

Hiring Policies

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PURPOSE

These policies cover the process of hiring employees into the Classified Service. Their purpose is to provide direction on the interpretation of the general principles codified in the Civil Services Rules pertaining to hiring. [Please click here to view Council Resolution #51870.](#)

AUTHORITY

San Jose Municipal Code Chapter 3.04, Parts 1- 8. The following list provides the cross-reference to the specific code section for each policy:

POLICY

Section # Title *[followed by cross-reference(s) to related section(s) of Civil Service Rules]*

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 - 3.04.1000 Probationary Period—Authority and Purpose*
 - 3.04.1010 Rejection of Probationer*
- 3.1.1.16 Employment Oversight Committee

PROCEDURES**Hiring Policy 3.1.1.1: Fair Hiring Practices**

- 3.1.1.1.1 Hiring activities and decisions shall be conducted in a manner consistent with Charter provisions regarding selection based on merit and fitness, and consistent with local, state, and federal laws, statutes, and regulations governing employment.
- 3.1.1.1.2 No employee shall appoint, employ or participate in a hiring decision involving any person within his/her immediate family, nor use his/her position to influence another City employee to hire a member of his/her immediate family.

For the purposes of this policy, immediate family is defined as wife, husband, domestic partner, mother, father, brother, sister, son, daughter; mother / father / brother / sister / son / daughter-in-law; grand-mother / father / son / daughter; step-mother / father / son / daughter; uncle, aunt, niece or nephew. These familial relationships include blood, marriage and domestic partner based relationships.

A domestic partner, as referenced above, must be the domestic partner registered with the Human Resources Department.

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- 3.1.1.1.3 At the Human Resources Director's discretion, he/she may correct or halt a recruitment or appointment process if necessary to prevent selections that are inconsistent with a determination of merit and fitness.

Hiring Policy 3.1.1.2: Integrity of the Hiring Process

- 3.1.1.2.1 Human Resources is responsible for ensuring that all civil service hiring conforms to the principles and rules defined in the municipal code.
- 3.1.1.2.2 Human Resources will establish "service level agreements" with each department, for each recruitment, that will specify (a) which steps in the hiring process are to be conducted by Human Resources and which by the department, and (b) accountability for record-keeping, reporting, and adherence to the approved selection process.
- 3.1.1.2.3 Human Resources may choose to contract out an entire recruitment process, still retaining ultimate authority and accountability for its conduct and completion. Circumstances that could lead to Human Resources contracting out a recruitment may include: need for specialized expertise; addressing a workload spike; gaining access to proprietary assessment products/services; and allowing the City to enter into multi-agency agreements for services/products. Human Resources is responsible for ensuring that applicant data remains confidential, and that the recruitment process meets all relevant standards.
- 3.1.1.2.4 Human Resources will establish, communicate, and ensure adherence to mandatory minimum training standards for department representatives involved in recruitment processes.
- 3.1.1.2.5 Human Resources will regularly examine the record-keeping and general recruitment activities of departments, to ensure adherence to Human Resources' and industry standards and to applicable state and federal laws, and to identify where further guidance and training is needed to maintain high standards in recruitment and selection.
- 3.1.1.2.6 Human Resources will collect and maintain data related to key steps in each recruitment process, and will report this data to the Civil Service Commission at each regular meeting to identify overall production levels (e.g., number of internal versus external applicants, average duration of recruitments) and patterns in recruitment activities (e.g., internal hires by department or class).

Hiring Policy 3.1.1.3: Authority for Hiring

- 3.1.1.3.1 The City Manager delegates the authority to make final hiring selections to department heads. City Manager approval is required during hiring freezes or to comply with budget requirements.

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- 3.11.3.2 Departments must request that Human Resources initiate recruitment activities for a vacancy.

Hiring Policy 3.1.1.4: Reinstatement Lists

- 3.1.1.4.1 Prior to initiating a recruitment process, Human Resources will inform the hiring department if a reinstatement list exists for the classification vacancy.
- 3.1.1.4.2 No department can conduct a recruitment that limits a former or displaced employee's reinstatement right to fill the first available vacancy.

Hiring Policy 3.1.1.5: Roles of Human Resources and Hiring Departments

- 3.1.1.5.1 Human Resources will conduct and oversee recruitment processes in accordance with the Uniform Guidelines on Employee Selections Procedures (1978, or any superseding federal selection guidelines) and other applicable laws.
- 3.1.1.5.2 Considering cost, cost-effectiveness, validity, timeliness, and capacity of recruitment staff, Human Resources will:
- Use the best and most appropriate assessment tools and methods possible in any given recruitment situation;
 - Encourage and support the use of outside raters as appropriate as part of the assessment process to establish a qualified candidate group, with the goal to increase the actual and perceived level of objectivity in candidate rating;
 - Establish and meet standards, for routine and special communication with job applicants throughout the recruitment and selection process.
 - Inform candidates about the nature and purpose of assessment activities, with the intent of enabling candidates to achieve their best possible result in the assessment process.
- 3.1.1.5.3 Human Resources approves selection plans based on one of several recruitment service-delivery models ("service level agreements"):
- Human Resources conducts the screening and assessment process, and the hiring department completes the selection interviews;
 - Human Resources and the department share the screening and assessment process;
 - Human Resources delegates the screening and assessment process to the department;
 - Human Resources coordinates a classification-based recruitment;
 - Human Resources contracts out the process.
- 3.1.1.5.4 Service level agreements define accountability for service delivery, funding, record-keeping, adherence to standards, timeliness, and selection methods.

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3.1.1.5.5 Service level agreements delegating screening and assessment responsibilities to a department are contingent upon the department's adherence to established standards. If a pattern of violations of rules and policies occurs in any department, HR would not approve selection plans delegating responsibility to that department until the problem is corrected.

A pattern of violations may be several minor issues or a single major issue. Depending on the circumstances and severity, HR will respond using a "progressive discipline" model ranging from increased monitoring of performance up to and including cancellation of recruitments and discontinuation of delegated responsibility for screening and assessment.

3.1.1.5.6 Human Resources will set minimum assessment standards for a classification and must approve a hiring department's use of any additional, position-specific assessment tools or screening methods. All candidates must participate in any position-specific assessments conducted by the department and approved by Human Resources.

3.1.1.5.7 Psychological exams based on existing standards are approved for use for entry-level public safety recruitments. Human Resources generally delegates the coordination of psychological exam processes to the public safety departments; however, Human Resources retains authority over any changes to the process.

Hiring Policy 3.1.1.6: Job Announcements

3.1.1.6.1 The City will design recruitment methods and materials that enhance the City's image as a viable employer and as an "employer of choice." All advertisements will convey a consistent image of the City as being a single employer with a wide variety of career opportunities.

3.1.1.6.2 Human Resources will approve all job announcements before their release. Job announcements will contain the following basic information, as well as any additional information deemed appropriate by Human Resources and the hiring department that will accurately reflect the vacancy in particular, the classification in general, and the details of how the recruitment will be conducted:

- Opening date and final filing date (unless posted on a continuous basis)
- Descriptive job title (working title for specific position)
- Classification title
- Salary range
- Highlights of job functions
- Minimum qualifications
- Desirable qualifications, in rough priority order
- Application and screening process
- Work environment
- Bargaining group representation

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- Department hiring liaison contact information, for general questions about a specific position
- Human Resources contact information, for concerns/complaints about the recruitment process

For classification-based, continuous recruitments, job announcements will identify departments in which positions in such classifications are located. Apart from formal job announcements, Human Resources will facilitate awareness of current job openings by establishing a method for providing brief overviews of each current position vacancy within a classification-based recruitment.

- 3.1.1.6.3 Human Resources will distribute job announcements as widely as possible, both internally and externally, as appropriate, based on the number of individual vacancies, the anticipated number of applicants, special skills requiring special outreach, broad and easy access to information for potential applicants, and operational needs of the hiring department.
- 3.1.1.6.4 If a hiring department wishes to expand on and fund recruitment outreach beyond Human Resources' standard distribution, any advertisement of the recruitment must identify the vacancy as a City of San José position, and must adhere to general standards for job announcements. All advertisements will be centrally coordinated, unless Human Resources approves an exception.

Hiring Policy 3.1.1.7: Internal Recruitments

- 3.1.1.7.1 Human Resources will establish policy and procedures related to internal recruitments, i.e. recruitments for which only City employees may apply.
- 3.1.1.7.2 The City has a responsibility to both internal employees and to the public to assure the highest quality public workforce possible. Therefore, the City's focus will be on facilitating the expansion of employees' knowledge and skills in order to enhance their ability to compete in the recruitment process.

Hiring Policy 3.1.1.8: Minimum Qualifications

- 3.1.1.8.1 Minimum qualifications for a classification will be a part of every job posting along with desirable qualifications for the specific position vacancy, if applicable.
- 3.1.1.8.2 Human Resources will determine procedures for interpreting and screening for minimum qualifications for any vacancy, if applicable, and will ensure that Human Resources recruitment staff and hiring liaisons use them consistently.
- 3.1.1.8.3 Only job-related standards will be applied or utilized to determine eligibility for further consideration.
- 3.1.1.8.4 Human Resources will report to the Civil Service Commission monthly on the number and type of complaints received, and any action taken, related to

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minimum qualifications screening.

- 3.1.1.8.5 All individuals who apply for a posted vacancy will be notified within five (5) business days of the completion of the minimum qualifications screening process by Human Resources or the department (depending on the service level agreement) if they are not selected to continue on in the assessment process.

Hiring Policy 3.1.1.9: Transfers

- 3.1.1.9.1 Human Resources encourages hiring departments to consider and interview qualified internal candidates.
- 3.1.1.9.2 Transfers are generally defined as being within the same classification. Lateral transfers may occur to other classifications at the same pay level. However, a probationary period will normally be required.
- 3.1.1.9.3 Based on the needs of the department, a department head may transfer employees within the same classification within his/her department without being required to post the job competitively. A department head may offer a lateral transfer, but the employee is not required to accept the position. Once a vacancy has been posted, the vacancy must be filled through a competitive process whether ultimately filled with a transfer candidate or otherwise.
- 3.1.1.9.4 The City Manager may transfer employees within the City within the same classification without utilization of a competitive process. The City Manager may offer a lateral transfer within the City, but the employee is not required to accept the position. Once a vacancy has been posted, the vacancy must be filled through a competitive process whether ultimately filled with a transfer candidate or otherwise.
- 3.1.1.9.5 Individuals seeking re-employment may apply when job announcements are posted.
- 3.1.1.9.6 To facilitate City-wide employee awareness of career development opportunities, Human Resources encourages departments to post transfer opportunities through the City-wide job posting procedure even if it is anticipated that a position may be filled by an employee transfer within the department. Human Resources will facilitate awareness by potential transfer candidates of current position vacancies within class-based recruitments. *(Also see Hiring Policy 3.1.1.6.2, titled Job Announcements in the City Policy Manual)*
- 3.1.1.9.7 A probationary period will be served by employees moving to a different classification, except for employees returning to a former class in which they have previously passed probation.
- 3.1.1.9.8 Though probationary periods are not required for transfers, supervisors are required to develop a detailed job description prior to selecting the transfer candidate, to help ensure the best fit of the candidate to the job. Supervisors are

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also required to develop written performance goals for the appointed candidate.

Hiring Policy 3.1.1.10: Determining Qualified Candidates

- 3.1.1.10.1 Based on the results of the assessment process, a group of qualified candidates will be established for consideration by the hiring department. Depending on the service level agreement and the size of the qualified candidate group and other factors, the qualified group may be divided into broad, pre-defined categories, such as “highly qualified,” “qualified,” and “marginal” candidates, or assessment results on various job elements may be provided for each qualified candidate.
- 3.1.1.10.2 Unless Human Resources approves a non-competitive appointment or an exception based on the existence of a small candidate group, the hiring department must interview at least five (5) candidates for a particular vacancy. Regardless of the minimum interview requirement, all candidates with the same level of qualifications will move forward in the evaluation process (e.g., all highly qualified candidates will be invited to interview, not just five).
- 3.1.1.10.3 For continuous recruitments (“open until filled”), qualified application materials will be forwarded to the hiring department as they are received and after any centrally-administered assessments have been completed.
- 3.1.1.10.4 Classification-based recruitments -- Based on the needs of the City, Human Resources may elect to conduct a recruitment for a classification (“class-based recruitment”) instead of, or in addition to, a single-position recruitment. Human Resources shall establish and regularly update appropriate procedures for conducting class-based recruitments, including:
- (a) Candidate screening criteria to be used by departments that access a class-based group; and
 - (b) Procedures and timelines for:
 - i. Maintaining and closing a group;
 - ii. Keeping continuous class-based postings current; and
 - iii. Keeping candidates informed of their status in a group.

Where a class-based qualified group exists, Human Resources may determine that posting of individual vacancies in the classification is not necessary, based on criteria such as significant similarity in actual job tasks across positions in the class, historically high turnover in the classification, and other relevant criteria. However, wherever possible, Human Resources will provide brief overviews of current position vacancies in class-based recruitments. *(Also see Hiring Policy 3.1.1.6.2, titled Job Announcements in the City Policy Manual)*

Candidates may request to a) stay in a qualified group; b) take a test or other classification-based assessment to improve on their prior score or results; or c) re-apply for specific job openings. Human Resources may maintain a record of candidate scores or assessment results for a classification for as long as, in Human Resources’ determination, the specific assessments are considered

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currently applicable to the recruitment process for the classification. If assessment tools and/or classification requirements change, Human Resources may require candidates to re-rest for that classification.

Hiring Policy 3.1.1.11: Removal from Recruitment Process and Addressing Complaints

- 3.1.1.11.1 Candidates may be screened out of a recruitment process by non-selection or by disqualification. Non-selection is based on a pre-established screening process using impartial, job-related assessment methods and criteria. Non-selection is further distinguished from disqualification in that non-selection is a determination that other candidates are better matches for the position and that the non-selected candidate will not continue in the assessment process for the particular job recruitment.
- 3.1.1.11.2 Disqualified candidates may request reconsideration by Human Resources by providing documentation that they believe nullifies or explains the reason for disqualification. If the issue is not resolved, candidates may appeal to the Civil Service Commission per section 3.04.850.
- 3.1.1.11.3 Non-selected candidates may request reconsideration by Human Resources on the basis of discrimination, fraud, or violation of hiring rules, policies or procedures. Candidates may request an investigation by the civil service commission according to the authority of Charter Sec. 1001.F(2), by contacting the clerk of the Commission.
- 3.1.1.11.4 Addressing complaints – In responding to expressed concerns about a recruitment process, the Director may address the concern by any action that, in the opinion of the Director, is fair and equitable and addresses the needs of the City. Resolution of the concern may include allowing a candidate to continue to compete for the vacancy, or other appropriate actions, up to and including cancellation of a recruitment.

Human Resources and hiring department staff involved in a recruitment are required to record any concern or complaint, and to take action to correct errors or request approval of other appropriate action by the Human Resources Director.

Human Resources will record and track all concerns/complaints and their disposition, and will analyze and report on this information on a regular (at least quarterly) basis to the Commission.

Human Resources will take steps to correct systemic problems in recruitment processes identified through concerns/complaints, and will consider and support policy and/or rule changes as needed.

Hiring Policy 3.1.1.12: Reference Checks and Background Screening

- 3.1.1.12.1 Human Resources will guide hiring departments in the process of eliciting

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information about a candidate's prior employment, educational background, job performance, and other relevant references relating to the job for which they are being considered.

- 3.1.1.12.2 Reference checks and inquiries should be appropriate to the nature and duties of the position, and should pose the least possible amount of intrusion into the job candidate's private affairs.
- 3.1.1.12.3 Human Resources will establish procedures for hiring managers to review and verify the references and background of job candidates. When considering selection of an internal candidate (current City employee), the hiring department is encouraged to review all available performance-related information, including, at a minimum, the finalists' City personnel files. In checking the references/background of external candidates, the hiring department is strongly encouraged to seek all relevant, job-related information about the candidate's past.
- 3.1.1.12.4 The process for conducting background screening for public safety personnel is delegated to the public safety departments. If pre-screening is conducted using personal history questionnaires (PHQs), it will be based on standards and processes approved by the Human Resources Director and the City Attorney.

Hiring Policy 3.1.1.13: Non-competitive Appointments

- 3.1.1.13.1 Non-competitive requests for voluntary demotion or return to former class require written justification by the department and the concurrence of Human Resources. The requested action must be to a vacant position or to an over-strength position. Neither action can create a "bumping" situation.
- 3.1.1.13.2 A non-competitive appointment within a flexibly-staffed position (qualifying promotion) must be recommended by the department and must follow procedures defined by Human Resources. *(Also see Hiring Policy 3.2.2, titled Flexibly Staffed Classes in the City Policy Manual)*
- 3.1.1.13.3 Transfers may be approved by Human Resources as non-competitive appointments if they are within the same classification or to a classification with a salary range that does not exceed the top step of the former class. The individual to be transferred must meet the minimum qualifications of the new classification and position. *(Also see Hiring Policy 3.1.1.9, titled Transfers in the City Policy Manual)*
- 3.1.1.13.4 Modified duty placements are coordinated by the return-to-work program, and may involve movement of the employee to another classification. If a modified duty placement results in a loss of pay to the employee, then Rule 3.04.1540, Non-disciplinary removal from class, applies.
- 3.1.1.13.5 Appointments made under Civil Service Rule 3.04.930.B(7) are intended to be

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rare and limited, and shall only be made to vacant or over-strength positions (i.e., shall not displace other employees). In considering such appointments, the Human Resources Director will use appropriate discretion and criteria, including protection of employee safety and privacy, alternatives to a non-competitive appointment that could adequately address the situation, and overall benefit to the City and the employee. Examples of circumstances under which such an

appointment may be approved include: sexual or other harassment of an employee, hardship / humanitarian reasons, significant workplace or team conflict, and an alternative to a disciplinary demotion where job skills have become obsolete.

- 3.1.1.13.6 Information reported to the Commission about non-competitive appointments will exclude appointees' names and any other information that, in the opinion of the Human Resources Director, could jeopardize employee confidentiality.

Hiring Policy 3.1.1.14: Confidentiality and Records Retention

- 3.1.1.14.1 Recruitment and hiring-related records required by law or City policy will be retained by Human Resources unless otherwise defined by service level agreements. Typical records include: candidate names and assessment outcomes, application materials, job announcement, recruitment plan, assessment materials, rater notes, EEOC data, and documentation of any candidate concerns.
- 3.1.1.14.2 Human Resources will provide and ensure compliance with specific procedures for retention of hiring-related records. Human Resources will be the repository for records unless specifically arranged otherwise with the hiring department(s).
- 3.1.1.14.3 The records retention policy will conform to legal requirements, but generally will be two (2) years from the date of hire of the candidate in a particular selection process.
- 3.1.1.14.4 Information about candidate groups and selection process outcomes will be restricted to participating candidates and designated representatives of the hiring departments. In response to a candidate complaint about a recruitment process, Human Resources will determine what information, if any, may be provided to the candidate and, if requested by the candidate, his/her union representative, to facilitate resolution of the complaint.
- 3.1.1.14.5 As part of the recruitment plan and service level agreement, Human Resources and the hiring department will define the type of information about assessment results to be provided to candidates. Feedback will generally be verbal and will focus on what candidates need to know for career development; individual rater comments will not be disclosed.
- 3.1.1.14.6 Applications submitted to the City, regardless of which department handles the intake, may not be released to outside parties without authorization of the

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Director. However, if an applicant applies for a position in one department, Human Resources may authorize sharing the information from that application with the hiring liaisons from other departments if Human Resources determines that the candidate has skills and knowledge which would be a good match for other City vacancies.

Hiring Policy 3.1.1.15: Probation

- 3.1.1.15.1 Where applicable, MOA's and salary resolutions supersede or supplement these policies.
- 3.1.1.15.2 Department heads are accountable for ensuring that their supervisors effectively carry out the probationary review process according to the standards set by Human Resources and the Civil Service Rules. Human Resources will create tools and templates to guide supervisors in the proper use and application of the probationary evaluation process.
- 3.1.1.15.3 Probation is served as a prerequisite to a permanent appointment in the classified service. As such, it is not applicable to provisional, unclassified, or temporary appointments, or to contract employment.
- 3.1.1.15.4 At the beginning of the probationary period, the supervisor is responsible for:
- Defining and documenting performance targets, duties, and key elements of job performance to be assessed during the probationary period; and
 - Discussing performance targets, duties, and key elements with the employee, and providing the employee with related documentation.
- 3.1.1.15.5 Throughout the probationary period, the supervisor is responsible for:
- Providing feedback to the employee on his/her performance; and
 - Conducting at least one interim performance appraisal, to document the job performance to date and to guide the employee in achieving successful job performance.
- 3.1.1.15.6 Before the probationary period ends, the supervisor is responsible for completing a written performance appraisal. The supervisor must document whether the employee has passed probation—which requires an overall rating of at least “meets standard”—or is recommended to have probation extended or to be dismissed.
- 3.1.1.15.7 Where authorized by MOA, a supervisor may recommend an extension of probation if job performance has been marginal but the employee is showing improvement, or if the employee has not been in the position for the entire probationary period (e.g., following an interdepartmental transfer during probation). If no recommendation for dismissal is approved by the end of the extension period, the employee will be presumed to have completed probation and will be appointed to permanent status.

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- 3.1.1.15.8 The supervisor is responsible for recommending dismissal from probation if the employee's performance is below standard and an extension is inappropriate.
- 3.1.1.15.9 No dismissal from probation or extension of probation shall be effective without the approval of the appointing authority. If no recommendation is approved by the end of the probationary period, the employee will be presumed to have completed probation and will be appointed to permanent status.
- 3.1.1.15.10 Time spent as a contract, provisional, or unclassified employee shall not be counted as part of any probationary period.
- 3.1.1.15.11 Employees who return to a class in which they formerly held permanent status shall be exempted from completing another probationary period. Employees who are re-employed or who have completed probation in a part-time classification of a similar title may be required to complete probation, at the option of the appointing authority. Completion of probation shall not be excused because an employee has completed probation in a class of a higher or equal pay range.
- 3.1.1.15.12 Probationary periods shall not be less than six (6) or twelve (12) months of actual service as defined by MOA.

Hiring Policy 3.1.1.16: Employment Oversight Committee**3.1.1.16.1 Purpose**

The Employment Oversight Committee (EOC) is responsible for overseeing and evaluating the City's hiring system, through regular monitoring of hiring processes and results. The EOC shall advise and make recommendations for system improvements to the Human Resources Director, when appropriate, so that all hiring is a fair, open, and job-related, and that stakeholders have a high level of confidence.

3.1.1.16.2 Membership and Terms:**A. The EOC will be comprised of:**

- Two (2) E. S. management staff, selected by the Human Resources Director,
- One (1) Civil Service Commission member, selected by the Commission,
- Four (4) City Labor Alliance members, selected by the City Labor Alliance,
- Four (4) hiring liaisons, selected by the HR Liaisons, with at least three representing large (public safety, capital maintenance, or community services) departments.

B. Members representing the Civil Service Commission, the City Labor Alliance and the HR Liaisons will serve two-year terms, which may be renewed by each of the respective groups. If a member resigns

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before his/her term has ended, the group he/she is representing shall appoint a replacement representative for the remaining portion of the term.

- C. Members are expected to know and abide by City hiring rules, policies and procedures; be open to considering all relevant information and viewpoints; maintain appropriate confidentiality regarding selection processes and individual employees; and attend scheduled EOC meetings.

3.1.1.16.3 Scope of work:

The scope of the EOC is to focus on system issues, rather than individual complaints. However, to the extent that individual complaints are relevant to specific hiring rules, policies, and procedures, the complaints shall be reported to the EOC for review and/or discussion. The EOC may recommend changes to aspects of the hiring system based on findings arising from individual complaints.

3.1.1.16.4 Deliverables:

In order to achieve its purpose, the EOC is responsible for the following deliverables:

- Timely identification of hiring system problems,
- Recommendations to the HR Director for changes to rules, policies or procedures,
- Reports on the status of EOC's work to the Civil Service Commission,
- Assessments of hiring rules, policies, procedures,
- Review of annual status reports and hiring data (i.e. Customer Satisfaction Surveys, Assessments of Hiring Practices).

3.1.1.16.5 Information and Data:

Types of information that may be considered by the EOC includes (but is not be limited to):

- Internal promotional percentages and other statistical hiring summary information,
- Monthly written reports on hiring activity and hiring complaints,
- Exit interview summaries,
- Customer satisfaction survey data,
- Changes to operational procedures.

3.1.1.16.6 Referrals:

If the EOC is unable to agree on a recommendation on system improvements,

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the EOC may refer the matter to the Civil Service Commission for further review and/or investigation.

Approved:

/s/ Joe Angelo
Director of Human Resources

7/10/2015
Date