

## Human Resources Branch Memorandum

<b>SUBJECT:</b> <b>Vacancy Rule and Vacancy Pool Procedures</b>	<b>NUMBER:</b> <b>HRB 22-034</b>
	<b>DATE ISSUED:</b> <b>December 2, 2022</b>
<b>DISTRIBUTION:</b> <b>All CDFW Managers/Supervisors and Administrative Officers</b>	<b>EXPIRES:</b> <b>Until Superseded</b>

Action Required       Informational Only       Control Agency Directive

### Purpose

The purpose of this memorandum is to provide California Department of Fish and Wildlife (CDFW) managers/supervisors and Administrative Officers with information related to CDFW's Vacancy Rule and appeal process, and the Vacancy Pool position request procedures.

### Vacancy Rule

In 2019, to encourage timely completion of the hiring process, improve the distribution of resources commensurate with program needs, and address CDFW's goal of reducing its vacancy rate to a Department of Finance (DOF) satisfactory level, CDFW implemented a process known as the Vacancy Rule.

The Vacancy Rule established a deadline to fill all positions within six months of the official vacancy date. The official vacancy date is the date when an employee has either transferred to another department/agency, separated from state service (no lump sum pay), or the calendar day after lump sum has been paid out for an employee separating/retiring from state service. Lump sum is the pay out of cashable leave balances to an employee at the time of their separation.

The Vacancy Rule applies to positions requiring the following position actions:

- Refill (change/no change in duties),
- Reclassify (not requiring DOF approval),
- Transfer to a different fund source, or
- Transfer to another region or branch within the same program and fund source (e.g., a Lake and Streambed Alteration (LSA) funded position being transferred from Region 1 to Region 4 would still be subject to the rule).

Hiring process delays can largely be eliminated through timely management of vacancies. Ways programs can eliminate hiring process delays include:

- Immediately initiate and approve a Request for Personnel Action (RPA) upon notification of a possible vacancy
- Review and score applications on a flow basis as applications are submitted
- Schedule and conduct interviews shortly after the final filing date

Programs are strongly encouraged to contact the Human Resources Branch (HRB) as soon as possible to discuss options and strategies to fill a position if they are concerned with meeting the Vacancy Rule deadline.

To assist programs with tracking their vacancies, HRB provides monthly position vacancy reports to Branch Chiefs, Regional Managers, and Deputy Directors. Each Branch, Region, and Division is responsible for reviewing this report, tracking their respective vacancies, and notifying HRB of any discrepancies.

If a position has been vacant for longer than six months, HRB will notify the program that the position is subject to the Vacancy Rule and is no longer available. Upon this notification, all recruitment efforts (e.g., submittal of an RPA, conducting interviews, extending offers of employment, etc.) shall cease immediately.

The position is immediately redirected to the Vacancy Pool and the program has seven calendar days to submit an appeal before the redirect becomes permanent.

### **Vacancy Appeal Process**

Within seven calendar days of receiving notification from HRB that a position has been redirected to the Vacancy Pool, programs may submit an appeal by completing and submitting the [Vacancy Refill Rule Appeal \(DFW 1089\)](#) to [VacancyRule@Wildlife.ca.gov](mailto:VacancyRule@Wildlife.ca.gov). The form must include a justification identifying the reason an extension to the Vacancy Rule is warranted.

All appeals must be submitted by the respective Branch Chief, Regional Manager, or Deputy Director. Failure to initiate the appeal process within seven calendar days will result in the position being permanently redirected to the Vacancy Pool.

All Vacancy Rule appeals are reviewed by the Executive Review Committee (ERC) and all determinations are made by the Chief Deputy Director. In general, appeals will be evaluated as to whether the program was taking proactive steps during the vacancy period to fill the position (e.g., delays occurred due to no fault of the program). If the appeal is granted, the program will be notified by HRB of the terms of the extension and recruitment activities may resume.

### **Vacancy Pool**

The Vacancy Pool has been created to support flexibility and prioritization of available departmental positions. Positions are redirected within CDFW through the Vacancy Pool if they have been vacant for greater than six months and were not the subject of an approved appeal. Vacancy Pool positions can also be made available by a Branch or Region self-directing a position to the Vacancy Pool in the event that they are not able to fill a vacant position timely.

Programs may request Vacancy Pool positions by completing and submitting the [Vacancy Pool Position Request \(DFW 1090\)](#) to [VacancyRule@Wildlife.ca.gov](mailto:VacancyRule@Wildlife.ca.gov). All requests must be reviewed and signed by the respective Branch Chief, Regional Manager, or Deputy Director prior to submission. Each submission must include a completed RPA cover page, justification, org chart, and duty statement. The RPA number and the information pertaining to the current vacant position are not required.

The ERC reviews and prioritizes all requests based on departmental need. When a position is available for redirection, ERC will submit a recommendation to the Chief Deputy Director.

HRB will notify the receiving program once a position is available for redirection. The losing program is responsible for initiating the RPA to redirect the position within seven business days. Redirected positions are subject to the six-month Vacancy Rule as of the date the RPA is initiated.

### Exemptions

The following classifications are exempt from the Vacancy Rule:

CLASSIFICATION	CLASSIFICATION CODE
Assistant Industrial Hygienist	3855
Associate Civil Engineer	3123
Associate Industrial Hygienist	3856
Career Executive Assignment	7500
Civil Engineering Associate	3124
Engineer, Water Resources	3137
Engineering Geologist	3756
Fish and Game Captain	8412
Fish and Game Lieutenant (Specialist)	8005
Fish and Game Lieutenant (Supervisor)	8418
Fish and Game Warden	8421
Master, Fish and Game Vessel	6980
Mate, Fish and Game Vessel	6986
Motor Vessel Engineer	6989
Oil Spill Prevention Specialist	7851
Research Scientist I (Microbiological Sciences)	5578
Research Scientist II (Microbiological Sciences)	5587
Research Scientist III (Microbiological Sciences)	5599
Research Scientist III (Social Behavioral Sciences)	5605
Research Scientist Supervisor I (Microbiological Sciences)	5645
Research Scientist Supervisor II (Microbiological Sciences)	5654
Senior Civil Engineer	3120
Senior Electrical Engineer	3600
Senior Engineering Geologist	3751
Senior Hydraulic Engineer	3260
Senior Warden – Pilot	8407
Supervising Civil Engineer	3133
Supervising Hydraulic Engineer	3257
Transportation Engineer (Civil)	3135
Veterinarian	0177
Veterinarian - Specialist	0176
Warden – Pilot	8410
Any position requiring DOF approval	Various
New positions acquired through a Budget Change Proposal within the last fiscal year.	Various

### Contact

If you have any questions or need additional information, submit an inquiry to [VacancyRule@Wildlife.ca.gov](mailto:VacancyRule@Wildlife.ca.gov).