

SECTION 4 – STAFFING AND CAREER ADVANCEMENT PROCEDURES

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4.1 GENERAL PROVISIONS

The following are general provisions regarding Staffing and Career Advancement within the City of Madison. To assure a high quality of service to the public, the City shall make every effort to attract qualified and competent individuals to compete for positions within the City of Madison. Selection and appointment to positions shall be based on job-related requirements and the applicant's demonstration of the knowledge, skills, abilities and personal characteristics necessary for successful job performance, consistent with the Equal Employment Opportunity Policy (Section 2). It is the policy of the City of Madison to ensure equal employment opportunities without regard to age, sex, religion, race, political affiliation, disability, color or national origin, except where age or sex is a bona-fide occupational qualification.

Exceptions to the Staffing Procedures set forth herein include, but may not be limited to, the following:

- 1) the Aide to the Mayor position which shall serve completely at the pleasure of the Mayor;
- 2) the Aide to the Council position which shall serve completely at the pleasure of the Council;
- 3) unclassified Officials, appointed by City Council; and
- 4) temporary agency workers and contract workers, as defined in Section 4.10, Temporary Selection of this Policy Section.

4.2 REQUISITIONING PROCEDURES

A standard **Employment Requisition** must be completed for each opening and submitted to Human Resources as soon as the need and budgeting for the position have been established.

Funding. The City may begin recruiting for a position where funding is anticipated; however, no final selection actions may be initiated until funding for the position is in the City's current fiscal year operating budget.

Job Description and Classification. The Department Head shall ensure that the Job Description and Job Classification are reviewed and up-to-date, prior to submitting the Employment Requisition and before the position is posted. If changes are needed, the Department Head can work with the Human Resources Director to make changes and gain final approval.

4.3 POSTING AND RECRUITMENT PROCEDURES

Internal Posting. Position openings in the City shall be posted INTERNALLY to allow current employees of the City of Madison the opportunity to submit an application. Each Department Head is responsible for ensuring that the announcements are posted in such places that are known by and available to all employees of the department. The only exceptions to this posting requirement include reorganizations (where duties are redistributed, and the previous position and/or duties of the person moved or promoted are no longer available or valid), or situations of transfers due to a disability or other human resources related appointments or transfers approved by the Mayor.

Notwithstanding the above, if a new vacancy occurs in a specific position for which the posting and application process was closed within the previous six (6) months, a Department Head may rely on the previously developed applicant pool to fill the new vacancy.

Furthermore, qualified applicant pools for Certified Police and Fire Department positions as a result of extensive screening may be used to fill future vacancies for a period not to exceed *twelve (12)* months from the date the previous position was closed. Records for each screening process and the qualified applicants shall be maintained in the Human Resources Department in accordance with timing requirements. Generally, these qualified applicant pools may be appropriate for use when the screening process for a particular job is time-consuming and expensive due to extensive screening, background investigation, extensive probationary/development requirements, and/or the probability that other position vacancies for the same job will occur within the following *twelve (12)* months.

Timing. All postings will remain open for a minimum of seven (7) calendar days. However, the City reserves the right to continuously post (as defined in electronic application system), extend (or reopen) or cancel any posting at any time.

External Recruiting. The Human Resources Department is responsible for the recruiting process to fill City vacancies. The external recruitment process will typically include posting the position on the City's website (with links to the City's on-line applicant system), internet job sites, the Alabama state job service office, and/or other job-specific sources, as well as organizations that promote EEO and diversity.

Applications. The City of Madison only accepts applications for jobs currently posted. The City receives internal and external applications only through the City's online application portal system.

Assistance - If applicants need computer internet access or need assistance completing their application, they may contact Human Resources Department during business hours for assistance. Applicants with a disability who feel they need accommodation should contact the Human Resources Department on or before the closing date of the job posting. Applicants must follow the application instructions on the City's website pages and links.

Submission - Applications must be submitted and received by the closing date for each position. Applicants should carefully review each application before submitting it to ensure that each required field and question is complete. Once an application is submitted for a specific position it cannot be modified. Applicants may attach a resume to their application; however the application must be complete independent of a resume (and should not refer to any other documents).

Internal Only Positions - Internal applicants who have been in their current position for less than one year must receive Department Head approval to be considered (due to the fact that the employee is either still on probation or due to the training investment for the employee in their relatively new position).

Notification – Applicants typically receive one email notification of receipt of an application. Then, candidates who are selected for the next steps in the selection process will typically be notified by the hiring department. Applicants for specific positions may be asked to complete an additional Supplemental Application or to provide additional information or documents.

4.4 SELECTION PROCEDURES

Authority. Selections will be made based on knowledge, skills and abilities required and preferred and most suitable qualifications for the position, consistent with the Job Requisition Form, job description and classification for the position, without regard to age, sex, religion, race, political affiliation, disability, color or national origin. The Department Head shall ensure that selections are made on a nondiscriminatory basis. (See Policy Section 3 regarding appointing authority.)

Screening Tools. Screening tools (which may include eligibility assessments, physical agility assessments, examinations, skill and knowledge demonstrations), shall be established by the Department Head and reviewed by the Human Resources Director.

Interviews. The Appointing Official, or others requested by the Appointing Official, shall conduct pre-scripted interviews to further assess applicant qualifications and suitability for the position for finalists.

FCRA Forms. Fair Credit Reporting Act forms must be given to and completed by candidates prior to interviews (or other scheduled assessments, whichever is most convenient for the department). Departments will provide a self-addressed envelope (addressed to the Human Resources Department) for the confidential information on each form, collect the forms, and return to the Human Resources Department for the official hiring file (or to the Police Department for Police positions).

Background Screening. Final selections will not be made until all applicants have been considered, FCRA forms are completed, background checks have been conducted for the finalists.

The Human Resources Department (or Police Department for Police positions only), shall make effort to validate the application (including education) and make inquiries of previous employers and selected references only for those applicants tentatively designated as finalists. Police Department background records shall be maintained by the Police Department.

4.5 EMPLOYMENT OFFER PROCEDURES

Paperwork Required.

After a review of all candidates, it is the responsibility of the Department Head to recommend which applicant to hire, to complete the necessary appointment forms and to return them with all other selection materials and forms to the Human Resources Department, who shall be involved or consulted in all phases of the employment process. Human Resources will maintain the official hiring file.

Offers of Employment.

All employment offers (including promotions) shall be made verbally and in writing by the Human Resources Department to the potential employee, stating the contingencies of the offer and the salary for the position (consistent with current pay plans and pay guidelines for the position). Contingencies may include, but not be limited to, the following:

- 1) completion of a successful drug-screen and medical determination (where applicable) that the individual is medically qualified to perform essential job functions;
- 2) timely provision of specific documentation to verify identity and employability; and
- 3) validation of background information, application and references.

Offers also typically include the probationary period and other job-related conditions of employment that must be met before a specific time period.

Candidates will be asked to confirm in writing their acceptance of the written offer.

4.6 POST-OFFER PROCEDURES

Contingencies. Most contingencies stated in the candidate’s offer letter typically must be met before the candidate’s start date.

RSA (Retirement Systems of Alabama) Contingencies – Candidates who are an ERS (Employee Retirement System) retiree may continue their retirement benefits as long as they meet conditions set by RSA, including:
1) must not be employed or under contract for permanent, full-time employment; and 2) do not exceed the limitation on earnings. Both the employee and the City would be required to submit current forms notifying the RSA of the employment; and offers may be contingent upon RSA approval. Limits, forms and other requirements are subject to change; and must comply with current laws. The employee would also be responsible for meeting any RSA-1 requirements (if applicable) concerning their personal accounts.

Feedback to Applicants. After offers are made and accepted, applicants who are interviewed, but not selected, are typically notified by the Human Resources Department. Consistent with EEO Plan Guidelines, when internal applicants from the same city department as the Hiring Official are interviewed, but are not selected for a position, the appointing official will offer to meet with the employee to discuss it with them, and possibly provide general feedback, based on the requirements and needs of the position.

Citizenship and Immigration Status Verification. The City will not discriminate on the basis of a person’s national origin or citizenship status. However, the City will not knowingly employ any person who is or becomes ineligible to work or reside in the United States under applicable law. Regardless of national origin, ancestry or citizenship, all new employees must provide suitable documentation to verify identity and employability. The documentation is to be provided at the time of employment. If the required documentation (or receipt(s) proving that the required documentation has been ordered from the appropriate governmental agency) is not provided within three (3) business days of employment, the individual’s employment will be terminated. An employee who has applied for required documentation must produce the actual documentation when the receipt period ends, or his or her employment will be terminated.

The City of Madison uses and complies with E-Verify. E-Verify is an Internet based system operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA) that allows participating employers to electronically verify the employment eligibility of their newly hired employees using information reported on Form I-9.

4.7 INTERNAL TRANSFERS AND PROMOTIONS

Transfer Date. If a City employee is selected for a posted position opening, the transfer date (which shall be on the 1st day of a new pay period) shall be agreed upon by the two Department Heads. If two Department Heads cannot agree on a transfer date, the Mayor will make the final decision.

Salary. For internal transfers, reorganizations and/or promotions, Department Heads and the Human Resources Department shall ensure that the Pay Guidelines in the Compensation Section 12 are followed.

4.8 EMPLOYMENT OF RELATIVES

Individuals who are employed by the City and were in such situations covered by this policy (prior to February 1, 2012) will be exempted from most of its restrictions. However, no employees will be allowed to directly report to a relative or cohabitant under any circumstances.

No individual will be employed or transferred to (or in) a department if it would create a situation where an employee would be subject to administrative, supervisory or management control or related influence by a member of his/her immediate family or cohabitant.

No immediate family members or cohabitants of a Department Head, or a position which may act in the capacity of a Department Head in his/her absence, may be employed in the same department as the Department Head or Acting Department Head.

Likewise, no two or more immediate family members or cohabitants shall be permitted to work in any same department of the City if the two or more relatives would be in any positions within two levels of supervision or management (except for Temporary Lifeguards and Crossing Guards due to difficulty in recruiting and short term at-will employment). Examples of “within two levels” include:

- 1) Where two (2) employees would report to the same supervisor;
- 2) Where two (2) employees’ supervisor(s) report to the same Manager/Supervisor.
- 3) A specific example would include two Firefighters, regularly reporting to two different Captains, and the Captains report to the same Battalion Chief.
- 4) Another example would include an employee reporting to a Manager who reports to the Department Head and a relative who is an Administrative employee also reporting to the same Department Head.

Likewise, no immediate family members or cohabitants of an incumbent elected official or an employee of a confidentially sensitive department (including, but not limited to, Human Resources and Legal Departments) may be employed by the City. No “relatives” shall be eligible for hiring, transfer or promotion that would result in a violation of this policy.

For these purposes, “immediate family” and/or “relatives” will be interpreted to include an individual’s spouse, parent, step-parent, parent-in-law, child (including step-children, in-laws and/or legally adopted children), brother or sister (including step, half, adopted or in-laws), grandparent, step-grandparent, grandparent in-law, grandchild, step-

grandchild, uncle, aunt, nephew, niece and the like relationship of the individual's spouse. This policy definition shall also apply to dating or romantic relationships. (See Policy Section 2, "Equal Employment Opportunity" for dating or other relationships.)

In the event that any two employees of the City elect to be married and to thereby come within the definition of "relatives", then to avoid any resultant conflict with the provisions of this policy, one or both employees may apply to transfer to any non-conflicting vacant position that is posted. Such transfer will be approved if such employee is considered the best-qualified applicant for such vacant position, consistent with staffing procedures. If such transfer is not approved, then one of the employees so desiring to marry or cohabit must resign from his or her employment with the City. If one of the employees does not resign, the Department Head shall initiate action to administratively dismiss one of them.

Where practicable, the Department Head may assign the employees to different shifts to avoid conflict with this policy. In the event reassignment of shifts is not practicable and one employee refuses to resign, the Department Head shall initiate action to administratively dismiss one of them.

4.9 INVOLVEMENT IN EMPLOYMENT

Other than as provided in one's professional responsibilities, no employee shall become involved with any city-related employment activities or employment information concerning another employee (family member or non-family member). These would include, but not be limited to, application for employment, supervisory or policy decisions, or any employee records or information concerning the employee. The same will apply to employees in regard to applicants of the City for employment.

4.10 TEMPORARY SELECTION

Temporary Employees

Temporary employees of the City will be selected based on the same requirements of this section. However, they shall be hired for a limited period of time, not to exceed one (1) year for part-time temporary employees (who must work no more than 29 hours per week), and not to exceed 120 days, for full-time Temporary employees (who work more than 30 hours). See Policy Section 3 (SERVICE CATEGORIES AND EMPLOYMENT STATUS) regarding Temporary Employees.

Temporary Agencies

Use of Temporary Agencies shall be budgeted and managed by each Department Head. Temporary agency service workers are not considered employees of the City. Use of temporary service workers provided by a contracting company or selected agency will not normally exceed twelve (12) consecutive months in duration. However, if required, the Mayor may approve an extension. Each Department Head must ensure that all contracts with temporary agencies are followed.

The Department Head shall ensure the temporary agency: (1) complies with employment eligibility requirements, (2) provides workers' compensation and liability insurance for its workers, (3) complies with all legal work laws, including overtime and other benefit provisions, and (4) ensures that background checks are completed for workers assigned to the City.

Independent

Contract Workers **Independent Contract Workers are budgeted and managed by each Department Head. Independent Contract Workers are individuals** whose service terms are defined in a written contract; and the contract is typically approved by the City Council. Internal Revenue Service (IRS) Guidelines for evaluating independent contractor classifications shall be considered (for example, IRS Revenue Ruling 87-41, and/or other related guidelines). Contract workers do not include the use of temporary workers supplied through a temporary service agency.

If a department enters into a contract with a RSA (Retirement Systems of Alabama) or TRS (Teachers' Retirement System) retiree, the contract must comply with the limits on compensation. The Department Head must also provide a copy of the draft contract for the Employment Retirement Systems (with assistance from Human Resources) to confirm whether or not the contract violates post-retirement employment law. Furthermore, both the RSA contract worker and the City would be required to complete and submit current RSA forms notifying the RSA of the contract; and the contract may be contingent upon RSA approval. Limits, forms and other requirements are subject to change; and must comply with current laws.