

4670.2510 PROVISIONAL APPOINTMENT.

Subpart 1. **When a provisional appointment can be made.** Whenever in the opinion of the appointing authority there are urgent reasons for filling a vacancy and the supervisor is unable to certify eligibles from a register established as a result of an examination for the position, and no appropriate promotional register or other appropriate register exists, the appointing authority may appoint a person to the vacancy on a provisional basis. If the person appointed meets the minimum qualifications for training and experience for the position, that person may be provisionally appointed to fill the existing vacancy until an appropriate register is established and appointment made therefrom. No provisional appointment shall be made until the position has been allocated to a proper class and minimum qualifications established therefor in accordance with these rules.

Subp. 2. **Provisional promotional appointment.** In the absence of a promotional register, a provisional promotional appointment of a permanent or probationary employee meeting the minimum qualifications may be made pending the establishment of a promotional register or the administration of a noncompetitive promotional examination.

Subp. 3. **Duration.** The appointing authority shall terminate a provisional appointment 90 days after the supervisor provides a certification from which an appointment could be made. However, in individual cases, a provisional appointment may be extended for a period of up to six months. Successive provisional appointments of the same person shall not be permitted, and a position shall not be filled by repeated provisional appointments. Provisional appointments may be extended at the end of the six-month period with the approval of the supervisor, and successive provisional appointments of the same individual to different positions and successive provisional appointments to the same position may be made in exceptional circumstances, subject to the following conditions:

A. that an examination has been publicly announced and the supervisor has found that a sufficient number of applicants are not available to assure adequate competition; and

B. that continuous receipt of applications had been provided in accordance with part 4670.1800, subpart 1, and the examination is to be held whenever the supervisor finds that enough applicants have filed to assure adequate competition.

Subp. 4. **Appointments prior to the adoption of parts 4670.0100 to 4670.4240.** All appointments made subsequent to the adoption of parts 4670.0100 to 4670.4240 but prior to the establishment of a register from which eligibles can be certified shall be regarded as provisional appointments.

Statutory Authority: *MS s 144.071*

History: *23 SR 82; 23 SR 2404*

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