

STATE OF VERMONT
Agency of Human Services (AHS)

Title Agency Hiring Practices	REVISION HISTORY: 3/18/87; 6/1/98 (formerly titled Agency Approval for Certain Appointments)	Chapter/Number 4.03
	EFFECTIVE DATE: upon signature	Attachments/Related Documents:
<div style="display: flex; justify-content: space-between;"><div>Authorizing Signature: <u><i>Cynthia W. LaWare</i></u> Cynthia LaWare, Secretary, Agency of Human Services</div><div>Date Signed: <u>10/8/07</u></div></div>		

PURPOSE: Our workforce is our most important asset. The Agency of Human Services, like most major employers, must continually balance issues of customer service, employee morale, retention, productivity and workload demands, and fiscal constraint in its staffing decisions. As a public sector employer, we also recognize our historical responsibility to demonstrate that these decisions are made in the public interest and on the basis of merit rather than patronage.

BACKGROUND: There are a number of statewide personnel policies pertinent to recruitment and selection. These policies are detailed and specific and it is not the intent of this document to replicate any of those requirements. However, AHS has internal procedures to administer these processes and to manage agency priorities in the deployment of positions and people. It is these procedures which are gathered into this policy, providing one document to clarify expectations and responsibilities for managing the process of filling positions with qualified applicants. This document addresses each stage of this process, from the decision to fill a vacancy through recruitment and the final step of hiring. These stages are covered in three sections:

- ✓ recruitment and staffing options;
- ✓ eligibility and interviewing; and
- ✓ selection and hiring.

DEFINITIONS: The terms used in this document are defined in the applicable source material (such as statutes, collective bargaining agreements and/or statewide personnel policies) referenced within specific procedures.

SCOPE: This policy applies to all departments and offices of the Agency of Human Services.

PROCEDURES

RECRUITMENT & STAFFING OPTIONS

1. Requests for new positions and to recruit

The AHS HR Unit receives and processes all requests to create and/or recruit for new and vacant positions. Technical assistance will be provided as needed to assist hiring managers with creation and classification of new positions as well as special needs for recruitment of established positions related to advertising, the interview process, or selection tools.

► Responsibility for Approval to Recruit

Department:

It is the responsibility of each department to manage its positions with respect to vacancy savings and the most effective deployment of positions. Accordingly, departments may establish whatever internal procedures are necessary to ensure that positions are utilized to the greatest effect.

Agency:

The AHS HR Unit will coordinate the process for obtaining required Agency-level approvals to establish a new position or fill an existing one.

- a. All requests for new positions (whether through the position pool, budget or grant approval) must have approval from the AHS Secretary's office before being forwarded to the Agency of Administration and/or Joint Fiscal Office.
- b. Requests to recruit for all other vacant central office positions at the Agency or Department level (not district offices or facilities) are also subject to approval by the AHS Secretary's office prior to any recruitment activity.

2. *Pre RIF*

In circumstances where a reduction in force (RIF) situation is probable anywhere within AHS, and at the direction of the AHS Secretary, the AHS HR unit will activate the agency's "pre-RIF" protocol. Such actions will be contingent upon appropriate notice to the affected employees and hiring managers. Interested and qualified candidates who have been tentatively identified as being affected by a prospective RIF will be referred to the applicable hiring manager for a mandatory job interview for open, vacant bargaining unit positions within the Agency. A vacancy may not be filled with another applicant unless the AHS Secretary has concurred, in writing, that there is a compelling rationale for doing so.

3. *Temporary Reallocation*

A temporary reallocation is a personnel process in which a position (with its incumbent) is temporarily assigned to perform duties in an existing, but different, job class. This may be appropriate when the staffing need is for a limited duration, such as backfilling during a medical or military leave or for a special project with a defined end date.

Limitations:

- a. Temporary only: If a decision is subsequently made to make the reallocation permanent, the appropriate position classification documentation (Request for Review) will be required.
- b. Prospective only: A temporary reallocation will not be processed retroactively.
- c. Minimum qualifications: The incumbent must meet the minimum qualifications for the new class.

► Responsibilities & Process for Temporary Reallocation

Hiring Manager:

The hiring manager decides when a temporary reallocation is appropriate. The AHS HR Unit will provide assistance as needed in determining whether to proceed by one of two methods:

- a. extending the opportunity to internal staff in a limited recruitment process; or,
- b. assigning the temporary duties to a qualified, pre-determined staff member.

To initiate the temporary reallocation, the hiring manager must submit a request to the AHS HR Unit (via email) providing the details of:

- ✓ the reason for the temporary reallocation;
- ✓ the position to be reallocated; and,
- ✓ the effective date.

AHS HR Unit

The AHS HR Unit will:

- a. verify that the selected employee meets minimum qualifications for the new class (A resume or application may also be required from the incumbent); and,
- b. obtain approval from the Department of Human Resources and process the action.

4. Administrative Appointment

a. Promotion

Personnel Rules and Regulations (#11.04) provide the option for an appointing authority to fill a vacancy by administrative action. The standard stated in the rules is “that the employee has been selected for promotion on the basis of performance evaluation reports maintained over a substantial period of time.” An administrative appointment may be more appropriate than a competitive recruitment process under certain conditions:

- When an internal candidate is uniquely prepared for succession to a higher level position through a combination of qualifying education and experience and specific job knowledge required for full performance in the vacant position. An example of this scenario is the advancement of a deputy director or assistant manager to the next level of the class series.
- When an internal candidate has specific skills and advanced expertise required for the vacant position and recruitment for similarly qualified applicants is not warranted. An example of this scenario is the appointment of an established specialist in a program area to a new position in that program.
- When the circumstances warrant immediately placing a qualified employee in the position without devoting the time required for a recruitment process.
- When a competitive process is used to fill a position on an interim basis and the position subsequently becomes permanently available. (The hiring manager may elect to re-recruit for the permanent position or to appoint the interim hire.)

Limitations:

- a. Classified employee status: An employee must have completed an original probationary period with the State of Vermont to be eligible for administrative appointment to a permanent, classified position. This applies to exempt employees who are not eligible for administrative appointment in the classified service unless they were previously classified employees and completed original probation.
- b. Prospective only: An administrative appointment will not be processed retroactively.
- c. Minimum qualifications: The candidate for promotion must meet the minimum qualifications for the higher level position.
- d. RIF clear: Any vacant classified bargaining unit position which management intends to fill must first be offered to employees with mandatory reemployment rights. However, management has

the right to first fill vacancies administratively, so long as such actions produce a different vacant bargaining unit position which management intends to fill and therefore is RIF-cleared.

- e. Administrative appointments can be made only within a department and cannot be used to fill vacancies with an employee from another department.

► Responsibilities & Process for Administrative Appointment

Hiring Manager

To make an administrative appointment, the hiring manager must submit to the AHS HR Unit a memo or other documentation signed or approved by the appointing authority (or designee) which:

- ✓ details the action to be taken (employee, position number and title, effective date);
- ✓ delineates the qualifications of the employee selected for consideration and how the employee qualifies for an administrative appointment; and,
- ✓ briefly states the rationale for the promotion and the reasons for not filling the vacancy through a recruitment process.

AHS HR Unit

The AHS HR Unit will:

- a. verify that the employee meets minimum qualifications for the higher level position (a resume or application may also be required from the candidate);
- b. verify that the circumstances warrant and qualify for an administrative appointment; and,
- c. process the action.

b. Lateral and downgrade

Administrative appointment applies only to promotions. This process may not be used for lateral reassignments to positions in the same pay grade or downgrades. Unless they are the result of disciplinary or corrective action, such reassignments must occur either through the classification review process or a competitive recruitment process. These processes have different pay implications and any questions or concerns should be discussed with the AHS HR Unit.

ELIGIBILITY AND INTERVIEWING

5. Eligibility for Employment in the United States

Federal law requires employers to verify that applicants are authorized to work in the United States if hired. The documentation that may be accepted as proof of this eligibility is detailed on the federal I-9 form and may be referenced with Personnel Policy #4.4. The I-9 is typically completed by either the AHS HR Unit or the hiring manager (depending on the employee's work location) at the time that other initial paperwork is completed to place the employee on payroll.

Special Note for Hiring Managers regarding Visas

Occasionally, applicants will seek employer-sponsored documents to work in the United States. There are several types of Visa that an employer may request to obtain authorization for a prospective employee to work in the United States. Most of these require approval prior to the applicant actually beginning work. Certification is also required from the Department of Labor to document that there are insufficient qualified U.S. workers available and willing to perform the work at wages that meet or exceed the prevailing wage paid for the occupation in the area of

intended employment. One of the more common types of employer-sponsored visas is the H1-b, which is a temporary visa that is usually valid for six years.

Employer-sponsored visas require a lengthy process and require an assumption of risk and costs by the employer that cannot be transferred to the applicant. This is a specialized and complex area of employment law. Due to the resources required, any hiring manager considering an employer-sponsored visa would not be able to expect the AHS HR Unit to complete all of the documentation required and would need to be prepared to devote added time and resources to complete this process.

When a potential applicant asks if the agency/department will sponsor a visa for a particular position, the applicant should be informed that we do not currently hold a Labor Certification and that any decision by a hiring manager to pursue an employer-sponsored visa would be contingent on an assessment of the recruitment history of the position and consultation with the AHS HR Unit. The individual circumstances of applicants seeking employer-sponsored visas will vary and all should be encouraged to apply and will be considered on their individual merits.

6. Screening

State of Vermont job applications are submitted electronically through a web-based system called eRecruit, managed by the Department of Human Resources (DHR). This system is an employee self-service feature of Vision-HR, the State's personnel management database. Employees and external applicants select the jobs for which they will apply and answer questions to determine whether or not they meet the minimum qualifications for the position. There is no manual personnel process in place to review all applications submitted and determine whether each applicant is eligible for a position or to verify information provided on applications, such as education or employment history. As long as the application itself is sufficiently complete to provide a basis for verifying the applicant's responses, no other review is conducted and the application is routed to the hiring manager on the basis of the applicant's responses. In this process, it is possible for applicants to be routed who do not actually meet the minimum qualifications for the position. The hiring manager determines who is qualified for an interview and final selection.

► Responsibilities for screening applicants

Hiring Manager

No applicant should be selected for an interview who does not meet the minimum qualifications.

The hiring manager is responsible to:

- a. know and apply the minimum qualifications for the position being filled;
- b. to screen applicants in the process of selecting candidates to interview; and,
- c. obtain technical assistance from the AHS HR unit as needed .

AHS HR Unit

The AHS HR Unit will assist managers who have questions as to whether particular candidates meet the minimum qualifications for the position.

7. Interviewing

All applicants referred to the hiring manager must be considered, however the hiring manager may choose to interview only those applicants who appear to most closely match the job's requirements, together with any mandatory interviews that may be identified.

a. Mandatory Interviews

The Department of Human Resources has a process by which any applicant with a qualifying disability may request mandatory interview status. If this accommodation is approved, the name will be marked on the referral list as having mandatory interview status and the applicant must be offered an interview if s/he meets the minimum education and experience qualifications of the position. If the applicant requires accommodation in the interview process, he or she will communicate this directly to the hiring manager at the time the interview is scheduled. The AHS HR Unit will provide technical assistance to hiring managers as needed.

b. Agency Applicant Interview

The State of Vermont operates under merit system principles as defined in Title 3 of the Vermont Statutes and detailed extensively in the State's Rules & Regulations and Personnel Policies. The merit system encourages fair and equitable treatment of all employees and promotes a concept of career service based on performance. Accordingly, 3 VSA Sec 327 provides: "When a vacancy in the classified service occurs, the appointing officer shall make a diligent effort to recruit an employee from within the classified service to fill the vacancy."

INTERVIEW PREFERENCE

Special Note: *The consideration of preference to agency applicants in extending interview invitations should not be construed as establishing preference in hiring and selection.*

When the recruitment is open to external applicants (open-competitive), preference in selecting candidates for interviews should be given to agency applicants, as well as other state employees. This preference may be implemented by:

- extending an interview invitation to all qualified and eligible agency applicants; or,
- by using an interview selection tool that gives credit for an applicant's agency and state service in combination with his or her job-related education and experience.

If a classified employee has been previously interviewed for a vacancy in the same job class and reapplies, the hiring manager should use discretion in determining whether or not a further interview will be appropriate.

EVALUATION RECORD

The Rules & Regulations (#11.01) state: "As far as practicable and feasible, a vacancy shall be filled by promotion of a qualified employee based upon individual performance, as evidenced by recorded performance evaluation reports, and capacity for the new position." When interviewing a state employee, hiring managers must ask the applicant to bring a copy of his or her most recent performance evaluation(s) to the interview and must consider this information in the final hiring decision. If the applicant does not provide the prior evaluation(s), the hiring manager must obtain the information from the AHS HR Unit.

The evaluation record is only one of several factors to be considered when making decisions regarding interviewing or hiring. Other factors to consider include, but are not necessarily limited to such issues as education, experience, assessment of the personal interview, references, and writing samples or test scores, if applicable.

c. Not on list

The only applicants who can be hired for a position are those who are actually on the referral list. No hire will be processed without verification by the AHS HR Unit that the applicant was specifically referred for the position being filled.

► Responsibilities for Interviewing

Hiring Manager

- a. Be able to document why only certain applicants were selected for interviews and be prepared to show what screening factors were used and how they relate to the job.
- b. Provide an interview to all candidates on the applicant list marked as “mandatory interview”.
- c. Give preference to agency applicants in the selection of candidates to interview.
- d. Consider prior performance evaluation(s) in the interview process.

AHS HR Unit

- a. Provide technical assistance in developing rating tools to assist hiring managers in documenting the selection of candidates for interview.
- b. Provide copies of evaluations upon request.
- c. Verify that the candidate hired for a position properly applied.

SELECTION & HIRING

8. Selection

It is the policy of the State of Vermont to actively recruit and select the most qualified persons to fill positions in the classified service. Hiring managers are required to make a diligent effort to recruit employees from within the classified service. However, there is no requirement that requires a vacancy to be filled by a state employee. State Personnel Policies and DHR’s “Guide to Interviewing & Reference Checking” (<http://www.vermontpersonnel.org/htm/pdf/interviewguidedoc.pdf>) provide detailed instructions for hiring managers to establish and document job-related selection processes that will result in effective and supportable hiring decisions.

9. Reference checking

Special Note: See the *Agency Standard on Background Checks* for more information on this stage of the selection process.

Reference checks are required prior to a final offer of employment and are the responsibility of the hiring manager, following the guidelines detailed in the “Guide to Interviewing & Reference Checking”. As described in the guide, reference checks are not used as the basis for deciding who to hire. Rather, the reference checks are to verify information provided in the application or interview and to identify critical facts that indicate a candidate should not be considered further for the position.

It is acceptable to make a conditional offer of employment prior to checking references, particularly in those cases where a candidate is concerned about contact with the current employer if he or she is not under serious consideration for the State position.

Although not prohibited, it is not recommended to conduct reference checks on all candidates; rather the process should be limited to the finalist(s). If reference checks are conducted for any candidate prior to selection of the finalist(s), then they should be completed systematically for all candidates.

10. Hiring of relatives

The State of Vermont Personnel Policies (#5.2) provide strict rules for avoiding actual or perceived conflicts of interest in employment and a waiver from DHR is required before an incumbent employee's household member, relative or household member's relative may be hired, transferred, demoted or promoted in the same department. This restriction applies to classified, exempt, and temporary employment and to the employment of contractors. A request for a waiver of a potential conflict of interest must be processed and approved before any final offer of employment can be made.

► Responsibilities & Process for Hiring Relatives

Hiring Manager

- a. Ask about potential conflict of interest during the interview process.
- b. Where there is a potential conflict, make any offer of employment conditional on approval of the required waiver.
- c. Forward the waiver request through the AHS HR Unit.

AHS HR Unit

- a. Provide technical assistance in completing and evaluating the written request, including information regarding the implications of the request.
- b. Forward to DHR.
- c. Notify the hiring manager when approval is given.

11. Hire-into-range

Hire-into-range is administered under the provisions of Personnel Policy #12.2. It provides a process to obtain approval for hiring external applicants above the established starting rate of pay for a position (step 1 or an adjusted hire step). These provisions do not apply to applicants who permanent status, classified employees. Under no circumstances should a hiring manager offer more than the starting rate of pay without the express approval of the Department of Human Resources. Likewise, if there is a hire-into-range request pending, the employee may not start work until the process is complete. Circumvention of this process will adversely impact the request.

► Responsibilities & Process for Hire-Into-Range

Hiring Manager

- a. Prepare the written request to hire-into-range using the template provided by the AHS HR Unit.
- b. Obtain signatory approval of the Commissioner or Deputy of the department before the request is forwarded to the Secretary's office for approval.
- c. Forward the request through the AHS HR Unit.

AHS HR Unit

- a. Provide technical assistance in completing and evaluating the written request, including information regarding the implications of the request.
- b. Forward to the Secretary's office and then to DHR.
- c. Notify the hiring manager when or if approval is given.

12. Approval of Exempts/Designated Managers

The appointment of personnel to an exempt position or to a classified position designated as being "managerial" results in the placement of an individual into a senior management/ policy making position within our agency. The responsibilities associated with these positions warrant careful consideration of all candidates, and the actual appointment should be the result of a collaborative effort between the department/office head and the Agency Secretary. Finally, requests to place candidates above the entry level salary for the position can be approved only by the Commissioner of Human Resources upon the recommendation of the Agency Secretary.

► Responsibilities & Process for hiring Exempt Staff or Designated Managers

Department:

An appointing authority shall:

- a. Provide written notice (memo or email) to the Secretary's Office of the intended appointment, including:
 - ✓ Subject position
 - ✓ Pay grade (if the position is assigned to the classified pay plan)
 - ✓ Location
 - ✓ Brief statement of rationale for proposed selection
- b. Attach a copy of the proposed candidate's application and/or resume.

Agency:

The Secretary shall review the request, take appropriate action, and notify the requesting authority and AHS HR.

13. Communicate with applicants

Each job opening is an opportunity to present the Agency as an employer of choice and each hiring manager is the Agency's ambassador in that effort. Applicants should be encouraged to continue to pursue employment with us, even if not selected for the current position. All communication with applicants must represent the Agency as a responsive and effective employer. Applicants should be informed in a timely and respectful manner of the status of their application for a specific position. Failure to communicate with applicants, or inconsiderate communication, adversely impacts the reputation of the Agency as a desirable employer. Sample letters are available on the Department of Human Resources website or from the AHS HR Unit.

► Responsibilities for Communication with Applicants

Hiring Manager

- a. Communicate in a timely manner with all applicants regarding the status of the hiring process and the consideration of their applications, whether selected for an interview or not.

- b. Put the offer of employment in writing, confirming the details of the offer, including compensation, start date, and work location.

14. Signed application

Because applications are now submitted electronically, the hiring manager must obtain the applicant's signature on the application either at the time of the offer/hire or during the first week of employment. The signed application must then be forwarded to the AHS HR Unit for inclusion in the employee's official personnel file.

COMPLIANCE:

Adherence to these procedures is a shared responsibility of the AHS HR Unit, Appointing Authorities, and hiring managers.

ENFORCEMENT:

The AHS HR Unit will administer these procedures through its internal processes.