

**ARIZONA DEPARTMENT OF ADMINISTRATION
HUMAN RESOURCES DIVISION**

STATEWIDE HUMAN RESOURCES POLICIES AND PROCEDURES

Policy Number:	Effective: 11/01/2011
Subject: Delegation of Authority Provided by Statute and Rule	Revised: N/A
Policy Section: General	Supersedes: N/A
Responsible HRD Section: HR Director's Office	Review Date: 11/01/2012

Scope:

All ADOA Personnel System agencies, boards and commissions

Authority:

A.R.S. § 41-703, Duties of the director
A.R.S. § 41-761, Personnel administration
A.R.S. § 41-763, Powers and duties of the director relating to personnel
A.R.S. § 41-783, Personnel rules
A.A.C. R2-5-102(A) Delegation of authority

Definition(s):

"*Agency head*" is defined in A.A.C. R2-5-101 and means the chief executive officer of a department, board, office, authority, commission, or other governmental budget unit of the state.

"*Director*" is defined in A.A.C. R2-5-101 and means the Director of the Arizona Department of Administration (ADOA), and the Director's designee with respect to personnel administration.

Policy:

It is the policy of the Arizona Department of Administration to delegate authority when such delegation provides for more efficient personnel administration.

As provided by statute, the Director is responsible for the direction and control of personnel administration and has rulemaking authority relating to personnel and personnel administration. A.R.S. § 41-703 also authorizes the Director to delegate the administrative functions, duties and powers as the Director deems necessary to carry out the efficient operation of the department. With some exceptions, the Director has delegated the authority for personnel administration to the ADOA Human Resources Director.

As provided by the ADOA Personnel Rules, authority for certain actions has been given to agency heads. The Personnel Rules also provide that any authority granted to an agency head may be further delegated by the agency head, unless otherwise specified by statute or rule.

Statewide Human Resources Policies and Procedures

Subject: Delegation of Authority Provided by Statute and Rule

The authority provided in the Personnel Rules is summarized in the document entitled, Summary of Authority Provided by Personnel Rules (see Related Form(s)/Link(s)).

Procedure:

Not applicable

Related Form(s)/Link(s):

[Summary of Authority Provided by Personnel Rules \(Rev. 11/2011\)](#)

Corresponding Policy(ies):

Not applicable

Contact:

If you have any questions related to HR Policy, please contact your agency's Human Resources Office/representative.

Policy History (supersedes):

Not applicable

SUMMARY OF AUTHORITY PROVIDED BY PERSONNEL RULES

Below is a list of the authority given to Agency Heads, the ADOA Director and Agency Human Resources Managers/Representatives as provided in the Personnel Rules.

RULE AUTHORITY	AGENCY HEAD	ADOA DIRECTOR	AGENCY HR MANAGERS
R2-5-102 General Provisions			
E. Employee Handbook - The Director may publish an employee handbook outlining pertinent rules and regulations and make such handbook available to all employees.		X	
F. Correction of errors - Only the Director, or designee, has authority to determine whether a manifest error exists and to correct the manifest error.		X	
R2-5-103 Applicability			
B. Exception - The Director may implement temporary pilot projects to improve personnel management in the state service.		X	
R2-5-105 Personnel Records			
B. Content - An agency head shall, for each agency employee, maintain an official personnel file.	X		
R2-5-201 Employment			
B.1. Waiver of rules - The Director may waive any rule under Article 2.		X	
R2-5-202 Recruitment			
C.1. Vacancy announcements - The Director shall establish a procedure for announcing open competitive vacancies in state service employment.		X	
C.2. Vacancy announcements - The Director may authorize the use of resumes, applications, or alternative forms that provide the information for analyzing an applicant based on the criteria in R2-5-201(A).		X	
D. Administration - The Director shall establish procedures for maintaining and keeping confidential all resumes, applications, tests, test results, records, correspondence, and other documents used to seek employment in state service.		X	
R2-5-203 Applicant Evaluations			
A. Competitive evaluations - The Director shall establish open competitive evaluation procedures to be used for entrance into state service.		X	
B. Criteria for evaluation - The Director may authorize the use of related knowledge, skills, and abilities for a particular position even though these provisions are not part of the class specification.		X	

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C. Evaluations - The Director shall establish an evaluation procedure to determine a person's ability to perform the duties and responsibilities of the position or classification for which the person is being considered for employment.		X	
D.1. Written and performance test results - The Director shall send written notice of written and performance test results to each applicant after the grading is complete.		X	
R2-5-204 Human Resources Employment Database			
The Director shall establish and maintain the Human Resources Employment Database to fill state service vacancies.		X	
The Director may approve other methods for applicant tracking and candidate identification to meet special agency requirements.		X	
R2-5-205 Identification and Selection of Candidates			
A. The Director shall provide a referral list to the hiring agency that contains the names of available candidates who possess the knowledge, skills, and abilities required for the position.		X	
C.1. Selection - An agency head may non-competitively select any qualified reemployment, repromotion, reinstatement, voluntary decrease, or transfer candidate to fill a position.	X		
C.3. Selection - The Director or an agency head shall establish procedures to check references or investigate a candidate's background, education, or work history as appropriate for the position.	X	X	
D. Complaints or recommendations - An agency human resources representative who shall evaluate the complaint or recommendation and notify the candidate of the action to be taken.			X
R2-5-206 Appointment			
B.5. Types of appointments - Emergency appointment - Appointments shall be at the discretion of the agency head with the approval of the Director.		X	
B.6.a. Types of appointments - Clerical pool appointment - The Director may establish a clerical pool in any locality where there is a demand for temporary clerical help.		X	
B.6.b. Types of appointments - Clerical pool appointment - Clerical pool appointments may be made for up to 6 months by an agency head.	X		

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B.6.b. Types of appointments - Clerical pool appointment - Clerical pool appointments may be extended for not more than 3 months by the Director.		X	
B.7. Types of appointments - Student employment - The Director may establish special procedures for the employment of students.		X	
R2-5-207 Employment of Relatives			
C. Exceptions - The Director may grant an exception to the prohibitions in subsections (A) and (B) if there is no other qualified candidate for the position at the location.		X	
R2-5-208 Changes in Assignment			
B.1.a. Transfer - Intra-agency transfer - An agency head may transfer an employee to a position in the same pay grade.	X		
B.1.b. Transfer - Intra-agency transfer - An agency head, upon the request of an employee, may transfer the employee to a position in the same pay grade.	X		
C.1. Special Detail - General - An agency head may assign a permanent status employee to a special detail in a covered position within the agency.	X		
C.1.b. Special Detail - General - A special detail made for more than 6 but fewer than 12 months shall be competitive in accordance with these rules, unless the Director approves a non-competitive special detail.		X	
C.4. Special Detail - Extensions - A special detail shall not exceed 12 months unless extended by the Director.		X	
D.1. Mobility assignments - State service employees - An employee with permanent status in the state service may accept a mobility assignment to an uncovered position or to a position in another Arizona state agency, for not more than 36 months with the concurrence of the Director.		X	
D.2. Mobility assignments - Extensions - The Director, the employing agency and the agency from which the employee came shall renegotiate a mobility assignment that extends beyond 36 months.		X	
F. Relocation - The agency may reimburse reasonable relocation expenses to a current employee for a management-initiated geographical transfer of more than 50 miles from the employee's current work site.	X		

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R2-5-213 Probation			
B. Credit for prior service - An agency head may credit up to 6 months of state service that was completed in the same class immediately before a probationary appointment if that service was achieved under the same program of orientation, training, and evaluation currently applied to other probationary employees in the same class.	X		
C.1. Original probation - Duration - Upon request of an agency head, the Director may establish a longer or shorter period than 6 months for any class of positions in the agency.		X	
C.2.a. Original probation - Extensions - An agency head may extend original probation up to 6 months for employment - related reasons.	X		
C.3.b. Original probation - Completion of probation - If an agency head determines at any time during an original probationary period that the services of a probationary employee are no longer required in that position for any reason or for no reason, the agency head may: 1. offer the employee another position for which the employee possesses the criteria in R2-5-201(A); or 2. dismiss the employee without a stated reason and without the right of appeal, providing the employee a letter of dismissal.	X		
D.1. Promotional probation - The agency head may extend the probation up to a total of 1 year for employment-related reasons.	X		
D.3. If an employee fails to complete a promotional probation successfully the agency head may: a) revert the employee to a vacant position in the current employing agency in the class in which the employee held permanent status immediately before promotion; or b) offer the employee a similar position in another class at the same grade as the class that the employee holds permanent status if the employee meets the knowledge, skills, and abilities of that position.	X		
E. Reinstatement and reemployment - When an employee is reinstated or reemployed, the agency head: 1) may require the former employee to complete an original probation; 2) shall require the former employee to complete an original probation if the former employee is reinstated or reemployed in a class other than the class the employee previously held.	X		

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RULE AUTHORITY	AGENCY HEAD	ADOA DIRECTOR	AGENCY HR MANAGERS
R2-5-301 Classification			
A. General - The Director shall group positions into classes based on similarities of duties and responsibilities.		X	
D. Change in classification plan - The Director may establish new classes and divide, combine, alter, or abolish existing classes, after consultation with affected agency heads.		X	
E. Allocation - The Director shall place every position in a class based on its duties and responsibilities.		X	
E. Allocation - The director may delegate to an agency head the authority to underfill a position.		X	
R2-5-302 Salary Plans			
A. Classes - The director shall allocate each class to a specific pay grade or rate.		X	
C. Alternative salary plan - The Director may approve a special salary plan and pay practice for a certain class or group of employees.		X	
D. Counteroffer pay adjustment - The Director may approve a pay adjustment as a counteroffer to a verifiable job offer to retain a current employee in the same position.		X	
E. Hiring bonus - The Director may establish guidelines for the payment of a hiring bonus to attract a new employee into a state service position.		X	
R2-5-303 Salary Administration			
C. Administrative Adjustment - The Director may approve a pay adjustment to: 1) resolve a manifest error; 2) increase the base salary of a supervisor that is below the base salary of a subordinate; 3) correct an inequity; or 4) increase a transferred employee's base salary based upon documentation of recruitment difficulties to fill the position, specific needs identified by the agency, or the employee's education, experience, knowledge, skills, and abilities.		X	
D.4. Classification or pay grade changes - The Director shall establish guidelines that supersede the provisions of subsections (D)(1), (D)(2), and (D)(3) when setting the salary of an employee in a classification affected by a Classification Maintenance Review or a Special Market Adjustment.		X	

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RULE AUTHORITY	AGENCY HEAD	ADOA DIRECTOR	AGENCY HR MANAGERS
I. Special recruitment rate - The Director may establish a special recruitment rate for a class up to the midpoint of the pay grade when: 1) it is not possible to recruit a qualified employee at the established basic hiring rate; or 2) competitive starting salaries for the class exceed the established basic hiring rate.		X	
J.2. Promotion - An agency head may authorize a salary increase for a qualified employee that is greater than the percentage listed in subsection (J)(1), based on factors such as the unusual and outstanding character of the employee's education, experience, knowledge, skills, or abilities, the availability of qualified applicants, the applicant's earning history or the geographical location of the position.	X		
O. Shift differential - The Director may authorize a shift differential to be paid to an employee on other than a day shift.		X	
O. Shift differential - The Director shall establish a competitive shift differential rate periodically based on an annual survey of the market place.		X	
R2-5-304 Performance-based Salary Adjustments			
A. Performance-based salary adjustment limits - Subject to legislative appropriation, the Director shall determine employee eligibility and the minimum and maximum percentage for a performance-based adjustment.		X	
B.1. The Director shall issue performance-based salary adjustment guidelines.		X	
R2-5-305 Overtime Pay and Compensatory Leave			
A. Approval of overtime work - An agency head may require that an employee work overtime and: 1) shall approve in advance all work in excess of 40 hours per workweek or in excess of a work period as defined by the Fair Labor Standards Act (FLSA) and 2) may assign an employee who volunteers for overtime before mandatory overtime is required.	X		
B. Exemptions - The Director shall determine exemptions from minimum wage and maximum hour requirements in accordance with the Fair Labor Standards Act.		X	
D.2. The Director may approve overtime pay at the regular rate for positions exempt from the Fair Labor Standards Act.		X	
G.1. Payment - An agency head may pay an employee at any time for all or any portion of the employee's accrued compensatory leave balance at the employee's current base salary, subject to funding availability.	X		

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H. Inter-agency transfer - An agency head may pay an employee who transfers to another state service agency for all accumulated compensatory leave at the time of the transfer.	X		
R2-5-403 Annual Leave			
D.2. Accumulation - An agency head seeking an exception shall submit a written request to the Director. The Director may approve, modify, or deny the request.		X	
F. Use of annual leave - An employee may take annual leave at any time approved by the agency head.	X		
G.1. Payment - An agency head may pay an employee at any time for all or any portion of the employee's annual leave that was earned as the result of working on a day on which a state holiday is observed at the employee's current rate of pay.	X		
G.2. Payment - The Director may approve pay to a non-separating employee for all or any portion of the employee's accumulated and unused annual leave at the employee's current rate of pay. The agency head shall submit proposed standards and procedures and any subsequent changes to the Director for approval.		X	
R2-5-404 Sick Leave			
D.1. Use of sick leave - Sick leave may be taken when approved by the agency head.	X		
D.2. Use of sick leave - The agency head may require submission of evidence substantiating the need for sick leave.	X		
D.3. Use of sick leave - An agency head may require an employee to be examined by a licensed health care practitioner designated by the agency head.	X		
R2-5-405 Industrial Leave			
A.1. Use of leave - An agency head shall place an employee who sustains a job-related illness or injury that is compensable under the Workers' Compensation Law.	X		
A. 2. Use of leave - An agency head shall place the employee on leave without pay.	X		
C. Light duty - The agency head shall make every effort to place the employee in a suitable position within the agency, including a light duty assignment.	X		
R2-5-408 Educational Leave			
A. General - An employee may be sent with pay to participate in a formal educational or training course of study at a college, university, or technical school with the approval of the agency head and the Director.	X	X	

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RULE AUTHORITY	AGENCY HEAD	ADOA DIRECTOR	AGENCY HR MANAGERS
R2-5-409 Administrative Leave			
An agency head may authorize an employee to be absent with pay on administrative leave during a state of emergency declared by the Governor or in other emergency situations such as extreme weather conditions, fire, flood, or malfunction of publicly-owned or controlled machinery or equipment.	X		
An agency head may grant administrative leave to relieve an employee of duties temporarily during the investigation of alleged wrongdoing by the employee.	X		
R2-5-410 Bereavement Leave			
An agency head may extend the bereavement leave for up to 16 additional work hours if the employee travels out-of-state for the funeral.	X		
R2-5-411 Parental Leave			
An agency head shall approve a request for parental leave of an employee.	X		
R2-5-413 Medical Leave without Pay			
A. As specified in A.R.S. 41-783, an agency head shall place a permanent status employee on medical leave without pay.	X		
R2-5-414 Leave without Pay			
A. Approval - All leave without pay requires a written request by an employee in advance and approval by the agency head.	X		
R2-5-415* Recognition Leave (*Renumbered from R2-5-423 eff. March 7, 2009)			
C. Procedure - An agency head shall develop and implement an employee recognition program and process.	X		
C. Procedure - The agency head shall submit a proposed recognition leave program and process and any subsequent changes to the Director.	X		
R2-5-417 Furlough			
D.1. Reduction of funding furlough - An agency head shall submit to the Director a furlough plan for approval.	X		
D.4. Reduction of funding furlough - The Director shall review and provide written notification of approval, modification, or denial of an agency's furlough plan within 20 working days of receipt.		X	
E.1. Suspension of funding furlough - agency head request - An agency head shall submit to the Director a furlough plan for approval.	X		

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E.4. Suspension of funding furlough - agency head request - The Director shall review and provide written notification of approval, modification, or denial of an agency's furlough plan within 10 working days of receipt.		X	
F. Suspension of funding furlough - failure to pass state budget - The Director may authorize an agency head to implement a suspension of funding furlough.		X	
R2-5-502 Hours of Work			
A. The Director may grant an exception from the work week period to promote efficiency in the state service.		X	
B.1. Hours of employment - An agency head shall determine the hours of employment in the work week for each agency employee.	X		
B.2. Hours of employment - An agency head may provide for breaks during the work period consistent with carrying out the duties of the agency.	X		
B.3. Hours of employment - An agency head may require an employee to work overtime.	X		
C.1. Flexible work options - An agency head may offer a flexible 40-hour work week option to an employee.	X		
C.2. Flexible work options - An agency head may offer flex time to an employee for the purpose of mentoring school age youths.	X		
D.1. Attendance standards - An agency head may establish a standard of attendance.	X		
D.2. Attendance standards - job abandonment - After an absence of three consecutive work days without approval, an agency head may dismiss the employee under R2-5-803 or may separate the employee without prejudice.	X		
R2-5-503 Performance Appraisal System			
A. General - The Director shall establish a performance appraisal system to evaluate the job performance of state service employees.		X	
A. General - An agency head may adopt an alternate employee performance appraisal system, subject to the approval of the Director.		X	
B.3. Frequency - An agency head may terminate an original probationary employee at any time with or without a performance evaluation.	X		

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RULE AUTHORITY	AGENCY HEAD	ADOA DIRECTOR	AGENCY HR MANAGERS
C.3. Performance rating - The Director shall establish a procedure for converting the performance rating levels of an approved alternate employee performance appraisal system to the Arizona Department of Administration rating levels.		X	
D.3. An agency head shall ensure that all performance appraisals are completed as required by the Section.	X		
E. Review - An agency head shall adopt a performance evaluation review procedure subject to the approval of the Director.		X	
R2-5-701 Grievance System			
G. Approval - Each agency will submit its proposed grievance procedure and any subsequent changes to the Director for approval.		X	
R2-5-702 Grievance Procedures			
C. Accelerated procedure - Subject to the approval of the Director, the agency head may adopt an accelerated grievance procedure for grievances relating to performance ratings.		X	
R2-5-801 Suspension			
A. Authority - An agency head may suspend any employee without pay for cause.	X		
R2-5-802 Demotion			
A. Authority - A permanent status employee may be demoted for cause by an agency head to any permanent position.	X		
R2-5-803 Dismissal			
B. Dismissal procedures - The agency head may dismiss any employee with permanent status.	X		
D. Relief from duty - An agency head may immediately place an employee on administrative leave pending implementation of procedures under this Section.	X		
R2-5-901 Resignation			
A. General - Director determines that the employee had good cause for not giving at least 10 working days prior to the effective date of the resignation.		X	
B. Oral resignation - The agency head shall confirm the resignation in writing.	X		
C. Refusal of resignation - An agency head may refuse to accept a resignation and dismiss an employee pursuant to R2-5-803.	X		
R2-5-902 Reduction in Force			
A.1. General - An agency head shall submit to the Director a proposal to conduct a reduction in force.	X		
B. Administration of reduction in force - The Director shall review and approve, modify or deny a reduction in force within 20 working days of receipt.		X	