

Chapter: Selection and Hiring	<b>Effective Date: 4/15/16</b>
<b>Title: Selection and Hiring Process</b>	Page: 1 of 11
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Statutes: Gov't Code, Chapters 657 and 672	Admin. Directive #1 FY16

(a) **Policy.**

The Texas Juvenile Justice Department (TJJD) uses a whole-application approach in its selection process. This approach allows hiring authorities to select the best qualified applicant based on job-related and non-discriminatory factors, including the applicant's job-related experience, education, training, performance in the interview process, and background references.

(b) **Definitions.**

For definitions of certain terms used in this policy, see the [PRS glossary](#).

(c) **General Provisions.**

(1) The selection and hiring process is coordinated as follows:

(A) Central Office Human Resources staff are responsible for the following positions:

- (i) superintendent;
- (ii) assistant superintendent;
- (iii) human resources administrator (HRA);
- (iv) all positions assigned to a halfway house or district office;
- (v) all Central Office positions;
- (vi) all facility-based positions that report to Central Office (e.g., chaplain, Youth Rights staff, Administrative Investigations staff, Office of Inspector General staff, etc.); and
- (vii) all positions in the Education Division.

(B) The HRA or designee is responsible for all other positions assigned to his/her facility.

(2) The HRA or designee maintains a posting packet for each job posting. The posting packet must include all documents listed on the Job Posting Packet Audit Checklist, [HR-145](#).

(3) The human resources office provides the [hiring authority](#) with an interview packet, which contains the applications and related documents from applicants who meet the minimum qualification and all required forms for the interview process.

(4) Hiring authorities must coordinate the selection and hiring process with the HRA or designee. The HRA or designee is responsible for coaching the hiring authority regarding the agency's selection and hiring process and the actions required to ensure compliance with federal and state regulations, such as:

- (A) statutes relating to equal employment opportunity (EEO) and payroll actions;
- (B) [veteran's employment preference](#);
- (C) [former foster child's employment preference](#); and
- (D) rehire waiting periods for retirees of the Employees Retirement System of Texas (ERS).

(5) The employment supervisor or his/her designee is available to assist the hiring authority and HRA or designee during every stage of the selection and hiring process.

- (6) A minimum of three qualified applicants must be considered for a job posting, unless otherwise approved by the human resources director or designee. The minimum number of three applicants applies after any screening processes, which may include:
- (A) the [minimum qualifications screening](#);
  - (B) a skills test; and/or
  - (C) a [higher qualifications \(HQ\) screening](#).
- (7) An applicant with a [disability](#) or a representative of the applicant may request a [reasonable accommodation](#) concerning the selection process through a verbal or written request to the Human Resources office identified on the job posting. All such requests must be forwarded to the [Americans with Disabilities Act \(ADA\) coordinator](#). Examples of reasonable accommodations that may be considered include, but are not limited to:
- (A) obtaining or modifying equipment;
  - (B) modifying written materials or tests; or
  - (C) providing interpreters for applicants with disabilities.
- (8) The human resources director or his/her designee may authorize staff to deviate from one or more specific requirements of this policy for good cause. The authorization must be in writing and identify the position(s) covered by the deviation.
- (9) The human resources director or his/her designee may require any appropriate corrective action if it is determined that agency staff have failed to follow the requirements of this policy.

(d) **Procedures.**

(1) **Job Postings.**

(A) **Types of Job Postings.**

- (i) A job posting is an announcement of a TJJJ employment opportunity for a specific position. All job postings include:
  - (I) notice of the last day applications will be accepted (closing date) or an indication that the position is open until filled;
  - (II) basic information about the position, such as salary group and rate or range;
  - (III) job summary;
  - (IV) minimum qualifications relating to knowledge, skills, and abilities; and
  - (V) application procedures.
- (ii) TJJJ uses external and internal job postings.
  - (I) An external job posting is an announcement of a TJJJ employment opportunity that is open to external and [internal applicants](#). The announcement is posted on the TJJJ website and the Texas Workforce Commission's "Work in Texas" website. External job postings may also be posted on professional websites, in print media, or on other appropriate job posting resources.
  - (II) An internal job posting is an announcement of a TJJJ employment opportunity that is open only to internal applicants. The announcement is posted on the TJJJ website with a note that the position is available only to current TJJJ employees.

**(B) When a Job Posting is Not Required.**

A job posting is not required for the following positions:

- (i) a vacant position that will be filled through a [management-directed transfer](#);
- (ii) a position created through a reorganization of a division or department and the executive director has approved filling the position with a current employee;
- (iii) a temporary assignment (i.e., assignment for three months or less) currently filled by a TJJJD employee that is being renewed one time with the approval of the executive director or appropriate [division director](#) for another period of three months or less;

Note: An extension of the temporary assignment beyond six months requires a job posting.

- (iv) a temporary position that will be filled via contract with a temporary employment agency;
- (v) an hourly appointment of short duration or requiring unpredictable hours in which the employee is paid on an hourly wage basis (e.g., a juvenile corrections officer [JCO] stand-by at a halfway house);
- (vi) a subsequent vacancy occurring within 90 [calendar days](#) after the filled date for a previous job posting with the same job description and classification. These vacancies may be filled from the applicant pool for the previous job posting.

**(C) Job Postings for Grant-Funded or Contract-Funded Positions.**

A position with funding sources other than appropriated funds (e.g., federal or state grants or contracts) is posted and advertised as any other regular position. The posting and advertisement for these positions must clearly state the position is grant-funded and the frequency of reviews for continued funding.

**(D) Requesting a Job Posting.**

Upon a hiring authority's determination that a vacant or soon-to-be vacant position should be filled, the hiring authority must:

- (i) ensure the job description accurately reflects the position's duties, [essential functions](#), and required knowledge, skills, and abilities; and
- (ii) coordinate with the HRA or designee to submit a completed Request to Fill Position form, [HR-007](#), for approval to fill the position; and
- (iii) indicate on the HR-007 whether a skills test will be part of the selection process.

**(E) Skills Test.**

A hiring authority may elect to use a skills test that measures job-related skills as part of the selection process.

- (i) The skills test must be approved by Central Office Human Resources before the vacancy is posted to ensure the test objectively measures job-related skills.
- (ii) The skills test may be administered:
  - (l) as part of the minimum or higher qualifications screening (to reduce the number of qualified applicants to no fewer than three); or

- (II) to provide the hiring authority with another factor to consider as part of the selection process.

(F) **Closing Date Determination.**

- (i) The standard closing date for external job postings is ten calendar days after the position is posted.
- (ii) The standard closing date for internal job postings is five or ten calendar days after the position is posted, depending on which option the hiring authority chooses on the [HR-007](#) form.
- (iii) The closing date may be indicated as “open until filled” with approval from the human resources director or designee. The posting must remain open for at least ten calendar days and is not considered closed until the selected applicant accepts the job offer. The only exception is for a quarterly or continuous job posting (e.g., JCO I – IV), in which case the posting remains open after an applicant accepts a job offer.

Note: Although a posting may remain open, the hiring authority may decline to consider applications received after the hiring authority has received an interview packet for an open-until-filled posting.

- (iv) If it appears that a job posting with a specific closing date will not generate an applicant pool of at least three qualified applicants, the posting may be extended for an additional ten calendar days or be reposted with a closing date of “open until filled.”

(G) **Decision to Cancel Job Posting.**

If a hiring authority decides to cancel a job posting for any reason, the hiring authority must provide written notification to the HRA or designee of the reason for canceling the job posting.

(2) **Submission of Applications.**

- (A) All applicants (internal and external) must submit a completed State of Texas Application for Employment. Separate applications are required for separate job postings. To be considered complete, an application must include:
  - (i) the specific job title;
  - (ii) the job vacancy number referenced in the job posting; and
  - (iii) previous employment history, including dates of employment.
- (B) An application must be submitted in accordance with the instructions on the job posting.
- (C) Completion of the Applicant EEO Data form is optional. The information on this form is **not** used in the selection process. The Applicant EEO Data form is used only for monitoring and data collection by the appropriate human resources office and is not provided to the hiring authority.
- (D) If an applicant submits an incomplete or late application, the applicant will not be considered for the position.
- (E) If the application is not signed or is missing any of the supplemental forms listed below, the application is considered complete. However, the applicant must complete the missing items before the interview begins:
  - (i) Disclosure of PREA Employment Standards Violation, [HR-975](#) (required for all applicants);

- (ii) Child Abuse Registry Check Consent form, [HR-028](#) (required for [external applicants](#) only); and
- (iii) Employment Application Supplement, [HR-003](#) (required for external applicants only).

(3) **Application Review Process.**

- (A) The HRA or his/her designee reviews the applications and screens for minimum qualifications.
- (B) If the job posting was posted as “open until filled” and 10 calendar days have passed, the HRA or his/her designee reviews the applications at least once every five workdays to identify any qualified applicants as of that date and informs the hiring authority of the qualified applicant(s).

(4) **Higher-Qualifications (HQ) Screening.**

If there are more than six qualified applicants after the minimum qualification screening, the hiring authority may interview all qualified applicants or reduce the number to no fewer than three by conducting an HQ screening.

- (A) Once a decision has been made to use HQ screening, only applicants who meet the HQ screening criteria may be considered for selection, with two exceptions as noted below. The HRA or designee contacts the hiring authority and coordinates development of the HQ screening criteria to ensure the process does not reduce the applicant pool to fewer than three applicants.
  - (i) Reduction-in-Force (RIF) applicants may not be excluded from the qualified applicant pool based on HQ screening if the position is in a salary group equivalent to or lower than the employee’s salary group at the time of the RIF separation.
  - (ii) An applicant qualified for the [veteran’s employment preference](#) may not be excluded from the qualified applicant pool based on HQ screening if that applicant must be interviewed as required in paragraph (5) below.
- (B) HQ screening may be based on any of the following items that are relevant to the position:
  - (i) education level or coursework;
  - (ii) experience or training;
  - (iii) licenses or certifications;
  - (iv) scores on a skills test; or
  - (v) other objective, job-related factors, as determined by the hiring authority in consultation with the HRA or designee.
- (C) After the HQ screening criteria have been determined, the hiring authority and HRA/designee coordinate who will conduct the HQ screening.
  - (i) If the HRA or designee conducts the HQ screening, the hiring authority receives only the applications for those applicants who meet the HQ screening criteria.
  - (ii) If the hiring authority conducts the HQ screening, the hiring authority must advise the HRA of the criteria and results of the screening before scheduling applicants for an interview.
  - (iii) If the hiring authority wants to make any changes to the HQ screening criteria (e.g., to further reduce the number of applicants to be interviewed), the hiring authority must coordinate the changes with the HRA. The HRA must update the Higher Qualification Screening form, [HR-140](#), with the new criteria and ensure any applicants who were screened out are reconsidered if they now meet the changed criteria.

**(5) Interviewing Qualified Veterans.**

- (A) If TJJJ receives at least one application from an individual who meets the position’s minimum qualifications and who qualifies for a veteran’s employment preference, the hiring authority must interview a minimum number of applicants who qualify for the veteran’s employment preference, as shown in the table below.

<b>Total number of applicants to be interviewed</b>	<b>Minimum number of applicants qualified for the veteran’s preference who must be interviewed</b>
1 - 6	1
7 - 10	2
11 - 15	3
16 - 20	4

- (B) If there are not enough applicants who qualify for the veteran’s employment preference to meet the required number shown above, TJJJ must interview each applicant who qualifies for a veteran’s employment preference and meets minimum qualifications. TJJJ is not required to reduce the number of applicants to be interviewed.

**(6) Selection Process.**

TJJJ uses a standard selection process and a direct appointment process. The hiring authority must coordinate the selection process with the HRA.

**(A) Standard Selection Process.**

**(i) Interviews.**

- (I) The hiring authority must conduct on-site interviews, videoconference interviews, and/or telephone interviews.
- (II) If the hiring authority allows any applicant in the applicant pool to interview on-site, by videoconference, or by telephone, all applicants in the applicant pool must be allowed to choose that same method.
- (III) If the hiring authority chooses to have more than one interviewer conduct the interviews, each applicant must be interviewed by the same interviewers unless the position is a continuous, quarterly, or open-until-filled posting.
  - (-a-) For continuous or quarterly postings (e.g., JCO postings), interview teams are available on a rotating schedule.
  - (-b-) For an open-until-filled position, approval to use different interviewers must be obtained in advance from the human resources director or designee.
- (IV) Only job-related and non-discriminatory interview questions may be used in the selection process. The questions must be standard interview questions, follow-up questions, or applicant-specific questions.
  - (-a-) Standard interview questions are asked of each interviewed applicant. The hiring authority may request the HRA or designee to assist in the development of these questions. The HRA or designee must approve the standard interview questions and appropriate response criteria before the interviews are conducted. Standard interview questions may consist of any combination of the following:

- (-1-) technical questions for which there is a specific correct response; or
    - (-2-) situational or behaviorally-based questions for which the response may vary from applicant to applicant.
  - (-b-) The interviewers may ask follow-up questions during the interview when reasonably necessary to clarify an applicant's response to a standard interview question.
  - (-c-) The interviewers may ask applicant-specific questions, which do not need to be reviewed and approved by the HRA. However, these questions must relate to the applicant's experience, education, or training and must be based on specific information obtained from reviewing the applicant's employment application (e.g., gaps in employment or clarification of the reason provided for leaving a prior job).
- (ii) **Documenting the Interview.**
  - (I) The following must be documented on an Applicant Interview Profile form, [HR-011](#), or in another format approved by the human resources director or designee:
    - (-a-) all standard interview questions and responses, including clarification provided by the applicant in response to a follow-up question;
    - (-b-) any closing remarks by the applicant; and
    - (-c-) the quality of the applicant's communication skills.
  - (II) Follow-up questions or applicant-specific questions do not need to be documented on the HR-011 form.
- (iii) **Justification for Selection.**
  - (I) Upon determining the top applicant(s), the hiring authority must:
    - (-a-) document justification for selecting the applicant(s) on the Applicant Selection Justification form, [HR-025](#), to include identification of all job-related factors upon which the decision was based (e.g., work experience, education, interview, employment references, veteran's employment preference, etc.);
    - (-b-) indicate on the HR-025 form whether an applicant was also selected for a subsequent vacancy; and
    - (-c-) return the completed HR-025 form, HR-011 form(s), and all other documents included in the interview packet to the HRA.
  - (II) If the hiring authority does not select any of the qualified applicants, the hiring authority must document on the HR-025 form a summary of the job-related factors on which this decision was based.
- (iv) **Reference Checks.**

Human resources staff must conduct reference checks for the top applicant(s) in accordance with [PRS.05.13](#) before a hiring decision is made.

**(B) Direct Appointment.**

- (i) The direct appointment process may be used only if the hiring authority receives approval from the executive director or chief of staff and one of the following applies:
  - (I) the position is a [classified position](#) in salary group B25 or higher;
  - (II) the position is a youth facility assistant superintendent (job code 4532); or
  - (III) the position is a non-classified position (e.g., principal) with a minimum salary rate equivalent to or higher than the minimum salary rate for salary group B25.
- (ii) Background checks must be conducted in accordance with [PRS.05.13](#) before the applicant is selected.
- (iii) The hiring authority is not required to conduct an interview with a direct-appointment applicant. However, a Direct Appointment Authorization form, [HR-141](#), indicating that the selected applicant meets the position's minimum qualifications and identifying the job-related factors upon which the appointment is based must be completed and submitted for approval to the executive director or chief of staff.

**(C) Employment Preferences.**

- (i) If two applicants are equally qualified for the position (i.e., all other job-related factors being considered are equal), the HRA or designee determines if one or both of the applicants qualify for the [RIF applicant's employment preference](#), the veteran's employment preference, or the former foster child's employment preference.
  - (I) If only one of the applicants qualifies for an employment preference, the hiring authority must select the applicant qualified for the employment preference and document on the [HR-025](#) which employment preference was used.
  - (II) If both applicants qualify for an employment preference, the hiring authority must select the applicant in the following priority order:
    - (-a-) RIF applicant's employment preference;
    - (-b-) veteran's employment preference (see [PRS glossary](#) for priority order if both applicants qualify for this preference); and
    - (-c-) former foster child's employment preference.
- (ii) An applicant qualified for a preference in hiring who is aggrieved by TJJJ's hiring decision may appeal the decision by filing a written complaint.
  - (I) Complaints from applicants qualified for the veteran's employment preference are submitted to the executive director of TJJJ. The deadline established by state law for responding to the complaint is 15 working days after receipt.
  - (II) Complaints from applicants qualified for the former foster child's employment preference are submitted to the TJJJ board. The deadline established by state law for responding to the complaint is 15 working days after receipt.
  - (III) Complaints from applicants qualified for the RIF applicant's employment preference are processed in accordance with [GAP.385.8111](#) if the applicant is a former employee.

- (IV) The response to the complaint must advise the applicant of the final determination regarding whether the preference was properly applied and whether a change in the hiring decision will be made.

(7) **EEO Compliance Review and Clearance Process.**

Upon receipt of the interview packet identifying the selected applicant, the HRA or designee:

- (A) reviews the packet to ensure compliance with the agency's EEO policy and selection procedures;
- (B) ensures the reference check process is completed in accordance with [PRS.05.13](#); and
- (C) ensures that any driving record and criminal record checks required under PRS.05.13 are completed.

(8) **Hiring Process.**

(A) **Conditional Offer of Employment.**

- (i) A conditional offer of employment may not be made until:
  - (I) the appropriate background check process has been completed (see PRS.05.13); and
  - (II) the hiring authority receives an Authorization to Extend Offer of Employment form, [HR-142](#), from the HRA/designee or Central Office Human Resources. The HR staff provides the earliest tentative hire date to the hiring authority when sending the HR-142.
- (ii) For external applicants, the conditional offer of employment is contingent upon satisfactory results from:
  - (I) the fingerprint-based criminal history check; and
  - (II) submission of a DHS I-9 form through E-Verify.
- (iii) If required for the position, the conditional offer of employment is also contingent upon:
  - (I) the satisfactory completion of a psychological evaluation;
  - (II) a satisfactory pre-employment medical exam; and
  - (III) a negative pre-employment drug test.

(B) **Accommodation Request.**

Upon receipt of a conditional offer of employment, it is the selected applicant's responsibility to notify the hiring supervisor or the appropriate Human Resources office of any reasonable accommodation that may be required to perform the essential functions of the position because of a disability. Refer to [PRS.01.10](#) for procedures regarding accommodation requests under the Americans with Disabilities Act.

(C) **Psychological Evaluation.**

A selected applicant for one of the following positions must successfully complete a psychological evaluation unless he/she is an internal applicant who previously completed a TJJJ-sponsored psychological evaluation:

- (i) juvenile correctional officer;
- (ii) case manager;

- (iii) teacher; and
- (iv) parole officer.

**(D) Pre-Employment Medical Exam.**

- (i) A selected applicant for a [hazardous duty position](#) (as indicated in the job description) must have a Pre-Employment Medical Exam Report for Hazardous Duty Positions form, [HR-036h](#), completed before hire. Only a TJJJ-contracted medical provider may administer the exam. TJJJ will pay for the exam.
- (ii) A selected applicant for a non-hazardous duty position assigned to a residential facility must have a Pre-Employment Medical Exam Report for Non-Hazardous Duty Positions Assigned to Facilities, [HR-036nh](#), completed before hire. The applicant may use any medical provider, including a local public health department, for this medical exam. TJJJ will not pay for this exam.
- (iii) If the selected applicant is a current TJJJ employee who has already received the applicable pre-employment medical exam as a condition of his/her current employment, the applicant is not required to receive another medical exam.
- (iv) If the medical exam reveals that the selected applicant cannot perform an essential job function due to a disability, any accommodation request is processed under [PRS.01.10](#).

**(E) Pre-Employment Drug Test.**

- (i) A selected external applicant for any of the following positions must pass a pre-employment drug test:
  - (I) a hazardous duty position;
  - (II) a position at a residential facility; or
  - (III) a commercial driver position as established in [PRS.43.45](#).
- (ii) Drug testing is not required for an internal applicant unless the employee is moving from a position that does not require pre-employment drug testing to a position that does require pre-employment drug testing.

**(F) Scheduling Coordination.**

The HRA or designee coordinates the scheduling of the fingerprinting process and any applicable psychological evaluation, pre-employment medical exam, and pre-employment drug test.

- (i) The applicant must provide a receipt from the fingerprinting process to the HRA or designee no later than when the applicant reports for New Employee Orientation.
- (ii) A pre-employment drug test will be scheduled to occur preferably within 48 hours after the conditional offer.

**(G) Effective Hire Date.**

- (i) Upon an applicant's completion of the pre-employment processes, the HRA or designee verifies the hire date with the hiring authority.
- (ii) If an applicant is a retiree of ERS, the HRA should ensure the applicant has been separated from state employment for the minimum length of time required by [PRS.05.27](#).

(H) **Acknowledgement of Employment Terms for Temporary or Grant-Funded Positions.**

The HRA completes an Acknowledgement of Employment Terms for Temporary or Grant-Funded Positions form, [HR-021](#), for an employee who is hired on a temporary basis or in a grant-funded position and ensures the employee signs the form during new employee orientation.

(9) **Audits of Job Posting Packet.**

After the selection process has been completed, the HRA or designee completes the Job Posting Packet Audit Checklist form, [HR-145](#), to ensure the packet contains all documents relating to the selection process.

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