



POLICY

SUBJECT: Personnel Hiring, Probation and Promotion
NUMBER: HR-413-18
APPLICABLE TO: All DJS employees

APPROVED: _____ /s/ signature on original
Sam Abed, Secretary
DATE: _____ 8/31/18

I. POLICY

The Department of Juvenile Services (DJS) shall provide employment opportunities to the widest possible range of candidates and shall select from that group the best qualified person to meet program needs. Selection and retention shall be based upon merit, applicable state law and regulations, and DJS personnel policies.

II. AUTHORITY

- A. Md. Code Ann., Human Services Article, §§ 9-203, 9-206, 9-207, 9-209
- B. Md. Code Ann., State Personnel and Pensions, §7-201 et. seq.
- C. Md. Code Ann., State Personnel and Pensions Article, § 7-301
- D. Md. Code Ann., State Personnel and Pensions, §7-401 et. seq.
- E. Md. Code Ann., State Personnel and Pensions, §7-501 et. seq.
- F. Md. Code Ann., State Personnel and Pensions, §11-101 et. seq.
- G. Md. Code Ann., Correctional Services Article, §8-201 et. seq.
- H. COMAR 12.10.01
- I. American Correctional Association (ACA) Standards, 4-JCF-6C-01, 4-JCF-6C-03, 4-JCF-6C-06, 4-JCF-6C-07, and 4-JCF-6D-01

III. DIRECTIVES/POLICIES RESCINDED

Personnel Selection, Retention and Promotion, 02.03.01

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.	August 31, 2018



PROCEDURES

SUBJECT: Personnel Hiring, Probation and Promotion

NUMBER: HR-413-18

APPLICABLE TO: All DJ4S employee

APPROVED: _____ /s/ signature on original

Lynette Holmes, Deputy Secretary

DATE: _____ 8/31/18

I. PURPOSE

To provide guidelines for the hiring, probation and promotion of employees.

II. DEFINITIONS

Closing Date means the last date on which an applicant may apply for a posted job. Information on the job announcement will indicate if postmarks are accepted or if applications must be received by the closing date.

Direct care employee means the mandated DJS employee requiring MCTC certification whose primary work assignments include daily contact with DJS youth.

DJS Vacancy Job Announcement means the notice of an existing vacant position.

Eligible List means the list of persons eligible for employment in a specific class within the skilled and professional services.

Examination and Recruitment Announcement means the position announcement posted on the State of Maryland Online Employment Center (JobAps) website that provides notice that a position in the skilled or professional service is scheduled for testing to establish an eligible list of qualified applicants.

Hiring Freeze Exception means the authorization from the Department of Budget and Management that provides approval to fill a vacant position that is subject to a hiring freeze.

Hiring Manager means the Management staff with authority to select or recommend the applicant to be hired.

Limitations on Selection means the restrictions on a position that determine who is eligible, such as location, hours, and existing state or department employee.

Mandated Position means a job classification required to comply with COMAR 12.10.01. Mandated Position, in accordance with COMAR, includes a Classification Counselor, Institutional Support employee member, Monitor, Juvenile Counselor, Youth Supervisor, and Juvenile Services Support employee member.

Maryland State Application means the application created by the state of Maryland to capture applicant's qualifications.

Minimum Qualifications means the educational and experience requirements needed to be considered for employment.

Non-competitive reclass means a promotion within an approved series.

Personnel Transaction Request means the DJS personnel form used to request human resource transactions.

Position Description (MS-22) means the document that defines the essential job duties of a position and its standards for acceptable performance.

Position Recruitment means the recruitment for a particular position in a Maryland state agency or a new eligible list.

Position Selection Plan means the plan that captures and describes the processes to conduct a position specific recruitment.

Preferred/Desirable Qualifications means the qualifications that the agency would prefer an applicant to possess, but are not required.

Pre-screening means the additional test applicants for a mandated position must pass before the applicant can be hired.

Probation means the period of time during which an employee can be terminated for any reason.

Rating Instrument means the assessment tool used to measure an employee's skills, ability and knowledge.

Register means the listing of less than ten and more than two qualified applicants who are eligible for employment.

Selective Qualifications means the qualifications that are specific to the recruited position. These required qualifications further define the educational and/or experience required for that specific position. For example, for a position that has a minimum qualification of a Bachelor's Degree, the Selective Qualification may require the Bachelor of Science degree to contain certain coursework.

Skilled and Professional Service means the employment categories in the State Personnel Management System that include positions whose incumbents are selected from eligible lists and disciplined only for cause.

State of Maryland Online Employment Center means Maryland's web-based/online employment center through which applicants can submit applications for state employment.

Streamline Certification means establishing an eligible list wherein all qualified applicants are certified and considered equal. A structured interview must be completed by the hiring manager to differentiate and select the candidate.

III. **PROCEDURES**

A. **Applicant Selection**

1. **General**

- a. DJS shall fill vacant skilled service, professional service positions and contractual positions in accordance with a job announcement for the position, which shall include:
 - 1) a summary of the position description;
 - 2) the minimum qualifications for the position and any selective qualifications necessary for consideration;
 - 3) any limitation on the selection for the position;
 - 4) the type of selection test;
 - 5) the duration of the list of eligible applicants derived from the announcement; and
 - 6) the deadline for submitting applications.

- b. The DJS Office of Human Resources (OHR) shall, after the close of the position announcement:
 - 1) review the applications received to determine the applicants who meet the minimum qualifications for the position and place the candidates in the appropriate category of best, better and qualified.
 - 2) use an appropriate selection process to rate qualified applicants.
 - 3) prepare a register of qualified applicants in random order;
 - 4) send to unqualified applicants a notice that they have failed to meet the minimum qualifications for the position;
 - 5) if a competitive examination that requires attendance at a test site is required for the position, send a notice of the examination to qualified applicants on the register at least 10 days before the test administration date; and
 - 6) send qualified candidates a notice of their relative standing on the list of eligible candidates.

- c. Salary levels and employee benefits for facility employees shall be competitive with similar occupation groups within the state of Maryland.

2. Certification or Licensing Standards

a. Maryland Correctional Training Commission (MCTC)

Mandated direct-care employees are subject to certification by MCTC and, therefore, are required to meet MCTC selection and certification standards set forth in COMAR Title 12, Subtitle 10, which are hereby incorporated by reference. Applicants may refer to COMAR Title 12 and position specification sheets for age, citizenship, education, and other requisite position-specific qualifications.

b. Professional Specialists

All employees requiring a specialist's license or certification as required by state law or regulation, such as employees who work in social work, medicine, or dentistry, must be qualified in their respective fields and provide documentation of their license(s) or certification(s) at the time of interview or must be within 6 months of receiving the certification or license. The applicant cannot be employed until they have their license or certificate.

3. Pre-Employment Physical

- a. All mandated employees and employees having direct contact with youth shall receive a physical examination prior to being employed.
- b. Employees who work in a substance abuse program and have direct contact with youth must have a tuberculosis test each year.

4. Background Investigation

Contemporaneous with or subsequent to the initial interview, OHR will schedule applicants for a background investigation in compliance with the *Background Investigation Policy and Procedure*.

B. Hiring

1. Request to Fill

The hiring manager shall:

- a. obtain all recruiting forms from the DJS intranet when the manager determines the need to fill a vacant position (recruiting forms can be found under Forms/Personnel/Recruitment);
- b. review and verify the classification and grade for the vacant position and ensure that the Position Description (MS-22) is complete and accurate;
- c. complete a **Personnel Transaction Request (Appendix 1)** identify the PIN, check the Request to Fill box, attach the MS-22

- for the classification assigned to the vacant position at the time of the request to fill;
- d. complete and e-mail the **DBM Hiring Freeze Exception (Appendix 2)**, when applicable, to the OHR after a **DJS Hiring Freeze Exception Request** is approved by the appointing authority; and
 - e. submit the **Personnel Transaction Request** and all attachments to the OHR.

2. Position Recruitment – Plan and Strategy

- a. The OHR will notify the hiring manager of the approval to fill the vacant position and consult with the hiring manager on the Position Selection Plan and recruitment strategy. The consultation shall include:
 - 1) the type of hire (initial appointment, promotion, transfer, reinstatement, contractual conversion);
 - 2) the pool of applicants (open recruitment, state only, or DJS only); and
 - 3) selective qualifications, if any.
- b. The OHR shall:
 - 1) create an internal DJS Vacancy Job Announcement and submit it to the hiring manager for approval;
 - 2) ensure that the DJS Vacancy Job Announcement contains the title of the classification used for the position, location and address of the position, salary, brief description of job duties, minimum qualifications, closing date to submit application, information indicating who may apply, and a contact person to whom applications may be submitted or calls may be made to schedule an interview appointment; and
 - 3) if an eligible list exists, post the DJS Vacancy Job Announcement internally as directed by the DJS hiring manager on the DJS Intranet and the OHR office employment bulletin board, and e-mail a copy to each DJS office and facility for posting on the employment bulletin board.
- c. The OHR will download the eligible list from the Maryland State Online Employment Center system.
- d. A hiring manager may initiate recruitment with OHR prior to a DBM hiring freeze exception approval but may not make an offer of employment.

e. Eligible List

- 1) When an eligible list is not available for the classification or if the current eligible list does not contain viable applicants, the OHR will provide a copy of the approved Request to Fill, the MS-22 and approved DBM hiring freeze exception, if applicable, to the DBM Examination and Recruiting Unit to coordinate recruitment for the position on the State of Maryland Online Employment Center and create an eligible list for the classification.
- 2) When an eligible list is available, OHR will provide the hiring manager with the number of applicants available for interviews.
 - a) If there are more than five (5) applicants in the “*best qualified*” category, the hiring manager must hire from that category. If there are less than five (5) “*best qualified*” applicants for the position, the hiring manager may proceed to “*better qualified*” category. If there are fewer than five (5) applicants rated as “*best qualified*” and “*better qualified*”, the hiring manager may appoint from the “*qualified*” category. OHR should notify individuals on the list that they have been selected for an interview.
 - b) OHR or the hiring manager may recruit from the eligible list by calling applicants by telephone or by sending interview letters to applicants. Either method of recruitment should include instructions to interested applicants to call or submit their application to the contact person specified in the letter and a reminder to bring a Maryland State Application to the interview if one has not been submitted. The hiring manager or OHR should retain a copy of the letter and attach all written declinations to it.
 - c) OHR shall ensure that all applicants on the register are contacted by mail or phone for an interview.
 - d) OHR will review each applicant’s Maryland State Application to determine if the applicant meets the minimum qualifications established by DBM for the classification.

3. Interview

The hiring manager shall:

- a. be appropriately be appropriately trained and certified in DJS Interviewing Skills Training prior to conducting any interviews;

- b. assemble an interview panel of at least 3 staff members from a list of interviewers who have been trained and certified in DJS Interviewing Skills Training.
- c. prepare questions and, if applicable, a job-related writing exercise;
- d. develop a rating scale to rate applicant responses to the questions and writing sample;
- e. forward the questions and rating scale to OHR for approval prior to the interview;
- f. if interviewing from the “*best qualified*”, “*better qualified*”, or “*qualified*” categories, interview at least three applicants; if fewer than three applicants are available for interview, the hiring manager may interview and appoint or take steps for additional recruitment;
- g. prior to the interview, provide the applicants with a position description (MS-22) to review and the Release of Information and **DJS Addendum to Application for State Employment forms (Appendix 4)** to complete;
- h. provide applicants for direct care positions a **DJS Willingness Statement (Appendix 5)**, and the **Applicant Self Report (Appendix 6)** to complete; and
- i. along with the members of the interview panel,
 - 1) rate the applicants’ answers to the prepared questions and writing sample utilizing the established rating scale; and
 - 2) sign the **Record of Applicant Disposition Form (Appendix 8)**.

4. Selection

- a. The hiring manager shall check the references of finalists or conduct telephone reference checks.
- b. The hiring manager shall make a selection and notify the OHR of the selection.
- c. The OHR will verify the approved starting salary with the hiring manager prior to the hiring manager contacting a selected applicant.
- d. The hiring manager shall contact the selected applicant to determine whether the applicant is still interested in the position. If the applicant is still interested, the hiring manager shall verbally offer the position to the applicant and advise them of the salary. The hiring manager should additionally inform the applicant that he or she will be contacted with a start date and that the applicant is not to give notice to their current employer prior to being contacted with the start date and an offer letter. No promises shall be made to the applicant regarding future salaries or promotion.
- e. The hiring manager shall complete the **Record of Applicant Disposition Form (Appendix 7)** and a **Personnel Transaction Request** form (check the commitment box). The hiring manager

- shall attach all documents listed on Page 2 of the *Personnel Transaction Request* form which are required for a commitment.
- f. OHR shall schedule applicants being selected for all positions for fingerprinting and Child Protective Services (CPS) checks.
 - g. OHR additionally shall schedule all applicants for mandated positions being selected for direct care positions for the following:
 - 1) mental health exam;
 - 2) drug screening; and
 - 3) interview with OIG investigator.
 - h. The OHR will notify the hiring manager of the pre-screen results.
 - i. When direct care position applicants are approved, OHR shall contact the applicant to advise them to be seen for a pre-employment physical. The OHR will notify the hiring manager of the pre-employment physical results.
 - j. When approved, the hiring manager shall call the applicant, confirm the start date and salary, and notify OHR of the applicant's acceptance or declination of the offer.
 - k. The OHR shall:
 - 1) obtain approval signatures from the DJS Appointing Authority, the DJS Office of Equal Employment and Opportunity, the DJS Office of Budget and Finance; and
 - 2) notify the DBM Office of Personnel Services and Benefits.
 - l. Once the selected applicant accepts the job offer, the OHR will finalize any remaining tasks and send an official appointment letter confirming the salary, start date, type of service, union information, and benefit and employment information.

5. Reassignment

Employees shall be subject to reassignment. Such changes will be made with due consideration of the employee and the needs of the Department as well as the facility program.

C. Probation

1. General Provisions

- a. Individuals in the skilled and professional services, pursuant to State Personnel and Pensions Article, §§7-401 and 7-402, Annotated Code of Maryland, are subject to probation
- b. Individuals not subject to probation, pursuant to State Personnel and Pensions Article, §§7-401 and COMAR 17.04.03.17, are as follows:
 - 1) An employee who is reinstated within 1 year after separation to a classification in which the employee previously completed a probationary period does not serve a probationary period. If the employee did not complete

probation before separation, the employee shall serve a new probationary period.

- 2) A contractual employee who transfers to a budgeted position in the same classification does not serve a probationary period upon transfer.
- 3) A temporary employee does not serve a probationary period.
- 4) An employee in a Special Appointment or Management Service position does not serve a probationary period.

c. The supervisor of each probationary employee shall:

- 1) Provide an orientation to familiarize each probationary employee with the operations, practices, policies, and procedures of the unit;
- 2) Review with each probationary employee the most current written position description and have the employee certify receipt of a copy;
- 3) Confer with the employee about the employee's performance at least every two months; and
- 4) Maintain accurate records and documentation of the above actions.

d. Each employee subject to this subtitle is required to complete a 6-month probationary period as the final step in:

- 1) the employee's initial appointment to a position in the State Personnel Management System;
- 2) the employee's appointment to a position in the skilled or professional service following a competitive promotion; and
- 3) the employee's appointment to a position in the skilled or professional service following a reinstatement.

e. Extension of Probation Period

- 1) An employee's probationary period may be extended if:
 - a) the appointing authority decides that additional time is necessary to allow the employee to demonstrate proficiency in the performance of the employee's assigned duties and responsibilities;
 - b) in the appointing authority's judgment, the period of the employee's absence on approved leave is sufficient to prevent the appointing authority from making a reasonable decision regarding the proficiency of the employee's performance; or
 - c) the employee requests to extend the probationary period.

- 2) Length of extension.
 - a) An employee's probationary period may be extended up to one additional 6-month period.
 - b) For an employee appointed to a skilled service position below grade 7, an employee's probationary period may be extended up to one additional 3-month period.

2. **Discipline of Probationary Employees**

- a. Initial appointment
DJS may discipline an employee on probation in accordance with State Personnel and Pensions Article, Title 11, Subtitles 1 and 3, Annotated Code of Maryland, as applicable.
- b. Discipline following employee misconduct
Before taking any disciplinary action related to employee misconduct, DJS shall:
 - 1) investigate the alleged misconduct;
 - 2) meet with the employee;
 - 3) consider any mitigating circumstances;
 - 4) determine the appropriate disciplinary action, if any, to be imposed; and
 - 5) give the employee a written notice of the disciplinary action to be taken and the employee's appeal rights.
- c. Discipline following deficiencies in performance
Before taking any disciplinary action related to deficiencies in employee performance, DJS shall:
 - 1) provide counseling to an employee with deficiencies in performance;
 - 2) allow an employee the opportunity to improve deficiencies in performance;
 - 3) impose disciplinary actions, if warranted; and
 - 4) provide notice to an employee of any disciplinary action and the employee's appeal rights.
- d. Appeal rights
 - 1) An employee in the skilled service or the professional service may appeal a disciplinary action taken while the employee is on probation only on the basis that the action was illegal or unconstitutional.
 - 2) The employee has the burden of proof in an appeal under this subsection.
 - 3) The limitations in paragraphs (1) and (2) of this subsection do not apply to an employee in the skilled service or the

professional service who is on probation following a promotion or reinstatement.

- e. Appeal Procedure
 - 1) An employee or an employee's representative may file a written appeal of a disciplinary action with the head of the principal unit that states, to the extent possible, the issues of fact and law that the employee believes would warrant rescinding the disciplinary action.
 - 2) An appeal under this subtitle must be filed within 15 days after the employee receives notice of the appointing authority's action.
 - 3) The head of the principal unit may confer with the employee before making a decision.
 - 4) Disposition
 - a) The head of the principal unit may:
 - 1. uphold the disciplinary action; or
 - 2. rescind or modify the disciplinary action taken and restore to the employee any lost time, compensation, status, or benefits.
 - b) Within 15 days after receiving an appeal, the head of the principal unit shall issue to the employee a written decision that addresses each point raised in the appeal.
- f. Expungement of personnel records
Within 15 days after issuance of a decision to rescind a disciplinary action, the disciplinary action shall be expunged from the employee's personnel records.

3. Termination of probationary employee

- a. DJS may terminate the employment of a probationary employee.
- b. Before terminating an employee who is on probation, DJS shall give the employee a notice of termination at least 10 days before the effective date of the termination and shall ensure that the 10-day period is included within the probationary period. The notice shall state the reasons for the termination, the effective date, and the appropriate appeal route. A copy of the termination form shall be sent to the Secretary of DJS.
- c. Automatic termination of a probationary employee may be authorized and no notice of termination is required, if the termination is for a reason specified in State Personnel and Pensions Article, §11-105, Annotated Code of Maryland.
- d. DJS may suspend a probationary employee with pay between the date of the notice and the effective date of the termination.

- e. A probationary employee may appeal a termination under this section only when the termination is illegal or unconstitutional.

D. Promotions

1. Non-competitive promotions
In accordance with the DBM salary plan non-competitive promotions within certain classifications are permitted.
2. Competitive promotions follow the same process as a new hire outlined in §III.B.

IV. RESPONSIBILITY

Supervisors are responsible for implementation and compliance with this procedure.

V. INTERPRETATION

The Deputy Secretary for Support Services shall be responsible for interpreting and granting any exceptions to these procedures.

VI. LOCAL OPERATING PROCEDURES REQUIRED

No

VII. DIRECTIVES/POLICIES REFERENCED

Background Investigation Policy, HR-410-15

VIII. APPENDICES

All appended forms can be found on the intranet under **FORMS/PERSONNEL/RECRUITMENT** at: http://intranet/new_forms_personnel.htm

1. Personnel Transaction Request
2. Hiring Freeze Exception Request
3. Eligible List Tracking Form
4. DJS Addendum to Application for State Employment
5. DJS Willingness Statement
6. Applicant Self Report
7. Acknowledgement of Secretary's Directive
8. Record of Applicant Disposition Form



DJS POLICY AND STANDARD OPERATING PROCEDURES

Statement of Receipt and Acknowledgment of Review and Understanding

SUBJECT: Personnel Hiring, Probation and Promotion
NUMBER: HR-413-18
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 IN THE DJS OFFICE OF HUMAN RESOURCES FOR PLACEMENT IN YOUR PERSONNEL FILE.