



Virginia Department of Corrections

Human Resources

Operating Procedure 102.2

Recruitment, Selection and Appointment

Authority:

Directive 102, *Talent Acquisition and Records*

Effective Date: December 1, 2019

Amended: 2/1/21, 10/1/21

Supersedes:

Operating Procedure 102.2, September 1, 2018

Access: Public Restricted Inmate

ACA/PREA Standards:

5-ACI-1C-07, 5-ACI-1C-08, 5-ACI-1C-10,
5-ACI-1C-11; 4-4054, 4-4055, 4-4057, 4-4058;
4-ACRS-7B-04, 4-ACRS-7E-03, 4-ACRS-7E-06,
4-ACRS-7E-08; 4-APPFS-3D-19, 4-APPFS-3E-07,
4-APPFS-3E-08, 4-APPFS-3E-09; 2-CO-1C-07,
2-CO-1C-09-1, 2-CO-1C-10, 2-CO-1C-13;
1-CTA-1C-04, 1-CTA-1C-05; §115.17, §115.217

Content Owner:	Brittany H. Crane Deputy Human Resources Director	Documentation on File	10/7/19
		Signature	Date
Reviewer:	Lucinda Childs-White Director of Human Resources	Documentation on File	10/15/19
		Signature	Date
Signatory:	Joseph W. Walters Deputy Director for Administration	Signature Copy on File	10/28/19
		Signature	Date

REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

The content owner reviewed this operating procedure in December 2020 and necessary changes have been made.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

Table of Contents

DEFINITIONS	3
PURPOSE	5
PROCEDURE.....	5
I. Recruitment, Selection, and Appointment	5
II. Notification of Vacancies (NOV)	5
III. Review of Duties, Qualifications, and Essential Functions of Vacant Positions	6
IV. Filling Vacancies through Administrative or Non-Competitive Processes.....	8
V. Posting and Recruitment	8
VI. Applications	10
VII. Screening and Referral by Human Resources	10
VIII. Interview and Selection Process.....	11
IX. Appointment to Positions	13
X. Employment of Ex-Offenders	14
XI. Notification of Applicants	15
XII. Voiding the Selection Process.....	16
XIII. Record Keeping and Documentation	16
REFERENCES.....	17
ATTACHMENTS	17
FORM CITATIONS	17



DEFINITIONS

Ability - A demonstrated competence to perform observable behavior, or a behavior that results in an observable product; ability denotes current competence in doing specific job content actions; it does not denote a person's capability to acquire this competence, nor can it be inferred from years of experience. Those involved in the hiring process should take care not to confuse an ability, which is currently demonstrable, with an aptitude, which is the potential for acquiring an ability.

Administrative Non-Competitive Process - A non-competitive action reassigning a person to a different job role within the same agency and within the same pay band/sub-band

Appointing Authority - The Organizational Unit Head or the next level of supervision above the Organizational Unit Head, if the Organizational Unit Head position is vacant; this is the person who must give final approval for the selection. This authority may be delegated down the chain of command to the immediate supervisor.

Competitive Voluntary Transfer - Movement within the same role or to a different role in the same pay band as a result of a competitive process

Demotion - Movement to a different role in a lower pay band

Department of Human Resource Management (DHRM) - The central human resource agency for Virginia state government

Disability - An actual physical or mental impairment that substantially limits one or more major life activities; or a record of such impairment; or being regarded as having such an impairment

Eligible - Qualified to participate or to be chosen by having complied with or not violated specific requirements or precedent conditions, e.g., supplemental questions noted in the application process

Employee Work Profile (EWP) - The form used to complete the annual performance evaluation that includes a brief work description, performance plan, core responsibilities, performance measures, and employee development goals. See [Employee Work Profile \(EWP\) 145_F2](#).

Essential Functions - Activities or tasks that are qualified as integral to the position; performance of the function is the reason the job exists or is a primary component, the number of employees available to perform the function is limited, employees in the same role code perform the function, the function requires specialized skill or training, the function occupies a large percentage of time, and failure to perform the function may have serious consequences

Ex-Inmate - For purposes of this operating procedure, a person who was convicted as an adult of a felony that was adjudicated in a Circuit Court (or equivalent in another state or federal jurisdiction)

Geographic Area - An area of coverage spanning a 60-mile radius of the applicable facility or work location

Hiring Manager - The immediate supervisor/manager responsible for the hiring process in their unit or for their team; designation of Hiring Manager status is determined by the Organizational Unit Head.

Human Resources - Department of Corrections, Human Resources Office located at DOC Headquarters unless the context clearly indicates otherwise

Inmate/Probationer/Parolee - People who are incarcerated, serving a state responsible sentence in a local or regional jail, or under community supervision with the Virginia Department of Corrections or other release authority.

Immediate Supervisor - The person who conducts the performance evaluation of the employee

Interview Panel - A diverse group of at least three but not more than five persons selected by the appointing authority to assist with interviewing applicants for a position

Job Related Criteria - The knowledge, skills, and abilities (KSAs) needed to perform the duties of the position; an applicant's related education, related experience both in quality and quantity, interview performance, references, performance evaluations, active disciplinary actions, commendations, and other similar documentation are utilized to determine if the applicant has the required KSAs.



Knowledge - A body of information applied directly to the performance of a function; it usually is information of a factual or procedural nature that makes possible adequate performance of the work.

Lateral Transfer - The competitive or noncompetitive transfer of an employee from one position to another position in the same pay band; the work titles of the two positions do not have to be the same.

Minimum Knowledge, Skills, and Abilities - The critical components of a position's qualification requirements that an applicant must have to perform the core responsibilities outlined in the Employee Work Profile

Non-Competitive Transfer - Movement to another position in the same pay band and sub-band without posting the vacancy

Organizational Unit - A DOC unit, such as a correctional facility, regional office, probation and parole office, Virginia Correctional Enterprises (VCE), Academy for Staff Development, Corrections Construction Unit, Agribusiness Unit, and individual headquarters unit e.g., Human Resources, Offender Management, Internal Audit

Organizational Unit Head - The person occupying the highest position in a DOC organizational unit

Pay Band - Nine step-less pay ranges established by DHRM to set a minimum and maximum salary for all classified positions in each band

Pre-Employment Testing - Objective, standardized tests and selection procedures that help determine the most qualified candidates; examples including writing samples, written responses to questions, sample job tasks, computer exercises, etc.

Preferred Knowledge, Skills, and Abilities - The specific components of a position's qualification requirements that should positively affect the initial level of job performance if possessed by an applicant prior to coming into the position

Recruitment Management System (RMS) - The automated personnel system that identifies and publicizes positions for which the Commonwealth is actively recruiting

Skill - A present, observable competence to perform a learned psychomotor act; a skill embodies observable, quantifiable, and measurable rates of performance for a specific act.

Sub-band - A tool used to manage salaries within a pay band; reflects a portion of an existing pay band that has a defined minimum and maximum salary within that pay band

Transfer - The movement of an employee from one position to another position in the same pay band; the positions do not have to be the same

Vacancy List - The DOC listing of job vacancies under active recruitment



PURPOSE

This operating procedure establishes uniform guidance for the recruitment, selection, and appointment of Department of Corrections (DOC) employees that ensures compliance with the Virginia Personnel Act, State and Federal mandates, and Department of Human Resources Management policies, while allowing flexibility to make decisions in selection that support the mission and vision of the Department. (4-APPFS-3E-08)

PROCEDURE

- I. Recruitment, Selection, and Appointment
 - A. The DOC makes employment decisions based on an individual's merits, qualifications, eligibility, and suitability and specifically prohibits discrimination on the basis of race (including traits historically associated with race to include hair texture, hair type, and protective hairstyles such as braids, locks, and twists), sex (including sexual harassment, pregnancy, lactation or expression of breastmilk, and marital status), color, national origin, religion, sexual orientation, gender identity, age, political affiliation, genetics, veteran status, or against otherwise qualified persons with disabilities except when age or sex is a bona fide occupational qualification (BFOQ). (5-ACI-1C-10; 4-4057, 4-ACRS-7B-04, 4-APPFS-3E-09; 2-CO-1C-13; 1-CTA-1C-04)
 - B. Employment decisions as addressed in this operating procedure include initial employment, lateral transfer, retention, and promotion. (5-ACI-1C-11; 4-4058; 4-APPFS-3E-09; 2-CO-1C-13; 1-CTA-1C-05)
 - C. The Department of Corrections complies with Executive Order One (2018), *Equal Opportunity*.
 - D. Organizational Unit Heads, Human Resources, Human Resource Officers (HROs), and all employees in a supervisory capacity are responsible for the consistent application of this operating procedure.
 - E. In order to ensure the recruitment process is consistent, fair, and transparent, Human Resource Officers or other designated HR staff must review all requisitions, interview types and methods, the composition of interview panels, interview questions, and other related recruitment and selection materials.
 - F. HROs or other designated HR staff must maintain a recruitment file that contains but is not limited to the following information for a period of three years:
 1. Employee Work Profile (EWP)
 2. Job Approval Email from DOC Recruitment
 3. Job Posting from Recruitment Management System (RMS)
 4. Completed Screening Sheet
 5. List of Applicants to be Interviewed with Date & Time
 6. [Interview Panel Composition](#) 102_F31
 7. Panel Interview and/or Appointing Authority Interview [Applicant Interview Notes and Evaluation](#) 102_F4
 8. Interview Panel Recommendations in Alphabetical Order (if applicable)
 9. Signed and Dated Applications/Resumes of candidates interviewed
 10. Applicant Flow Sheet (AFS)
 11. Any additional Recruitment and Selection documentation
- II. Notification of Vacancies (NOV)
 - A. Executive management may establish procedures to review and approve requests to recruit or fill vacant positions for their area of responsibility prior to submission to Human Resources.



- B. Organizational Unit Heads should request approval to recruit for a vacant position through their appropriate chain of command unless otherwise directed. The Organizational Unit Head should use the [Notification of Vacancy 102_F3](#) or other approved form. The Unit Head or designee will submit or confirm submission of the approved NOV to Human Resources.
- C. The Director of Human Resources or designee will grant final approval for all vacant positions to be posted and filled.
- D. The DOC may be required to comply with additional reviews to obtain approval before a vacancy is posted, before interviews are scheduled or before written employment offers are made.
 - 1. These requirements may be imposed by the Director, the Secretary of Public Safety and Homeland Security, or the Governor's Office.
 - 2. The Director, Chief of Corrections Operations, Deputy Director for Administration, Deputy Director of Programs, Education, and Reentry, or Director of Human Resources will issue written instructions to Organizational Unit Heads if additional approvals or reviews are required.

III. Review of Duties, Qualifications, and Essential Functions of Vacant Positions (4-ACRS-7E-08)

A. Duties

- 1. When a vacancy occurs, the Organizational Unit Head or designee should determine whether a generic [Employee Work Profile 145_F2](#) (EWP) template exists for the vacant position.
- 2. The applicable EWP template must be utilized if one exists.
- 3. If no generic EWP template exists for the vacant position, the Organizational Unit Head or designee should review the duties of the position as indicated on the most recent EWP to ensure that the duties are correct and current.
- 4. If a EWP does not exist, or is not current, the Organization Unit Head or designee should work with the HRO to develop or revise the EWP prior to the position being posted. If assistance is needed with this process, the Compensation Unit at Headquarters should be contacted.
- 5. If the duties of the position have changed or are intended to change, new core responsibilities and measures will be developed. The position should be reviewed to confirm the correct assignment of the role title and working title; this review should be coordinated with the Compensation Unit at Headquarters.
- 6. If the EWP reflects the current duties of the position, the recruiting process may be initiated.

B. Qualifications

- 1. Qualification requirements identified for recruiting or selection purposes must be job-related and based on the EWP for the vacant position. Human Resources should review these qualifications prior to the posting of the vacancy.
- 2. Knowledge, Skills, and Abilities
 - a. The Organizational Unit Head or designee should determine the minimum Knowledge, Skills, and Abilities (KSAs) necessary to perform the duties of the vacant position.
 - b. Minimum KSAs should be identified that are required for the employee to satisfactorily perform the job duties. Minimum KSAs must not include those that can be routinely learned during a reasonable period on the job.
 - c. Preferred KSAs should also be identified that are clearly related to the duties of the position. Preferred KSAs must not include those that can routinely be learned during a reasonable period on the job.
- 3. Experience (2-CO-1C-07)
 - a. Both quality, as well as length of experience should be key factors in qualifications and



- employment decisions.
- b. Specific years of experience, such as two years or four years, will not be used for purposes of job posting or selection.
 - c. Applicable or related experience may be required or, in some instances, preferred.
4. Education (2-CO-1C-07)
- a. Requirements should not be so absolutely stated or used as to preclude consideration of applicants who possess equivalent or sufficient applicable experience or training that would reasonably predict an applicant's ability to perform the job satisfactorily. (5-ACI-1C-10; 4-4057; 4-ACRS-7B-04; 1-CTA-1C-04)
 - b. Education may be reflected as a minimum requirement only if a specific certifying body, regulation, or law requires it.
5. Qualifications listed in the job posting must be written and consistent with those in the EWP.
- C. Essential Functions - Prior to posting or recruiting for a vacancy, the Organizational Unit Head or designee should confirm or identify the essential functions of the position.
- D. Position Review - The recruitment process may commence as soon as current core responsibilities and measures have been identified, the role title and working title confirmed, the minimum and if appropriate preferred qualifications are identified, and the essential functions are identified.
- E. Human Resources or the HRO must identify the screening criteria prior to the position being posted.
- F. Supplemental Questions
1. Prior to recruiting for a vacancy, the Organizational Unit Head in consultation with Human Resources or HRO should establish questions that may screen an individual for the position and can be utilized in the Recruitment Management System (RMS).
 2. These questions should be based on essential functions and KSAs as established in the EWP.
 3. Additional questions may be added as necessary by law, statute, or regulation to further determine applicants' eligibility for hiring or promotion. (e.g., PREA)
- G. Postings will be made using standard "job or role" templates.
1. Changes to these templates to indicate unique aspects of a position can be made by Recruitment Staff at Headquarters.
 2. Additional information may be added to the template by the HRO or other designated HR staff only if another duty or KSA is needed to perform that specific job.
 3. The HRO should notify Recruitment Staff in the Office of Human Resources at Headquarters if any aspect of the template should be modified.
- H. Eligibility
1. The DOC will not hire or promote anyone for a position that may have contact with inmates, probationers, or parolees who has been: (§115.17[a], §115.217[a])
 - a. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. §1997, *Civil Rights of Institutionalized Persons*);
 - b. Convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - c. Civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse.
 2. The DOC must consider any incidents of sexual harassment in determining whether to hire or promote

anyone who may have contact with inmates (§115.17[b], §115.217[b])

3. The DOC must ask all applicants and employees who may have contact with inmates, probationers, or parolees directly about previous misconduct described in paragraph a., of this section in written applications or interviews for hiring or promotions. (§115.17[f], §115.217[f])

IV. Filling Vacancies through Administrative or Non-Competitive Processes - Positions may be filled on a non-competitive basis through an administrative process, management initiated process, or an employee initiated process. Applicable pay factors will be considered when determining compensation as a result of these actions, see Operating Procedure 102.4, *Compensation*, for more information.

A. Administrative Placement - This determination will be made by the Director of Human Resources or designee in consultation, if needed, with the appropriate senior manager.

1. Within the DOC for placement in lieu of layoff or for recall from layoff
2. By demotion or transfer for disciplinary or performance reasons

B. Management Initiated Placement - This determination will be made by the appropriate member of the Executive Team, in consultation with the Director of Human Resources or designee, based on DOC operational needs necessitated by a non-competitive transfer:

1. Employees transferring from one position to another where the job title is the same
2. Transferring employees to a position in the same band based on DOC operational needs

C. Employee Initiated Cases - This determination is made by the Organizational Unit Head in consultation with the appropriate Regional Operations Chief or Regional Administrator or Executive Team member when a position that otherwise would be filled on a competitive basis has been requested by a current employee.

1. Employees transferring to a position in the same pay band and sub band or to the same pay band and lower sub-band as a result of the employee's request.
2. Employee initiated case request and review process:
 - a. An employee who desires to transfer within the same pay band, in the same or lower sub-band, or voluntarily demote to a position in the same or another organizational unit must make a written request to that Organizational Unit Head, and should copy their own Organizational Unit Head. This may be done at any time but must have been submitted prior to the position being posted.
 - b. The Organizational Unit Head may fill the vacant position by accepting the written request for transfer or voluntary demotion in consultation with the HRO or other designated HR staff. The compensation must be approved in accordance with Operating Procedure 102.4, *Compensation*, prior to offering the position. If more than one lateral transfer/demotion request is received, the Organizational Unit Head or designee should interview the candidates interested in transferring to determine the employee best suited for the position.
 - c. The Organizational Unit Head has discretion to accept or reject requests for transfer or voluntary demotion and may post a vacant position, even if there are written requests for transfer. If the position is posted, those requesting transfer must submit an application/resume through RMS by the deadline to be considered in the competitive process.
 - d. The Organizational Unit Head from which the employee is transferring should not refuse to allow the employee to transfer to another organizational unit or delay the date for the transfer without concurrence from the receiving Organizational Unit Head. If a transfer delay is necessary, 45 days should normally be the time limit. Exceptions should be discussed with the appropriate Regional Administrator.
 - e. The appropriate Regional Administrator or senior manager may disapprove or delay an intra-divisional transfer or demotion based upon Agency need.
 - f. Corrections Officers may not transfer, to include a transfer through the competitive process, during



the first two years of employment unless an exception for hardship is approved by the Regional Administrator or both Regional Administrators if the transfer request is across regions.

- g. The Director of the Department of Corrections may disapprove any transfer or demotion.

V. Posting and Recruitment

A. Determining Recruitment Options - Organizational Unit Heads should consider the recruitment option that best fits their needs before posting a vacancy. The decision should be based on factors such as the diversity of the unit's workforce and the availability of qualified applicants. One of these three options must be used when conducting recruitment:

1. Agency Internal Recruitment - Only current DOC employees (i.e., classified, restricted, wage, and excepted positions) may apply. These positions are initially posted for at least five business days.
2. State Employees Only - Only current employees of the Commonwealth of Virginia (i.e., classified, restricted, wage, and excepted state employees) may apply. These positions are posted initially for at least five business days.
3. General Public - All state employees and the general public may apply.

B. If initial recruitment does not result in an acceptable applicant pool, recruitment can be continued as necessary. Re-posting may proceed after consultation with the appropriate Human Resources designee.

C. Vacancy postings cannot be changed once published unless approved by the Director of Human Resources or designee.

D. Recruitment

1. HROs or other designated HR staff will key vacancies into the RMS for all positions except for positions in pay band 5/sub-band 14 and above. Headquarters' Recruitment Staff will key all other vacancies in to the RMS.
2. Vacant classified positions that are to be filled on a competitive basis will be listed in the Recruitment Management System (RMS) and will reflect the recruitment option chosen except as noted below: (4-APPFS-3D-19)
 - a. A position with the same role/work title, duties, and functions within the same organizational unit and geographical area/location becomes vacant or funded during the recruitment period or within 90 calendar days of the original position's closing date and needs to be filled as promptly as possible.
 - b. An applicant pool for a Corrections Officer or Probation Officer within the same organizational unit and geographic area/location can be utilized for 180 days of the original position's closing date.
 - c. Organizational Unit Heads have the option to post the new vacancy in RMS or use the applicant pool from the original recruitment.

E. Time Requirements - Announcements for all positions must be listed in the RMS for a minimum of five consecutive business days, not counting Saturdays, Sundays, and holidays.

F. Paid Advertising - Consideration to available labor pools should be given prior to deciding on paid advertising.

1. Executive Team members in consultation with the Director of Human Resources, or designee, will determine use of paid advertising.
2. Organizational units, with appropriate approvals, may place ads in consultation with Human Resources. The organizational unit will be responsible for the cost of ads and for placing their own advertisements in newspapers and electronic media consistent with the information listed in the RMS job posting for that position. Posting periods must be consistent with closing dates listed in the job posting. Human Resources must review and approve external advertisements prior to their placement.



G. Re-posting

1. An organizational unit may re-post a vacant position if additional qualified applicants are desired.
2. A position must be re-posted or the closing date extended if the initial job posting did not produce three qualified applicants, unless an exception to re-post is approved by the Director of Human Resources or designee.
3. Re-posted positions must be listed for a minimum of five consecutive business days.

H. "Open Until Filled" Postings

1. "Open until filled" postings are used for certain recruitment situations without the restriction of closing dates with the approval of the Director of Human Resources or designee. The posting period must last at least five business days.
2. Organizational units with roles approved for "open until filled" status must ensure that equal employment opportunity efforts are maintained in the attempt to achieve agency EEO objectives.
3. Human Resources staff must consider all applications received up to a determined date when filling a vacancy from an "open until filled" pool.

VI. Applications

- A. Only employment applications and resumes submitted using RMS by the deadline will be considered in the competitive process.
- B. Organizational Units, HROs, or other designated HR staff will process employment applications for positions below band 5/sub-band 14 (unless agreement to process has been made with Recruitment Staff at Headquarters).
 1. Correctional field unit employment applications will be processed by their designated major institution.
 2. It is the responsibility of the applicant to submit an employment application/resume using RMS for each position posting.
- C. For applicants with disabilities, appropriate accommodations will be made to allow them to participate in the application process i.e., to complete application and to be interviewed, if referred. Such persons should be directed to receive assistance from the Human Resources Officer at the organizational unit where they are seeking employment or from Human Resources. (5-ACI-1C-07; 4-4054, 4-ACRS-7E-03; 2-CO-1C-09-1)
- D. For screening purposes, the application and resume are used to assess education and experience qualifications.
- E. A fully completed application is one with all questions answered and with relevant positions and duties listed.
- F. If a vacant position is re-posted prior to interviews, all applications and resumes for both posting periods will be considered so long as there is no change in the job duties or qualifications.
 1. If such changes are made, applicants who responded to the original posting must be notified that they must re-apply to be considered.
 2. If a position is re-posted following interviews, applicants from the previous posting may be considered or may be required to reapply.

VII. Screening and Referral by Human Resources

- A. Screening is based on duties, requirements, and minimum and preferred qualifications as stated in the vacancy posting



1. Screening criteria is established prior to posting.
 2. In addition to minimum qualifications, preferred qualifications may be considered.
 3. No one should attempt to influence the screening of applicant pools.
- B. Organizational Unit Heads or their designees may be involved in the screening process with Human Resources.
- C. Documentation of applicant screening must clearly identify the screening process used and must be maintained for three years from the closing date of the posting.
- D. The HRO or other designated HR staff will be responsible for updating RMS to reflect the appropriate status of each applicant status throughout the Recruitment process. Mandatory status are: (changed 2/1/21)
1. Under Review by Department
 2. Offered Interview
 3. Declined Interview
 4. Interviewed
 5. Offered Job
 6. Accepted Offer
 7. Recommended for Hire
 8. Offered Employment
 9. Not Hired
 10. Hired
- E. Any questions regarding screening of pools should be directed to the HRO, Recruitment Manager, Director of Human Resources, or designee.
- F. All referred applicants must be interviewed unless the Director of Human Resources or designee approves an exception. With approval, applicants may be rejected based on the following:
1. Not attending multiple, scheduled interviews without advance notice
 2. Documented derogatory information
 3. Poor performance in previous interviews
 4. In excessively large interview pools, interviews may be limited to a subset of the applicants referred where a clear distinction in the applicant pool is evident and documented on the screening sheet.
- G. Once applicants are screened and referred, the Organizational Unit Head should make a timely hiring decision. In normal circumstances, the DOC is expected to fill vacant positions within 50 days of the position's closing date.
- H. Veterans' Preference
1. During the initial screening, veteran status should be noted on the screening sheet.
 2. Preference will be given by treating veteran status as a preferred qualification.
 3. Further preference will be given if the veteran applicant also has a service-connected disability rating by treating the veteran's disabled status as a second preferred qualification.

VIII. Interview and Selection Process

- A. All interviews must be focused on job- and organization-relevant knowledge, skills, abilities and competencies.



- B. The appointing authority may delegate the interviewing responsibility to someone in the same or higher level as the position being filled.
- C. Hiring authorities are not required to interview applicants who are not available at the time of the scheduled interview.
- D. At least three candidates must be interviewed for a vacant position unless the Director of Human Resources or designee approves an exception.
- E. A standard set of interview questions must be developed by the appointing authority, HRO or other designated HR staff, or the interview panel members.
 - 1. The HRO or other designated HR staff must review and approve all interview questions prior to the interview.
 - 2. All candidates will be asked the same questions.
 - a. Interview questions should seek information concerning the applicant's ability to perform the essential functions of the job as outlined in the posting on RMS.
 - b. Interview questions should be phrased in a manner to determine the applicant's ability to perform the essential functions of the position and to demonstrate needed competencies or suitability for the position.
 - c. Interview questions must be job-related as outlined in the posting on RMS and cannot violate EEO guidelines or state policy and procedure.
 - d. Candidates should be asked both situational and behavioral interview questions to assess past experience and how they would respond in hypothetical situations.
 - 3. Additional job-related or follow-up questions of a single candidate may be asked in response to the applicant's answers, statements, and questions; or to clarify information on the application/resume.
- F. Pre-employment testing may be used as one factor (along with references, related experience, education, and specialized KSAs) to determine the candidate best suited for the position.
 - 1. The Director of Human Resources or designee must approve all pre-employment testing in advance, and the test and answer key must on file in Human Resources prior to use.
 - 2. All pre-employment testing must meet the following conditions:
 - a. A standard format must be used for all applicants. Work exercises (i.e. demonstrating writing skills, skills in PC functions, appropriate techniques for lifting objects, etc.) are also acceptable.
 - b. All applicants referred for a final interview for a position must be administered the same test or work exercise(s) if one is used.
 - c. The test location environment must be the same for all applicants.
 - d. Test administrators may be required to complete special training in order to consistently and fairly administer certain tests.
- G. The DOC [Applicant Interview Notes and Evaluation](#) 102_F4 must be used for all interviews. The form should document the reason for the assessment. The *Evaluation* will be used as a guide and not as the final assessment device to select the recommended or final candidate(s).
- H. It is the responsibility of the appointing authority or designee to conduct timely, effective interviews of qualified candidates. Hiring Managers should consult with the HRO or other designated HR staff on interview techniques and the selection process.
- I. Video or telephonic interviews may be used for initial interviews if approved by the appointing authority if arrangements are made with candidates in advance of their scheduled interviews. No final offer of employment will be made without a face-to-face interview with the appointing authority or designee.
- J. The use of at least one diverse interview panel is required when filling all full-time positions and strongly

recommended when filling wage positions. If two rounds of interviews are used when filling a position, then the first interview should be a panel interview followed by the appointing authority interview. When only one interview is held, a panel interview process must be utilized.

1. The panel must be diverse and comprised of at least three, but not more than five, members selected by the appointing authority or designee.
 2. All members must have knowledge of at least one important aspect of the responsibilities of the position being filled.
 3. Employees who are members of the panel must be of the same or higher level as the vacancy. The Director of Human Resources or designee may grant an exception for positions of a technical nature. Panel members may not be subordinates of the position being filled.
 4. The chairperson, if an employee of the DOC, must be in the same or higher level as the position being filled.
 5. If more than one interview is held, the appointing authority, immediate supervisor, or anyone in the direct line of supervision must not be members of the initial interview panel.
 6. Concerted efforts should be made to have members of protected classes on interview panels and efforts should be made to include panel members from other units or divisions.
 7. An employee serving on an interview panel must have completed Lawful Interviewing Training (and/or refresher) or equivalent approved by Human Resources or receives written approval from the Director of Human Resources.
 8. Individuals present in the interview, who are not the candidate are considered panel members and must carry out those responsibilities associated with being a panel member. Only panel members and the candidate to be interviewed are in the room for the interview.
 9. It is the responsibility of the interview panel to interview the applicants referred.
- K. For a two-round interview process (e.g., panel interview and appointing authority interview), the initial interview should provide a written recommendation in alphabetical order of three applicants or less to the appointing authority after the interviews are concluded.
1. There may be exceptional cases when it is appropriate to recommend a fourth applicant due to the competitiveness of the process (e.g., large applicant pool, difficulty in selecting among highly qualified candidates, and/or multiple positions to be filled).
 2. If the interview panel cannot recommend any applicants, then the position must be re-posted or filled through another option approved by the Director of Human Resources or designee.
 3. The chairperson of the interview panel will be responsible for returning all records and material of the interview panel to the appointing authority, HRO, or other designated HR staff. This includes all applications, resumes, supporting documents, interview notes, *Evaluation* forms, and other materials used by any panel member during the interview or deliberation.
 4. The appointing authority or designee, upon receiving the recommended names, will interview all of the recommended candidates and make a decision either to select one of the recommended candidates or not to proceed with that applicant pool. The appointing authority may wish to utilize a second panel for the finalist interview and accept their recommendation.

IX. Appointment to Positions

A. Selecting Finalist

1. The appointing authority or designee must select the applicant recommended for hire (finalist) based on the eligibility, interviews, related education and experience, related KSAs, panel recommendation (if applicable), references, and, if available for DOC employees, performance evaluations, active disciplinary actions, and recommendations.



2. For any position physically located at a facility that have two reporting lines - to the Facility Unit Head and other units and divisions, including Health Services, Agribusiness, Environmental Services, and Correctional Education - the Facility Unit Head must approve finalists before a verbal or written offer can be extended.
- B. Background investigations must be completed for all applicants recommended for hire (finalists) in accordance with Operating Procedure 102.3, *Background Investigation Program*.
1. The Organizational Unit Head should review the [Background Investigation Questionnaire \(BIQ\) 102](#) F2 and VCIN report for information that would require further inquiry including but not limited to the following: gang affiliation, criminal convictions, inmate visitation, driving convictions, tattoos, etc. This information and potential impact of selection should be evaluated on a case-by-case basis in consultation with Human Resources and appropriate Regional Operations Chief.
 2. Once the Organizational Unit Head reviews and approves the information from the BIQ and VCIN, a conditional offer of employment may be made.
- C. Employees who are selected for transfer, promotion or for advancement to a higher position in a pay band will be subject to a criminal records check. Transfer or promotion may be denied based on information obtained during this records check.
- D. A conditional offer of employment may be extended prior to receiving the results of the full and complete background investigation. The conditional offer is a bona fide offer of employment, contingent upon approval of the full and complete background.
- E. Drug tests are required on all potential new hires or rehires. A conditional offer of employment may be extended prior to receiving the drug test results. The conditional offer is a bona fide offer of employment, contingent upon the employee's negative drug test. A negative drug test result is required before an applicant begins working.
- F. Employment physicals, for those positions requiring physicals as part of the selection process, must be given to all potential employees and may only be done after a conditional offer of employment is extended. The conditional offer is a bona fide offer of employment, contingent upon the employee's ability to perform the essential functions of the job.
- G. Appropriate communications should be made to those interviewed but not selected. Internal candidates currently employed at the same VADOC work location should be notified verbally or in writing. All other candidates can be notified utilizing RMS or written communication.
- H. Approvals
1. The appropriate member of the Director of Correction's staff must approve the appointment of all Organizational Unit Heads, Regional Managers, and Regional Administrators.
 2. The appropriate Regional Operations Chief or other member of the DOC senior management must approve all appointments to the following positions: Corrections Major, Chief of Housing and Programs, Assistant Warden, Institutional Program Manager, Operations Manager, and Deputy Chief Probation and Parole Officer.
 3. The appropriate Regional Administrator or other member of the DOC senior management must approve the appointment of an applicant who was previously employed by the DOC. The Superintendent for Education must approve the appointment of educational professional staff previously employed by the DOC.
 4. The Facility Unit Head must conduct a face-to-face interview with Corrections Officer applicants who are under 21 years old before an employment offer can be made.
 5. Additional approvals for appointment to other positions include:
 - a. Chief Financial Officer must approve Business Managers

- b. Director of Human Resources must approve HROs
- c. Chief of Mental Health Services must approve Psychologists Seniors
- d. Chief Dentist must approve Dentists
- e. Health Services Director must approve Doctors
- f. Superintendent of Education must approve Teachers

I. Retired employees, reemployed as wage employees, must be off the Commonwealth's payroll for at least 13 weeks after separation.

- 1. There can be no pre-determined agreement or date for a retired employee to return to part-time employment, nor can an employee have the exact duties or work hours assigned before retirement.
- 2. The exact duties restriction can be alleviated by reducing the number of hours the employee works by 20%. This means that if the employee is working in a wage position and works 1500 hours or less over a one-year period, even performing the same duties, the employee is not doing the same duties because the number of hours has been reduced.

J. Authorization of P&P Officers

- 1. Upon selection and appointment all newly hired P&P Officers must have an initial authorization from the judge or judges of the Judicial Circuit where the P&P Officer is initially assigned.
 - a. Pursuant to COV 53.1-143, *How officers authorized*, the Director or designee will submit, using Attachment 1, *Cover Letter Sample- Authorization Order* the names of eligible P&P Officers to the judge or judges of the Judicial Circuit where the P&P Officer is initially assigned to be authorized to act as a P&P Officer of the Court.
 - b. Pursuant to COV 53.1-144, *Term of officers* each P&P Officer shall be authorized initially for a term of one year. Subsequent authorizations will be for indefinite periods. Initial appointments will be requested using Attachment 2, *One Year Authorization Order Template* and Attachment 3, *Indefinite Authorization Order Template* will be used subsequently.
- 2. The authorization of a P&P Officer by the Judicial Circuit to which the P&P Officer is initially assigned is valid in all Judicial Circuits in the Commonwealth regardless of subsequent assignments unless the jurisdiction is specified in the Order.
- 3. Upon an employee's transfer, if a jurisdiction is specified in the original Authorization Order, a new Authorization Order should be requested. The P&P Officer will still be required to perform their duties regardless of Order status.
- 4. The Use of the Authorization Order Attachments (Attachment 1, *Cover Letter Sample - Authorization Order*, Attachment 2, *One Year Authorization Order Template*, and Attachment 3, *Indefinite Authorization Order - Template*) are encouraged in order to limit the need for an updated Order when a P&P Officer transfers between Judicial Circuits.

X. Employment of Ex-Inmates/Probationers/Parolees

- A. The Department of Corrections is committed to the successful re-entry and integration of ex-inmates/probationers/parolees into society. As such, the Department is a strong advocate for the employment of ex-inmates/probationers/parolees and recognizes its responsibility to set an example for other employers to hire ex-inmates/probationers/parolees. (changed 2/1/21)
- B. It is the policy of the DOC to support and encourage all other employers to hire eligible, qualified ex-inmates/probationers/parolees and to set an example by hiring ex-inmates/probationers/parolees for any non-sensitive positions for which they are among the best-suited applicants. (5-ACI-1C-08; 4-4055, 4-ACRS-7E-06, 4-APPFS-3E-07; 2-CO-1C-10)
 - 1. *Title VII of the Civil Rights Act, 1964*, prohibits discrimination or elimination of applicants by reason of past criminal behavior alone, and requires each employer to evaluate each applicant and the

applicant's past record against the job to be performed.

2. Ex-inmates/probationers/parolees will go through the normal employment process to be considered for salaried positions.
3. Employment can be denied to any person whose past conviction is either recent or related to the type of position for which the person is applying.
4. See the *Eligibility* section of this operating procedure for limitations relating to employees who may have contact with incarcerated offenders.

C. DOC strategies for hiring ex-inmates/probationers/parolees:

1. Each Unit Head will evaluate salaried, wage, volunteer, and internship opportunities that may exist within that unit. The list of positions that may be offered to ex-inmates/probationers/parolees will be forwarded to the Regional Operations Chief for field positions or the appropriate Deputy Director for Headquarters positions.
2. Each Unit Head and Region will evaluate potential candidates who are ex-inmates/probationers/parolees and may encourage employees to suggest ex-offenders who they have supervised for consideration.

D. Employment offers to any persons with misdemeanor convictions for any field position require prior approval from the appropriate Regional Administrator and notification to the Regional Operations Chief. Employment offers to an ex-inmates/probationers/parolees for any field position or Headquarters position require the prior approval of the Director, the Chief of Corrections Operations, or a Deputy Director. This management authority must make each hiring decision on a case-by-case basis, taking into consideration the following factors: (changed 2/1/21)

1. Nature of the offense in relation to the duties of the position including eligibility for employment based on criminal convictions or adjudications while incarcerated
2. Length of time since conviction, and indicators of stability and reliability
3. Relationship of position to the security of persons committed to DOC care
4. Relationship of the ex-inmates/probationers/parolees to other offenders with whom the ex-offender might have contact during work
5. Relationship of the ex-offender to employees by whom the ex-offender may have been supervised while in the care of the DOC
6. Behavior of the ex-inmates/probationers/parolees toward the DOC during any period of incarceration
7. Confidential and sensitive records and information to which the ex-inmates/probationers/parolees may have access if employed
8. Potential results if an ex-inmates/probationers/parolees commits another crime or takes advantage of their position, while employed by the DOC
9. Restrictions or conditions imposed on the ex-inmates/probationers/parolees that would interfere with proper performance of duty (e.g., restrictions on carrying firearms)
10. Is the ex-inmate/probationer/parolee currently on supervision? The Chief of Corrections Operations and the Deputy Director for Administration must approve employment of offenders currently on supervision.

E. After receiving approval from the appropriate management authority, the Unit Head and HRO must conduct a face-to-face interview with applicants who are ex-inmates/probationers/parolees before an employment offer can be made.

XI. Notification of Applicants

A. The Hiring Manager must report required information concerning applicants interviewed to the applicable



HRO or other designated HR staff to be entered into RMS. Human Resources Officers or other designated HR staff must update RMS indicating the applicants interviewed and the person selected for the position.

1. This includes consideration of final candidates and the candidate selected to fill the position.
2. The final RMS entry concerning the status of all applicants represents written notification to the applicants.
3. Applicants who are not selected should be informed verbally (if internal) or through RMS (if external) before the announcement is made as to who was selected.

B. Offer-of-Employment Letters

1. Employment offers should be made in writing and follow the guidelines outlined by DOC and DHRM policies and procedures.
2. Classified state employees are not employed by contracts either expressed or implied but employed pursuant to the Code of Virginia and applicable personnel policies and regulations.
 - a. Letters offering employment should therefore avoid implying a contract or guarantee of employment for a particular period of time.
 - b. Salary must be listed as a pay period amount figure which may then be converted to an annual salary.
 - c. Employees hired into restricted positions must be informed of the status of the position.
3. A statement explaining the probationary period must be included in all offer letters for individuals entering the classified system.
4. For those persons in positions exempted from the DHRM policies and procedures under COV §2.2-2905, *Certain officers and employees exempt from chapter*, units must include in offer letters a statement reiterating the statutory provision that such persons will serve at the will and pleasure of the Director of the Agency.
5. No employment offer or salary offer should be made orally or in writing until written approval has been received from the Compensation Unit in the Office of Human Resources at Headquarters. This may include authority to fill a vacant position as required in the *Notification of Vacancies* Section of this operating procedure and determination of starting pay level if the salary requested is above the minimum of the salary range stated in the RMS vacancy posting; see Operating Procedure 102.4, *Compensation*.
6. If the offer of employment is conditional, the offer letter must identify the condition(s) to be met by the employee.
7. If candidates accept the position and agree to the terms of employment they must sign and date a letter of offer that is a binding agreement.

C. The Director of Human Resources may grant waivers to the provisions of this operating procedure as necessary for agency business needs.

XII. Voiding the Selection Process

- A. Prior to the position being offered, the incumbent or former incumbent may request to withdraw their resignation, provided it is within 30 days of the separation.
- B. The Organizational Unit Head may either deny the request for withdrawal or grant the request for withdrawal.
- C. If the request for withdrawal is granted, the selection process must be voided at its current stage and all candidates will be informed.



XIII. Record Keeping and Documentation

- A. It is the responsibility of the HRO, other designated HR staff, or appointing authority to maintain all selection process records for the organizational unit for a period of three years from the closing date of the posting in RMS.
- B. Records involved with any lawsuit or discrimination complaint must be maintained until final disposition is received, including the exhaustion of all appeals. This includes: a copy of the EWP, copies of the posting and any advertisement for the position, a list of applicants, all employment applications, minimum and preferred qualifications, screening criteria and results, list of applicants interviewed including EEO data listing sex and race data for each applicant or a notation of “unknown” if the information is not available, questions asked in interview, interview *Applicant Evaluations* and notes, all background material considered, and all other material which influenced the selection decision.
- C. Recruitment and selection records may be purged in accordance with written guidelines established by the Library of Virginia.

REFERENCES

Executive Order Number One (2018) *Equal Opportunity*

Title VII of the Civil Rights Act of 1964

42 U.S. Code §1997, *Civil Rights of Institutionalized Persons*

COV §2.2-2905, *Certain officers and employees exempt from chapter*

COV §16.1-228, *Definitions*

COV §38.2-508, *Unfair discrimination*

COV 53.1-143, *How officers authorized*

COV 53.1-144, *Term of officers*

Operating Procedure 102.3, *Background Investigation Program*

Operating Procedure 102.4, *Compensation*

ATTACHMENTS

Attachment 1, *Cover Letter Sample - Authorization Order*

Attachment 2, *One Year Authorization Order Template*

Attachment 3, *Indefinite Authorization Order - Template*

FORM CITATIONS

[Background Investigation Questionnaire \(BIO\) 102_F2](#)

[Notification of Vacancy 102_F3](#)

[Applicant Interview Notes and Evaluation 102_F4](#)

[Interview Panel Composition 102_F31](#)

[Employee Work Profile 145_F2](#)

