

HIRING

Application: Full-time and part-time classified employees.

POLICY

It is the policy of the Commonwealth to prohibit discrimination on the basis of race, sex, color, national origin, religion, age, veteran status, political affiliation, genetics, sexual orientation, gender identity, or disability in the recruitment, selection and hiring of its workforce.

PURPOSE

The purpose of this policy is to provide guidelines for an efficient and consistent competitive hiring process that promotes equal employment opportunity and a highly effective workforce.

GENERAL PRINCIPLES

The following principles apply to all aspects of this policy and for all procedures described herein.

A. Persons with Disabilities

When requested, agencies must provide reasonable accommodation throughout the hiring process to applicants with disabilities when such applicants are being considered for employment.

B. Equal Employment Opportunity

Each agency must take action consistent with Policy 2.05 - Equal Employment Opportunity, to ensure that its recruiting and hiring procedures are conducted without regard to race, sex, color, national origin, religion, age, veteran status, political affiliation, genetics, sexual orientation, gender identity, or disability.

AUTHORITY

The Director of the Department of Human Resource Management (DHRM) issues this policy and is responsible for the official interpretation of this policy pursuant to the authority provided in § 2.2-1201 of the Code of Virginia. DHRM reserves the right to revise or eliminate this policy as necessary.

The Virginia Personnel Act, Code of Virginia § 2.2-2900 *et. seq.* specifies that agency heads shall be the appointing authorities of their respective agencies and shall establish methods of personnel administration within their agencies.

Agencies may supplement this policy to accommodate specific business needs. Supplemental policies must be consistent with the provisions of DHRM policy and must be communicated to all agency employees.

RELATED POLICIES

Policy 1.45 - Probationary Period
Policy 1.55 - Return to State Service
Policy 2.05 - Equal Employment Opportunity
Policy 3.05 - Compensation
Policy 4.05 - Civil and Work-Related Leave
Policy 4.10 - Annual Leave
Policy 4.15 - Educational Leave
Policy 4.20 - Family and Medical Leave
Policy 4.25 - Holidays
Policy 4.30 - Leave Policies – General Provisions
Policy 4.35 - Leave Sharing
Policy 4.37 - Leave to Donate Bone Marrow or Organs
Policy 4.40 - School Assistance and Volunteer Service Leave
Policy 4.45 - Leave Without Pay – Conditional/Unconditional
Policy 4.50 - Military Leave
Policy 4.57 - Virginia Sickness and Disability Program
Policy 4.60 - Workers' Compensation
Policy 6.05 - Personnel Records Disclosure
Policy 6.10 - Personnel Records Management

ADMINISTRATIVE PROCEDURES

HIRING

A. Positions to be Filled

1. Initial Steps

Before posting agencies should:

- Analyze the vacant position and work to determine if any changes have occurred;
- Update the Employee Work Profile to reflect current duties and responsibilities;
- Determine the necessary and preferred knowledge, skills, and abilities (KSAs) or competencies for the position;
- Determine the appropriate hiring range for the salary;
- Determine if the position is assigned to the proper Role and make Role Changes as necessary;
- Identify any education qualifications required by law for the position; and
- Identify any bona fide occupational qualifications (BFOQs).

2. Determine Recruitment Options

Agencies may use one of these three options when conducting recruitment:

- a. **Agency Internal Recruitment:** Only the agency's current employees (i.e., classified, hourly, university, and excepted/non-covered) may apply.
- b. **State Employees Only:** Only current state employees (i.e., classified, hourly, university, and excepted/non-covered) may apply.
- c. **Open Recruitment:** All state employees and the general public may apply.

Agencies should select the recruitment option that best fits their needs before posting a vacancy. The decision should be based on factors such as the diversity of the agency's workforce and the availability of qualified applicants.

If initial recruitment does not result in an adequate applicant pool, agencies may reopen recruitment, and choose another option, as necessary.

3. Job Announcement Requirements

All job announcements must include an Equal Employment Opportunity statement and should state the scope of the position and knowledge, skills, and abilities (KSA) qualification requirements. All information in the job announcement must be job related. **Announcements must not specify a certain number of years of experience as a minimum qualification.** The following

elements *must* be included:

- a summary of job duties;
- any educational qualifications **required by law**;
- any bona fide occupational requirements (BFOQs);
- any occupational certification or licensing **required by law or accrediting body**;
- notification that a fingerprint-based criminal history check will be required of the finalist candidate for the position if it has been designated as sensitive under Va. Code § 2.2-1201.1;
- notification if applicants must provide conviction information as a final step in the application process for any positions that are subject to statutory employment restrictions (e.g., barrier crime convictions for staff providing direct care to residential clients);
- notification of the requirement for a pre-employment or conditional employment criminal background check for positions not designated as “sensitive” but that serve in an allied or support capacity where essential security precautions are necessary (e.g., staff that work in close proximity to residential clients, student dorms, secure areas housing critical infrastructure, sensitive data, etc.)
- notification that the selected candidate must complete a Statement of Personal Economic Interests as a condition of employment, if applicable (Va. Code § 2.2-3114);
- hours of work if less than 40 per week, with a note indicating whether health benefits are available;
- notification if the position is “restricted” or is funded only for a finite period of time.

Job announcements also *should* include:

- any preferred qualifications;
- any requirement or preference for related experience (but not specific years of experience);
- any educational preferences not required by law, **stated with a provision for substitution of equivalent applicable experience or training**;
- notice to applicants that they may be required to demonstrate the skills and abilities necessary for satisfactory performance of the work;
- information about conditions of employment such as shift schedule, work hours, requirement to maintain a home office or other mobile/remote work arrangements, travel frequency, full time/part time status, requirement for background check (for non-sensitive positions) and the extent of the background check, requirement for drug testing, etc.;
- number of positions being filled from the same applicant pool, if more than one;
- a salary hiring range;
- a statement clarifying what application options if any are acceptable, such as

resumes, faxes, etc.; and

- any other information regarding the application process that would be helpful to applicants.

4. Exceptions to Announcement Requirements

Announcements for all positions an agency intends to fill must be listed in the Recruitment Management System (RMS) for a minimum of five (5) consecutive workdays, not counting Saturdays, Sundays, and holidays, **except** in the following situations:

- positions to be filled through Agency Internal Recruitment, if there are procedures in place to inform all agency employees of such openings;
- vacant positions available as placement or recall opportunities for employees affected by layoff (see Policy 1.30 - Layoff);
- positions to be filled by agency-initiated demotions, employee-requested demotions, reassignments within the Pay Band, non-competitive voluntary transfers or temporary assignments (NOTE: Approval of employees' requests for non-competitive voluntary demotions or non-competitive voluntary transfers is at the discretion of the agency.);
- positions similar to a position that has been advertised (same Role, duties/work title, organizational unit, and geographic area/location) that become vacant or funded during the recruitment period or within 90 calendar days of the original position's closing date. (NOTE: For positions not listed in the RMS under this exception, agencies may consider only applications in the original applicant pool.)

5. Posting Options

Positions may be posted using:

- the Role title, an SOC title, a work title, or a combination of these; and
- the entire Pay Band, a partial Pay Band, no Pay Band, or the minimum salary only. Agencies must make salary offers to selected candidates within the hiring range posted. If agencies wish to offer a salary rate not within the posted salary hiring range, the position must be re-posted for a minimum of five days to note the revised hiring range.

Agencies may use one of the following three options for posting their positions. The choice should be based on factors such as the availability of qualified applicants, the number of positions to be filled, review of the agency's work force plan, and agency business needs.

a. Fixed Recruitment Period

Agencies may announce positions for a fixed period of time, such as one week, two weeks, etc. If this option is selected:

- a closing date must be specified in the announcement,
- all applications received by the closing date must be considered, and
- applications received after the closing date must not be considered.

b. Open-Until-Filled Recruitment

Positions may be posted with an open-until-filled statement. If this method is used, a statement must be included in postings indicating the date a position opened and that there is a five-day minimum posting requirement.

- Agencies may close positions after the five-day required posting period when a suitable pool of applicants has been generated.
- All applications received before the position has been closed in the RMS must be considered according to the same criteria.
- Applications received after the position recruitment has been closed may not be considered. These applicants should be notified that the position closed before their applications were received.

c. Continuous Recruitment

Agencies may use continuous recruitment for jobs with:

- a large number of employees;
- a high turnover or significant growth in the number of positions; or
- a history of lengthy or repeated recruitments due to difficulty in attracting qualified applicants.

Agencies must establish a time period for applications to remain active for the jobs for which continuous recruitment applies and notify applicants accordingly.

All applicants with active applications must be considered for each opening.

Agencies may terminate continuous recruitment at any time, but must submit notice to all applicants with active applications.

6. Applications for Employment

Individuals desiring to be considered for advertised positions must submit completed employment applications before the position closing date. Applications received after the closing date cannot be considered.

NOTE: Agencies may decide to consider a resume as an application if received by the application closing date. If resumes are accepted as applications, applicants may be required to complete a standard state application form during the hiring process.

7. Other Recruitment Sources

Agencies may use other recruitment sources, including internet job posting services and employment agencies; however, they are not authorized to pay related placement fees.

B. The Selection Process

Agencies should provide training, instruction or guidance in lawful selection and employment practices to employees and others who participate in the selection process.

1. Steps In The Selection Process

Agencies may either interview all applicants for a position or reduce the applicant pool by screening applications/resumes.

a. Screen Applications

The agency must screen applications according to the minimum qualifications established for the position. Additional screening to appropriate preferred job-related qualifications and veterans' preference may also be used. All criteria in any screening must be applied consistently to all applicants.

Agencies may request clarification and follow-up information from an applicant at any point in the hiring process.

b. Veterans

Consistent with the requirements of the Va. Code §§ 2.2-2903 and 15.2-1509, the veteran's military service shall be taken into consideration by the Commonwealth during the selection process, provided that such veteran meets all of the knowledge, skill, and ability requirements for the available position. Additional consideration shall also be given to veterans who have a service-connected disability rating fixed by the United States Veterans Administration. [Veterans Preference Policy Guide](#)

Additionally, if the position is filled using a scored test or examination, the grade or rating of an honorably discharged veteran must be increased by 5% or by 10% if the veteran has a service-connected disability rating fixed by the U.S. Veterans Administration.

c. Interviews Required

No person may be hired into a classified position without having been interviewed for the position. Although telephone interviews are not prohibited, it is strongly recommended that the candidate meet with the hiring authority before a job offer is made.

All scheduled interviews must be completed before a final selection decision and job offer are made. However, agencies are not required to reschedule interviews with applicants who are unable to be present at the scheduled interview.

Interviews may be conducted by:

- the hiring authority, or
- a person or panel of individuals designated by the hiring authority.

d. Selection Panels

When a selection panel is used, panel members should:

- represent a diverse population;
- become familiar with the basic responsibilities of the position for which they will interview applicants;
- normally (if classified employees) be in the same or a higher Role than the position being filled (unless they are participating as human resource professionals or individuals with a particular expertise required for the position);
- receive appropriate training, instruction or guidance on lawful selection before participation in the interview and selection process; and
- hold confidential all information related to the interviewed applicants and the recommendation or selection.

e. Interview Questions

A set of interview questions must be developed and asked of each applicant.

- Questions should seek information related to the applicant's knowledge, skills, and ability to perform the job.
- Questions that are not job related or that violate EEO standards are not permissible.
- Interview questions may not include questions about past criminal convictions.

Interviewers must document applicants' responses to questions to assist with their evaluation of each candidate's qualifications. This information should be retained with other documentation of the selection process. Documentation by interviewers is subject to disclosure to the applicant interviewed.

f. Reference Checks

Agencies should check references with the current and at least one former supervisor of the applicant who is the final candidate for the position. Reference information must be documented and retained with other recruitment and selection documents.

The reference check should attempt to obtain information such as the following:

- name and title of person giving reference;
- verification of employment dates;
- verification of position title;
- verification of position duties;

- verification of beginning and ending salaries;
- training completed;
- performance (work experience, KSAs, competencies);
- whether the employer would rehire the applicant; and
- verification of any license, certification or degree the applicant claims to possess.

Although the State Application for Employment contains a release statement through which applicants consent to verification of the information contained in the application and reference checks, agencies may obtain separate releases from applicants before requesting reference information. The sample format attached may be used (Attachment A), or agencies may develop their own release form. A separate release form is required for applicants subject to a fingerprint-based criminal history check. See further information below.

2. Background Checks

Agencies may require financial, credit, criminal, driving, or other background checks prior to employment for certain positions based on the nature of the positions.

NOTE: Certain types of background checks may require agencies to comply with the provisions of the Federal Credit Reporting Act.

a. Sensitive Positions

Va. Code § 2.2-1201.1 requires that finalist applicants for positions identified as “sensitive” must undergo a fingerprint-based criminal history check. Finalist candidates for these positions must:

- complete a release form separate from the state application form authorizing the agency to obtain the required information;
- submit to fingerprinting; and
- supply requested personal information to be used by the Department of State Police and the Federal Bureau of Investigation (FBI) in conducting the records checks.

Agencies with positions identified as sensitive must establish procedures for submitting the final candidate’s fingerprints and personal descriptive information to the Department of State Police.

Va. Code § 2.2-1201.1 notes that "sensitive positions" shall include those positions:

1. Responsible for the health, safety, and welfare of citizens or the protection of critical infrastructures;

2. That have access to sensitive information, including access to federal tax information in approved exchange agreements with the Internal Revenue Service or Social Security Administration; and
3. That are otherwise required by state or federal law to be designated as sensitive.

Positions should be designated in the Personnel Management Information System (PMIS) as sensitive (Y) or not sensitive (N) according to that definition.

b. Conditional Hiring

Agencies should determine whether candidates for some or all of their sensitive positions may be permitted to begin work before the results of the fingerprint-based criminal check are received. If this practice is adopted, agencies should:

- issue offer letters specifying that the offer is contingent on receipt of an acceptable criminal history report and that the employee can be immediately terminated based on information obtained from that report; and
- restrict employees from performing the sensitive portions of the job and/or provide additional supervision during this time.

c. Current Employees

Current employees, including current hourly employees, who transfer or are promoted into sensitive positions, will be subject to a fingerprint-based criminal history check. Information obtained through that check may or may not affect the employee's ability to remain in the current position, depending on the relevance of the information to the position.

- If information obtained through a valid fingerprint-based criminal history check would disqualify the employee from his current position, the agency is obligated to take appropriate action, up to and including termination.
- If the employee in question works for another state agency, the agency with the information should contact the Office of the Attorney General for advice.

C. Positions that are Difficult to Fill

Several Exceptional Recruitment Incentive Options are available to assist agencies in their recruitment efforts when they fill positions in Roles and/or Career Groups that are:

- deemed critical to the agency's mission and ongoing operations; and
- extremely difficult to fill.

These practices apply to new hires to state government (recruitment) and current employees (retention). (See Policy 3.05 – Compensation)

1. Exceptional Recruitment Incentive Options

These options include:

- a Sign-On Bonus;
- awards of Annual Leave; and
- a Referral Program.

a. Coordination of Options

Before Exceptional Recruitment Incentive Options may be offered, each agency must coordinate the offer with the appropriate Cabinet Secretary and notify DHRM **before** implementing options. A formal written agreement, which includes requirements for satisfactory performance, must be executed with each employee outlining how repayment will be made if the terms of the agreement are not met. (See Policy 3.05 - Compensation.)

b. Attorney General Approval of Agreements

Agencies may use any, all, or none of the Exceptional Recruitment Incentive Options and may impose additional requirements or stipulations for the use of Exceptional Recruitment Incentive Options beyond the guidelines described below, as they determine appropriate for their circumstances.

A formal written agreement including requirements for satisfactory performance and duration of employment must be executed with each employee. The agreement must also outline repayment terms if the agreement is not met. (See Policy 3.05 - Compensation.)

A prototype of the agreements the agency will use must be reviewed and approved by the Office of the Attorney General (OAG) before an agency enters into any agreement for an Exceptional Recruitment Incentive Option. Substantive changes require OAG approval.

2. Sign-On Bonus

Agencies may offer a Sign-On Bonus of up to \$10,000 to new employees who accept employment in positions, Roles and/or Career Groups that are identified as extremely difficult to fill and which are deemed critical to the agency's operation and mission.

The new employee must agree to work for the Commonwealth and remain with the employing agency for up to one year. Agencies must establish a schedule of payment providing, at the agency's discretion, either one lump sum payable at hiring or two or more payments

3. Annual Leave

Agencies may provide up to 30 days (240 hours) of annual leave in addition to the normal accrual or may advance up to 30 days (240 hours) of annual leave to new employees as an incentive to accept employment.

If offered, agencies should negotiate the exact amount of annual leave that will be provided or advanced to the new employee before employment begins, and include in the employment offer the amount of annual leave to be provided or advanced. (See Policy 3.05 - Compensation.)

4. Referral Program

Agencies may institute Referral Programs that provide payments of up to \$1,500 to their employees who refer candidates who are hired into critical positions, Roles, or Career Groups. (See Policy 3.05 for procedures for implementing Referral Programs.)

The hiring agency is responsible for applying its referral programs consistently and for the decision to pay for a specific referral.

To be eligible to receive payments through a Referral Program:

- the referred candidate must be external to the Commonwealth's workforce and must not have had an active application on file with the agency prior to the referral;
- the referring employee must submit written notification of the referral with the application/resume;
- the agency's Human Resource Office must validate the referral in writing; and
- the referring employee must be employed and working at a state agency to receive any referral payment.

Hiring managers/supervisors and agency recruiting staff are not eligible for participation in the agency referral programs.

The hiring agency bears the cost of the referral payment. (See Policy 3.05 - Compensation.)

- The agency may determine the payment schedule for referral payments. For example, the agency may decide to pay the referring employee in one lump sum after the new employee has successfully completed the probationary period, or the agency may decide to divide the total into two payments: one when the new employee begins and the second payment when the probationary period is completed successfully.
- Payments should be made within one year of the hire date.

NOTE: In cases where referrals were made by employees of other agencies, the agency should forward information supporting the referral payment, along with

the funds for the payment, to the fiscal office of the referring employee's agency. Payment then is made to the employee from these funds.

D. Hiring or Selection

Individuals are employed according to the provisions of the Virginia Personnel Act and/or applicable personnel policies and not according to any contract, either expressed or implied, or for a particular period of time.

1. Employment Offer Letters

Employment offer letters should:

- avoid implying a contract or guarantee of employment for a particular period of time (e.g., use term “classified” rather than “permanent” or “continuing”);
- state the salary as a pay period amount, from which an annual amount can be computed;
- describe any conditions of employment, including restricted status;
- state the probationary period, if appropriate (See Policy 1.45 - Probationary Period);
- explain any required certification or training period that might apply; and
- include notification of the I-9 and E-Verify requirements.

2. Reporting Filled Positions to RMS & PMIS

Agencies must immediately report the filling of all positions to the RMS and Personnel Management Information System (PMIS).

3. Dual Incumbency

Agencies may hire an individual into a position that currently is filled by another employee in cases when:

- the current employee is separating and a period of time is needed for orientation of the new employee, or
- the current employee is on leave and a separation date has been established.

Normally, agencies are authorized to allow two employees to occupy the same position for up to 30 days; however, if agency needs require, the period may be extended with approval of the Agency Head or designee for up to 90 days.

E. Other Employment Requirements

Before an applicant is eligible for employment with the Commonwealth, several records must be reviewed or verified. This information is considered part of the application process and, as with information contained on the application form, if it is later discovered that an applicant falsified any information related to his or her employment, the employee may be terminated.

1. Employment Eligibility/I-9

As required by the Immigration Reform and Control Act of 1986, agencies must verify the employment eligibility status of all persons hired. Form I-9 must be completed for each newly hired employee, including agency transfers, within three (3) days of hire. I-9 forms must be retained in a file separate from the personnel file and in accordance with I-9 retention schedules.

2. E-Verify

Agencies must comply with requirements of the E-Verify system in confirming the eligibility of new hires and re-hires to work in the U.S. New hires and re-hires must present the appropriate documentation in a timely manner to comport with requirements of the E-Verify system.

3. Child Support Inquiries

To conform to the intent of Va. Code §§ 20-79 and 63.1-250, agencies must ask each new employee to disclose whether he or she has an income withholding order to pay child support. If the employee discloses that he or she owes child support that is required to be withheld, the agency shall report to the Department of Social Services and begin with-holding according to the terms of such order.

4. Selective Service

Pursuant to Va. Code § 2.2-2804,

Any person who has failed to meet the federal requirement to register for the Selective Service shall be ineligible for employment by or service for the Commonwealth, or a political subdivision of the Commonwealth, including all boards and commissions, departments, agencies, institutions, and instrumentalities. A person shall not be denied employment under this section by reason of failure to present himself for and submit to the federal registration requirement if: (i) the requirement for the person to so register has terminated or become inapplicable to the person and (ii) the person shows by a preponderance of the evidence that the failure of the person to register was not a knowing and willful failure to register.

Applicants who have not registered as required by Va. Code § 2.2-2804 must present verification from the Selective Service System that they have met the requirements of the Code Section.

5. Domestic Violence Conviction

Pursuant to *United States Code*, Title 18, section 922(g)(9), anyone who has been convicted of a misdemeanor crime of domestic violence may not possess any firearm or ammunition. Agencies must ensure that they ascertain information about applicants' convictions for domestic violence before they are employed in positions that require or authorize carrying a firearm.

6. Statements of Personal Economic Interests

Certain employees of the Commonwealth must submit statements of economic interests in accordance with Va. Code § 2.2-3114. Agencies must inform newly hired employees of this requirement and submit forms for new employees as required.

F. Completing the Hiring Process

Once a candidate has accepted an employment offer and a start date has been set, the agency should provide information such as:

- where, when and to whom to report;
- parking and building access data;
- materials or information needed on the first day, such as a list of acceptable documents needed to complete the I-9 form; and
- benefits information and information concerning decisions that will need to be made shortly after beginning employment.

1. Orientation Program

Agencies are encouraged to provide an orientation program for all new and re-hired employees within a reasonable time of their employment dates. This orientation should include:

- a complete explanation of employee benefits, including leave types, payroll options, and insurance choices;
 - This explanation must note that new hires/re-hires are ineligible for disability benefits under the Virginia Sickness & Disability Program (VSDP) during their first year of service. Agencies should encourage employees to consider options for acquiring personal disability insurance during this period.
- information about the agency and its mission;
- agency practices regarding telework and alternate work schedules;
- policies and requirements governing employee rights and behaviors; and
- other features of employment with the Commonwealth and with that agency.

G. Compensation and Employee Benefits

Employees' compensation upon hire will be established according to the Starting Pay provisions of Policy 3.05 - Compensation and the agency Salary Administration Plan and must be appropriately documented.

Each agency should provide information about the employment benefits to prospective employees and present complete information about these benefits to new employees

Agencies should advise new employees of any planned furloughs.

1. New Full-Time or Quasi-Full-Time Employees (Original Appointments)

Newly hired full-time classified employees are eligible to receive the following benefits:

- various forms of leave (see Policies 4.05 - Civil and Work-Related Leave, through 4.50 - Military Leave);
- sick leave credits, family and personal leave credits, and Workers' Compensation benefits (see Policy 4.57 - Virginia Sickness and Disability Program, and Policy 4.60 - Workers' Compensation);
- delayed eligibility for VSDP disability benefits
- health insurance;
- life insurance; and
- retirement benefits.

Optional benefits include, but may not be limited to:

- deferred compensation; and
- optional life insurance.

2. New Part-Time Employees (Original Appointments)

Newly hired part-time classified employees are eligible to receive the following benefits:

- various forms of leave, with some types prorated to match the work schedule (see Policies 4.05 - Civil and Work-Related Leave, through 4.50 - Military Leave);
- sick and family and personal leave credits at amounts set for part-time employees and Workers' Compensation benefits (see Policy 4.57 - Virginia Sickness and Disability Program, and Policy 4.60 - Workers' Compensation);
- delayed eligibility for VSDP disability benefits
- life insurance; and
- retirement benefits.

Optional benefits include, but may not be limited to:

- deferred compensation; and
- optional life insurance.

3. Re-Employed Full-Time, Quasi-Full-Time, or Part-Time Employees

Re-employed classified employees are eligible to receive the benefits as described above, based on their full or part-time status. They will receive credit for past service with the Commonwealth for purposes of:

- their annual leave accrual rate (see Policy 4.10 - Annual Leave); and
- the leave credits they receive through the Virginia Sickness and Disability Program as described in Policy 4.57 - Virginia Sickness and Disability Program.
- delayed eligibility for VSDP disability benefits

EXCEPTION: Former employees of the Commonwealth will not incur a break in service if:

- they are hired following a period of separation from state service that does not exceed 30 calendar days; **and**
- the separating agency agrees to amend the record to reflect a leave without pay instead of a separation (see Policy 1.70 - Termination/Separation from State Service).

Further information relating to re-employment can be found in Policy 1.55 - Return to State Service.

H. Selection Records

1. Retaining Records

The following records must be maintained confidentially for a period of at least three (3) years from the date the position is filled.

- Position description
- Records related to recruitment efforts
- Copies of advertisements
- Employment applications
- Race and gender data on all applicants (NOTE: If information not provided by applicant, record race and gender data as “unknown.”)
- Screening and selection criteria applied
- Interview questions and notes on applicant responses
- References
- Any documentation supporting selection or addressing non-selection
- Documentation supporting the salary determination (retain indefinitely).

2. Destroying Records

Records must be retained and/or destroyed in accordance with the guidelines established by the Library of Virginia. Agencies that are uncertain about the procedures or guidelines should contact the Library of Virginia.

3. Retaining or Destroying Fingerprint-Based Criminal History Information

Agencies should develop practices for retaining or destroying fingerprint-based criminal history data appropriately. FBI regulations require that once a fingerprint-based criminal history report has served the purpose for which it was obtained, it must be destroyed by shredding or pulping. Criminal history reports should **not** be kept in an employee's personnel file.

Agencies are advised to retain the fingerprint-based criminal history report in a locked, separate file during the hiring process, to destroy the report after a hiring decision is made, and to retain a brief note regarding the outcome in a confidential portion of the recruitment file.

- For the applicant rejected because of background information, the note should indicate that this applicant was the preferred choice based on qualifications, interview, etc., but did not receive an offer (or had a conditional offer retracted) because of information obtained through a criminal records check
- For the person hired, the note should indicate that as of mm/dd/yy, a criminal records check revealed no problem areas related to this employment. Agencies may elect to keep a copy of this brief note also in a confidential section of the personnel file.

Applicants have access to certain information about the selection process, including:

- position descriptions for advertised positions;
- results of the screening of their applications;
- reference data or recommendation letters, (except that confidential letters and statements of recommendations in the records of educational institutions may be withheld); and
- notes interviewers make during their interviews, which agencies may choose to provide in a way that protects the identity of the individual who made the notes.

Applicants **DO NOT** have access to information related to the selection process that identifies other applicants.

GLOSSARY

Active Application Period

The period of time during which an application for a specific position under recruitment by an agency may be considered.

Application Closing Date

The last date that a state application can be received by the recruiting agency in order for the applicant to be

considered for the recruited position. The application must be received on that date by 11:59 pm or other time specified by the agency in the posting notice.

Applicant Pool

All persons who apply by the application closing date for a specific position for which an agency is recruiting.

Background Check

Review of an individual's work and personal history to determine if a candidate is suitable for certain positions. Depending upon the nature of the position for which the candidate is being considered, types of background checks that may be conducted include:

- academic record and verification of licenses and certifications,
- employment history, including references,
- financial history,
- credit reports,
- criminal history,
- driving record,
- a fingerprint-based criminal history report, and/or
- other records or information related to the candidate's suitability for the position.

Bona Fide Occupational Qualification ("BFOQ")

An exception to the restrictions of Title VII of the Civil Rights Act (1964) regarding discrimination on the basis of sex, religion, and national origin that, under certain conditions, legitimately may require an employer to require an individual of a specific sex, national origin or religious affiliation to staff a certain job.

Competencies

The knowledge, skills and underlying behaviors that correlate with successful job performance and positively impact the success of the employee and the organization. Competencies emphasize the attributes and activities that are required for an organization to be successful. Competencies may be behavioral or technical.

Continuous Recruitment

A method of recruiting that allows agencies to receive and consider applications on an ongoing basis for those positions for which vacancies constantly exist or frequently recur.

Disability

An individual is considered to have a disability if that individual either (1) has a physical or mental impairment which substantially limits one or more of his or her major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

Dual Incumbency

Hiring a candidate into a position that is occupied by another employee for a short period of time, normally 30 days or less:

- to allow for a period of orientation for the new employee before the current employee separates; or
- when the current employee is on leave (with or without pay) and a separation date has been established.

E-Verify

E-Verify is an Internet-based system that compares information from an employee's Form I-9 (Employment Eligibility Verification) to data from U.S Department of Homeland Security and Social Security Administration records to confirm that an employee is eligible to work in the United States.

E-Verify is administered by the U.S. Department of Homeland Security, USCIS - Verification Division, and the Social Security Administration.

Exceptional Recruitment and Retention Incentive Options

Options that may be used to attract and retain qualified individuals when there are significant recruitment and retention problems for positions that are critical to the agency's mission and ongoing operations. (Refer to Policy 3.05 - Compensation.) The options related to hiring are sign-on bonuses, annual leave, and payment for referral.

Fair Credit Reporting Act

A federal law that protects the privacy rights of individuals. Information obtained through certain background checks or investigations may be subject to the Fair Credit Reporting Act (FCRA).

Hiring Authority

The individual making the hiring decision.

Job Announcement

A statement, posting notice, or advertisement that a position is to be filled.

Knowledge, Skill, Ability ("KSA")

A component of a position's qualification requirements, based in part on definitions in the federal "Uniform Guidelines on Employee Selection Procedures," found in volume 29 of the Code of Federal Regulations at Part 1607, section 16.

- **Knowledge**
A body of information applied directly to the performance of a function. It usually is information of a factual or procedural nature that makes possible adequate performance of the work.
- **Skill**
A present, observable competence to perform a learned psychomotor act.
- **Ability**
A demonstrated competence to perform observable behavior, or a behavior that results in an observable product. Ability denotes current competence in doing specific job content actions; it does not denote a person's capacity to acquire this competence, nor can it be inferred from years of experience. Those involved in the hiring process should take care not to confuse an ability, which is currently demonstrable, with an aptitude, which is the potential for acquiring an ability.

Office of Equal Employment and Dispute Resolution

The office within the Department of Human Resource Management that assists state agencies, employees, and applicants for employment with equal employment issues.

Open-Until-Filled Recruitment

A method of recruiting for hard-to-fill positions that allows agencies to receive and consider applications without deadline until the position has been filled.

Reasonable Accommodation

Modifications or adjustments in a work site, program or job that make it possible for a qualified employee with a disability to perform the tasks or duties required by the position or for an applicant to progress through the hiring process.

RECRUITMENT MANAGEMENT SYSTEM (RMS)

The automated system that identifies, publicizes, and accepts applications for positions covered under the Virginia Personnel Act for which the Commonwealth is actively recruiting.

Recruitment

The process by which an agency seeks qualified candidates by posting or advertising a position that the agency intends to fill through a competitive selection process.

References

Information obtained from former employers, supervisors, co-workers or others regarding a candidate's work performance or behavior. This information is used by the hiring agency along with other information collected during the hiring process to determine the candidate's suitability for the advertised position and, ultimately, to determine which candidate is best suited for employment.

Screening

The process of evaluating the qualifications of individuals in an applicant pool against established position qualifications to determine:

- which applicants in the pool meet minimum qualifications; and
- which of the qualified applicants an agency wishes to interview.

Selection

The result of the hiring process that identifies the applicant best suited for a specific position.

Selection Panel

The group of individuals (two or more) that interviews job applicants for selection or for referral to the hiring authority for selection.

Sensitive Position

A position designated by the agency as directly (i) responsible for the health, safety and welfare of the general populace or protection of critical infrastructures, (ii) that have access to sensitive information, including access to Federal Tax Information in approved exchange agreements with the Internal Revenue Service or Social Security Administration; and (iii) that are otherwise required by state or federal law to be designated as sensitive." for which a criminal history, including fingerprinting, must be obtained for the final candidate from the Federal Bureau of Investigation through the Department of State Police (Va. Code § 2.2-1201.1).

Veteran

Any person who has received an honorable discharge and has (i) provided more than 180 consecutive days of full-time, active-duty service in the armed forces of the United States or reserve components thereof, including the National Guard, or (ii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs. (See Va. Code § 2.2-2903 [D].)