



## CITY OF PROVIDENCE

### **3.14 PROVISIONAL APPOINTMENTS**

#### **Purpose**

The purpose of the following is to provide the City of Providence the ability to maintain continuity of operations by allowing the temporarily appointment of an employee into a non-union position in an acting or provisional capacity when a vacancy or absence occurs. The purpose of making a provisional appointment is to allow the City to immediately fill a position while going through the normal process of hiring to fill the position.

#### **Scope**

This policy applies exclusively to non-union municipal positions. Unionized (classified) positions are governed by applicable collective bargaining agreements and are not subject to this policy.

Nothing in this policy shall supersede, modify, or diminish any rights, benefits, or obligations contained within applicable collective bargaining agreements (CBAs) or laws. In the event of a conflict, between this policy and a CBA, the CBA shall prevail for covered employees. For all other employees not covered by a CBA, this policy shall govern.

#### **Policy**

1. **Authority to Appoint**

An appointee from the Mayor's Office, City Council's Office or Chief People Officer (CPO) may authorize an acting appointment when:

- A. A non-union position becomes vacant due to resignation, termination, leave of absence, or other personnel movement.
- B. There is a need to ensure leadership, continuity, or operational function in the interim.
- C. The appointee possesses the qualifications and experience necessary to perform the duties of the role.

2. **Recruitment**

The Department of People and Culture - Talent will normally publicize a provisional opportunity using the established methods:

- A. posting a job announcement,
- B. including job advertisement on the City job posting website, Indeed, LinkedIn, the Rhode Island League of Cities and Towns, the Brown Server listings
- C. advertising to any specialized websites the department requests.

There may be instances, however, where recruitment is not conducted because of the specialized nature of the position, the degree of urgency, and the availability of one or more qualified internal candidates.

3. **Duration of Appointments**

Each provisional appointment shall include a limit date of 90 days. If a hire is not established after 90 days, the provisional appointment shall end, and the provisional employee shall be returned to his or her former position.

4. **Compensation and Benefits**



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- A. An employee appointed to an acting role may receive additional compensation determined by the department director in par with the pay scale of the acting position and approval through the status change process including the Finance Department and Mayors Office.
- B. Benefits and leave accruals will continue under the employee's primary position unless otherwise specified in an agreement.

### 5. **Conditions of Employment**

- A. Acting appointments do not guarantee permanent placement in the role. Individuals must still apply, compete, and be selected for any permanent appointment through the standard hiring process.
- B. Time served in an acting capacity may be considered experience when evaluating future applications.
- C. Acting appointments may be terminated at any time by the Mayor, Mayor's designee or the CPO, with or without cause, and without right to appeal, provided the employee returns to their permanent position.

### 6. **Double-Filling of Positions**

- A. In accordance with City Ordinance, double filling of positions is generally prohibited.
- B. An acting appointment may only be made to a vacant, funded position with no incumbent employee actively holding or assigned to that position. If the appointee currently holds another position, that position must be considered vacant and unavailable for reassignment during the acting appointment, and staffing plans must be adjusted accordingly.
- C. Exceptions are limited for circumstances regarding continuity of operations in service to the City during the duration of the incumbent's authorized leave of absence and with the approval of the Chief People Officer and Director of Finance.

### 7. **Compliance**

Department Directors or appointing authorities who violate the provisions of this policy, including the prohibition of double-filling, may be subject to administrative review or disciplinary action.

#### **Related Policies:**

Job Request and Modification Policy

Hiring Policy