

NORTHERN NEVADA ADULT MENTAL HEALTH SERVICES
POLICY AND PROCEDURE DIRECTIVE

SUBJECT: FILLING VACANT POSITION AND HIRING OF NEW EMPLOYEES

NUMBER: NN-HR-16

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APPROVAL: _____ Rosalynne Reynolds *[s]* _____ , Agency Director

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I. PURPOSE

The purpose of this directive is to establish policies and procedures for the filling of vacant positions and the hiring of new employees at Northern Nevada Adult Mental Health Services (NNAMHS). To clarify restrictions on the employment of relatives as referenced in NRS281.210 and to establish procedures for the employment/advancement of relatives who are applicants for employment or are already employed.

II. POLICY

It shall be the policy of NNAMHS to ensure the selection and hiring processes are in compliance with federal laws, state statutes, Division policies, and other applicable regulations. Division officials and employees with legal or delegated authority to hire employees may not employ any relative within the third degree or consanguinity or affinity, in compliance with NRS 281.210 with NAC 284.375 – 377. The prohibition extends throughout a supervisor’s entire chain of command.

### III. REFERENCE

1. NRS 613.333 Unlawful employment practices
2. NAC 284.356 Essential Functions
3. NAC 284.357 Provision of description to candidates for vacant position; consideration for appointment
4. NAC 284.382 Inquiry of availability
5. NRS 284.240 Grounds for refusal to examine or certify.
6. MHDS Policy 5.002 Hiring of New Employees
7. MHDS Policy 5.003 Employment of Relatives

### IV. PROCEDURE

1. On receipt of a notice of resignation or allocation of a new position, supervisors are responsible to ensure:
  - a. Review or assist personnel in preparing justification to hire. (if required)
  - b. The essential functions of the position are current and accurate;
  - c. The supervisor and the agency personnel representative discuss recruitment options. The personnel office shall inquire with Department of Personnel to the availability of an already established list.
    - i) Divisional promotional job announcements will be posted in NEATS and all agencies of the division of MHDS will be notified via e-mail.
    - ii) 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 interviews.
    - iii) If the supervisor chooses to hire an employee from another MHDS agency, the hiring decision is to be discussed with the agency director, who in turn will discuss the decision with the applicant's agency prior to making a formal offer. However, if the applicant has not authorized contact with their current MH/MR

employer, the hiring agency must refrain from such contact.

## 2. 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. [Also as a result of the ADA, personnel offices must maintain any employee or applicant medical information in secured files separate from an employee's service jacket or recruitment files.]
- b. 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. The personnel office will also provide instructions to supervisors regarding review of the document with applicants, obtaining signatures on Essential Functions forms, and return of documents.
- c. Medical or disability-related inquiries are prohibited before a conditional offer of employment is made. If an applicant has an obvious disability, it is acceptable to ask him/her to describe or demonstrate how they would perform an essential function of the position, if that is not clear. If there is no obvious disability, however,

the ADA intends for any discussions of disabilities and needed accommodations to occur after all applicants have been considered based on their respective abilities (qualifications) to perform the job in question, and a conditional offer of employment has been made.

### 3. Employment of Relatives

- a. The following relatives fall within the hiring prohibition: great-grandchildren, grandchildren, children, nephews, nieces, cousins, siblings, spouses, parents, uncles, aunts, grandparents, and great-grandparents. These prohibitions apply also to relatives of half blood.
- b. When an employee becomes related to someone in their direct line of authority in such a way that the employee would have been ineligible for hire if the relationship had existed at the time of hire, the appointing authority shall ensure that they do not continue to hold positions in which one of the employees is in the direct line of authority of the other (NAC 284.377).
- c. Employees who become related in such a way are required within ten working days to notify the appointing authority of the relationship, and submit a statement to the appointing authority recommending a means of resolving the conflict. The appointing authority is to resolve the situation as soon as practicable, and is not bound by the recommendations of the parties.

### 4. 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, either by phone or by mail. If all applicants in a given rank decline an interview or fail to respond to an inquiry within the timeframes specified in NAC 284.382, the supervisor may

proceed to the next rank.

- b. When contacting applicants for an interview, they should be advised to bring a copy of their application to the 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. Using unranked eligible lists: Every attempt should be made to interview at least five candidates for each vacancy. Recruitment files, including job announcements, applications, interviewers' ratings, etc., must be returned to the agency personnel office and will be retained for one year from the closing date of the recruitment.
- d. It is expected that a panel of not less than two persons will typically conduct division 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). The immediate supervisor should always be on the interview panel.
  - i) The interview process shall include:
    - A) The applicant's review and signing of the ADA essential functions form.
    - B) 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:
      - C) Describe how their experience and training prepare them to perform the essential functions of the position.
      - D) Respond to both situational and job knowledge questions.
      - E) Ask any questions they may have of the interviewers about the position.
      - F) Grant permission for the agency to contact current and past employers,

provide information on contacting references.

- ii) In most cases, a predetermined scale or rating guide on which each panel member rates each applicant should 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.
- e. The supervisor and/or appointing authority are responsible for the final selection decision. After their first choice has been identified, contact must be made with at least three references, preferably three of the applicant's employers. 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. The personnel office will contact the Department of Personnel's central records section 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 and approval must be obtained from Division.
- f. Supervisors can obtain the standard reference form from the personnel office.
- g. 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, rating sheets, signed essential function forms, familial relationships questionnaire, and coded and signed eligible lists. The agency personnel representative shall review the selection documentation for completeness, and ensure that the selection is legal in all respects. The agency personnel office will devise a formal offer of employment. Upon acceptance of position the personnel office will provide the background check which must be completed within five days of hire, and toxicology screening (if required) forms to prospective new hire.
- h. 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 completed request is submitted through the agency personnel office and division Personnel Officer to the Department of Personnel for approval.

- i. The supervisor is to send out letters of regret for those candidates not selected.

#### 4. Offer of Employment

- a. The hiring of employees shall not be delayed pending the verification of the background check. If results indicate a criminal history, approval for hiring must be obtained from the division administrator. It is not the intent of this policy to prohibit the hiring of persons with criminal convictions, but to ensure the appropriateness of their employment. In accordance with statutory and departmental requirements, fingerprints and criminal background checks are required for all positions.
- b. Upon acceptance of offer the supervisor will notify the Facility supervisor and request keys.
- c. Personnel will notify Program Evaluation and the Computer Training Facilitator,
- d. Upon acceptance of offer the supervisor shall contact the Employee Health Nurse to schedule a PPD and Physical which must be completed prior to employment.

#### 5. English Proficiency – NRS 433.269

- a. The division will assume responsibility for ensuring 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, for not only fundamentals of English, but to ensure that the written communication is appropriate for the profession.