

HUMAN RESOURCES MEMORANDUM 14-011		DATE ISSUED: August 19, 2014
SUBJECT: Best Hiring Practices		REFERENCE: PML 2014-020
TO: DGS Supervisors and Managers		SUPERSEDES: None

PLEASE ENSURE THAT THIS INFORMATION IS SHARED WITH YOUR EMPLOYEES

Purpose

This Policy Memorandum sets forth best hiring practices designed to ensure that departments select the most qualified candidates following a fair and rigorous hiring process. This guidance provides an overview of the hiring process with links to informational resources and tools to assist hiring authorities in every phase of the process. In concert with this policy, the California Department of Human Resources (CalHR) has training available and listed on the current fiscal year training calendar that provides more detailed direction and resources in an interactive setting.

Throughout the hiring process, departments should work closely with their respective Human Resources Office (HR), Equal Employment Opportunity Office (EEO) and legal offices to ensure compliance with applicable laws and rules, internal department processes, and provisions of relevant bargaining contracts.

Duty Statement

Creating the duty statement is the first critical step of any hiring process. The hiring authority must prepare a detailed and accurate duty statement for the vacant position for which it is hiring. An accurate and thorough duty statement provides potential candidates with a clear description of the position, and also identifies essential and non-essential tasks and duties that are consistent with and appropriate for the classification specification. CalHR has developed the [Virtual Help Desk for Supervisors and Managers](#), which provides detailed guidance about how to create an accurate duty statement.

Duty statements are critical because they identify the position qualifications, additional desirable qualifications, working conditions, and the reporting relationships. Even after the hiring process is complete, supervisors are responsible for maintaining accurate and up-to-date duty statements for each position. An accurate duty statement is also the hiring authority's first opportunity to establish the business justification for a background check, drug testing, credit check, or more extensive interviews that may be required. For example, because law enforcement positions often involve work of a very sensitive nature and securing the safety of others, almost all law enforcement positions will require some form of background check.

Therefore, it is critical that duty statements for law enforcement positions clearly identify the sensitive and safety related tasks that establish justification for conducting a background check.

Best Practice: Create a duty statement which provides a clear description of the position and identifies essential and non-essential tasks consistent with, and appropriate for, the classification specification [see the [Department of Rehabilitation's Employment Today presentation on Duty Statements](#)].

Advertisement

Positions are generally advertised for a minimum of 10 working days on CalHR's website through a [Job Opportunity Bulletin \(JOB\)](#). Departments may also advertise their positions on their internal and external websites. The 10-day minimum is consistent with the 10-day requirement for posting of examination bulletins as found in the Merit Selection Manual Section 3300.

The JOB should include a description of the duties, working conditions, desirable qualifications, and any other job related information. For example, if the position requires a background check it must be referenced in the JOB. Providing all the relevant information regarding the position in the JOB will assist candidates in determining whether they meet the minimum qualifications, and if they are able to perform the duties with or without reasonable accommodation.

Best Practice: Advertise vacant positions for 10 working days and include, at a minimum, a description of the duties, working conditions, desirable qualifications, and any other job related information.

Application Screening Process

Departments may direct applicants to submit the application either to HR or to the hiring supervisor. Regardless of who receives the application first, both HR and the hiring supervisor play a critical role in the screening process and should work collaboratively to review the application to ensure that the applicant has the necessary education, work experience, and licenses or certificates required for the position.

Before applications are reviewed, the hiring supervisor should develop job related screening criteria that directly relate to the minimum qualifications and the duties of the position.

In addition, HR reviews the application to ensure the candidate has list, transfer, or some other form of eligibility for appointment to the position. HR is ultimately responsible for determining if the applicant meets the minimum qualifications for the position and has eligibility for appointment. In some cases, HR will need to request additional information, which may include documents, to determine if the candidate meets the minimum qualifications and has eligibility.

HR will also inform the hiring supervisor if an applicant must be given priority due to SROA/Surplus eligibility in the hiring process. The [California State Restriction of Appointments \(SROA\) Policy and Procedures](#) can be found on CalHR's website.

Both the hiring supervisor and HR are responsible for reviewing applicable bargaining unit contracts to ensure compliance with any provisions that may govern the hiring process such as post and bid, seniority, or other terms that relate to filling vacancies.

Best Practice: Clearly identify HR and supervisor roles and responsibilities in the screening process. Develop job related screening criteria that directly relate to the minimum requirements and the duties of the position. Review the application to determine if the candidate meets the minimum qualifications for the position and has eligibility for appointment.

A. Application Screening Criteria

Developing screening criteria is another critical part of the hiring process. Hiring authorities should identify and document job related knowledge, skills and abilities (KSAs) and use them as a basis for developing the screening criteria. For example, if the position requires editing skills and attention to detail, the hiring authority might consider making the existence of significant typographical errors or missing information in the application or the cover letter one of the screening criteria. In contrast, it would not be appropriate to establish screening criteria requiring an applicant to have knowledge of accounting if the essential functions of the position do not involve accounting duties. Screening criteria must be based on job qualifications that relate to the vacant position. Once the screening criteria are developed,

the hiring authority should use those criteria to identify the most qualified candidates to interview. Screening criteria should directly link to the KSAs. Information and a sample candidate screening matrix is found on Page 4 of the [Selection Process Module](#) from the [Virtual Help Desk for Supervisors and Managers](#).

Screening criteria may be modified after the initial review of the applications if the hiring authority determines that none of the applicants possess the initial desirable qualifications. For example, if a department is looking for a candidate who possesses specialized technology experience and none of the candidates has this background, it would be appropriate to modify the screening criteria to include a comparable job related area of expertise.

Finally, hiring supervisors should maintain a copy of the criteria used to evaluate each candidate for their records. This record verifies that you conducted a fair, impartial process using screening criteria directly related to the KSAs for the position. It is also a critical record if you are later required to defend your hiring process.

Best Practice: Develop screening criteria based on job related KSAs, which have a legitimate nexus to the duties of the actual vacant position. Apply those criteria in the screening process and keep a record.

B. Supplemental Screening

Some positions may require supplemental screening. Examples of supplemental screening include:

- Background Investigation
- Credit Check
- Criminal Conviction Record Check
- Drug Testing
- Fingerprinting/Live Scan
- Psychological Screening
- Tax History Check

Supplemental screening such as those listed above should only be conducted if the hiring authority has established the screening is job related and required by business necessity. They are often subject to specific laws and regulations regarding when and how they may be conducted. HR should work with its legal office to confirm the current legal authority for a particular supplemental screening before it is conducted.

Hiring authorities should also be aware that Assembly Bill 218 (Dickinson, 2013) enacted Labor Code section 432.9 which became effective on July 1, 2014. Labor Code section 432.9 prohibits a state agency from asking an applicant to disclose information regarding a criminal conviction, until the agency has determined the applicant meets the minimum qualifications for the position. This prohibition does not apply to positions where criminal conviction history checks are required by law, to any position within a criminal justice agency or to any individual working on a temporary or permanent basis for a criminal justice agency on a contract basis or on loan from another governmental entity.

Although supplemental screenings may be permitted at various points in the hiring process, as a practical matter, most departments do not actually complete the supplemental screening until they have identified the most qualified candidate(s).

In all cases, and regardless of when a department conducts the supplemental screening, it is critical to note that when conducting supplemental screenings, a hiring authority must be able to demonstrate that the screening is job related and justified by business necessity.

Best Practice: Conduct background or other types of hiring inquiries only when they are supported by law or policy, are related to the job, and are required by business necessity. When appropriate, conduct the additional hiring inquiry after you have identified the most qualified candidates, instead of immediately after determination that the applicant meets the minimum qualifications.

The Interview

The interview is the hiring authority's primary opportunity to assess a candidate's qualifications and potential for success on the job. It is important to ask candidates open-ended, job related questions. It is also important to ask each candidate the same set of questions during the interview. However, you may ask each candidate specific questions related to his or her application or work experience. Accordingly, you may ask a candidate follow-up questions to clarify specific experience that is listed on his or her application. If you are interviewing both internal and external candidates, it is inappropriate to develop questions that require internal knowledge gained only from working at the hiring department. Such questions are impermissible because they create an unfair advantage for internal candidates.

Evaluation and rating criteria should be established when you develop your interview questions. Similar to the application screening criteria, evaluation and rating criteria must be based on job related qualifications. The evaluation and rating criteria should assess the candidate's responses to the interview questions relative to education, experience, communications skills, transferable skills, and other job related qualifications. The evaluation and rating criteria for each candidate should be maintained by the hiring authority.

It is recommended that the interview panel be comprised of two to three panel members. You should create a diverse panel that includes individuals who are at the same level or above the classification for which you are recruiting. The final hiring decision should be made by the supervisor or manager.

Remember that you must be able to substantiate that your final candidate was selected based upon a fair and objective assessment of job related qualifications. This is an integral part of the merit-based, competitive selection process.

The following describes a variety of methods of conducting interviews:

A. Patterned Interview

Candidates appear before a panel of two or more evaluators who ask each candidate the same predetermined questions, evaluate candidates' responses, and assign ratings based on previously defined rating criteria. The questions usually have model answers with a correlating points system that scores the candidate with points for every correct element covered by the candidate in answering the question.

B. Structured Interview

Prior to appearing before the interview panel, candidates are given a specified amount of time to prepare responses to predetermined questions or problems. Candidates' responses are generally discussed with the panel during the interview.

C. Written Exercise

Candidates are given a topic and asked to prepare a written narrative response. Generally, 15 to 30 minutes of the interview is set aside for this purpose. The written product is then subsequently evaluated to assess both the applicant's writing ability and the ability to organize and integrate information and ideas.

D. In-Box Exercise

The in-box exercise evaluates the candidate's ability to prioritize and/or identify the appropriate action to take to complete the job related tasks. Candidates sometimes perform a job related mock assignment.

E. Behavioral-Based Interview

Behavioral-based interviewing is premised on the concept that the best predictor of a candidate's future performance is past performance. Interview questions are built around specific job related activities previously performed by the candidate. The interviewer asks the candidate to describe what they have actually done rather than what they would do in a 'what if' situation. To find more information on behavioral-based interviews, see Page 3 of the [Selection Process Module](#) in the [Virtual Help Desk for Supervisors and Managers](#) or the [Leadership Competency Model Behavioral Interview Guides Presentation](#).

[Sample interview guides and questions](#) can be found on CalHR's website.

Helpful Tips

- When scheduling interviews, inform each candidate of the type of interview, i.e., written or in-box exercises, so that he or she can request and receive reasonable accommodation, if needed.
- Request each candidate bring a list of references to the interview.
- Provide each candidate with a current duty statement either before or during the interview. You may also provide an organization chart or other information.
- If candidates have been provided with a copy of the questions during the interview, remember to retrieve the questions at the conclusion of the interview.
- Ask each candidate if you may contact their current supervisor for a reference. Some applicants may not inform their supervisor they are seeking other job opportunities.
- During the interview, ask each candidate if he or she has any questions.
- Advise candidates if a second round of interviews will be conducted.
- Inform candidates when you expect to reach a final decision.
- If you miss that deadline, keep in touch with all candidates to let them know you are still completing the process. Remember, they are waiting to hear from you, and keeping candidates updated will have a positive reflection on your organization.

Best Practice: Select the most appropriate interview method for the position. Use the same interview method for all candidates for the same position. Ask open-ended, job related questions. Always establish and apply consistent evaluation and rating criteria to each candidate and retain a written record of the criteria.

Verification of Employment History References

Another critical component of the hiring process is reviewing the top candidates' Official Personnel File (OPF) and checking references.

A. Personnel File Review

If the candidate is already a state employee, you may request authorization to access his or her OPF by asking the candidate to complete and sign a standard release form. A [sample form](#) for authorization to review personnel file(s) can be found on Page 6 of the [Selection Process Module](#) from the [Virtual Help Desk for Supervisors and Managers](#). Once the candidate has signed the release form, contact HR at the candidate's current employer to request an appointment to review the file and a printout of the candidate's state employment history. Information for reviewing a personnel file can be found on Page 6 of the [Selection Process Module](#) from the [Virtual Help Desk for Supervisors and Managers](#). A list of [transaction codes](#) that you may find when reviewing a personnel file can be found on CalHR's website. It is important to base your hiring decisions solely on information that is job related and appropriate for consideration. For instance, you should not make an adverse hiring decision based on low leave balances. Do not assume that a low leave balance indicates an attendance problem. Employees are entitled to use all leave balances as approved by the supervisor. Low leave balances could be related to a reasonable accommodation or other appropriate use of approved leave. Staff in your HR and EEO offices can help you determine the types of information you are permitted to consider in reaching your final decision.

B. References

One of the most valuable means of gathering information about candidates is conducting reference checks. This step should *never* be skipped, regardless of how quickly the position must be filled. As a prospective employer you must seek job related information regarding your candidates in order to make an informed hiring decision. As part of this process, it is important to speak with current and former supervisor(s). Private sector employers are sometimes reluctant to provide a detailed reference; however, they will almost always verify employment dates. Check all the information you receive against the information provided by the candidate.

If the candidate failed to provide the name or phone number of a prior supervisor or indicated a supervisor was 'retired' or 'unavailable,' you should call the prior appointing authority to find out if there is anyone who will provide a reference for the candidate. Failure to provide this information may be inadvertent, but it does not relieve you of the duty to complete as thorough a reference check as possible. Most HR staff will provide information if there was a serious problem with the candidate or will provide the name of some other person who has the ability to provide a reference. Finally, a hiring authority may also call additional references not listed on the candidate's reference list.

Remember you may only consider information that is relevant and directly related to the candidate's ability to perform the duties of the position. If information you obtain from a reference check is not related, you may not rely on it in rendering your final hiring decision. If you are uncertain about whether you can rely on extraneous information provided by a hiring reference, consult with your HR or legal office.

Following are some helpful resources regarding conducting reference checks:

- [1993 PML Guidelines for Conducting Employment Reference Checks](#)
- [Selection Process Module from the Virtual Help Desk for Supervisors and Managers](#)
- [Sample Reference Check Completion Form](#)
- [Sample Employment Reference Questions](#)

C. Social Media

As more and more information becomes publically available on the Internet and social media sites, you may be tempted to search the Internet for information about your candidate at some point during the hiring process. There are some potential pitfalls you should consider prior to accessing social media to search for information about your candidate.

Labor Code section 980 prohibits an employer from requiring or requesting an employee or applicant to (1) disclose a username or password for the purpose of accessing the employee's or applicant's personal social media, (2) access personal social media in the presence of the employer, or (3) divulge personal social media use (with limited exceptions for the investigation of employee misconduct). The law currently does not prohibit an employer from accessing public information not protected by a password.

However, although it is not illegal to access public, or non-password protected information, there are risks in checking social media sites. For example, if you check the internet and discover information that reflects that the candidate is a member of a protected class, and then you subsequently hire a different candidate, you could inadvertently bring into question whether you improperly considered that protected status in reaching your hiring decision. This is another reason why all hiring decisions should be well documented and based solely on legitimate job related considerations.

Best Practice: Get a signed release from the candidate to review their OPF. Compare all the information provided by the candidate with that in the OPF. Call the references provided by the candidate and additional references not provided by the candidate to make an informed evaluation. Consider only information that is job related.

Selecting the Candidate

After you have completed the steps above, consult with HR before extending a conditional offer to your proposed candidate. A written conditional offer sample can be found on CalHR's website. The offer should be conditional so that you can follow up with HR to ensure that the candidate has submitted all required documentation to support the selection and that there are no outstanding issues that might prevent extending a final offer. A final offer including rate of pay should be made after all hiring procedures are completed and the parties have resolved any outstanding issues or questions regarding the position. Prospective employees usually ask to give a former employer at least two weeks notice to accept a new position. Within state service, the candidate's current appointing authority may retain the employee for up to 30 days if the position is considered a lateral transfer (a position with equal or similar pay).

Best Practice: Verify that all hiring procedures and requirements are completed before making an initial or final offer.

Follow-up

It is important to complete timely follow-up with each candidate who participated in the hiring process by notifying those who were not selected. They may be potential candidates for future positions. A follow-up letter that notifies the candidate that s/he did not receive the position and expresses gratitude for their interest in the position can be found on CalHR's website.

Best Practice: Send a timely follow-up letter to each candidate who participated in the hiring process.

Probationary Period

Selection of the candidate does not end with the offer and acceptance of the position. Government Code section 19171 requires that a probationary period be completed: (a) when an employee enters or is promoted in the state civil service by permanent appointment from an employment list, (b) upon reinstatement after a break in continuity of service resulting from a permanent separation, or (c) after any other type of appointment situation not specifically excepted from the probationary period requirement by statute or by board rule. This probationary period is considered part of the selection process. Government Code section 19172 requires a department to regularly evaluate the work and efficiency of the probationer. It is important that this evaluation be in writing. If a department determines that a probationer must be rejected on probation, the department must be able to demonstrate that the probationer was provided both notice of his or her performance deficiencies and an opportunity to correct them.

Best practice: Continue to evaluate and document the probationer's work and efficiency through the probationary period.

Retention

Your hiring package should be carefully collected and retained consistent with your department's retention schedule. Remember, your hiring package is the record that you conducted a fair and objective hiring process. For information on recordkeeping, please see Title 2, California Code of Regulations section 11013 and State Administrative Manual section 1600.

Best Practice: Collect and retain all records of the hiring process. These are part of your defense if your process is challenged.

Questions

For questions regarding this HR Memo, please contact Lisa York of the Office of Human Resources at (916) 376-5428.

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