

**Policy:** The Division's employment recruitment, examining, and appointment activities will comply with all relevant provisions of the Nevada Revised Statutes and the Nevada Administrative Code.

**Purpose:** To ensure the Division recruitment and selection processes are legal and reliably result in the hiring of highly qualified and motivated employees.

**Procedures:**

I. Recruitment

- A. When there is agreement between management and fiscal staff to fill a classified vacancy or new position, supervisors are to work with agency personnel staff to ensure that the Department of Personnel's staffing request form (NPD-3) is completed and submitted to the state Department of Personnel (typically will be done through NV Apps), along with requested language for the recruitment announcement. The personnel office can assist in determining whether a recruitment or existing eligible list should be requested, and the suggested length of recruitment.
- B. The Department of Personnel allows an agency to request "selective criteria," when the supervisor does not believe that an appropriate applicant pool will be identified through use of the relevant minimum qualifications (MQ's) alone. Selective criteria are used to make a requirement of the MQ's more specific. E.g., "Some of the required experience must have been in the area of \_\_\_\_\_." In NV Apps, commonly requested selective criteria may be found in the Skills list; if not included on this list, the agency may request freeform criteria in the section called "Additional Position Experience." Justification must be included for all selective criteria, whether from the Skills list or Additional Position Experience.
- C. The agency personnel office will review NPD-3s and supporting documentation if needed, and notify the requester if additions or changes are needed. The personnel office will submit the NPD-3 to the Department of Personnel. The personnel office will also work with supervisors and the Department of Personnel to plan the recruitment. Personnel staff can secure online access for supervisors to applications for specific recruitments as appropriate.
- D. Department of Personnel will publish announcements for classified positions in NV Apps. Agency personnel staff may create freeform announcements for unclassified positions, which Department of Personnel will also post on its website.

- E. Divisional promotional job announcements are to be circulated to all Division employees, typically through e-mail. Department promotional recruitment announcement are also to be circulated to members of COPE (DHHS' Committee on Personnel Effectiveness), who have agreed to circulate the announcements within their respective divisions.
- F. It is expected that other recruitment sources will be used as needed and helpful, including Internet sites, newspapers, and participation in job fairs.
- G. When the agency personnel office receives an eligible list from the Department of Personnel, a copy of the list shall be provided to the supervisor for scheduling of interview upon receipt from the supervisor of agency-required documentation (e.g., Essential Functions list, interview questions, etc.)

## II. Americans with Disabilities Act (ADA) Requirements

- A. The ADA prohibits discrimination against persons with disabilities on the basis of their disability - defined as a physical or mental impairment that substantially limits a major life activity. As part of nondiscrimination, the Act requires employers to make reasonable accommodations to enable an applicant with a disability to participate in the selection process. All decisions affecting the employment of a person with a disability (not just initial hire) are to be based on that person's ability to perform the essential functions of the job with or without reasonable accommodation.
- B. The ADA also requires that medical information from applicants and employees be maintained in secured files separate from an employee's service jacket or recruitment files.
- C. Prior to release of an eligible list to the supervisor, the personnel office is to ensure that the essential functions of the position have been determined through completion of the job analysis form included (along with instructions for its completion) in the Department of Personnel's ADA Guidelines for Supervisors and Managers. The resulting list of Essential Functions is to be given to each candidate to read and sign acknowledging receipt, typically before the interview begins. The job analysis form is not intended to be given to applicants. It is also not required that the state's physical characteristics form be completed or given to applicants, although agencies may choose to do so for physically demanding jobs. The agency personnel office is to review the completed ADA documents for compliance with instructions.
- D. Medical or disability-related inquiries are prohibited before a conditional offer of employment is made. Interviewers are to be cautioned against asking questions or pursuing applicants' comments that could produce

information about a disability. One exception exists: if an applicant has an obvious disability, it is acceptable to ask him/her to describe or demonstrate the performance of an essential function of the position, if that is not clear. If there is no obvious disability, however, the EEOC specifies that discussions of disabilities and needed accommodations are to occur after all applicants have been considered based on their respective abilities to perform the job in question, and a conditional offer of employment has been made.

### III. Interviewing Applicants

- A. When an eligible list is ranked, Department of Personnel regulations require that all applicants in the top five ranks be offered an interview. Since there may be more than one applicant with the same score, more than five interviews may be required. If two vacancies are to be filled from the same list, applicants in the top six ranks may be contacted. For each additional vacancy, an additional rank may be considered. All applicants in the top five ranks must be contacted by phone, mail, e-mail. If all applicants in a given rank decline an interview or fail to respond to an inquiry within the timeframes specified in NAC 284.373, the supervisor may proceed to the next rank.
- B. When contacting applicants for an interview, you may also request applicants to bring documents such as transcripts, resumes, letters of reference, copies of licenses/certificates, or work samples as appropriate.
- C. When the eligible list is unranked, every attempt should be made to contact at least five candidates for each vacancy. Agencies are free to interview more than five candidates from unranked lists.
- D. It is expected that a panel of not less than two and not more than four persons will typically conduct interviews. Interview panel members should be selected in relation to the position being filled (e.g., members of the position's chain of command, subject matter experts, peers, and other stakeholders such as consumers or reviewers of the position's services). Agency personnel staff may also serve as interview panel members.
- E. It may be helpful to ask each applicant to do a performance exercise in addition to participating in the interview. The performance exercise is to be the same for each applicant, and should represent critical duties of the vacant position.
- F. The interview process shall include:
  - 1. The applicant's review and signing of the ADA essential functions form.

2. The same set of structured questions asked of all applicants. Interviewers may ask follow-up questions to clarify individual applicants' responses to these questions. The interviewers should make every attempt, however, to maintain a "level playing field" by refraining from providing positive or negative feedback to individual applicants. It is suggested that the interview provide opportunities for applicants to:
    - a) Describe how their experience and training prepare them to perform the essential functions of the position.
    - b) Respond to both situational and job knowledge questions.
    - c) Ask any questions they may have of the interviewers about the position.
    - d) Grant permission for the agency to contact current and past employers, provide information on contacting references.
  3. A predetermined rating guide for each panel member to rate each applicant may be used. Upon completion of all interviews, the panel should attempt to develop a consensus ranking of all applicants. If there is no consensus, the reasons for disagreement should be noted for the benefit of the supervisor/appointing authority.
- G. The supervisor and/or appointing authority are responsible for the final selection decision.
- H. After the top choice has been identified, contact must be made with at least three references, preferably three persons who have supervised the applicant. At a minimum, the three reference checks shall include the current or last prior employer. The purpose of these contacts is to verify the accuracy of information reported on the application, obtain information on the applicant's performance and whether the employer would rehire the applicant. (See Division policy 5.003.)
- I. Persons conducting reference checks are to refrain from asking questions directly or which are likely to elicit information about a disability. Questions that are illegal to ask applicants at the pre-offer stage are also illegal to ask references. (See section II.D of this policy.)
- J. The Department of Personnel's central records section must be contacted to verify whether the applicant has previously been employed by the State regardless of whether the application indicates previous state employment. Service jackets for current and prior state employees are to be reviewed. For agencies not in Carson City, Division's central office personnel staff will conduct reviews when Central Records has information on an applicant being considered for hire.
- K. When an agency proposes to hire an applicant who is a current or former state employee, approval must be obtained from the Division's central office.

- L. Filling of most positions at grade 40 and above requires approval by the Director of the Department of Health & Human Services. Required documentation is to be submitted through the Division personnel office for this purpose.
  - M. If an MHDS agency chooses to hire an employee from another Division agency, the hiring decision is expected to be discussed with the director of the applicant's agency prior to making a formal offer. This is intended to ensure continuity in both agencies' ability to provide services.
  - N. If the supervisor desires to offer an accelerated salary rate, approval must be requested in writing using the Department of Personnel's Request to Accelerate Salary form (NPD-4), and ensuring that no internal salary inequities will be created. The agency business manager must acknowledge sufficient salary savings to cover the accelerated rate. The completed request is submitted through the agency personnel office and division Personnel Officer to the Department of Personnel for approval.
  - O. The following information is to be submitted to the agency personnel representative prior to a formal offer of employment being extended: applications, reference check documentation, interview questions and notes, rating sheets if used, signed Essential Functions forms, related persons questionnaire, and coded eligible lists. For positions requiring a drug test as a condition of hire, the agency personnel representative must have documentation that negative results were obtained before proceeding to an offer. Personnel staff shall review the selection documentation for completeness, and ensure that the selection is legal in all respects. The agency personnel office will authorize the supervisor to extend a formal offer of employment.
  - P. When all required approvals have been obtained, agency personnel staff is to notify the supervisor, who may proceed with a written offer of employment, as well as letters of regret or phone or in-person notifications for those not selected.
- IV. Offer of Employment
- A. A written offer of employment must be prepared and sent to the applicant detailing:
    - 1. Position title and grade/step;
    - 2. Annual, bi-weekly and/or hourly salary rate;
    - 3. The agreed-upon start date and hours of the appointment;
    - 4. The position's physical location;
    - 5. Supervisor's name and title;

6. Whether there will be a probationary period, and its length; and
7. Information about the criminal background check process, including costs to the applicant.

The letter must include a signature line for the applicant to acknowledge acceptance of the offer as stated in the letter.

- B. A copy of offer letters signed by the applicant should be submitted to the agency personnel office upon receipt. Supervisors are to coordinate new employees' orientation and the preparation of required new hire documents with their personnel office.
- V. English Proficiency - NRS 433.269

The division is expected to ensure that its professional staff is proficient in both oral and written English. Each agency director will review a sample of written English, appropriate to the proposed position, to ensure that the written communication is appropriate to the profession and the proposed position.

Further, the division recommends that oral facility with the language be assessed by telephone. This eliminates all cues other than the spoken word. Agency directors have the option of speaking with applicants themselves, or having someone else do so.

- VI. Recruitment files, including job announcements, applications, interview questions, interviewers' notes, etc., must be retained for three years from the closing date of the recruitment.
- VII. Each agency shall formulate policies and procedures to implement the provisions in this policy or shall incorporate this policy into its policy and procedure manual.



Administrator

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