

sition the agency may contract with a person or firm to conduct a multistate executive search provided the person or firm satisfies the following criteria

-) Willingness to accept contingency contracts with fees not to exceed thirty percent of the annual salary of the applicant to be paid upon employment of an applicant produced by the search
-) Demonstrated capacity to perform effectively at competitive industry prices
-) Evidence of successful placements in the public sector by level and type of placement
-) Agreement for the delivery of services within ninety calendar days from the date of the requested search by the employing agency unless an extension is granted by the agency
-) Evidence of ability to attract minorities and women into applicant pools generated for previous clients

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Specific Authority 110 1055, 110 403(3)(c) FS Law Implemented 110 105(1) 110 403 FS History-New 1 8 02

L-33 004 Workforce Reduction and Employee Transition

) A workforce reduction is the deletion of positions. Agencies may delete both vacant and filled positions. Agencies may delete positions for a variety of reasons including budget cuts, program reductions resulting from outsourcing or privatization efforts, or program phase outs. Agencies shall accomplish workforce reductions in an orderly, systematic, and uniform manner in accordance with this rule.

) Each agency shall have a Department approved workforce transition plan. The goal of the plan is to ensure that the agency makes reasonable efforts to provide a smooth transition for the career service employees adversely affected by the workforce reduction. The plan shall identify the steps the agency will take during the workforce reduction to advance this goal. The following steps are reasonable and shall be included in any plan unless the plan justifies in writing why they are not included:

- (a) Appoint a workforce transition team which is responsible for overseeing and administering the workforce reduction.
- (b) Develop a communications plan designed to ensure open, honest, and frequent communication regarding staffing changes. Provide clear avenues for employees to seek and obtain information and assistance. Address necessary communications with the Department, the Agency for Workforce Innovation, and unions.
- (c) Assess the positions to be deleted and the mission and goals of the residual program (that is, the program area that will remain after the deletion of functions and positions). Identify the employees and programs or services that will be affected by the workforce reduction. Identify the knowledge, skills, and abilities that employees will need to carry out the residual program.
- (d) Assess employees.

1. If the workforce reduction affects law enforcement or correctional officers, firefighters, or professional health care providers, develop procedures to establish the relative merit and fitness of these employees. Include a formula for uniform application within a competitive area, taking into consideration the type of appointment, the length of service, and the evaluation of the employee's performance within the last five years of employment. The Department may authorize selective competition within the competitive area based upon specific qualifications deemed necessary for a position, if the duties and responsibilities requiring such qualifications are clearly reflected in the official position description on file with the agency.

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2. If the workforce reduction affects any other career service employee, consider the comparative merit, demonstrated skills, and experience of each employee. In determining which employees to

retain consider which employees will best enable the agency to advance its mission in this context 3
 consider how each employee fares with respect to the following factors commitment, cooperation 2
 excellence fairness honesty/integrity initiative respect and teamwork

-) A permanent career service employee facing layoff as a result of a work force reduction shall have an opportunity for first interview within any agency for a vacancy for which the employee is qualified and has applied
-) Before laying off a permanent career service employee as part of a work force reduction, an agency shall provide the employee reasonable notice of the intended action. Where possible, the agency shall provide at least thirty days notice and in all cases the agency shall provide at least ten days notice or in lieu thereof pay or a combination of notice and pay
-) The Agency for Workforce Innovation through its existing programs shall make available placement assistance to affected agencies and employees
-) Agencies shall update and maintain the workforce transition database and provide to the Department on request any additional information related to the database
-) Consequences of a workforce reduction including a layoff are not disciplinary actions

Specific Authority 110 1055 110 201(1) 110 227(2) FS Law Implemented 110 201 110 227 FS History-New 1 02 Amended 4 3 03

L-33 005 Other Personal Services Employment

-) Other personal services (OPS) employment is a temporary employer/employee relationship used solely for the completion of short term or intermittent tasks. OPS employees do not fill established positions. OPS employees shall not be assigned the duties of any vacant authorized position
-) The following criteria shall form the basis of an agency's request to the Office of Policy and Budget for approval to retain an OPS employee beyond 1 040 hours
 - (a) The agency has requested a full time equivalent position in its agency legislative budget request to fulfill the duties of the OPS position on a permanent basis and the Legislature has not previously rejected such a request
 - (b) The employee is currently working on a special project originally scheduled for completion within the 1 040 hours but due to unforeseen circumstances documented by the agency the project requires more time and it would be further delayed by hiring and training a new OPS employee
 - (c) The employee possesses specific knowledge or skills in a mission critical area of expertise for which there is an immediate but not permanent need and training a new employee is not cost justified
 - (d) The agency hired the employee to perform the duties of a permanent employee on extended leave and the services are still needed

-) The Office of Policy and Budget shall approve extensions beyond 1 040 hours on a fiscal year basis
-) Office of Policy and Budget approval of an extension beyond 1 040 hours shall not guarantee approval of other requests for extension for the same employee

Specific Authority 110 1055 110 131(3) 110 201(1) FS Law Implemented 110 131 FS History-New 1 1 02

L-33 006 Volunteers