

SUBJECT: Recruitment and Selection	NUMBER: 40-010-02
DIVISION: Chief Human Resources Office	EFFECTIVE DATE: 7/1/2016
APPROVED:	

POLICY STATEMENT: Oregon state government is committed to a recruitment and selection process, including reemployment lists and other various appointment types resulting in the retention of a qualified and competent workforce.

AUTHORITY: ORS 184.340, 240.010, 240.012, 240.013, 240.015, 240.145, 240.195, 240.250, 240.306, 240.309, 240.311 240.321, 240.425, 240.570, 659A.043, 659A.046, 659A.052, 657.710

APPLICABILITY: All employees where not in conflict with a collective bargaining agreement, excluding temporary employees.

ATTACHMENTS: See Toolkit

DEFINITIONS: See State HR Policy 10-000-01

POLICY

(1) Recruitments

- (a) A person shall follow the job posting instructions and submit an official Oregon state government application within the designated time-period. Agencies have the right to exclude or disqualify applicants for failing to follow job posting instructions and timelines.
- (b) Hiring agencies shall provide a minimum seven calendar days' notice of employment opportunities when filling open competitive and statewide vacancies, using the Oregon Jobs page.
 - (A) Job postings shall include all requirements provided in State HR Policy 10.000.01 Definitions.
 - (B) Any recruitment and selection process shall be competitive, unbiased and of such content as to assist in determining an applicant's qualification to perform the work.
- (c) Hiring agencies may verify statements contained in an application or statements made in an interview and secure further information concerning the applicant's qualifications prior to making an offer of employment. An adjustment may be made to the applicant's rating if information obtained materially affects the applicant's rating of experience, education, training or suitability.
- (d) Applicants may:
 - (A) Request a review of disqualification within 10 calendar days from the date of disqualification notice for not meeting minimum qualifications as stated in a job posting. The review shall be limited to the

disqualification decision. Any changes due to a disqualification review shall not affect the previous selection decisions concerning other applicants;

- (B) Reapply to a specific job posting if the job posting is still open for application. The most recent application submitted determines a qualified applicant's placement on the eligible list.

(2) Types and Order of Applicant Lists

- (a) Lists shall be used to facilitate the recruitment and selection process in the order listed below or as prescribed by the applicable collective bargaining agreement when making any appointment, except for appointment made as part of workforce adjustments to prevent layoff.

(A) Injured Worker List

- (i) This list shall be used as first priority and shall consist of employees with compensable work-related injuries or illnesses that occurred while employed pursuant to ORS 659A.052.
- (ii) The employee must not have waived reemployment rights in accordance with state or federal law or an applicable collective bargaining agreement.

(B) Agency Layoff List

- (i) Individual agencies shall establish a list, as second priority, and shall follow the exhaustion of the first priority list.
- (ii) The lists shall consist of permanent and seasonal employees who completed initial trial service with Oregon State Government and separated in good standing due to layoff or demotion in lieu of layoff.
- (iii) Employees are placed on the list by the classification at separation or demotion within the category of service specified in ORS 240.195.
- (iv) The term of eligibility on the list is two years from date of layoff or demotion.
- (v) An individual shall be removed from the list upon the second refusal of a job offer unless an agency layoff plan allows for additional refusals or when the employee is returned to an equivalent position from layoff. This does not include temporary or limited duration work.
- (vi) The lists shall be used when no qualified injured worker is available to fill the vacant position.
- (vii) The agency shall select among employees on the list of the same classification and category of service of the position to be filled.
- (viii) Any appointments from the list shall be made consistent with the agency's layoff plan.

(C) Statewide Layoff List

- (i) Use of this list shall follow the exhaustion of the first and second priority lists.
- (ii) An employee may request placement on the list via his or her agency's human resources office for the classifications for which qualified, at an equal, or lower salary range number.
- (iii) This list shall consist of permanent employees in either the management or classified unrepresented service who separated due to layoff or unclassified executive service employees terminated from state service due to reduction in force.
- (iv) Employees on the list must have completed initial trial service, if applicable.
- (v) The term of eligibility on the list is two years from the date of layoff.

(vi) An individual shall be removed from the statewide layoff list upon the second refusal of a job offer or when a person accepts a position and has returned to work. This does not include temporary or limited duration work.

(vii) A hiring agency shall consider and interview those employees who meet the special qualifications, if any, for the position.

(b) After fulfillment of the requirement in (2)(a), other eligible lists may be used when making an appointment.

(A) Transfer List. See State HR Policy, 40.045.01 Transfers

(B) Agency Promotion List. The list shall include agency employees who apply for and meet the minimum qualifications of the position.

(C) Statewide Promotion List. The list shall include agency employees who apply for and meet the minimum qualifications of the position.

(D) Open Competitive List. This list shall include persons seeking employment with the state who meet the minimum qualifications of the position.

(3) Use of Applicant Lists

(a) The order in which applicant lists are used is outlined in (2) of this policy.

(b) An eligible list shall be established and maintained on the state's recruitment system of record.

(c) When a vacant position is to be filled, an agency, when appropriate, shall create an eligible list and a referral list prior to conducting interviews.

(d) The referral list shall be one of the following, whichever is applicable:

(A) All applicants who meet the minimum qualifications for the position; or

(B) All applicants listed in order from the highest to lowest score based on selection criteria; or

(C) A limited number of applicants on the eligible list for the position selected in ranked order based on selection criteria.

(e) Selection of applicants for interview from the referral list shall include all qualified applicants unless the hiring agency develops and documents a valid screening process to select only the most qualified applicants.

(f) When a referral list contains tied ranking, all applicants with that ranking shall be offered an interview, unless the hiring agency develops and documents a valid screening process to select only the most qualified applicants for interview.

(g) Regardless of the selection process being used to evaluate applicants, veteran's preference shall be given pursuant to ORS 408.230 through 408.237.

(h) After exhaustion of the priority lists, a related eligible list of a classification having the same minimum and special qualifications and salary may be used.

(i) Applicants appointed to a position from the referral list are inactivated from that referral list, except when an applicant retains rights to remain on specific priority lists such as the injured worker or agency layoff list.

(j) The hiring agency may remove an applicant from an eligible list, after notifying the applicant for the reasons including, but not limited to the following:

- (A) Failure to respond to any inquiry regarding availability for appointment
 - (B) Expiration of the term of eligibility on the list
 - (C) Willful violation of relevant rules, policies or provisions of law
 - (D) Falsifying statements on the application
 - (E) Failure to pass required pre-employment checks or test including but not limited to:
 - (i) A criminal records check
 - (ii) A drug test
 - (iii) A driving record check
 - (F) Cancellation of a list
 - (G) Appointment made from a layoff list to any classification, excluding limited duration or temporary appointment.
 - (H) An inactivation reason shall be reported for each candidate appearing on the referral list invited to interview and not appointed to a position.
- (4) Types of Appointments. An agency head shall use one of the following methods to appoint persons to state service.
- (a) Academic year appointment.
 - (A) Appointing authorities may extend employment into the period between academic years.
 - (B) Employees appointed to positions designated as academic years shall be placed on leave without pay during the period between academic years. Time spent on such leave shall constitute service for purposes of computing vacation accrual rates, recognized service dates, with appropriate adjustment, and any other purpose when service time is computed, except for the period of trial service.
 - (C) A person accepting an academic year appointment shall be informed of the conditions of the appointment and shall acknowledge his or her acceptance of the appointment in writing.
 - (b) Direct Appointment.
 - (A) An agency head has the delegated authority and discretion to make direct appointments.
 - (B) Criteria for direct appointment:
 - (i) A competitive recruitment is conducted and results in no suitable candidates as determined, documented and certified by the agency head. The recruitment shall be completed within the previous six (6) months; or
 - (ii) The appointment is made consistent with a court or administrative order, consent decree, court or administrative settlement, or negotiated tort claim settlement; or
 - (iii) The position requires special or unique skills at the professional level. Special or unique skills at the professional level are those which require specialized knowledge typically acquired from college coursework at the bachelor degree level or beyond; or
 - (iv) The position being filled is critical to agency operations and there is a demonstrated need to fill the position quickly; and
 - (v) The individual to be direct appointed meets the minimum qualifications of the classification; or

- (vi) The individual is appointed as an underfill and will meet the minimum qualifications of the position within 12 months of the appointment.
- (C) Each direct appointment shall be documented.
 - (i) The documentation shall be retained for a minimum of three years.
 - (ii) The documentation shall cite the applicable policy criteria, results of any open competitive recruitment, the qualification of the individual selected, and the agency appointing authority authorization signature.
- (c) Limited Duration Appointment. See State HR Policy 40.025.02 Limited Duration Appointments
- (d) Limited Competitive and Non-Competitive Appointments.
 - (A) Recruitment for positions using employment programs serving people with disabilities is not limited by using a list. A limited competitive selection process through such employment programs may be used to facilitate employment of persons with disabilities;
 - (B) Recruitment for the economically disadvantaged and non-competitive appointments is limited to those classifications listed in this policy unless otherwise authorized by the agency. The hiring agency shall:
 - (i) Open a job listing with the field office of the Employment Department nearest the location of the vacancy when the recruitment is open to the public
 - (ii) Make affirmative efforts to supplement referrals to create a diverse pool of candidates
 - (iii) This process may be used for economically disadvantaged persons who meet the following criteria:
 - 1. Clients of the Department of Human Services programs;
 - 2. Clients of juvenile justice division programs funded by the state.
 - (iv) The agency shall use the following criteria when reviewing appointing authority or designee requests for additions to the list:
 - (a) The classification requires minimal or no requisite knowledge or skills;
 - (b) It is impractical to develop an examination; and
 - (c) It is impractical to follow the normal recruiting process.
 - (v) An appointment is made to designated classifications comprised of unskilled or semi-skilled positions for which there are minimal or no qualifying knowledge or skills, no screening or no ranking. Where more than one candidate is referred, the hiring manager may use an interview process to select the most qualified person.
- (C) Limited-competitive appointment may also be used to limit the competition for appointment to non-competitive classes to those persons who meet the criteria. Limited-Competitive and Non-Competitive Appointment Classifications:
 - (i) 0001, Supported Employment Worker
 - (ii) 0100, Student Office Worker
 - (iii) 0101, Office Assistant 1
 - (iv) 0150, Student Professional/Technical Worker

- (v) 0321, Public Service Representative 1
- (vi) 0405, Mail Services Assistant
- (vii) 1105, Traffic Survey Interviewer
- (viii) 3769, Experimental Biology Aide
- (ix) 4101, Custodian
- (x) 4116, Laborer/Student Worker
- (xi) 4125, Litter Patrol Worker
- (xii) 4137, Liquor Distribution Worker 1
- (xiii) 4403, Transporter
- (xiv) 6605, Human Services Assistant 1
- (xv) 6701, Student Human Services Worker
- (xvi) 6725, Habilitative Training Technician 1
- (xvii) 6750, Group Life Coordinator 1
- (xviii) 8125, Agricultural Worker
- (xix) 8201, Forest Nursery Worker 1
- (xx) 8202, Forest Nursery Worker 2
- (xxi) 8235, Student/Professional Forester Worker
- (xxii) 8253, Forest Lookout
- (xxiii) 8254, Wildland Fire Suppression Specialist Entry
- (xxiv) 8263, Wildland Fire Dispatcher Entry
- (xxv) 8340, Fish & Wildlife Technician Entry
- (xxvi) 9100, Food Service Worker 1

(e) Permanent Appointment.

(f) Seasonal Appointment.

(g) Temporary Appointment. See State HR Policy 40.025.01, Temporary Appointments

(h) Unclassified Executive Service Appointment. See State HR Policy 40.055.01, Appointment to the Unclassified Executive Service

(5) Alternative Methods for Filling Positions.

(a) All positions shall be filled at the budgeted salary range level and classification.

(b) An appointing authority may use the following alternative methods of filling positions to provide for situations such as employee development, job sharing and short-term transitioning:

(A) Crossfill: a position may be crossfilled to a different classification with an equal salary range number providing an update to establish or modify the position pending in the Position Inventory Control System (PICS).

(B) Doublefill:

- (i) A double fill may occur for any of the following situations:
 - (a) To cover an employee on leave for any reason when a temporary appointment is not appropriate and a vacant position does not exist to address the workload need;
 - (b) Short-term transition of employees into impending vacant positions for purposes of training;
 - (c) Establishing position pending the PICS update;
 - (d) When approved or directed by the Budget and Management Section to address budget issues;
 - (e) Job share.
 - (ii) Employees doublefilling positions shall meet the minimum qualifications of those positions and be appointed according to applicable recruitment and appointment policies or collective bargaining agreements;
 - (iii) The doublefill method of filling positions shall not be used to permanently increase legislatively authorized staffing levels.
- (C) Underfill:
- (i) Appointment may be from a referral list or as a direct appointment.
 - (ii) A position may be underfilled with an individual in a lower salary range number and classification when there is a reasonable expectation the employee will meet the minimum qualifications of the allocated level of the position within 36 months of an appointment made from a referral list or within 12 months of a direct appointment.
 - (iii) Upon meeting position qualifications and performance requirements, the employee shall be changed to the allocated level of the position.
 - (iv) An employee underfilling shall be advised of the requirement necessary to qualify for the position they are underfilling.
- (D) Overfill: An overfill may occur for any of the following situations:
- (i) Establishing position pending the PICS update;
 - (ii) When approved or directed by the Budget and Management Section to address budget issues
- (6) Retention of recruitment records shall be maintained in accordance with OAR 166-300-040, Personnel Records.