

**RECRUITING AND HIRING IN  
THE PUBLIC SECTOR**  
MINNESOTA SUPERVISORS CONFERENCE  
TUESDAY, SEPTEMBER 10, 2019

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- OUTLINE**
- ▶ **Background—public sector vs. private sector**
  - ▶ **Recruitment/hiring**
  - ▶ **Retention**

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- THE END OF THE “SPOILS SYSTEM”  
& THE BEGINNING OF THE MERIT  
SYSTEM**
- ▶ **Pendleton Act of 1883**
  - ▶ **Federal Social Security Act Amendments of 1939**
  - ▶ **Intergovernmental Personnel Act of 1970-Merit System Principles**

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**MERIT SYSTEM STANDARDS  
5 CFR PART 900**

- ▶ Recruitment and selection
- ▶ Adequate and equitable compensation
- ▶ Training employees
- ▶ Retaining employees based on performance
- ▶ Fair treatment of applicants and employees
- ▶ Protection against coercion for partisan political purposes (Hatch Act)

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**PUBLIC VS. PRIVATE SECTOR  
EMPLOYEES**

- ▶ Public employees are afforded constitutional due process rights
- ▶ Private sector employees in Minnesota generally "at-will"

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**LAWS, RULES, CONTRACTS,  
POLICIES TO BE MINDFUL OF WHEN  
HIRING**

- ▶ Merit System Principles (5 CFR Part 900), corresponding state/local "civil service" statutes and rules
- ▶ Labor Contract Provisions
- ▶ Veterans Rights under Minnesota Statutes Stat. §197.46

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## RECRUITMENT AND SELECTION HIRING PROCESS IMPORTANT!

Discharge often results from poor fit between capabilities, interests and performance of a given employee—because employees have certain rights to their jobs after the probationary period, selecting the right employee is critical.

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## IMPORTANT TO THE HIRING PROCESS:

- ▶ Clear, current job descriptions
- ▶ Job-related selection criteria
- ▶ Careful screening after interview—reference checks
- ▶ Clear communication of job offer
- ▶ Explanation of necessary changes from understandings at hire
- ▶ Investing time and care in onboarding process
- ▶ Comprehensive, continuous training/mentoring

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## STEPS IN THE HIRING PROCESS

- ▶ Update job description
- ▶ Develop plan for filling job
- ▶ Posting/advertising/recruitment
- ▶ Assessment/testing
- ▶ Deciding whom to interview
- ▶ Conducting interviews
- ▶ Conducting background checks and reference checks
- ▶ Making job offer
- ▶ Notifying candidates not selected

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**STEP 1: UPDATE POSITION DESCRIPTION**

- ▶ Update job description
  - ▶ Document will help you define the essential job duties and required knowledges, skills and abilities to perform duties
  - ▶ This, in turn, will help you to decide what type of questions to include in your interview.

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**OTHER REASONS WHY THE POSITION DESCRIPTION IS IMPORTANT**

- ▶ Clarifies duties, expectations
- ▶ Defines acceptable performance
- ▶ Serves as the basis for evaluating training needs and developing an employee development plan

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**STEP 2: DEVELOP A PLAN FOR FILLING THE JOB (CHECKLIST)**

- ▶ What is the ideal method of filling this position: promotion, transfer, or from competitive process
  - ▶ Labor contract language, county policies, affirmative action goals
- ▶ Is there a current eligible list of candidates from your personnel/merit system?
  - ▶ Have similar jobs been open recently?

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**STEP 2 (CONT.)**

- ▶ Who is responsible for developing the interview questions and setting up the interview panel?
- ▶ Will you have a second round of interviews?
- ▶ Are you familiar with the proper practices for the candidate information you will be receiving and gathering (Minn. Data Practices Act)?
- ▶ How should selection process be documented?

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**STEP 3A:  
POSTING/ADVERTISING**

- ▶ What are county policies and practices for posting a job?
- ▶ Labor contract language may require that you consider internal candidates before you advertise to the public
- ▶ Send copy of posting to Merit System and notify Merit System staff of closing date and other relevant information (e.g., if there is an online test, the date by which you want applicants to complete the test)

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**STEP 3B: RECRUITMENT  
CONSIDERATIONS**

- ▶ Do you want to cultivate a more diverse workforce?
  - ▶ Update recruitment materials
  - ▶ Offer testimonials from current employees (i.e., that your organization values diversity and is open and welcoming)
  - ▶ Improve your website
  - ▶ Use of social media and the Internet to attract a more diverse group of applicants

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**STEP 3C: RECRUITMENT  
CONSIDERATION--MERIT SYSTEM  
ASSISTANCE**

- Purchase names of licensees from Board of Nursing for e-blasts recruiting for specific nursing openings
- Purchase names of licensees from Board of Social Work for e-blasts recruiting for specific social work openings
- Attend in person career fairs and recruit targeted colleges and universities utilizing online recruitment tool *Handshake*
- Post vacancies on pertinent career pages (i.e. MDH; MACSSA, MSSA and others)

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**STEP 4: TESTING/ASSESSMENT**

- ▶ If a new job classification, you may be asked to assist in developing the requirements/testing process.
- ▶ Uniform Guidelines on Employee Selection Procedures (EEOC, Dept. of Labor, Dept. of Justice and Office of Personnel Management)
  - ▶ Must have valid, reliable selection process.

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**STEP 4: TESTING/ASSESSMENT**

- ▶ Online written tests used for Office Support Specialist, Accounting Technician, Case Aide, Eligibility Worker, Support Enforcement Aide
- ▶ Experience and training ratings used for County Agency Social Worker, Social Services Supervisor, Financial Assistance Supervisor, to name a few. (In many instances, applicants are required to complete a supplemental questionnaire that determines the final score.)

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**STEP 5: REQUESTING LISTS**

- ▶ **Statewide competitive list:** Candidates who have passed the exam for the class, open to the public (top 15 scores)
- ▶ **County competitive list:** Candidates who reside in your county and who have passed the exam, open to the public (top 15 scores)
- ▶ **Regional competitive list:** Candidates who reside in your county or counties contiguous to your county and who have passed the exam, open to the public (top 15 scores)

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**REQUESTING LISTS, CONT.**

- County promotional list:** Candidates who work in your county human services agency and who have passed the exam, open to employees of your county human services agency (top 10 scores)
- Statewide promotional list:** Candidates who work in any county human services agency and who have passed the exam, open to all county human services employees (top 10 scores)

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**REQUESTING LISTS, CONT.**

- Reemployment list:** Employees who used to work in the class of your job opening in your county or another county and who want to return to work in the class.
- Transfer list:** Employees who are currently working in the class of your job opening in another county human services agency and who want to transfer to your county.
- Layoff list:** Employees who have been laid off from your agency in the class of your job opening (generally required to offer job to laid off employees before you go to other lists).

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**STEP 6A: DECIDING WHO SHOULD BE OFFERED INTERVIEWS AFTER YOU RECEIVE THE REFERRED LIST**

- ▶ Labor contract provisions
- ▶ Affirmative action goals (disparities in the job class for women or minorities)
- ▶ Scores of candidates
  - ▶ What kind of exam was used
  - ▶ What are the content areas of the test
  - ▶ How should differences in scores be assessed (on a written test, a difference of 5 points or less is not significant)
  - ▶ What knowledges, skills and abilities have not been assessed in the initial exam process

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**STEP 6B: REQUESTING SUPPLEMENTAL REFERRAL IF NOT ENOUGH CANDIDATES TO INTERVIEW**

- ▶ Contact merit system/human resources staff to be sent additional names.
- ▶ If no other names, solicit suggestions from Merit System or county merit system/human resources staff on how to recruit more qualified persons
- ▶ Other options—related eligible lists.
- ▶ Make sure your requirements are realistic (if it is an entry level position, make sure your expectations are in line with entry-level skills).
- ▶ Is job properly classified? Sometimes this is a tip-off if the candidates on the list don't meet your expectations.

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**STEP 7: CONDUCTING INTERVIEWS**

- ▶ Least valid and effective predictor of who would be best for the job, but validity is increased by conducting a structured interview.

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## STRUCTURED INTERVIEWS

- ▶ All questions based on job analysis
- ▶ Every applicant asked the same questions
- ▶ Standardized scoring key
- ▶ Will help you avoid the Minnesota Human Rights Act prohibited pre-employment inquiries (race, sex, national origin, religion, public assistance status, age, color, marital status, creed, sexual orientation, and disability.)

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## STEP 8: BACKGROUND INVESTIGATIONS (ON FINALISTS ONLY)

- ▶ Work history verification (reference checks)
- ▶ Verification of professional licenses and education
- ▶ Driving records
- ▶ Criminal conviction records
- ▶ For social workers and "psychotherapists," background checks as required by Minnesota Statutes §§ 604.20 - 604.205

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## WORK HISTORY VERIFICATION/REFERENCE CHECKS

- ▶ At a minimum, verify dates of employment with former employers. If you find a discrepancy, let us know.
- ▶ You may access employee performance reviews (limited liability of employers for releasing certain information on former or current employees) Employees must give consent to allow current or former employer to release such information.

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### VERIFICATION OF DEGREES AND PROFESSIONAL LICENSES

- ▶ If degree requirement or professional license is part of minimum qualifications, Merit System will verify (degree requirement for Social Worker, license requirement for Registered Nurse)
- ▶ If the degree is not required for the job (e.g., Eligibility Worker), you may still want to verify it to determine truthfulness of applicant

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### DRIVER'S LICENSE

- ▶ If the job requires a driver's license as part of the minimum qualifications (e.g., Bus Driver), Merit System will verify license.
- ▶ County hiring authority should verify the license for other jobs that involve driving or transporting clients (e.g., Social Worker, Case Aide)
- ▶ **Be careful**—not all jobs would require driver's license (e.g., Eligibility Worker, Office Support Specialist)

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### CRIMINAL CONVICTION RECORDS

- ▶ Under Minnesota Statutes, Chapter 364:
  - ▶ You may only use conviction records (not arrest records)
  - ▶ You may not ask about convictions until a decision has been made about the candidates who will be offered interviews
  - ▶ An applicant may not be disqualified because of a prior conviction unless the crime directly relates to the job.

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### CRIMINAL CONVICTION RECORDS

- ▶ Be careful about using old conviction records (records that are over 15 years old are not public and may not be relevant if the candidate has served time, and presented evidence of rehabilitation and fitness for the duties of the position.

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### SEXUAL EXPLOITATION BY PSYCHOTHERAPISTS (MINN. STAT. §§ 604.20 - 604.205)

- ▶ Must make inquiries of employers and former employers of psychotherapists concerning requests for and occurrences of sexual contact by psychotherapists with their patients.
- ▶ Social workers, psychologists, chemical dependency counselors, mental health workers would be covered.
- ▶ Again, only conduct this inquiry on finalists for jobs...must obtain a release

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### USE OF SOCIAL NETWORKING SITES TO CHECK REFERENCES

- ▶ Limit checks to professional networking sites, like LinkedIn.
- ▶ Be careful about accessing the personal "social" networking sites (consider the pitfalls)

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### PITFALLS—BE CAREFUL!!!

- ▶ Is there anything really out there (time spent looking)
- ▶ Accessing the information--access restrictions at work, privacy settings
- ▶ Is it accurate--is it really the same person, was it posted by that person?
- ▶ Can't "un-ring" the bell--protected category information
  - ▶ Medical condition
  - ▶ Sexual orientation
  - ▶ Religion

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### IMPORTANT REMINDER ABOUT REFERENCE CHECKS AND BACKGROUND INVESTIGATIONS

- ▶ Whatever mechanisms you use, you must prove job-relatedness!! Pre-employment inquiries that disproportionately screen out members of minority groups or members of one sex and 1) that are not valid predictors of successful job performance and 2) cannot be justified by business necessity are unlawful.

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### STEP 9: MAKING THE JOB OFFER

After a verbal acceptance by the candidate, follow up with a letter outlining the following:

- Starting salary
- Conditions of employment--full or part time, regular, temporary, etc.
- Probationary period required (length)
- Insurance coverage--when health insurance coverage begins, etc.
- Who to contact with questions and who will be contacting employee before first day of employment

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**STEP 10: NOTIFICATION OF CANDIDATES NOT SELECTED**

- ▶ Update statuses in the database noting who you appointed, who failed to reply, who you considered but did not select, etc.
- ▶ Veteran's letter: required by Minnesota Statutes § 197.455 (must notify veteran in writing of the reasons for the rejection and file copy with the Merit System).

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**VETERANS**

- ▶ Reminder about the veteran's letter: required by Minnesota Statutes § 197.455 (must notify veteran in writing of the reasons for the rejection.)

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**PROBATIONARY PERIOD**

- ▶ Critical part of selection process—do not forget it!
- ▶ Extension of probation allowed in rules, but check your labor contract language.

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### Another option (Hiring a trainee)

- ▶ Minnesota Rules, part 9575.0680, subpart 6 permits hiring of a trainee to fill a classified position.
- ▶ Trainee appointment is for the length of the trainee period, not to exceed three years in duration
- ▶ After successful completion of training period, trainee may be appointed to position (must meet the minimum qualifications of the position before the appointment can be made)

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### TIPS FOR SUCCESSFUL HIRING

Visit Merit System County Resource page at:

[http://www.dhs.state.mn.us/main/ld\\_010621](http://www.dhs.state.mn.us/main/ld_010621)

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### • EMPLOYEE RETENTION

**MILLENNIALS WILL COMPRISE 50% OF WORKFORCE BY 2020 AND 75% BY 2025**

- ▶ Take advantage of electronic literacy
- ▶ Make time for fun
- ▶ Don't squash ideas
- ▶ Don't bore or ignore them
- ▶ Encourage teamwork if possible
- ▶ Expect that they will work hard, but not work round the clock

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• **EMPLOYEE RETENTION**

- ▶ Competitive salary or wage and opportunity to increase it over time and benefits tailored to individual needs
- ▶ Opportunities for learning and advancement
- ▶ Work - life balance
- ▶ Flexible schedule (telecommuting options)
- ▶ Regular, timely feedback on how both they and the organization are doing
- ▶ Meaningful work—feeling that they are performing valuable/ worthwhile job

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**QUESTIONS?**

- Brent Boyd
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  - Phone: 651-451-3026
- Betty Carlson
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