

CITY OF CHESAPEAKE, VIRGINIA

NUMBER: 2.41

ADMINISTRATIVE REGULATION

EFFECTIVE DATE: 03/01/2018

**SUBJECT: DEPARTMENT OF HUMAN RESOURCES -
RECRUITMENT AND SELECTION POLICY**

SUPERSEDES: 12/1/2008

I. PURPOSE

The City of Chesapeake is committed to employing the most qualified candidates for positions while engaging in recruitment and selection practices that are in compliance with all applicable employment laws. The purpose of this policy is to provide equal opportunity for employment to all applicants and employees.

II. ELIGIBILITY

This policy applies to all qualified individuals employed or seeking employment within departments under the direction of the City Manager, with the exception of sworn Police and Fire positions.

For the purpose of this policy, references to the City Manager, Director of Human Resources or department/agency head shall include their designees.

III. DEFINITIONS

- **Applicant** – An individual who applies, in accordance with the established recruitment procedures, for a vacant position open for recruitment.
- **Candidate** – An applicant who meets the minimum qualifications for a position and is identified to proceed in the evaluation process of assessing their job-related competencies.
- **Difficult to Fill** – A situation where a job opening is often unable to be filled within typical recruitment and selection timelines and/or additional recruitment strategies are typically needed.
- **Hiring Authority** - The designated member of management (e.g. supervisor, manager, department/agency head) within the department/division where the job opening exists who has the authority to hire.
- **Eligibility List** – A list of pre-qualified applicants who have been interviewed and/or tested in a competitive process from which a selection was made within the previous six months and may be considered to fill future similar vacancies.

- **Marginally Qualified** - The status assigned to a new hire or newly-promoted employee when he or she is appointed with less than the minimum qualifications for the selected position. Generally, a marginally-qualified hire is limited to 12 months in such status, at which time the employee must satisfy the required qualifications of the position or be demoted or separated from employment.
- **Recruitment** – The process of finding the best qualified candidate for a position through internal announcement and, in some cases, external advertising.
- **Selection** – The process of assessing candidates based on job-related criteria (e.g. interviews, tests).

IV. GENERAL PROVISIONS

- A. Each selection process must be compliant with all applicable employment laws to include, but not be limited to, Americans with Disabilities Act (ADA), Age Discrimination in Employment Act of 1967 (ADEA), Title VII of the Civil Rights Act of 1964 (Title VII), Equal Pay Act (EPA), Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), Immigration Reform and Control Act of 1986 (IRCA), and Pregnancy Discrimination Act (PDA).
- B. Positions may be filled as follows:
 1. **External** - The recruitment process that offers employment opportunities to both applicants outside and employees within the City.
 2. **City-Wide** - The limited recruitment process that offers employment opportunities only to employees, interns, and volunteers within the City.
 3. **Department-Wide** - The limited recruitment process that offers employment opportunities to employees who currently work in the department where the vacancy exists. Department-wide recruitments require prior approval of the Director of Human Resources.
 4. **Waiver of Competitive Recruitment** – In extraordinary circumstances, a Department Head may request approval by the Director of Human Resources to fill a vacancy in a non-competitive fashion.
- C. With prior approval of the Director of Human Resources, the hiring authority may consider and select a marginally-qualified candidate. Specific terms and compensation provisions related to a marginally qualified hire are outlined in Administrative Regulation 2.54, Pay Provisions Policy.
- D. For positions identified as difficult to fill, the Director of Human Resources may authorize the establishment of eligibility lists or employment of other strategies (e.g. continuous

notice period, consideration of marginally-qualified candidates) when determined to be in the best interest of the City.

V. EMPLOYMENT OF RELATIVES

The State and Local Government Conflict of Interests Act (Code of Virginia §§ 2.2-3100 through 2.2-3131) addresses prohibited conflicts of interest in public employment, in § 2.2-3109. When immediate family members work in the same City department or agency, an officer or employee may not exercise any control over the employment or the employment activities of the immediate family member, and the officer or employee may not be in a position to influence those activities. For purposes of this section, “immediate family” means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

In order to avoid the reality or appearance of improper influence or favoritism, the City of Chesapeake further prohibits an employee to be in a position which exercises any control over the employment or the employment activities of any relative, as well as an employee’s participation in the selection process for a position if a relative is a candidate. For purposes of this section, “relative” is defined as the employee’s spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the employee is engaged to be married; the employee’s or the employee’s spouse’s parent, grandparent, grandchild, brother, or sister; or the employee’s brother’s or sister’s spouse. For purposes of this section, “brother or sister,” “child or grandchild,” and “parent or grandparent” means biological, adopted, foster, or step.

VI. RESPONSIBILITIES

- A. The Director of Human Resources is responsible for rendering official interpretations of this policy.
- B. The department/agency head is responsible for the consistent application of this policy within his/her department to include review of the department’s selection practices to ensure all applicants are afforded equal opportunity to compete for job openings.
- C. Department/agency heads are responsible for inviting their upline manager (Deputy/City Manager) to participate on the second round interview panel for second level management position in the department (e.g. Assistant Directors, Deputy Chiefs). If department/agency heads are unsure to which positions this refers, they should consult with their upline manager.

VII. EXCLUSIONS/LIMITATIONS

With prior approval of the Director of Human Resources, a department/agency head has the authority to transfer an employee to a vacant position within the same department without a competitive selection process, provided the position is of the same job classification and status (full-time, part-time, seasonal/substitute) as the employee’s current position and the employee meets the minimum qualifications of the position into which the employee is transferring.

APPROVED AS TO FORM AND CONTENT:

Dana E. Sanford, Deputy City Attorney
Dana E. Sanford, Deputy City Attorney

2.27.2018
Date

APPROVED AND ADOPTED:

James Baker
James Baker, City Manager

2/27/18
Date

Supplement to Administrative Regulation 2.41, *Recruitment and Selection Guide*