

EMPLOYMENT CATEGORIES

Number 5.1

Effective Date: December 18, 2019

Supersedes: Personnel Policy 5.1, dated December 31, 2016
Personnel Policy 5.1, dated March 1, 1996

Applicable To: All classified, exempt, appointed, and temporary employees of the Executive Branch of the State of Vermont

Issued By: Department of Human Resources

Approved By: Susanne Young, Secretary of Administration

PURPOSE AND POLICY STATEMENT

The purpose of this document is to define the various categories of employment in the Executive Branch of Vermont State Government, and to establish the employment policies and procedures applicable to each.

It is the policy of the State that each person hired by the State of Vermont shall be engaged in the appropriate category as defined herein, and his or her employment shall be in accordance with the policies relating to that particular category.

All employment with the Executive Branch of State government is either classified or exempt and is enumerated by statute or regulation into specific categories of employment. The classified category includes permanent and limited service positions. The exempt category includes, but is not limited to, State Police, temporary, elected, and appointed.

GENERAL INFORMATION

Separation of Powers: No agency, department, or other unit within the Executive Branch of State government shall employ any member of the Vermont legislature during his/her term of office, except as authorized under the provisions of 21 V.S.A. § 496 and the current collective bargaining agreements, if applicable.

Simultaneous Payments: No full-time or part-time employee shall enter into an employment arrangement or a contract agreement which will result in concurrent payments from the State of Vermont under more than one category without prior review and approval from the Department of Human Resources. For example, a full-time employee shall not be concurrently engaged under contract or as a temporary employee with the same or another department without prior approval. Exceptions may be made by the Commissioner of the Department of Human Resources in special circumstances when there is documented evidence of necessity based upon lack of available qualified

personnel in the open market, and when the work involved will in no way conflict with an employee's regular working hours or performance of his/her regular duties. A classified employee shall not be granted a leave of absence from his/her regular position to accept other employment with the State, including temporary, contract, or other arrangement with the State except in accordance with the applicable provisions of the appropriate collective bargaining agreement and/or Agency of Administration Bulletin No. 3.5 as applicable.

EXEMPT EMPLOYEES

Exempt service positions are excluded from the classified service by State statute. These positions include, but are not limited to, State Police, temporary positions, elected and appointed positions.

State Police Positions: Permanent positions within the Department of Public Safety for uniformed personnel, plainclothes members of the department with powers of arrest, and certain positions in the communications, records, and fire prevention units of the department, as determined by the Commissioner of Public Safety, and to be filled in accordance with its rules and regulations applicable to the State Police.

Temporary Positions: Positions of persons employed in a temporary capacity pursuant to 3 V.S.A. §§ 311 and 331, and as defined therein. Temporary positions must be approved in writing by the Commissioner of Human Resources upon the request of an appointing authority and may be approved only if the position and person are needed:

- (a) to meet a seasonal employment need of State government;
- (b) to respond to a bona fide emergency;
- (c) to fill in for the temporary absence of an existing employee, or a vacancy in an existing position; or
- (d) to perform a governmental function that requires only intermittent, sporadic, or ongoing employment.

Such employment, if for the specified purposes ***other than to meet a seasonal employment need***, may not exceed 1280 work hours in any one calendar year. The employment of persons employed in a temporary capacity to meet a seasonal employment need may exceed 1280 hours in any calendar year, but the period of such employment may not exceed seven months in any 12-month period, unless such period is approved by the Commissioner of Human Resources, pursuant to 3 VSA§ 331(c)(3).

Employment in a Temporary Position created to respond to a bona fide emergency, to fill in for an absence or vacancy, or to perform a governmental function may only exceed 1280 work hours in any calendar year if, upon request of an appointing authority, the Commissioner of Human Resources so authorizes and finds, in writing, that a bona fide emergency, as defined in 3 VSA § 323(2) exists. Such authorization is not required in the case of temporary positions created for seasonal employment, as defined by 3 VSA § 323(5).

Employment in a Temporary Position does not confer access to permanent employment in state government. Temporary employees must compete on an equal footing (or "open competitive basis") with other non-state employee applicants for permanent employment. If hired on a permanent basis, a former temporary employee must satisfactorily complete an original probationary period, as would any newly hired employee.

Elected and Appointed Positions: Permanent positions that are excluded from the classified service by statute and are generally filled through the elective or appointive process. Such positions include, but are not limited to:

- Agency secretaries, commissioners, deputy commissioners, private secretaries, principal assistants, executive directors, and assistant attorneys general.
- Positions in the office of the Governor.
- Positions filled by popular vote or by the legislature.
- Members of boards, commissions, councils, or similar bodies.
- Attorneys employed as legal advisors or special counsel outside the office of the Attorney General.

CLASSIFIED EMPLOYEES

A classified employee is an employee of the State of Vermont who is hired to fill a position in the classified service in accordance with merit principles as administered by the Department of Human Resources, and who is paid a salary for work performed in a position in the State classification plan.

The classified service includes all positions and categories of employment except as otherwise provided by law.

Permanent Full-Time Positions: Positions in the classified service with duties and responsibilities of a continuing nature which require an employee to work a full-time, year-round work schedule.

Permanent Part-Time Positions: Positions in the classified service with duties and responsibilities which are of a predictable, continuing nature, but which require an employee to work for less than forty (40) hours per week, and/or less than five (5) workdays per week.

Limited Service Positions: Positions in the classified service which, when initially established, are reasonably expected to exist for a limited duration of less than three (3) years but more than one (1) year. Such positions have a definite termination date and are usually associated with a specially funded project or program.

Approved:



Susanne Young
Secretary of Administration

12/18/19
Date