

PROCEDURES FOR FILLING DIVISION DIRECTOR EXEMPT POSITIONS

Permanent Appointments

1. Qualifications of the position should be checked against the Delaware Code to see if any special provisions apply.
2. With the approval of the Governor, a Cabinet Secretary may appoint a Division Director in accordance with Section 10(b)(ii) of the annual budget epilogue.
3. In order to process a Division level appointment, the Cabinet Secretary will submit a written request to the Governor for approval and a copy of the approved appointment letter will be provided to the agency Human Resources Office.
4. When the position is filled with an outside candidate, the appointing authority shall submit a written request with justification to the Director of the Office of Management and Budget (OMB) to determine an appropriate salary based on the proposed incumbent's qualifications and within the position's evaluated pay range. If the request is for an amount higher than the salary listed in Section 10 (a), the Controller General's approval is also required.
5. When a State employee (merit or merit comparable) is offered a promotional opportunity to become a division level official, the employee is eligible for a 5% promotional salary increase. A promotional opportunity is defined as at least a 7% difference between the midpoint of the employee's current pay grade and the midpoint of the evaluated range of the line item position. The Cabinet Secretary shall submit a written request containing appropriate justification for a salary increase in excess of the standard 5% promotional increase based on the qualifications of the selected candidate to the OMB Director and Controller General. The Compensation Manager of the statewide Human Resource Management Office can be contacted at 302-739-4195, if needed, for assistance in determining the midpoint differential.
6. When a State employee is offered a division level appointment that has an equivalent value equal to or less than the pay grade assigned to the position the employee is vacating, the employee may retain salary as long as the salary does not exceed the midpoint of the evaluated line item pay range. If the employee's salary does exceed the midpoint of the pay

range, the Cabinet Secretary may request retention of current salary based on the qualifications of the selected candidate. In either case, a written request with appropriate justification needs to be submitted to the Director of OMB and the Controller General.

7. If the individual was a merit system employee prior to this appointment, then a return-to-merit rights letter should be obtained.

Acting Appointments

1. The Cabinet Secretary, with approval from the Governor, may name someone as Acting Division Director. If the individual is in a merit or merit comparable/exempt position and is not moved into the budgeted position of the Division Director, then the salary does not have to be adjusted.
2. If the Cabinet Secretary names someone as Acting Division Director and moves them into the budgeted position of the Division Director, then their salary is to be approved similar to the above procedures for permanent appointments. In accordance with Section 10 (b)(iv), an “acting” director may be paid a salary less than the designated line item salary and the same guidelines for salary approval would be followed.
3. If the individual was a merit system employee prior to this appointment, then a return-to-merit rights letter should be obtained.