

**QUESTIONS ABOUT IMPLEMENTATION**

**If I have completed at least a ten day Alaska Resident recruitment and am in the hiring process now, can I consider an individual who will file for a PERS waiver?**

If your job posting closed on or before March 8, 2005, you may consider an individual seeking employment under the provisions of a PERS waiver provided the remainder of the required elements for appointment are met under the Administrative Order.

**If I have a recruitment posted, but it is for 10 days, will I be able to consider individuals who will file for a PERS waiver, or do I need to extend the recruitment to 15 days?**

Recruitments that are currently posted should be extended to encompass a period of 15 days total if you want to consider appointing an individual who will request a PERS waiver. If you wish to consider an applicant in the pool who will seek employment under a PERS waiver, and your recruitment has closed, you may extend the recruitment to encompass a period of 15 days total provided you consider an additional applicants that may apply during the extended time frame.

## **QUESTIONS ABOUT RECRUITMENT**

### **Do I have to follow my normal department hiring approval process?**

Yes. Hiring managers still need to follow whatever internal policies and procedures an operating agency has in place regarding recruitment.

### **Can I rehire an individual without using a competitive recruitment process, who will seek a PERS waiver?**

No. You must conduct a competitive recruitment process.

### **What is a competitive recruitment?**

A competitive recruitment process is defined as one where there is a notice period and it is open to qualified and eligible applicants.

### **Can an “all state employees” or “department employees only” recruitment be conducted?**

No. In order to consider an applicant who will return to work under a PERS waiver, you must run at least a 15 day Alaska Resident recruitment.

### **Can a retiree be hired into an LTC position under a PERS waiver if all criteria are met with the exception of the 15-day Workplace Alaska posting?**

Yes. Applicants for positions in the LTC bargaining unit are referred for state employment through a union hiring hall. When an applicant is referred by the union, the competitive recruitment process has been satisfied. All other requirements of the Administrative Order would remain in effect.

### **How will I know an individual in the recruitment pool is seeking a PERS waiver?**

The Job Qualification Summary sheet asks an applicant to articulate if they will apply for, or are currently working under, a PERS waiver. If you are considering applicants for an LTC position, you must ask them prior if they are planning to work under a PERS waiver prior to determining who the successful applicant will be.

### **Why does an applicant have to be separated from state service for 30 days prior to appointment?**

A 30 day separation from service is required under law prior to a retiree applying for a PERS waiver.

**What does the term “consider” mean?**

Consideration of an individual during the selection process occurs when the hiring manager has obtained enough knowledge of the candidate’s background in relationship to the job to determine whether or not the candidate should be selected, rejected, or given further consideration. Methods of consideration can range from a review of the candidate’s work history or application, to the telephone or in-person interview. The appointing authority must be prepared to provide the applicant with the job-related reason for which he/she was not selected.

**What does qualified, eligible and available mean?**

An applicant is considered “qualified” if they meet the minimum qualifications for the job classification. An applicant does not have to meet the desired qualifications to be considered “qualified.”

An applicant is considered “eligible” if he/she

- has the right to accept employment in the United States;
- is an Alaska resident, if applicable;
- has not been convicted of a crime that directly relates to his/her future performance in the position applied for;
- has complied with all the requirements of the Selective Service Act; and
- has not lost his/her eligibility under 2 AAC 07.112.

An applicant is considered “available” if they are able to report to work within a reasonable period following acceptance of the job offer. Reasonable is defined as a minimum of two to four weeks.

**What if I post a recruitment for 10 days and then discover an applicant in the pool whom I want to consider who has indicated they will file for a PERS waiver?**

If the recruitment has closed, you can extend the recruitment an additional 5 days to assure you will be able to consider all applicants who apply.

**QUESTIONS ABOUT APPOINTMENT**

**What about individuals already employed by the state who are working under a PERS waiver?**

Individuals currently working for the state under a PERS waiver may apply and compete for other openings. However, in order to be appointed to a new position, the hiring authority must still demonstrate that the recruitment and the applicant meet the provisions articulated in the AO.

**What will be required in demonstrating that an individual is the only one in the pool who will meet the KSAs by the end of the probationary period?**

The Division of Personnel has developed the “**AO 225 Analysis Worksheet**” to help hiring managers determine if the recruitment and the applicant comply with the new policy guidelines. The worksheet has two sections. Section one is a check list that outlines the necessary steps required for the recruitment to satisfy the policy guidelines in the Administrative Order. Section two contains an analysis portion that requires the hiring manager to articulate why the applicant selected for the opening is the only one in the pool of fewer than five qualified, eligible and available applicants who would meet the KSAs and job specific requirements of the position by the end of the probationary period. The analysis must be supported by job specific requirements of the position as articulated in the position description of record and the job class specifications and the applicants’ Workplace Alaska profile and Job Qualification Summary.

**Aren’t the job class specifications written in a fashion to ensure that the Knowledge, Skills and Abilities (KSAs) can be met after the probationary period?**

Yes, as a general statement that is true. However, occasionally in professional positions specialties in work arise that require specific knowledge and skills that may not be held by everyone who qualifies for the job class. For example, a Wildlife Biologist with a demonstrated specialized expertise in a particular discipline where that discipline is essential and required to perform the duties of the position. If a position requires specialized expertise, it must be articulated in the position description and supported by the job class specification.

**Once I complete the AO 225 Analysis Worksheet where do I send it? How long will it take to obtain a response?**

The form should be submitted to your recruitment contact in the Division of Personnel as part of your approval to hire package. The worksheet will be reviewed with the rest of the recruitment information. The Division of Personnel strives to provide approval to hire notification to hiring managers within two business days of receipt of all necessary paperwork.

**When will the form be available?**

The form will be available by March 15<sup>th</sup> on the Division of Personnel home page in the forms section. You may also obtain a form from your Division of Personnel recruitment contact.

**Who assists the hiring authority in determining proper step placement?**

The Division of Personnel. Step placement will be made in accordance with applicable collective bargaining agreements, personnel rule provisions, and division of personnel policies and procedures. This is the same process that is followed for all recruitments.

**How can I hire a retiree if my recruitment does not qualify under the terms of AO 225?**

Retirees always have the option of returning to work under normal conditions of employment. It is also possible to hire a retiree as a nonpermanent employee provided the work is appropriately assigned to a nonpermanent position.

**QUESTIONS ABOUT WHAT IS REQUIRED AFTER APPOINTMENT**

**How does an individual apply for a PERS waiver.**

Individuals seeking a PERS waiver apply for one within 30 days of hire. Applications for a PERS waiver can be obtained by contacting the Division of Retirement and Benefits or by going to their home page at: <http://www.state.ak.us/drb/forms/formlist.htm>

**What are the critical components of the job?**

The critical components of the job should be articulated in the position description of record. Your management services consultant can help you identify them for inclusion in your knowledge transfer plan.

**What is a knowledge transfer plan?**

A knowledge transfer plan is an articulated methodology for assuring that operating agencies are developing, to the extent possible, the knowledge, skills and abilities in the workplace to assure that there is staff who can take over work when a particular individual separates from service. A knowledge transfer plan can be as simple as a desk manual for less complex positions, or as detailed as an intensive training program.

Management services will work with operating agencies to identify the critical components of the job, to identify the knowledge, skills and abilities required to perform the critical components of the job, and to conduct a skill gap analysis of the operating group to determine where the development areas are. Once those areas have been identified, DOP will work with the agency to help develop a plan to address those development needs.

**Does the person hired under the provisions of a PERS waiver have to be separated from service once the knowledge transfer plan is in place and completed?**

No. Once hired, the individual has all the rights afforded any other employee under the terms of the applicable collective bargaining agreement or personnel rules.

**Who do I contact in the Division of Personnel to develop the knowledge transfer plan?**

Management services will work with operating agencies to develop these plans. Once DOP has been notified that an agency will hire an individual seeking employment under a PERS waiver, we will contact you to begin that process.

**Is there a plan template or sample plan I can reference?**

The Division of Personnel has a variety of information on knowledge transfer. For a quick overview of the topic, you can refer to the division's HR Solutions Newsletter (FY 05 Issue 3). That publication can be located at:

[http://dop.state.ak.us/fileadmin/Statewide\\_Planning\\_Research/pdf/hrsolutions/FY05Issue3.pdf](http://dop.state.ak.us/fileadmin/Statewide_Planning_Research/pdf/hrsolutions/FY05Issue3.pdf)

**Who approves the plan?**

The Division of Personnel working in conjunction with agency management.

**What happens if I do not have a plan in place within 60 days?**

Failing to have a plan and follow through with its implementation may jeopardize an agency's ability to hire an individual under a PERS waiver in the future.

**Who can I talk with in the Division about Workforce Planning?**

The Division of Personnel's Statewide Planning & Research group is working on a workforce planning guide and template. Those tools will be available by mid April. That section, and your management services consultant will be able to work with you to obtain the data you need to engage in workforce planning and to assist you through the process.

**How will I know when I have complied with the knowledge transfer plan?**

The Division of Personnel will work with you to track the effectiveness of the knowledge transfer plan and to suggest changes if it appears to be ineffective. Managers will also be able to judge when a knowledge transfer plan is effective, because the work group will be developing the knowledge, skills or abilities in the areas that were identified for development.