



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

POLICY 2.10 HIRING

APPLICATION: Full-time, Quasi Full-Time, Part-time classified employees.

PURPOSE:

It is the policy of the Commonwealth to prohibit discrimination on the basis of race; sex; color; national origin; religion; sexual orientation; gender identity or expression; age; veteran status; political affiliation; genetics; pregnancy, childbirth or related medical conditions; or disability in the recruitment, selection, and hiring of its workforce.

POLICY SUMMARY:

The purpose of this policy is to provide guidelines for an efficient and consistent competitive hiring process that promotes equal employment opportunity and a highly effective and diverse workforce.

AUTHORITY & INTERPRETATION:

Title 2.2 of the Code of Virginia

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with §2.2-1201 of the Code of Virginia. The Department of Human Resource Management reserves the right to revise or eliminate this policy.

RELATED POLICIES:

- Policy 1.45 - Probationary Period
- Policy 1.55 - Return to State Service
- Policy 2.05 - Equal Employment Opportunity
- Policy 3.05 - Compensation
- Policy 4.05 - Civil and Work-Related Leave
- Policy 4.10 - Annual Leave
- Policy 4.15 - Educational Leave
- Policy 4.20 - Family and Medical Leave
- Policy 4.21 – Parental Leave
- Policy 4.25 - Holidays
- Policy 4.30 - Leave Policies – General Provisions
- Policy 4.35 - Leave Sharing

- Policy 4.37 - Leave to Donate Bone Marrow or Organs
- Policy 4.40 - School Assistance and Volunteer Service Leave
- Policy 4.45 - Leave Without Pay – Conditional/Unconditional
- Policy 4.50 - Military Leave
- Policy 4.57 - Virginia Sickness and Disability Program
- Policy 4.60 - Workers' Compensation
- Policy 6.05 - Personnel Records Disclosure
- Policy 6.10 - Personnel Records Management

POLICY HISTORY:

EFFECTIVE DATE	DESCRIPTION
09-16-93	Establish policy.
09-25-00	Revised to incorporate Compensation Reform changes.
05-16-06; 02-05-10; 06-01-11; 07-01-17; 08-01-18; 07-01-19	Revisions
2019	Revisions, incorporations of policy guides and Talent Acquisition resources, reformat.
07-01-20	Policy amended July 1, 2020 per the Code of Virginia § 2.2-3901, 2.2-3903.
05-02-22	Policy revised to incorporate changes in Code of Virginia § 2.2-3901, 2.2-3903, and new legislation § 2.2-1213 addressing the Alternative Hiring Process.



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

POLICY 2.10 HIRING

ADMINISTRATIVE PROCEDURES

PROCEDURES

Shortcuts to Sections

[Principles](#)

[Positions to be Filled](#)

[Selection Process](#)

[Reference Checks, Background Checks, Sensitive Positions](#)

[Positions that are Difficult to Fill](#)

[Hiring or Selection](#)

[Completing the Hiring Process](#)

[Selection Records](#)

General Provisions	Application
<i>Principles</i>	
Equal Employment Opportunity	Each agency must take action consistent with Policy 2.05, Equal Employment Opportunity , to ensure that its recruiting and hiring procedures are conducted without regard to the protected classes cited in Executive Order #1 (2018) and equal employment law.
Persons with Disabilities	When requested, agencies must provide reasonable accommodation throughout the hiring process to applicants with disabilities when such applicants are being considered for employment.
<i>Positions to be Filled</i>	
Initial Steps	Before posting, agencies should: <ul style="list-style-type: none">• Analyze the vacant position and determine if any changes have occurred;• Update the Employee Work Profile to reflect current duties and responsibilities;

General Provisions	Application
<p>Refer to the DHRM Talent Acquisition Resources Page for additional information.</p>	<ul style="list-style-type: none"> • Determine if the position is assigned to the proper classification and make re-classifications as necessary; • Identify any educational qualifications required by law or accrediting body for the position; • Determine the necessary and preferred knowledge, skills, and abilities (KSAs) or competencies for the position; • Identify any bona fide occupational qualifications (BFOQs); • Determine the appropriate hiring salary range; • Develop the Job Announcement; • Determine how long the position will be posted and the type of recruitment; • Determine the recruitment sources to be used to ensure a diverse applicant pool; • Determine if the application or resume or both will be accepted; • Determine if recruitment is required for a wage position; and • Determine if Dual Incumbency will be needed.
<p>Job Announcement Requirements</p>	<p>All job announcements must be job related and include:</p> <ul style="list-style-type: none"> • an Equal Employment Opportunity statement; • a summary of job duties; • any educational qualifications required by law or accrediting body; • any bona fide occupational requirements (BFOQs); • contact information for applicants having disabilities who need assistance in applying for a position; • a statement regarding Alternative Hiring Process, if applicable; • any occupational certification or licensing required by law or accrediting body; • announcements must not specify a certain number of years of experience as a minimum qualification; • notification that a fingerprint-based criminal history check will be required of the finalist candidate for the position if it has been designated as sensitive in accordance with the Code of Virginia § 2.2-1201.1; • notification if applicants must provide conviction information as a final step in the application process for any positions that are subject to statutory employment restrictions (e.g., barrier crime convictions for staff providing direct care to residential clients); • notification that the selected candidate must complete a Statement of Personal Economic Interests as a

General Provisions	Application
	<p>condition of employment, if applicable (Code of Virginia § 2.2-3118.2);</p> <ul style="list-style-type: none"> • hours of work if less than 40 per week, with a note indicating whether health benefits are available; • notification if the position is “restricted” or is funded only for a finite period of time; • a statement indicating whether an application or resume or both are required; and • any other information regarding the application process that would be helpful to applicants. <p>Job announcements may also include:</p> <ul style="list-style-type: none"> • any preferred qualifications; • any requirement or preference for related experience (but not specific years of experience); • any educational preferences not required by law, stated with a provision for substitution of equivalent applicable experience or training; • notice to applicants that they may be required to demonstrate the skills and abilities necessary for satisfactory performance of the work; • information about conditions of employment such as shift schedule, work hours, requirement to maintain a home office or other mobile/remote work arrangements, travel frequency, full time/part time status, requirement for drug testing, etc.; • number of positions being filled from the same applicant pool, if more than one; • a salary hiring range.
Exceptions to Job Announcement Requirements	<p>Job announcements for all classified positions an agency intends to fill must be listed in the Recruitment Management System (RMS) for a minimum of five consecutive workdays, not counting Saturdays, Sundays, and holidays, except in the following situations:</p> <ul style="list-style-type: none"> • positions to be filled through Agency Internal Recruitment. There should be procedures in place to inform all agency employees of such openings. This information should be included in the Agency Salary Administration Plan. <p>NOTE: Agencies should be mindful of their Employment Opportunities Plans, workforce planning strategies, and initiatives to increase diversity opportunities before using this option.</p> <ul style="list-style-type: none"> • vacant positions available as placement or recall opportunities for employees affected by layoff (refer to Policy 1.30 - Layoff). • positions to be filled by agency-initiated demotions, employee-requested demotions, reassignments within

General Provisions	Application
	<p>the same Pay Band/Grade, non-competitive voluntary transfers or temporary assignments. NOTE: Approval of employees' requests for non-competitive voluntary demotions or non-competitive voluntary transfers is at the discretion of the agency and should ensure diversity opportunities.</p> <ul style="list-style-type: none"> • positions similar to a position that has been advertised (same classification, duties/work title, organizational unit, and geographic area/location) that become vacant or funded during the recruitment period or within 90 calendar days of the original position's closing date. <p>NOTE: For positions not listed in the RMS under this exception, agencies may consider only applications in the original applicant pool.</p> <ul style="list-style-type: none"> • Wage employees: refer to Wage Employee section in this policy.
Length of Recruitment	<p>Agencies may use one of the following three options for posting their positions:</p> <ul style="list-style-type: none"> • Fixed recruitment period; • Open Until Filled; or • Continuous Recruitment. <p>The choice should be based on factors such as the availability of qualified applicants, the number of positions to be filled, review of the agency's work force and diversity plans, and agency business needs.</p>
Fixed Recruitment Period	<p>Agencies may announce positions for a fixed period of time, such as one week, two weeks, etc. If this option is selected:</p> <ul style="list-style-type: none"> • a closing date must be specified in the announcement; • all applications received by the closing date must be considered; and • applications received after the closing date must not be considered.
Open Until Filled Recruitment	<p>Positions may be posted with an "open until filled" statement. If this method is used, a statement must be included in postings indicating the date a position opened and that there is a five-day minimum posting requirement.</p> <ul style="list-style-type: none"> • Agencies may close positions after the five-day required posting period when a suitable pool of applicants has been generated. • All applications received before the position has been closed in the RMS must be considered according to the same criteria. • Applications received after the position recruitment has been closed may not be considered. These applicants should be notified that the position closed before their applications were received.

General Provisions	Application
Continuous Recruitment	<p>Agencies may use continuous recruitment for jobs with:</p> <ul style="list-style-type: none"> • a large number of employees; • a high turnover or significant growth in the number of positions; or • a history of lengthy or repeated recruitments due to difficulty in attracting qualified applicants. <p>Agencies must establish a time period for applications to remain active for the jobs for which continuous recruitment applies and notify applicants accordingly.</p> <ul style="list-style-type: none"> • All applicants with active applications must be considered for each opening. • Agencies may terminate continuous recruitment at any time, but must submit notice to all applicants with active applications.
Posting Options	<p>Positions may be posted using:</p> <ul style="list-style-type: none"> • the role/or job class title, an SOC (Standard Occupational Classification) title, a work title, or a combination of these; • the entire Pay Band/Grade, a partial Pay Band/Grade, no Pay Band/Grade, or the minimum salary only. <p>NOTE: Agencies must make salary offers to selected candidates within the hiring range posted. If agencies wish to offer a salary rate not within the posted salary hiring range, the position must be re-posted for a minimum of five days to note the revised hiring range.</p>
Recruitment Options	<p>Agencies may use one of these three options when conducting a recruitment:</p> <ul style="list-style-type: none"> • Agency Internal Recruitment: Only the agency's current employees (i.e., classified, hourly/wage, university, and non-classified) may apply; • State Employees Only: Only current state employees (i.e., classified, wage, university, and non-classified) may apply; or • Open Recruitment: All state employees and the general public may apply. <p>Agencies should select 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 agency's workforce and the availability of qualified applicants.</p> <p>If initial recruitment does not result in an adequate applicant pool, agencies may reopen recruitment, and choose another option, as necessary.</p>
Applications for Employment	<p>Individuals desiring to be considered for advertised positions must submit a completed employment</p>

General Provisions	Application
	application or resume before the recruitment closing date. Applications/resumes received after the closing date cannot be NOTE: Agencies may decide to consider a resume as an application if received by the application closing date. If resumes are accepted as applications, applicants may be required to complete a standard state application form during the hiring process.
People with Disabilities	As directed by § 2.2-203.2:3 Code of Virginia it is the policy of the Commonwealth to promote and increase the employment of individuals with disabilities directly employed at all levels and occupations by state agencies, institutions, boards, and authorities of the Commonwealth. Refer to the DHRM Hiring People with Disabilities page for additional information.
Alternative Hiring Process (AHP)	As directed by § 2.2-1213 Code of Virginia , the Alternative Hiring Process is established as a non-competitive path to state employment for people with disabilities. See Alternative Hiring Process Policy Guide.
Wage Employees	Agencies are not required to use a competitive process when filling wage positions, however, a competitive process is strongly recommended to foster diversity and inclusion.
Other Recruitment Sources	Agencies may use other recruitment sources, including internet job posting services and employment agencies; however, they are not authorized to pay related placement fees. Refer to the DHRM Talent Acquisition Resources page for information on additional recruitment sources.
Dual Incumbency	Agencies may hire an individual into a position that currently is filled by another employee in cases when: <ul style="list-style-type: none"> • the current employee is separating and a period of time is needed for orientation of the new employee, or • the current employee is on leave and a separation date has been established. <p>Normally, agencies are authorized to allow two employees to occupy the same position for up to 30 days; however, if agency needs require, the period may be extended with approval of the Agency Head or designee for up to 90 days.</p>
Selection Process	
Agency Responsibilities	Agencies should provide training, instruction or guidance in lawful selection and employment practices to employees and others who participate in the selection process.

General Provisions	Application
Steps in the Selection Process	<ul style="list-style-type: none"> • Agencies may either interview all applicants for a position or reduce the applicant pool by screening applications/resumes. • Apply Veteran Preference if applicable; • Apply AHP priority consideration if applicable; • Develop interview questions. • Establish if an interview panel will be used.
Screen Applications/Resumes	<p>The agency must screen applications according to the minimum qualifications established for the position. Additional screening for veterans' preference, AHP priority consideration, and appropriate preferred job-related qualifications may also be used. All criteria in any screening must be applied consistently to all applicants.</p> <p>Agencies may request clarification and follow-up information from an applicant at any point in the hiring process.</p>
<p>Veterans</p> <p>Members of the Virginia National Guard</p>	<p style="text-align: center;"><u>Veterans</u></p> <p>As directed by Va. Code § 2.2-2903, a veteran's military service shall be taken into consideration by the Commonwealth during the selection process, provided that such veteran meets all of the knowledge, skill, and ability requirements for the available position. Additional consideration shall also be given to veterans who have a service-connected disability rating fixed by the United States Veterans Administration.</p> <p>Additionally, if the position is filled using a scored test or examination, the grade or rating of an honorably discharged veteran must be increased by 5% or by 10% if the veteran has a service-connected disability rating fixed by the U.S. Veterans Administration.</p> <p>Refer to Policy Guide Veteran's Preference.</p> <p style="text-align: center;"><u>Members of the Virginia National Guard</u></p> <p>As directed by Va. Code § 2.2-2903, a member of the Virginia National Guard's service shall be taken into consideration by the Commonwealth during the selection process, provided that such veteran meets all of the knowledge, skill, and ability requirements for the available position. A member of the National Guard applying for a position or job classification and possessing the necessary qualifications for such position or job classification shall be entitled to a separate preference as provide by the Code.</p> <p>When a member of the National Guard or a veteran has applied for a position or job classification that requires an</p>

General Provisions	Application
Surviving Spouse or Child of a Veteran Killed in the Line of Duty	<p>assessment using numerical ratings, points equal to 5% of the total points available from the assessment device or devices shall be added to the passing score of the applicant member of the National Guard or veteran. In an assessment not using numerical ratings, consideration shall be afforded to a member of the National Guard provided that member meets all of the knowledge, skill, and ability requirements for the available position.</p> <p>Refer to Policy Guide Preference for Members of the Virginia National Guard.</p> <p><u>Surviving Spouse or Child of a Veteran Killed in the Line of Duty</u></p> <p>In a manner consistent with federal and state law, if any surviving spouse or child under the age of 27 years of a Veteran killed in the line of duty applies for employment with the Commonwealth that is based on the passing of any written examination, the grade or rating of the surviving spouse or child on such examination shall be increased by 5%.</p> <p>Refer to Policy Guide Preference for the Surviving Spouse or Child of a Veteran Killed in the Line of Duty.</p>
Interviews Required	<p>No person may be hired into a classified position without having been interviewed for the position.</p> <p>All scheduled interviews must be completed before a final selection decision and job offer are made. However, agencies are not required to reschedule interviews with applicants who are unable to be present at the scheduled interview.</p> <p>Interviews may be conducted by:</p> <ul style="list-style-type: none"> • the hiring authority, or • a person or panel of individuals designated by the hiring authority.
Selection Panels	<p>When a selection panel is used, panel members must:</p> <ul style="list-style-type: none"> • represent a diverse population; • become familiar with the basic responsibilities of the position for which they will interview applicants; • normally (if classified employees) be in the same or a higher role or job class title than the position being filled (unless they are participating as human resource professionals or individuals with a particular expertise required for the position);

General Provisions	Application
	<ul style="list-style-type: none"> • receive appropriate training, instruction or guidance on lawful selection before participation in the interview and selection process; and • hold confidential all information related to the interviewed applicants and the recommendation or selection.
Interview Questions	<ul style="list-style-type: none"> • A set of interview questions must be developed and asked of each applicant. • Questions should seek information related to the applicant's knowledge, skills, and ability to perform the job. • Questions that are not job related or that violate EEO standards are not permissible. • Interview may not include questions about past criminal convictions. <p>Interviewers must document applicants' responses to questions to assist with their evaluation of each candidate's qualifications. This information should be retained with other documentation of the selection process. Documentation by interviewers is subject to disclosure to the applicant/interviewee.</p>
Reference Checks, Background Checks, Sensitive Positions	
Reference Checks	<p>Agencies should check references with the current and at least one former supervisor of the applicant who is the final candidate for the position. Reference checks should be completed before an offer of employment is extended. Reference information must be documented and retained with other recruitment and selection documents.</p> <p>The reference check should attempt to obtain information such as the following:</p> <ul style="list-style-type: none"> • name and title of person giving reference; • verification of employment dates; • verification of position title; • verification of role title/job class if applicant is currently a state employee; • verification of position duties; • relevant training completed; • performance (work experience, KSAs, competencies); • whether the employer would rehire the applicant; and • verification of any license, certification or degree the applicant claims to possess or is needed to perform the job. <p>There may be occasions when an employment offer needs to be withdrawn. Refer to the Policy Guide Withdrawing an Employment Offer for additional information.</p>

General Provisions	Application
	<p>Although the State Application for Employment contains a release statement through which applicants consent to verification of the information contained in the application and reference checks, agencies may obtain separate releases from applicants before requesting reference information.</p> <p>A separate release form is required for applicants subject to a fingerprint-based criminal history check.</p>
Background Checks	<p>Agencies may require financial, credit, criminal, driving, or other background checks prior to employment for certain positions based on the nature of the positions and relevance of the checks.</p> <p>NOTE: Certain types of background checks may require agencies to comply with the provisions of the Federal Credit Reporting Act.</p>
Sensitive Positions	<p>The Code of Virginia § 2.2-1201.1 requires that finalist applicants for positions identified as “sensitive” must undergo a fingerprint-based criminal history check.</p> <p>Sensitive positions shall include those positions:</p> <ul style="list-style-type: none"> • Responsible for the health, safety, and welfare of citizens or the protection of critical infrastructures; • That have access to sensitive information, including access to federal tax information in approved exchange agreements with the Internal Revenue Service or Social Security Administration; and • That are otherwise required by state or federal law to be designated as sensitive. <p>Positions should be designated in the human resource information system of record as “sensitive” or “not sensitive” according to that definition.</p> <p>Agencies with positions identified as sensitive must establish procedures for submitting the final candidate’s fingerprints and personal descriptive information to the Virginia State Police.</p> <p>Finalist candidates for these positions must:</p> <ul style="list-style-type: none"> • complete a release form authorizing the agency to obtain the required information; • submit to fingerprinting; and • supply requested personal information to be used by the Virginia State Police and the Federal Bureau of Investigation (FBI) in conducting the records checks.

General Provisions	Application
	Refer to the Policy Guide – What is a Sensitive Position? for additional information.
Conditional Hiring	<p>Agencies should determine whether candidates for some or all of their sensitive positions may be permitted to begin work before the results of the fingerprint-based criminal check are received. If this practice is adopted, agencies should:</p> <ul style="list-style-type: none"> • issue offer letters specifying that the offer is contingent on receipt of an acceptable criminal history report and that the employee may be immediately terminated based on information obtained from that report; and • restrict employees from performing the sensitive portions of the job and/or provide additional supervision during this time.
Current Employees	<p>Current employees, including current wage employees, who transfer or are promoted into sensitive positions, will be subject to a fingerprint-based criminal history check. Information obtained through that check may or may not affect the employee’s ability to remain in the current position, depending on the relevance of the information to the position.</p> <ul style="list-style-type: none"> • If information obtained through a valid fingerprint-based criminal history check would disqualify the employee from his/her current position, the agency is obligated to take appropriate action, up to and including termination. • If the employee in question works for another state agency, the agency with the information should contact the Office of the Attorney General for advice.
<i>Positions that are Difficult to Fill</i>	
<p>Several Exceptional Recruitment and Incentive Options are available to assist agencies in their recruitment efforts when they fill positions in Roles and/or Career Groups that are:</p> <ul style="list-style-type: none"> • deemed critical to the agency’s mission and ongoing operations; and • extremely difficult to fill. <p>These practices apply to new hires to state government (recruitment) and current employees (retention). (Refer to Policy 3.05 – Compensation)</p>	
Exceptional Recruitment and Incentive Options for employees new to State Government	<p>These options include:</p> <ul style="list-style-type: none"> • Sign-On Bonus; • Awards of Annual Leave; • Student loan repayment; • 529 College Savings Plan Contribution; • Referral Program.

General Provisions	Application
	<p><u>Coordination of Options</u> Before Exceptional Recruitment Incentive Options may be offered, each agency must coordinate the offer with the appropriate Cabinet Secretary and notify DHRM before implementing options. A formal written agreement, which includes requirements for satisfactory performance, must be executed with each employee outlining how repayment will be made if the terms of the agreement are not met.</p>
Exceptional Recruitment and Incentive Options for current employees.	<p>These options include:</p> <ul style="list-style-type: none"> • Retention Bonus or Project based bonus • Awards of Annual/Vacation Leave; • Compensatory leave payment or extension; • Student loan repayment; • 529 College Savings Plan Contribution; <p><u>Coordination of Options</u> Before Exceptional Recruitment Incentive Options may be offered, each agency must coordinate the offer with the appropriate Cabinet Secretary and notify DHRM before implementing options. A formal written agreement, which includes requirements for satisfactory performance, must be executed with each employee outlining how repayment will be made if the terms of the agreement are not met.</p>
<p><i>Hiring or Selection</i></p> <p>Individuals are employed according to the provisions of the Virginia Personnel Act and/or applicable personnel policies and not according to any contract, either expressed or implied, or for a particular period of time. Refer to the ACA Guidance “New” vs. “Ongoing” Employees for additional clarification on hiring formerly salaried employees into wage positions.</p>	
Employment Offer Letters	<p>Employment offer letters should:</p> <ul style="list-style-type: none"> • avoid implying a contract or guarantee of employment for a particular period of time (e.g., use term “classified” rather than “permanent” or “continuing”); • state the salary as a pay period amount, from which an annual amount can be computed; • describe any conditions of employment, including restricted status or provisional period (for the Alternative Hiring Process); • state the probationary period, if appropriate (see Policy 1.45 - Probationary Period); • explain any required certification or training period that might apply; and • include notification of the I-9 and E-Verify requirements.
Reporting Filled Positions to RMS and the human resource information system of record	Agencies must immediately report the filling of all positions to the RMS and the human resource information system of record.

General Provisions	Application
Other Employment Requirements	<p>Before an applicant is eligible for employment with the Commonwealth, several records must be reviewed or verified. This information is considered part of the application process and, as with information contained on the application form, if it is later discovered that an applicant falsified any information related to their employment, the employee may be terminated. These forms/records include the I-9; E-Verify; Child Support Inquiries; Selective Service; Domestic Violence Convictions; and Statement of Personal Economic Interests.</p>
I-9/Employment Eligibility	<p>As required by the Immigration Reform and Control Act of 1986, agencies must verify the employment eligibility status of all persons hired. Form I-9 must be completed for each newly hired employee, including agency transfers, within three days of hire. I-9 forms must be retained in a file separate from the personnel file and in accordance with I-9 retention schedules.</p>
E-Verify	<p>Agencies must comply with requirements of the E-Verify system in confirming the eligibility of new hires and re-hires to work in the U.S. New hires and re-hires must present the appropriate documentation in a timely manner to comport with requirements of the E-Verify system.</p> <p>The Code of Virginia §40.1-11.2 establishes that all agencies of the Commonwealth shall be enrolled in the E-Verify program and use the E-Verify program for each newly hired employee who is to perform work within the Commonwealth.</p> <p>To access up to date information regarding E-Verify program enrollment, compliance procedures and case determinations regarding an individual's authorization to work in the United States, visit the E-Verify webpage at the U.S. Citizenship and Immigration Services.</p>
Child Support Inquiries	<p>To conform to the intent of Va. Code §20-79.1 and §63.2-1900, agencies must ask each new employee to disclose whether they have an income withholding order to pay child support. If the employee discloses that they owe child support that is required to be withheld, the agency shall report to the Department of Social Services and begin withholding according to the terms of such order. If the agency's payroll office routinely reports new hires in accordance with Code, this is not a requirement.</p>
Selective Service	<p>Pursuant to the Code of Virginia § 2.2-2804, any person who has failed to meet the federal requirement to register for the Selective Service shall be</p>

General Provisions	Application
	<p>ineligible for employment by or service for the Commonwealth, or a political subdivision of the Commonwealth, including all boards and commissions, departments, agencies, institutions, and instrumentalities. A person shall not be denied employment under this section by reason of failure to present himself for and submit to the federal registration requirement if: (1) the requirement for the person to so register has terminated or become inapplicable to the person and (2) the person shows by a preponderance of the evidence that the failure of the person to register was not a knowing and willful failure to register.</p> <p>Applicants who have not registered as required by the Code of Virginia § 2.2-2804 must present verification from the Selective Service System that they have met the requirements of the Code Section.</p>
Domestic Violence Conviction	<p>Pursuant to United States Code, Title 18, section 922(g)(9), anyone who has been convicted of a misdemeanor crime of domestic violence may not possess any firearm or ammunition. Agencies must ensure that they ascertain information about applicants' convictions for domestic violence before they are employed in positions that require or authorize carrying a firearm.</p>
Statements of Personal Economic Interests	<p>Certain employees of the Commonwealth must submit statements of economic interests in accordance with the Code of Virginia § 2.2-3118.2.</p> <p>Agencies must inform newly hired employees of this requirement and submit forms for new employees as required.</p>
<p>Completing the Hiring Process</p> <p>Once a candidate has accepted an employment offer and a start date has been set, the agency should provide information such as:</p> <ul style="list-style-type: none"> • where, when (date and time) and to whom to report; • parking and building access data; • materials or information needed on the first day, such as a list of acceptable documents needed to complete the I-9 form; and • benefits information and information concerning decisions that will need to be made shortly after beginning employment. 	
Orientation Program	<p>Agencies are encouraged to provide an orientation program for all new and re-hired employees within a reasonable time of their employment dates. This orientation should include:</p> <ul style="list-style-type: none"> • a complete explanation of employee benefits, including leave types, payroll options, and insurance choices;

General Provisions	Application
	<ul style="list-style-type: none"> • This explanation must note that new hires/re-hires are ineligible for disability benefits under the Virginia Sickness and Disability Program (VSDP) during their first year of service. Agencies should encourage employees to consider options for acquiring personal disability insurance during this period. • information about the agency and its mission; • agency practices regarding telework and alternate work schedules; • policies and requirements governing employee rights and behaviors; and • other features of employment with the Commonwealth and with that agency.
Compensation and Employee Benefits	<p>Employees' compensation upon hire will be established according to the provisions of Policy 3.05 - Compensation and the agency Salary Administration Plan and must be appropriately documented.</p> <p>Each agency should provide information about the employment benefits to prospective employees and present complete information about these benefits to new employees.</p>
New Full-Time, Quasi Full-Time, and Part-time Classified employees (Original Appointments)	Refer to the Quick Reference Guide Status and Eligibility for Benefits – Classified Employees for more detailed information.
Re-Employed Full-Time, Quasi Full-Time, or Part-Time Employees	<p>Re-employed classified employees are eligible to receive the benefits as described above, based on their full or part-time status. They will receive credit for past service based on the Return to State Service Guidelines</p> <p>EXCEPTION: Former employees of the Commonwealth will not incur a break in service if:</p> <ul style="list-style-type: none"> • they are hired following a period of separation from state service that does not exceed 30 calendar days; and • the separating agency agrees to amend the record to reflect a leave without pay instead of a separation (see Policy 1.70 - Termination/Separation from State Service).
Selection Records	
<p>Retaining Records</p> <p>Refer to Policy 6.10 Personnel Records Management</p>	<p>In accordance with Library of Virginia's Records Retention and Disposition Schedule the following records must be maintained confidentially for a period of at least three (3) years from the date the position is filled:</p> <ul style="list-style-type: none"> • Position description • Records related to recruitment efforts • Copies of advertisements

General Provisions	Application
	<ul style="list-style-type: none"> • Employment applications/resumes • Race and gender data on all applicants (NOTE: If information is not provided by applicant, record race and gender data as “unknown.”) • Screening and selection criteria applied • Interview questions and notes on applicant responses • References • Any documentation supporting selection or addressing non-selection • Documentation supporting the salary determination (retain indefinitely).
Destroying Records	Records must be retained and/or destroyed in accordance with the guidelines established by the Library of Virginia Records Retention and Disposition Schedule. Agencies that are uncertain about the procedures or guidelines should contact the Library of Virginia.
Retaining or Destroying Fingerprint-Based Criminal History Information Refer to Policy Guide – Criminal History Records for additional clarification.	Agencies should develop practices for retaining or destroying fingerprint-based criminal history data appropriately. FBI regulations require that once a fingerprint-based criminal history report has served the purpose for which it was obtained, it must be destroyed by shredding or pulping. Criminal history reports should not be kept in an employee's personnel file. <ul style="list-style-type: none"> • Agencies are advised to retain the fingerprint-based criminal history report in a locked, separate file during the hiring process, to destroy the report after a hiring decision is made, and to retain a brief note regarding the outcome in a confidential portion of the recruitment file. • For the applicant rejected because of background information, the note should indicate that this applicant was the preferred choice based on qualifications, interview, etc., but did not receive an offer (or had a conditional offer retracted) because of information obtained through a criminal records check. • For the person hired, the note should indicate that as of mm/dd/yy, a criminal records check revealed no problem areas related to this employment. Agencies may elect to keep a copy of this brief note also in a confidential section of the personnel file. Applicants have access to certain information about the selection process, including: <ul style="list-style-type: none"> • position descriptions for advertised positions; • results of the screening of their own applications; • reference data or recommendation letters, (except that confidential letters and statements of

General Provisions	Application
	<p>recommendations in the records of educational institutions may be withheld); and</p> <ul style="list-style-type: none"> • notes interviewers make during their interviews, which agencies may choose to provide in a way that protects the identity of the individual who made the notes. <p>Applicants DO NOT have access to information related to the selection process that identifies other applicants.</p>

GLOSSARY

Active Application Period	The period of time during which an application for a specific position under recruitment by an agency may be considered.
Alternative Hiring Process	A process for the employment of persons with a disability, which is non-competitive in nature, and includes an option for state agencies to convert a position filled through the non-competitive process into a position that is normally filled through a competitive process.
Application Closing Date	The last date that a state application can be received by the recruiting agency in order for the applicant to be considered for the recruited position. The application must be received on that date by 11:59 pm or other time specified by the agency in the posting notice.
Applicant Pool	All persons who apply by the application closing date for a specific position for which an agency is recruiting.
Background Check	<p>Review of an individual's work and personal history to determine if a candidate is suitable for certain positions. Depending upon the nature of the position for which the candidate is being considered, types of background checks that may be conducted include:</p> <ul style="list-style-type: none"> • academic record and verification of licenses and certifications; • employment history, including references; • financial history; • credit reports; • criminal history; • driving record; • a fingerprint-based criminal history report; and/or • other records or information related to the candidate's suitability for the position.

An exception to the restrictions of Title VII of the Civil Rights Act (1964) regarding discrimination on the basis of sex, religion, and national origin that, under certain conditions, legitimately may require an employer to require an individual of a specific sex, national origin or religious affiliation to staff a certain job.

Competencies

The knowledge, skills and underlying behaviors that correlate with successful job performance and positively impact the success of the employee and the organization. Competencies emphasize the attributes and activities that are required for an organization to be successful. Competencies may be behavioral or technical.

Continuous Recruitment

A method of recruiting that allows agencies to receive and consider applications on an ongoing basis for those positions for which vacancies constantly exist or frequently recur.

Critical Infrastructure

As defined by the Department of Homeland Security, "critical infrastructures" normally refers to public utility, communication, water, emergency management, law enforcement, public health, transportation, agribusiness, financial and government systems that are essential to ensuring public safety, national security and the economic stability of the state or nation.

Disability

An individual is considered to have a disability if that individual either (1) has a physical or mental impairment which substantially limits one or more of their major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

Dual Incumbency

Hiring a candidate into a position that is occupied by another employee for a short period of time, normally 30 days or less:

- to allow for a period of orientation for the new employee before the current employee separates; or
- when the current employee is on leave (with or without pay) and a separation date has been established.

E-Verify

E-Verify is an Internet-based system that compares information from an employee's Form I-9 (Employment Eligibility Verification) to data from U.S Department of Homeland Security and Social Security Administration records to confirm that an employee is eligible to work in the United States.

E-Verify is administered by the U.S. Department of Homeland Security, USCIS - Verification Division, and the Social Security Administration.

Exceptional Recruitment and Retention Incentive Options	Options that may be used to attract and retain qualified individuals when there are significant recruitment and retention problems for positions that are critical to the agency's mission and ongoing operations. (Refer to Policy 3.05 - Compensation.) The options related to hiring are sign-on bonuses, annual leave, payment for referral, student loan repayment, 529 College Savings Plan contributions.
Fair Credit Reporting Act	A federal law that protects the privacy rights of individuals. Information obtained through certain background checks or investigations may be subject to the Fair Credit Reporting Act (FCRA).
Hiring Authority	The individual making the hiring decision.
I-9	Form I-9 is used for verifying the identity and employment authorization of individuals hired for employment in the United States. All U.S. employers must ensure proper completion of Form I-9 for each individual they hire for employment in the United States.
Job Announcement	A statement, posting notice, or advertisement that a position is to be filled.
Knowledge, Skill, Ability (KSA)	<p>A component of a position's qualification requirements, based in part on definitions in the federal Uniform Guidelines on Employee Selection Procedures, Title 29, Volume 14, Part § 1607.16 of the Code of Federal Regulations</p> <ul style="list-style-type: none"> • 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. • Skill: A present, observable competence to perform a learned psychomotor act. • 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 capacity 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.
Member of the National Guard	A person who (1) is presently serving as a member of the Virginia National Guard and (2) has satisfactorily completed required initial active-duty service.

Office of Diversity, Equity, and Inclusion	The unit within the Department of Human Resource Management that assists state agencies, employees, and applicants for employment with equal employment issues.
Open-Until-Filled Recruitment	A method of recruiting for hard-to-fill positions that allows agencies to receive and consider applications without deadline until the position has been filled.
Provisional Period	Employees hired through the Alternative Hiring Process may have a six months provisional period established to observe the employee on the job to confirm that the employee is able or ready to perform the essential duties of the position with or without reasonable accommodation. At the end of the six-month period, an interim wage performance evaluation should be completed.
Reasonable Accommodation	Modifications or adjustments in a work site, program or job that make it possible for a qualified employee with a disability to perform the tasks or duties required by the position or for an applicant to progress through the hiring process.
Recruitment Management System (RMS)	The automated system that identifies, publicizes, and accepts applications for positions covered under the Virginia Personnel Act for which the Commonwealth is actively recruiting.
Recruitment	The process by which an agency seeks qualified candidates by posting or advertising a position that the agency intends to fill through a competitive selection process.
References	Information obtained from former employers, supervisors, co-workers or others regarding a candidate's work performance or behavior. This information is used by the hiring agency along with other information collected during the hiring process to determine the candidate's suitability for the advertised position and, ultimately, to determine which candidate is best suited for employment.
Screening	The process of evaluating the qualifications of individuals in an applicant pool against established position qualifications to determine: <ul style="list-style-type: none"> • which applicants in the pool meet minimum qualifications; and • which of the qualified applicants an agency wishes to interview based on consistent criteria.
Selection	The result of the hiring process that identifies the applicant best suited for a specific position.
Selection Panel	The group of individuals (two or more) that interviews job applicants for selection or for referral to the hiring authority for selection.

Sensitive Position

A position designated by the agency as directly (1) responsible for the health, safety and welfare of the general populace or protection of critical infrastructures, (2) that have access to sensitive information, including access to Federal Tax Information in approved exchange agreements with the Internal Revenue Service or Social Security Administration; and (3) that are otherwise required by state or federal law to be designated as sensitive for which a criminal history, including fingerprinting, must be obtained for the final candidate from the Federal Bureau of Investigation through the Department of State Police (Va. Code § 2.2-1201.1).

Veteran

As defined in the Code of Virginia § 2.2-2903, any person who has received an honorable discharge and has (1) provided more than 180 consecutive days of full-time, active-duty service in the armed forces of the United States or reserve components thereof, including the National Guard, or (2) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.