

POLICY

SUBJECT: Contractual Employees
NUMBER: HR-422-18
APPLICABLE TO: All DJS Employees

APPROVED: _____ /s/ signature on original
Sam Abed, Secretary
DATE: _____ 8/1/18

I. POLICY

The Maryland Department of Juvenile Services (DJS) shall conduct selection and hiring of contractual employees in accordance with applicable federal laws, Maryland laws and regulations, and DJS policies.

II. AUTHORITY

- A. Executive Order 01.01.2007.16
- B. Md. Code Ann., Human Services, §§ 9-203 and 9-204
- C. Md. Code Ann., State Personnel and Pensions, Title 13, Subtitle 2
- D. COMAR 17.04.03.13
- E. Equal Pay Act. P.L. 88-38
- F. Age Discrimination in Employment Act of 1967, as amended
- G. Rehabilitation Act of 1973
- H. Immigration Reform and Control Act of 1986
- I. Americans with Disabilities Act of 1990
- J. Civil Rights Act of 1991
- K. American Correctional Association (ACA) Standards, 4-JCF-6D-01

III. DIRECTIVES/POLICIES RESCINDED

None

IV. FAILURE TO COMPLY

Failure to comply with the Department's Policy and Procedures shall be grounds for disciplinary action up to and including termination of employment.

V. STANDARD OPERATING PROCEDURES

Standard operating procedures have been developed.

VI. REVISION HISTORY

DESCRIPTION OF REVISION	DATE OF REVISION
New policy issued.	8/1/18

PROCEDURES

SUBJECT: Contractual Employees
NUMBER: HR-422-18
APPLICABLE TO: All DJS Employees

APPROVED: _____ /s/ signature on original
Lynette Holmes, Deputy Secretary
DATE: _____ 8/1/18

I. PURPOSE

The purpose of these procedures is to provide guidelines for the selection and hiring of all new contractual employees in accordance with federal laws, Maryland laws and regulations, and DJS policy.

II. DEFINITIONS

Contractual employee, in accordance with state regulation, means, an individual providing personal services to the state for remuneration if all of the following conditions exist:

- The services and remuneration are specified in a written agreement;
- There is an employer-employee relationship;
- The individual is not employed in a budgeted position, unless approved as secondary employment; and
- Except as provided by law, fringe benefits are not provided.

III. PROCEDURES

A. General

1. The Office of Human Resources (OHR) shall maintain a central database of all DJS selection and hiring activities of contractual employees.
2. Relatives of current DJS employees may be hired only if the current employee does not directly or indirectly supervise the individual, or is not in a position to influence the individual's salary, benefits, working conditions, performance appraisal, disciplinary actions, or grievance decisions.

B. Selection and Hiring Guidelines

1. General
 - a. OHR is responsible for verifying the selected applicant's references and possession of the required qualifications.
 - b. OHR shall develop a pool of qualified applicants by announcing a vacancy in accordance with Maryland law.
 - c. A minimum of three applicants will be interviewed whenever possible. The selected applicant must be qualified to perform the work described in the Position Description.

2. Request to Hire
 - a. The Region/Facility/Office shall:
 - 1) complete and sign the Request to Hire form;
 - 2) send all personnel transactions to the Office of Fair Practices and Equal Employment Opportunity for approval in accordance with the *EEO Review of Personnel Transactions Policy and Procedures*.
 - 3) obtain the approval and signatures of the Directors of Budget and Fair Practices, and the appropriate Deputy Secretary of Support Services or Operations or their designee;
 - 4) Once all signatures have been obtained, forward the Request to Hire to OHR; and
 - 5) review the Position Description with Supervisor.
 - b. OHR shall:
 - 1) prepare and secure appropriate approvals of the final Position Announcement (PA) which will contain:
 - a) the contract title;
 - b) the contract identification number;
 - c) salary grade and range;
 - d) location;
 - e) the nature of the work;
 - f) duties and responsibilities;
 - g) required qualifications;
 - h) essential requirements;
 - i) procedure for application;
 - j) conditions of employment; and
 - k) closing date.
 - 2) Create the announcement through JobApps and post for 14 days.
 - 3) Conduct all other steps, which are the responsibility of the hiring authority.

3. Review of Applications

After the deadline for receipt of applications, OHR shall:

 - a. review applications to determine those meeting qualifications;

- b. send notice to applicants not meeting qualifications that their applications are no longer being considered for contractual employment;
 - c. evaluate and rate qualified applicants in accordance with Maryland law; and
 - d. document receipt of applications, qualification category, and EEO statistics on the Screening Report.
4. Employment Interviews
- a. Before interviews are scheduled, the Region/Facility/Office Director/Administrator shall:
 - 1) designate the Interview Panel Chair and panel members and ensure that the panel consists of a diverse representation of DJS staff and at least three persons;
 - 2) submit to OHR:
 - a) names of the chair and the other panel members for verification that all are certified in Interview Skills Training; the immediate supervisor or other person familiar with the requirements of the position may serve on the panel, if certified; and
 - b) the Applicant Interview Evaluation containing the interview questions for review and approval signature; and
 - 3) schedule the interviews.
5. Evaluation of Interviews
- a. After the interviews have been conducted but prior to an official offer, the Interview Panel Chair and panel members shall evaluate the interviewed applicants based on established criteria, and complete and sign the Selection Panel Report.
 - b. The Interview Panel Chair shall complete the Selection Panel Report indicating interview results and submit it to the Region/Facility/Office Director/Administrator for approval and signature.
 - c. The Region/Facility/Office Director/Administrator shall submit to OHR:
 - 1) the Selection Panel Report with approval signature(s) naming the first and second choice applicants; and,
 - 2) if appropriate, the Request to Hire Above Six Percent salary increase with a justification for the hire.
6. Finalization of Selection
- a. OHR shall:
 - 1) review to assure the screening and interview process have been conducted appropriately;

- 2) review the selection and salary information for appropriateness;
 - 3) verify references and, whenever possible, possession of qualifications prior to any offer, but no later than six months from the date of employment;
 - 4) check that start date is agreed upon, and make an official offer of employment followed by a confirmation letter;
 - 5) take the following steps to finalize the employment process:
 - a) **before making the offer:**
 1. verify qualifications whenever possible; verify references (minimum of two unless circumstances will allow for fewer); and
 2. receive the State Employment History, if applicable;
 - b) **before hiring**, complete pre-screening, if applicable;
 - c) **after hiring:**
 1. conduct Orientation;
 2. have employee complete all commitment forms;
 3. submit commitment papers to Offices of Fair Practices and Budget; and
 4. notify, in writing, all other interviewed applicants and any other applicants not invited for interview that they were not selected, once an offer is accepted.
- b. The Region/Facility/Office Director/Administrator shall submit the following to OHR:
- 1) Request for Contractual Employment with all required signatures; and
 - 2) Contractual Employee Agreement signed and dated by the contractual employee.

IV. **RESPONSIBILITY**

Regional Directors, Superintendents, Office Directors and Administrators are responsible for implementation and compliance with this procedure.

V. **INTERPRETATION**

The Deputy Secretary for Support Services may authorize alternative procedures to select and hire a contractual employee. The Deputy Secretary for Support Services is responsible for interpreting and granting any exceptions to these procedures.

VI. LOCAL OPERATING PROCEDURES REQUIRED

No

VII. DIRECTIVES/POLICIES REFERENCED

EEO Review of Personnel Transactions Policy

VIII. RETENTION OF RECORDS

All records pertaining to the hiring process will be maintained, as applicable, by OHR in accordance with the DJS Records Retention Schedule. OHR shall scan and maintain all personnel records and destroy all paper copies of records once scanned.

IX. MARYLAND STATUTE/REGULATIONS REFERENCES

Note: Copies of all law, statute or policy referenced below regarding contractual employees are attached to this policy

- **Executive Order 01.01.2007.16**
- Md. Code Ann., Human Services, §§ **9-203** and **9-204**
- Md. Code Ann., State Personnel and Pensions, **Title 13, Subtitle 2**
- **COMAR 17.04.03.13**

X. APPENDICES

None



DJS POLICY AND STANDARD OPERATING PROCEDURES

Statement of Receipt and Acknowledgment of Review and Understanding

SUBJECT: Contractual Employees
NUMBER: HR-422-18
APPLICABLE TO: All DJS Employees

I have received and reviewed a copy (electronic or paper) of the above titled policy and procedures. I understand the contents of the policy and procedures.

I understand that failure to sign this acknowledgment form within five working days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I will be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

SIGNATURE

PRINT FULL NAME

DATE

WORK LOCATION

SEND THE ORIGINAL, SIGNED COPY TO THE DIRECTOR OF THE DJS OFFICE OF HUMAN RESOURCES FOR PLACEMENT IN YOUR PERSONNEL FILE.