

## **TEAM ACT Frequently Asked Questions**

### **Preferred Service:**

#### **What are preferred service employees?**

The state service will be divided into the preferred service and the executive service. Employees whose job classifications are not specifically designated in the Act or under the provisions of the Act as executive service will be in the preferred service. Employees become members of the preferred service upon successful completion of the probationary period. Preferred service positions will be filled using certified lists of applicants who meet the minimum qualifications for the position as outlined below, and will have the ability to appeal certain employment actions.

### **Hiring Practices:**

#### **When do the new hiring practices go into effect?**

October 1, 2012

#### **What are the plans and deadlines between now and October for posting positions and hiring employees?**

The last posting for tested classes occurred July 11. There will be two additional posting dates – July 25 for promotional classes only, and August 1 for both promotional and regular appointment. There will be NO tested classes in these last two postings, and no postings between August 1 and October 1.

The last day for applicants to test is August 17. All lists from postings should be complete by August 22, and August 24 will be the last day before October that agencies can pull a list from which to hire. All lists must be worked by September 21.

The first posting under the TEAM Act will occur on October 3. Going forward from that date, postings will be weekly.

#### **How will job postings be done?**

NeoGov will remain as the applicant tracking system, and requests for job postings will be done through the on-line hiring center. The request deadline will be 4PM on Fridays, and postings will run from the Wednesday until Tuesday. Most preferred service positions will be posted individually, with the department, location and KSAC noted on the posting. Once the position has been filled, the list will be abolished in a timeframe designated by the Commissioner.

Classes with high turnover or which have historically been hard to fill may be left open for continuous application or have a list of eligibles that remains available for use for a longer period of time.

The outside advertisement or posting of executive service positions will continue to be the responsibility of the individual agencies. The minimum one week posting time will apply.

**Will applicants have to apply for multiple postings for the same job class if they are in different counties or different departments?**

Yes. Postings will be agency and job specific.

**Will there still be promotional lists?**

Yes. Promotional postings will be available.

**Will the days and times for applicants to apply change?**

At present, the days and times will remain the same. However, DOHR continues to monitor data to determine whether the days and times should be expanded.

**What do HR Officers need to provide when requesting a job be posted?**

The title and location of the job classification along with the KSAC for that particular position.

**What are KSAC?**

The Knowledge, Skills, Abilities and Competencies that your agency determines are necessary for each position you post. These should not be confused with minimum qualifications – the minimum qualifications will be determined for the entire job class in the same way they are now. KSAC are defined for each individual position within your agency, and should be linked directly to the existing job specification.

**Knowledge** – An organized body of information, usually of a factual or procedural nature, which if applied, makes adequate performance on the job possible.

Examples include knowledge of:

- Administrative practices
- Budget and accounting principles
- Operational systems and procedures
- Environmental Compliance Law

**Skill** – The manipulation of data, things, or people through manual, mental or verbal means. Skills are measurable through testing, can be observed, and are quantifiable.

Examples include skill in:

- Electronic or computer repair
- Carpentry, plumbing and/or HVAC repair
- Second language proficiency
- Motor vehicle operation

**Ability** – The capacity to perform a physical or mental activity at the present time. Typically abilities are apparent through functions completed on the job. Abilities and skills are often interchanged. The main difference is that ability is the capacity to perform where a skill is the actual manipulation of data, things or people.

Examples include the ability to:

- Organize and plan work (observed at work)
- Analyze situations, programs and problems
- Coach and mentor others
- Communicate orally and in writing

**Competency** - Competencies are observable and measurable characteristics of a person that include using knowledge and demonstrating skills, behaviors and abilities that contribute to improved performance.

Examples include:

- Developing others
- Self awareness
- Mission driven decision making
- Change management

**If a position classification is used by more than one agency, how will the KSAC for the posting be determined?**

Agencies should provide KSAC to the EDCC division for existing job classes. When specific positions are posted, the KSAC the agency needs can be designated from that list.

If the MQ's are changing or the a new classification is being established, EDCC will convene a cross-agency SME group to work together.

**Will the MQ's and job specifications be revised?**

The Examination Development/Classification and Compensation division is currently working on a plan to revise job specifications and minimum qualifications where necessary. Agency staff will be trained to do job analysis. Workshops on this will be held during the HR Conference, and agency training will begin in late August.

**How will applicants be placed on eligible lists?**

Applicants who meet the minimum qualifications for the job classification will be placed on the eligible list, and the list will be referred to the agency. Agencies will have 30 days from the time the list is referred to fill a position from that list. The agency will receive an automated message as soon as the list for a posting is referred.

**How will hiring managers choose the candidates to interview?**

Hiring managers will have access to applications and other information about candidates so they may choose those to interview who best meet the defined KSAC and needs of the agency. Veterans, spouses of veterans, and employees affected by RIF as defined in the Act will all be offered an opportunity to interview, as well.

**Will veterans and spouses be listed first on an eligible list or denoted in some way?**

Veterans and spouses will be denoted in some way so that agencies are aware of and can offer interviews to these individuals.

**Will bypass letters be required for veterans?**

All veterans and spouses of veterans on a list must receive an invitation to interview and veterans who have the equivalent experience and KSAC to another applicant must be given preference in hiring. Agencies will be required to verify that this has occurred on each list they request.

**Can the agency interview more than 3 individuals from a list?**

The agency must interview at least three individuals, along with any veterans or spouses of veterans. The agency may choose to interview additional candidates.

**Does the agency have to hire one of the three candidates even if they don't meet the needs of the position?**

No. The agency may interview additional candidates from the list, or choose not to fill the position at that time.

**Merit Pay**

**Where will the money come from for merit increases? Will longevity money be used?**

Longevity pay will not be affected by the provisions of the TEAM Act. Funding for merit pay will be a separate part of the budget.

**Will merit pay affect all employees or just preferred service?**

ALL employees will be eligible for merit pay. The Act is specific in that eligibility for merit pay includes objectively measurable criteria.

**Is merit pay the only way employees will be able to get a raise?**

No. The Act provides that each employee whose job conduct and performance are satisfactory will be eligible for a periodic increase if funds are approved by the General Assembly.

## **Probationary Periods**

**The house bill 29(b) states that during the last month of the employee's probationary period the appointing authority shall notify the commissioner in writing whether the performance and conduct of the employee is satisfactory and continued employment is recommended. Is this handled by the Probationary PE or is this something additional?**

The process for designating satisfactory performance and conduct will continue to be the Probationary Performance Evaluation. If continued employment is not recommended, a copy of the dismissal letter should be provided.

**How do agencies request the probationary period for a job class be more than one year?**

Probationary periods will be established by the Examination Development/Classification and Compensation division based upon the job specifications, requirements of the position and upon demonstration of the need for a longer probationary period (such as a double flex classification).

**Will employees currently on probation be affected by the longer probationary period?**

No. Employees hired or promoted on or after October 1, 2012 will have a minimum probationary period of one year.

## **Performance Evaluation**

**Are Performance Evaluations recommended or mandatory for executive and non-preferred service?**

ALL employees will be eligible for merit pay, and so it is imperative that everyone have SMART Performance Plans and be included in the evaluation program, which also includes two interim reviews and a formal evaluation. The Act is specific in that eligibility for merit pay includes objectively measurable criteria.

**Will agencies receive guidance on documenting above average work performance?**

A rating of "3" denotes good performance. An employee performing at this level is a solid performer who is meeting the expectations of the job. Performance Plans will be written to the "3" level by stating the expected work outcomes and behavioral expectations using the SMART Formula. Work outcomes and behaviors which exceed those noted in the Performance Plan will be considered above average and should be easily documented.

**Are performance evaluations to be removed from personnel files?**

Performance evaluations are not considered public records under T.C.A. § 10-7-503 and should not be included in information released for review.

**Are security clearance checks considered public records requests and should performance evaluations be removed from files during security clearance checks?**

The proposed rules state that nothing limits access to these records by law enforcement agencies, courts or other governmental agencies performing official functions.

**Disciplinary Actions and Appeals**

**“Due Process” is not specifically addressed in the Act or the proposed rules.**

A preferred service employee who is dismissed, demoted, or suspended has 14 days from the date he/she received written notification of the dismissal, demotion or suspension to file an appeal with the appointing authority of the employing agency.

**Will DOHR provide templates and instructions on the appeals process?**

DOHR will establish more detail on the appeals process and is currently creating templates which will guide both agencies and employees. These will be released in the early fall.

**Are oral warnings maintained as part of the employee’s official HR file under the Act?**

No. Written follow-up to an oral warning shall not be construed as a written warning and shall not be maintained as a part of the employee’s official personnel file.

**Can an employee request review of a written warning?**

Yes. The employee will have fourteen (14) days to submit a written request to the appointing authority, and the decision of the appointing authority will be final.

**Is the employee responsible for identifying the applicable law, rule or policy in their appeal?**

Yes. The appeal must include the action taken against the employee, the specific law, rule or policy allegedly violated and the corrective action sought by the employee.

**Can an employee still grieve certain actions, such as involuntary transfer, layoff the employee believes to be a result of discrimination, etc.?**

Employees will be able to request mediation on workplace issues as defined in the rules.