

RECRUITMENT AND SELECTION GUIDELINES

FOR LOCAL GOVERNMENT OFFICERS & MANAGERS



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MONTANA ASSOCIATION OF COUNTIES
PROPERTY & CASUALTY TRUST (PCT)

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To Local Government Officials and Managers:

A public employer's recruitment and selection practices are governed by several federal laws and regulations including Title VII, the Civil Rights Acts of 1866 and 1871, the Age Discrimination in Employment Act and the Americans with Disabilities Act of 1990. Additionally, the Montana Human Rights Act, Governmental Code of Fair Practices, Veterans' Public Employment Preference and Handicapped Persons' Public Employment Preference Acts impact hiring decisions.

Successful strategies to reduce litigation exposure in recruitment and selection involve planning from the moment the decision is made to fill a vacancy or to create a new position. The following material will hopefully assist you in avoiding the most common traps in the process.

Sincerely,

Brian Hopkins

Brian Hopkins
MACo General Counsel & Personnel Services Administrator

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Steps and Considerations

I. PRELIMINARY ACTIONS

1. **Decision to fill vacancy or create new position.**
 - a. Title
 - b. Permanent, seasonal, temporary, short-term—full-time or part-time
 - c. Grade, pay rate, Fair Labor Standards Act, exempt or non-exempt
 - d. Work location
 - e. Work week and hours of work
2. **Review or create job description**

Include essential functions of the job for ADA purposes
(See MACo ADA Job Description Manuals)
3. **Determine minimum education and experience qualifications for the job**

This is generally stated as the number of years and types of education and experience which are necessary to allow a person hired to perform the specific duties of the job.
4. **Appoint selection committee**
 - a. Committee develops the selection strategy for application review, determination of testing methodology, administration of tests and scoring, and reference check criteria
 - b. Committee members should be knowledgeable in aspects of the job.
 - c. Confidentiality acknowledgment

II. DEVELOPMENT OF SELECTION STRATEGY

The selection committee has the option of using various selection procedures to select the best applicant for the position. The weights to be assigned to each test used should be determined at this time. Also, the total points and minimum passing score should be determined at this time. (Note: No. 1 below should be used in all selections. The committee may use any combination of the other listed procedures)

1. **Review of applications to determine whether the applicant meets minimum established education and experience qualifications**
 - a. Normally rated as pass/fail—If the applicant fails, the applicant is eliminated from the selection process.
 - b. Pass / fail decisions are usually made by all the committee members.
2. **Written exams**
 - a. May use essay exams (normally used when communication skills are being evaluated), multiple choice, math problems, equipment operation and maintenance questions, and true / false questions
 - b. Must be job related and for the purpose of evaluating the applicant's ability to perform the required duties and tasks
 - c. Model answers should be prepared at the time the questions are formulated.
 - d. Tests with standardized answers such as math, true/false, and multiple choice may be administered and graded by one or more of the committee members for a single score. Tests including definitions, essay or short-answer questions should be administered by all committee members for an average score.
3. **Structured oral interviews**
 - a. Questions must be for the purpose of assessing the applicant's ability to perform the particular job being filled.

- b. All applicants should be asked the same questions.
- c. Model answers should be prepared at the time the questions are formulated.
- d. All committee members should be present at each interview and should evaluate each answer in comparison to the model response.
- e. Avoid discriminatory questions about race, national origin, religion, or marital status.
- f. Avoid evaluations of an applicant's personal characteristics such as demeanor, attitude, motivation, initiative, etc.
- g. Consider the Americans with Disabilities Act:
Employers may not ask a job applicant about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. An employer may not make medical inquiries or conduct a medical examination until after a job offer has been made. A job offer may be conditioned on the results of a medical examination, but only if this is required for all entering employees in similar jobs.

4. Performance tests

Tests are useful in predicting how an applicant will do in jobs requiring equipment operation skills or manual dexterity.

(Examples: driving or operating tests for truck drivers and equipment operators; welding tests and mechanical tests for mechanics; typing and calculator tests for clerks)

5. Final interview

- a. Used for high level management positions—conducted by department head from list of applicants submitted by the selection committee
- b. Selection committee should not normally rank the applicants submitted to the department head.

6. Reference checks

- a. Check only the top applicant.
- b. Used to verify work history and academic records
- c. Employment application should contain a statement authorizing the county to verify all of the information provided in the application and to contact former employers regarding the applicant's work performance.
- d. Normally rated as pass / fail—The employment application should contain a statement that an applicant will be disqualified if he/she falsifies information on the application.

7. Veterans & Handicapped Persons Employment Preference

If a scored procedure is used, veterans are entitled to a 5% preference and eligible relatives and disabled veterans are entitled to a 10% preference in all initial hiring. They are also entitled to a preference in non-scored initial hiring if they are "substantially equal in qualifications" to the other applicants. Persons with a disability and their eligible spouses are entitled to a preference in initial hiring if they are "substantially equal in qualifications" to the other applicants.

8. Selection Process Documentation

- a. Recruitment and selection process (pg. 9)
- b. Selection process summary sheet (pg. 10)

III. POSTING AND PUBLICATION

The posting notice or advertisement is the announcement that the position is to be filled. It contains a synopsis of the essential functions of the position.

- a. In-house, Job Service, newspaper advertisements, trade journals
- b. Minimum education and experience qualifications for the position

- c. Closing date for the receipt of applications
- d. Grade, salary range, job location
- e. Permanent, temporary, seasonal, or short-term worker
- f. Statement that the employer is an Equal Opportunity Employer and does not discriminate on the basis of race, religion, color, sex, age, national origin, disability, or marital status

IV. CONFIRM THE DEAL IN WRITING

Once you and the applicant have agreed upon the terms of the employment relationship, the agreement should be reduced to writing. This is normally accomplished by writing the successful applicant of his/her selection for the position, including:

- a. Permanent, temporary, seasonal, short-term worker, full or part time
- b. Position, title, grade, salary, and work location
- c. Starting date and hours of work
- d. Special conditions such as funding or replacement based on return of injured worker
- e. Overtime or compensatory time considerations
(Note: The agreement for compensatory time off should be in writing.)

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Model County Policy & Procedures

V. PERSONNEL APPOINTMENTS/EMPLOYMENT CATEGORIES

All County employees shall be assigned by the appropriate county officer to one of the following employment categories (Section 2-18-601, MCA) :

1. Permanent

“Permanent” means an employee who has attained or is eligible to attain permanent status. Permanent employees may be assigned as either full-time (normally working forty hours per week) or part-time (normally working less than forty hours per week).

- a. Full-time permanent employees scheduled for a day off on a day observed as a legal holiday, except Sundays, are entitled to a day off with pay (Section 2-18-603, MCA). They also earn annual leave credits and sick leave credits from the first day of employment (Sections 2-18-611, MCA and 2-18-618, MCA). They are not entitled to annual leave pay until they have been employed for 6 calendar months. They are not entitled to sick leave pay until they have been employed for 90 days.
- b. Part-time permanent employees receive holiday pay on a prorated basis (average of the employee’s regularly scheduled hours of work in the pay period in which the holiday falls divided by the number of working days in the pay period (Section 2-18-603, MCA and Rule 2.21.628 ARM). They also earn prorated annual leave credits and sick leave credits from the first day of employment (2-18-611, MCA and 2-18-618, MCA). Prorated annual leave credits are calculated by using the applicable amount of time from the following schedule multiplied by the hours worked:

<u>Completed Years Of Employment</u>	<u>Hours in Pay Status in Pay Period</u>
0-10 years	.058 x number of hours
10-15 years	.069 x number of hours
15-20 years	.081 x number of hours
20 on	.092 x number of hours

Prorated annual leave credits are to be reported by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration. Prorated sick leave credits are calculated by multiplying .046 x the hours in pay status. They are to be recorded by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration.

Part-time permanent employees are not entitled to annual leave pay until they have been employed for six months. They are not entitled to sick leave pay until they have been employed for 90 days.

2. Seasonal

"Seasonal" means an employee assigned as seasonal who performs duties of a seasonal nature. Seasonal employees may, at the discretion of the county, be recalled without the loss of benefits accrued during the preceding season. Seasonal employees may be assigned as either full-time (normally working forty hours per week) or part-time (normally working less than forty hours per week).

- a. Full-time seasonal employees receive the same holiday benefits (2-18-603, MCA) as permanent full-time employees. They receive the same sick leave benefits (2-18-618, MCA) as permanent full-time employees, provided they have been employed for 90 days. They receive the same annual leave benefits (2-18-611, MCA) as permanent full-time employees, provided they have been employed for 6 months. In order to qualify, they must be recalled and must immediately report back for work when operations resume in order to avoid a break in service.
- b. Part-time seasonal employees receive the same prorated holiday benefits (2-18-601, MCA) as permanent part-time employees. They receive the same prorated sick leave benefits (2-18-618, MCA) as permanent part-time employees, provided they have been employed for 90 days. They receive the same prorated annual leave benefits (2-18-611, MCA) as permanent part-time employees, provided they have been employed for six months. In order to qualify, they must be recalled and immediately report back for work when operations resume to avoid a break in service.

3. Temporary

“Temporary” means an employee assigned as temporary who performs temporary duties or permanent duties on a temporary basis for a period of time not to exceed 12 months. Temporary employees are not permanent employees, are terminated at the end of the employment period, and are not eligible to become permanent employees without a competitive selection process. Temporary employees may be assigned as either full-time (normally working forty hours per week) or part-time (normally working less than forty hours per week).

- a. Full-time temporary employees receive the same holiday benefits as permanent full-time employees (2-18-603, MCA). They receive the same sick leave benefits as permanent full-time employees (2-18-618, MCA), provided they have been employed for 90 days. They receive the same annual leave benefits (2-18-611, MCA) as permanent full-time employees, provided they have been employed for 6 months.
- b. Part-time temporary employees receive the same prorated holiday benefits as permanent part-time employees (2-18-601, MCA). They receive the same prorated sick leave benefits (2-18-618, MCA) as permanent part-time employees, provided they have been employed for 90 days. They receive the same prorated annual leave benefits (2-18-611, MCA) as permanent part-time employees, provided they have been employed for 6 months.

4. Short-Term Worker

“Short-term worker” means an employee assigned as a short-term worker at an hourly rate of pay established by the county. Short-term workers may not work for a county department for more than 90 days in a continuous 12-month period. They are not eligible for permanent status.

Short-term workers are not eligible for holiday leave (2-18-603, MCA), sick leave (2-18-618, MCA) or annual leave (2-18-611, MCA) benefits.

Forms/Documentation

VI. MINIMUM EDUCATION & EXPERIENCE DOCUMENTATION

MET MINIMUM QUALIFICATIONS YES ___ NO ___

Name _____

Position # _____ Title _____

Location _____

REQUIRED MINIMUM QUALIFICATIONS

Education/Experience:

EVALUATION

Education (Given Credit for—Verified By Transcript):

Post Secondary Education/College Course Work:

Degree _____

Unrelated Training: _____

Experience (Given Credit for): _____

Total Amount of Time (Months/Years) Given Credit for _____

Selection Committee Signatures:

_____ Date _____

_____ Date _____

_____ Date _____

VII. CONFIDENTIALITY ACKNOWLEDGMENT

POSITION TITLE

POSITION NUMBER / LOCATION

This document is to advise the Selection Committee, or any persons involved with the selection, of the confidentiality of the selection process. There will be no discussion outside the Selection Committee (except with the Department Head, County Commissioners, or County Attorney or individuals authorized by them) of any component of the selection process, including an applicant's qualifications, results of an applicant's performance on any part of the selection process or any related selection information. This confidentiality extends not only during the process but after the selection has been made.

Failure to maintain confidentiality of selection information may result in disciplinary actions.

My signature below indicates I have received a copy of this form and will comply with its provisions.

Date

Selection Committee Member

Date

Selection Committee Member

Date

Selection Committee Member

VIII. RECRUITMENT & SELECTION PROCESS

Position Title: _____

Location: _____

Type of Selection:

- ____ Permanent
- ____ Temporary
- ____ Seasonal
- ____ Short-Term Worker Number: ____

SELECTION STRATEGY

____ Written Exam
Minimum Pass Score ____% Weight ____%

____ Structured Oral Interview
Minimum Pass Score ____% Weight ____%

____ Performance Tests
Minimum Pass Score ____% Weight ____%

____ Final Interview (Top Scoring Applicants)

____ Reference Check (Optional)

Selection Committee:

_____ Date _____

_____ Date _____

_____ Date _____

IX. SELECTION PROCESS SUMMARY SHEET

Title _____ Location _____ Number _____ Closing Date _____	Minimum Qualifications Pass/Fail	Written Exam Wt _____% Pts _____	Structured Interview Wt _____% Pts _____
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

Selection Committee Signature _____ Selection Committee Sig _____

Date _____

Perform. Tests Wt _____% Pts _____	Total Points	Veterans or Disability Preference	Final Score	Final Interview	Reference Checks Pass/Fail	Rank 1,2,3, etc.

Signature _____ Selection Committee Signature _____



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