

PERSONNEL RULES & REGULATIONS MANUAL

SECTION 300 RECRUITMENT AND SELECTION

Section 301. Diversity & Equal Employment Opportunity (EEO)

The City of Gaithersburg values diversity in its workforce. As an equal opportunity employer, the City of Gaithersburg shall base all personnel actions on merit and ability and no person shall be discriminated against on the basis of race, color, sex, sexual orientation, gender identity, ancestry, age, religion, national origin, marital or parental status, disability, or serious medical condition in practices involving recruitment, selection, training, promotions, transfers, disciplinary action, and other terms and conditions of employment.

Section 302. Recruitment

The Human Resources Department has the responsibility for centralized recruitment and hiring of all employees for the City. The Department develops and maintains effective recruitment processes that attract candidates possessing the education, experience, competencies, skills, abilities, knowledge, and other determined attributes to meet the current and future needs of the City.

302.1 Procedures for Filling New/Vacant Positions

No person will be hired, promoted, or transferred into a new or vacant position until that position is properly funded, established, classified, and assigned a pay grade and salary range. See Section 407 of this Manual for information on new classifications.

Newly created positions or existing positions that have been vacated shall normally be authorized for filling through a requisition process initiated by the Department Head with the new or vacant position. A written request to fill the position including appropriate justification regarding the operational need for the position and other pertinent data shall be prepared and forwarded to the Director of Human Resources. The Director of Human Resources will review all requests to fill vacant or soon to be vacant positions and, in consultation with the Department Head, will evaluate the necessity of filling the position to maintain or enhance service delivery and possible methods of filling the position. The Director of Human Resources will make a recommendation on the request and forward it to the City Manager for authorization to proceed. (Requisitions to fill new or vacant part-time positions do not generally require City Manager approval.)

If the requisition to proceed with filling the vacant position is approved, the Department Head will review the class specification (job description) to determine if it needs to be updated; and if so, Human Resources staff will work with the Department Head to update the class specification prior to the start of the recruitment process. If the class specification has significant changes that may increase or decrease job value, the classification may need to be evaluated before the recruitment process begins (see Section 407 of this Manual).

302.2 Types of Recruitment

The City of Gaithersburg reserves the right to hire, fill vacancies, and otherwise make job assignments at management's discretion to meet changing business conditions or serve budgetary, staffing, or general organizational needs. The Director of Human Resources, in consultation with the Department Head and, if applicable, the City Manager, will determine the appropriate recruitment effort to be conducted when a vacancy occurs. Such determination will be in accord with the best interests of the City.

Recruitments may be non-competitive or competitive:

a. Non-Competitive (Administrative)

An employee may be transferred to fill a vacant position at management's discretion to accommodate departmental or City-wide reorganization/restructuring, budgetary guidelines, reallocation of resources, or other general organizational needs of the City, and/or when such action is considered to

be in the best interest of the City and/or the employee. An employee may be transferred within an activity, division, or department, or from one activity, division, or department to another. The transferred employee must meet the minimum qualifications of the vacant position, as determined by appropriate testing if necessary, and/or have clearly demonstrated possession of the skills, abilities, and personal characteristics necessary to successfully perform the requirements of the vacant position.

b. **Competitive**

For competitive recruitments, appropriate testing, advertising, and selection procedures will be followed as determined by the Director of Human Resources.

1. Internal Recruitment: This allows only current City employees (full-time or part-time) to apply for a posted position vacancy according to established procedures. Distribution of job announcements will be limited to internal sources.

2. External Recruitment: This allows any interested individual (including current City employees) to apply for a posted position vacancy according to established procedures. Position announcements will be directed to appropriate internal and external sources.

The Director of Human Resources may recommend a recruitment effort be postponed, canceled, extended, or otherwise modified if in his/her judgment such action is deemed appropriate and in the best interests of the City.

Section 303. Job Announcements

Job announcements will be directed to appropriate sources to attract qualified candidates who possess the knowledge, skills, abilities, and personal characteristics necessary for successful job performance. Job announcements for all internal recruitments will be limited to internal sources (such as email, job bulletins, and employee newsletters). All external recruitments will be posted electronically on the City website and may appear in other media instruments such as newspapers, professional and trade magazines, cable television, and other Internet sources at the discretion of the Director of Human Resources. Announcements of all vacant positions will be available in the Human Resources Department, posted in all City facilities, and disseminated in the manner most appropriate for the particular position being filled (externally, internally, or both).

The announcement period for job vacancies shall be a minimum of five business days unless otherwise authorized by the Director of Human Resources or Department Head. Some positions may remain continuously under recruitment in order to maintain pools of qualified candidates and to quickly fill such positions as vacancies occur. Job announcements shall include information on the position (e.g., title, salary range, duties, number of positions, minimum and preferred qualifications, application process, etc.) and the time, place, and manner for making application so applicants have sufficient information to be able to consider whether to apply for the position.

Section 304. Eligibility for Employment in the United States

Except for sworn police officer positions, United States citizenship is not required for City employment. All new employees of the City, however, must meet the requirements of the federal "Immigration Reform and Control Act," which requires individuals to verify their eligibility to work in the United States. All new employees must be able to provide documentation showing they are a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien authorized to be employed in the United States.

All new employees shall complete a Certification of Identification Form (Form I-9). Form I-9 requires that original documents establishing identity and employment eligibility be shown at the time employees complete their new hire paperwork. Form I-9 lists acceptable documents for establishing eligibility to work in the United States on the form. In order to determine whether Form I-9 documentation is valid, the City of Gaithersburg uses E-Verify, an Internet based system operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA) that allows participating employers to electronically verify the employment eligibility of their newly hired employees.

Section 305. Minimum Employment Age

The City follows State and Federal restrictions concerning child labor laws. Minors aged 14 through 17 with a work permit may be employed in non-hazardous positions; a minor under the age of 14 may not be employed or permitted to work for the City of Gaithersburg.

To be considered for employment as a sworn police officer, a candidate must be at least 21 years of age.

Section 306. Employment Applications

a. Submission

All applications for City employment shall be submitted to and processed by the Human Resources Department on forms or by methods prescribed by the Human Resources Department. Unless otherwise determined by the City Manager, resumes, on-line submissions, and employment applications are accepted for advertised positions only. Applications must be postmarked or received in the City of Gaithersburg Human Resources Department by 5 p.m. on the closing date of the position, if one is indicated. If no closing date is indicated, the position is open until filled. Applicants must submit a separate employment application for each position for which they apply.

All applicants will receive a confirmation email or letter acknowledging receipt of their application and indicating they will be contacted if they are selected for an interview. Applicants selected for an interview will be contacted by the hiring department within three to five weeks after the application is submitted (or three to five weeks after the closing date, if a closing date is specified). Those not selected for an interview receive no further contact after the confirmation email or letter when their application is submitted.

Although resumes and on-line submissions that meet posted deadlines will be accepted, a City employment application form must be completed by selected job applicants prior to or at the time of interview. Employment applications shall include complete information relating to experience, education, training, and any other relevant qualifications for the vacant position. Applicants providing false information may be removed from the selection process, have a conditional offer of employment revoked, or be dismissed if already employed.

b. Review & Referral

Applications received in response to a job posting may be viewed on-line by the hiring department upon receipt of the application. At the request of the hiring department, the Human Resources Department will review and screen all applications received to recommend the most qualified candidates for the vacancy, based on selection methods developed in consultation with the hiring department.

c. Retention

When a job applicant is hired, the original employment application will be placed in the employee's personnel file. The employment applications and/or resumes of unsuccessful applicants will be filed separately and retained for a period of one year as required by law.

Section 307. Competitive Selection Process

a. Examinations & Testing

During the competitive selection process, examinations, skill assessments, tests, screening interviews or processes, examples of work ability, writing samples, and other pre-employment evaluations and selection tools appropriate to the position may be used to determine the qualifications of applicants. Such tests, processes, and/or tools will be determined by the Department Head in consultation with the Director of Human Resources, and as far as is practicable, will relate directly to the actual duties and conditions of the job in a way that fairly and accurately measures the applicant's capabilities to perform the essential functions of the job. If needed, the Director of Human Resources will arrange for the use of City facilities or other City resources necessary to conduct testing or screening processes.

b. **Candidate Interviews**

The hiring department will arrange all interviews, including times and accessible locations for the interviews to take place. The interviews of final candidates for classified positions or unclassified management positions will be conducted by an interview panel. It is preferable for one member of the interview panel to be from outside the hiring department. Interviews of sworn police officer candidates will be conducted following the selection process established by the Police Department.

The interviews of final candidates will be consistent for all candidates and will cover subject matter related to determining the qualifications for the position being sought. Interview guidelines and sample interview questions are available from the Human Resources Department. Selection and appointment to all positions in a competitive recruitment shall be based solely upon job-related requirements and the applicant's demonstration of possession of the knowledge, skills, abilities, and personal characteristics necessary for successful job performance. All final applicants interviewed but not selected for the position will be notified in writing by the Human Resources Department.

Unless authorized by the City Manager, the City will not reimburse applicants for travel expenses, lost time, or any other expense related to the interview and selection process. However, when specifically authorized by the City Manager, all or a portion of the moving expenses incurred by new employees moving to the City to accept employment may be borne by the City. Allowable expenses may include interview transportation costs and transportation charges for moving household belongings.

c. **Reference & Employment Verification**

At the discretion of the Director of Human Resources, either the hiring department or the Human Resources Department will be responsible for conducting appropriate reference and employment verification prior to making a conditional offer of employment. Final candidates for Police Officer positions will undergo a comprehensive background investigation performed by the Police Department.

d. **Conditional Offer of Employment**

Final commitments on conditional offer of a job or promotion, including starting salary and hire date, are authorized by the Director of Human Resources as approved by the City Manager. (Approval of the City Manager is generally not required when filling part-time positions.)

Successful candidates emerging from a competitive selection process are offered the job verbally by a representative of the hiring department. Upon verbal agreement of the terms, candidates for classified positions or unclassified management positions will be sent a conditional offer of employment. The conditional offer letter will be prepared by the Human Resources Department for the hiring Department Head's signature.

The conditional offer letter shall specify the terms of employment (e.g., position, grade, Fair Labor Standards Act status, anticipated start date, rate of pay) and any requirements to be satisfied (e.g., acquiring a license or certification or requiring courses of study, etc.). Additionally, the conditional offer letter shall state the remaining elements of the selection process for the position which must be successfully completed before a formal offer of employment will be extended. Each element specified in the conditional offer letter must be successfully completed before the final candidate may move forward in the process; and if any element of the process is not completed successfully, the offer of employment will be withdrawn by the City at that point in the process.

Selection process elements to be completed after the final candidate for a classified or unclassified management position signs the conditional offer letter are as follows and will be completed in the order specified in the conditional offer letter (the order will vary depending on the position):

1. **Background Investigation**

In addition to reference and prior employment history checks, candidates may also have criminal history, driver's license, educational degree, or certification checks conducted. If positions involve the handling of public funds, information systems, confidentiality, security, or public safety, final candidates may also be subject to a credit check. Where credit checks are required, the City will comply with the rights and notifications requirements outlined in the federal "Fair Credit Reporting Act."

Background investigations described in this section will be conducted by the Human Resources Department.

2. **Medical Examination/Drug Screen**

Final candidates are required to pass a physical examination and drug screen conducted by a City-designated medical health provider. The examination is designed to determine the ability of the candidate to perform the essential job functions of the position and to ensure that they will not endanger the health or safety of themselves, coworkers, or the general public. The type of examination required is based upon the job classification and functions of the position (e.g., administration, public worker, police officer, etc.). As prescribed under privacy provisions of the ADA, medical records of all employees are kept strictly confidential and are maintained in a file separate from the official personnel files housed in the Human Resources Department. Individual employee medical records are only available on a need-to-know basis.

3. **Additional Requirements for Police Officer Final Candidates**

In addition to the above elements of the selection process, final candidates for the position of police officer must also successfully complete an emotional stability and psychological examination and a comprehensive physical fitness and agility assessment. As prescribed under privacy provisions of the ADA, medical records of all employees are kept strictly confidential and are maintained in a file separate from the official personnel files housed in the Human Resources Department. Individual employee medical records are only available on a need-to-know basis.

e. **Formal Offer of Employment**

If all elements of the hiring process are successfully completed, the final candidate will be provided with a formal employment offer letter which will confirm the employee's expected start date and other terms and conditions of employment.

f. **Police Officer's Reimbursement Agreement**

The City incurs significant costs in connection with the hiring, training, and outfitting of police officers. Therefore, to ensure that the City receives the services of the police officer for a minimum of two years in order to recoup the investment of time and money expended in training and outfitting the employee, newly-hired sworn police officers must execute a Reimbursement Agreement with the City at the time the formal offer of employment is accepted. The Reimbursement Agreement establishes the terms and conditions of employment and a reimbursement schedule should the employee separate from his/her employment with the City prior to the end of the two-year period. (A sample Agreement is attached to this Section.)

Section 308. New Hires

a. **Employment Application Processing**

After the candidate has verbally accepted the position or signed and returned the formal offer of employment letter, if applicable, the supervisor completes the hiring information on the last page of the employment application, obtains the necessary approval signatures, and forwards the application and supporting documents (e.g., resume, certifications, signed offer letter, etc.) to the Human Resources Department. The hiring process cannot proceed until the completed application is submitted to the Human Resources Department.

b. **Fingerprinting**

Prospective employees for some positions involving a high degree of trust will be fingerprinted and the prints forwarded to the FBI and State of Maryland (CJIS) for checking against its records. Any candidate who refuses to be fingerprinted shall be disqualified.

c. **Probationary Period**

All new classified employees and unclassified management employees, except sworn police officers, serve a minimum 12-month probationary period. Sworn police officers serve a 24-month probationary period (as outlined in the police officer's Reimbursement Agreement signed at the time of hire). The probationary period provides the employee with the opportunity to learn more about the City and demonstrate that he/she has the necessary skills and abilities to perform the duties of his/her

position in a satisfactory manner. This is an important time for both the City and the employee as it provides the employee an opportunity to evaluate the City in relation to his/her needs and provides the City an opportunity to do the same.

Probationary employees are eligible for all City benefits except tuition assistance (see Section 1304, Tuition Assistance). Probationary employees are not eligible for pay for performance increases during the probationary period; except that a sworn police officer will be eligible for a pay for performance (step) increase after he/she successfully completes 12 months of his/her 24-month probationary period.

The employee will be formally evaluated periodically during the probationary period to ensure satisfactory progress in meeting job requirements and proficiency in performing essential job functions, and to identify areas of improvement and development (see Section 1200, Performance Evaluations). If the employee's work and/or conduct for the position meet expectations and are deemed to be satisfactory at the end of the probationary period, he/she will be afforded all the benefits of the City's merit system and will be eligible for a pay for performance increase subject to budgetary guidelines (see Section 600, Compensation). As noted above, a sworn police officer will be eligible for a pay for performance (step) increase, subject to budgetary guidelines, after he/she successfully completes 12 months of his/her 24-month probationary period.

If the work and/or conduct of a sworn police officer do not meet expectations of the position and are deemed to be unsatisfactory at the end of the 24-month probationary period, the Department Head will recommend to the City Manager that the employee be separated from employment with the City.

If the work and/or conduct of any other classified employee or unclassified management employee do not meet expectations of the position and are deemed unsatisfactory at the end of the probationary period, the employee's Department Head may recommend that the employee's probationary status be extended for an additional six months or that the employee be separated from employment with the City. If the employee's probationary status is extended, the employee will be evaluated during the six month period to determine if the employee is meeting expectations. If the employee's work and/or conduct are deemed satisfactory at the end of the probationary period extension, he/she will be afforded all the benefits of the City's merit system and eligible for a salary increase subject to budgetary guidelines (see Section 600, Compensation). If the employee's performance and/or conduct do not meet the appropriate standards, the Department Head will recommend to the City Manager that the employee be separated from employment with the City.

Probationary employees may be separated from employment at any time during the probationary period with or without cause at the sole discretion of the City. A separation from employment during a probationary period is not subject to the provisions of the City's Grievance Procedures Policy (Section 1700) nor the appeals process described in the City's Personnel Ordinance unless the employee believes he/she has been discriminated against in the course of his/her employment with the City on the basis of race, color, sex, sexual orientation, gender identity, ancestry, age, religion, national origin, marital or parental status, disability, or serious medical condition.

d. **Orientation & Enrollments**

The Human Resources Department conducts an orientation for all new classified employees and unclassified management employees on or prior to their first day of employment. During the orientation process, the employee completes his/her enrollment forms, receives an explanation of benefit programs, policies, and procedures, and obtains any other applicable information. All new employees will be advised how to access and acknowledge receipt of notification of this Manual.

Photo identification (e.g., driver's license, military ID, etc.), social security card, and/or other documents to verify the individual's eligibility to work in the United States must be available to be photocopied and verified prior to or on an employee's first day of employment. The employee's City identification card will be prepared and the employee will be registered and activated in the City's automated time and attendance system on his/her first day of employment or as soon thereafter as possible.

On the employee's first day of employment, the Department to which the new employee is assigned will provide an orientation regarding operations, policies, procedures, and safety practices specific to the Department.

e. **Employee Number Assigned**

Each employee is assigned an employee identification number when the employee is processed into the payroll system. The employee will use this number when requested on time and attendance records and other personnel documents.

f. **Access to Personnel File**

The Human Resources Department maintains the official City personnel files on all employees. Employees may review their personnel files upon request. An employee's supervisor or Department Head may also review the employee's file; and another Department Head or his/her designee may view the employee's personnel file if the employee is being considered for transfer or promotion to that department. Personnel files may not be removed from the Human Resources Department office.

g. **Emergency Contact Information**

A medical emergency can happen while the employee is at work; and for this reason all employees are requested to provide emergency contact information at the time of hire and to update the information when changes occur so that the appropriate person(s) may be contacted if the employee becomes ill or is injured while at work. Emergency contact information is available to the employee's supervisor, Department Head, and in the Human Resources Department.

Section 309. Employment/Supervision of Relatives (Nepotism)

The City employs uniform practices regarding the employment of relatives of employees of the City of Gaithersburg to prevent the appearance of partiality in the hiring, promotion, demotion, reassignment, and transfer of employees, thereby limiting the negative impact on morale and the appearance of impropriety. This policy applies to all employees of the City.

It is the goal of the City to avoid the appearance of favoritism that may result from employment relationships with relatives and to minimize the potential for disruption or limitations in the workplace that may result from employment relationships with relatives. Therefore, it is the policy of the City that no City employee may do any of the following:

- a. Participate in the process of hiring or reassigning a relative (including serving on interview panels while the relative is still being considered for employment).
- b. Hire or cause to be hired a relative.
- c. Accept employment or reassignment when doing so would place him/her under the supervision of a relative.
- d. Supervise a relative.
- e. Reassign or cause to be reassigned a relative.
- f. Hear or investigate a grievance or an appeal from a relative.
- g. Serve on a Preliminary Review Panel convened for any report made under Section 1110 of this Manual (Improper or Illegal Actions in City Government) when the report is made by a relative or when a relative is the subject of the report or is named in the report as a potential witness or contact person.

309.1 Temporary Exceptions

An employee may temporarily supervise a relative in the following situations:

a. Two employees in a supervisory role, or an employee who is employed in a position before a relative assumed a supervisory position over the relative, may, on a temporary transitional basis, retain employment in their existing positions until such time as the City is able to reasonably transfer one of the employees on a lateral basis to another position outside the supervision of the relative. The City retains the right to decide which employee is to be involuntarily transferred on a lateral basis, taking into consideration the needs of the organization.

b. An employee is temporarily acting in the capacity of another position, temporarily filling a vacant position, or is temporarily assigned to a special program or project. The Department Head or his/her designee will closely monitor the situation to avoid any adverse impact. Upon conclusion of the temporary assignment, the employee shall return to his/her previous duties to ensure compliance with this policy as described above.

During the temporary exception period, measures should be put into place by the Department Head or his/her designee to ensure that the relative does not evaluate the employee's performance, recommend changes in pay, or take any other personnel actions that could give rise to a perception of favoritism resulting from nepotism. Such actions may include having another manager review and approve such actions.

309.2 Hire, Transfer, Promotion, and Reassignment

The City reserves the right to refuse to hire, promote, transfer, or otherwise reassign a person to a position, shift, or other condition of employment in the same department, division, or work area, wherein his/her relationship to a relative has the potential for creating adverse impact on the supervision, safety, security, or morale of the workforce, involves a potential conflict of interest, places limitations on other employee's opportunity for promotion within the department, or gives rise to a reasonably foreseeable risk of nepotism in the future. The Department Head makes the determination of whether adverse impact has the potential to exist or not and must be able to articulate his/her reason for the decision.

309.3 City's Right to Transfer

Notwithstanding any of the above, the City reserves the ultimate right to involuntarily transfer an employee on a lateral basis, to a position of similar duties at such time as the relationship between two or more relatives has the potential for creating adverse impact on the supervision, safety, security, or morale of the workforce, or involves a potential conflict of interest, and such a position becomes available.

The implementation of the City's Right to Transfer requires a case-by-case consideration and individualized assessment of the particular work situation for existing employees. Based upon relationships/marital status existing prior to Fiscal Year 2010, or which are created after an employee is hired by the City, the City Manager shall determine whether the continuing employment or promotion of an employee has the potential for creating adverse impact on supervision, safety, security, morale, or involves potential conflicts of interest. If the City Manager determines that any of the situations described above apply, the City Manager for that reason may impose the Right to Transfer.

309.4 Existing Employees

Although hiring of relatives as defined above is prohibited, the City recognizes that prior to Fiscal Year 2010, there are situations where relatives have already commenced employment with the City and that present employees may become related in the future. In such cases, no employee shall have direct supervision or control over, initiate, or participate in the following personnel actions which include, but are not limited to, appointment, transfer, promotion, demotion, layoff, suspension, dismissal, recall, work assignments, performance evaluations, timekeeping, or recommend changes in salary, or any other personnel action that may affect another City employee who is a relative as specified above.

As to existing employees, and those existing employees who become related in the future, the City retains the right:

a. To refuse to place an employee in a relationship under the direct supervision of a relative where such has the potential of creating adverse impact on supervision, safety, security, or morale.

b. To refuse to place relatives in the same department, division, or facility where such has the potential for creating adverse impact on supervision, safety, security, or morale, or involves potential conflicts of interest.

c. To transfer/reassign the employment of an employee whose post employment relationships/marital status is indicative of the adverse impacts described above.

d. To accept a resignation or dismiss the employee should the employee refuse the transfer or reassignment or if no transfer or reassignment is available.

Section 310. Reemployment Opportunities

Former employees who have terminated or retired from employment with the City in good standing may be eligible to be rehired if they demonstrate the ability to perform the essential job functions.

Applications from former employees will be processed using the same procedures and standards that govern all other employment applications and the former employee may be required to meet the same conditions of employment that would be expected of any other candidate (e.g., background investigation, medical examination, etc.) depending on the length of time the individual was not in City service. Employees who are rehired must update or complete new personnel forms as required by the Human Resources Department. Former employees who are rehired as classified employees or unclassified management employees are required to serve a probationary period as set forth in this Manual.

A former classified employee or unclassified management employee who is rehired by the City as a classified employee or unclassified management employee shall be credited with prior service, excluding the time not in City service. Employment as a part-time employee is not eligible to be credited toward prior service.

A classified employee or unclassified management employee rehired in FY2010 or thereafter shall accrue annual leave at the applicable rate based on the new hire date.