



ADMINISTRATIVE REGULATION (AR)

AR-00029 Hire, Re-Hire and Backgrounds

Effective: 03/03/2022

I. SCOPE:

This Administrative Regulation applies to City of Loveland departments and employees including: Regular, Temporary and Seasonal.

II. PURPOSE:

This Administrative Regulation ensures that all City of Loveland departments and employees are committed to hiring and retaining the best candidates while ensuring an equitable hiring and retention process in compliance with all federal, state and local laws.

III. DEFINITIONS:

- **EEOC** refers to the U.S. Equal Employment Opportunity Commission.
- **Over-hires** refer to those benefit eligible full or part-time hires on a temporary basis to address expected personnel/staffing shortages in the service areas prone to high turnover and/or to hire and back-fill a position prior to it being vacated for a short duration of time for training purposes. Employees hired in this capacity are utilized to promote consistency in service delivery. Departments are responsible for receiving City Manager approval for over-hires and ensuring they have the necessary amount of funding available. Over-hires are not counted as additional FTE's and the salaries are not included in the budgeted salary forecasts.
- **Promotional Opportunity** refers to a vacancy in an existing or new position that could be considered an advancement in compensation, benefits, status, duties, or access to further advancement. This does not include reclassifications, demotions or restructuring/reorganizations.
- **Benefit Status** refers to the position categorization for purposes of benefit eligibility (regular, regular benefit-eligible, temporary, or seasonal).
- **Seniority Date** refers to the total length of benefit eligible employment used to determine retirement contributions, vesting and vacation accrual. Benefit eligible employees who have a break in service less than 365 consecutive days will retain their previous seniority date.
- **Relationship** refers to spouse, partners (individuals in a dating relationship), child, parent, brother, sister, cousins, niece/nephew, aunts/uncles, grandparents, or any individual who has acquired such a relationship through marriage (this includes step and half relationships).
- **Demotion** refers to a vacancy in an existing or new position that could be considered one of less status, compensation, benefit status, duties and responsibilities.

IV. POLICY:

The City of Loveland is committed to employing and retaining the best qualified candidates through recruitment, selection and retention practices that comply with all applicable employment laws. The City of Loveland provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws. The City's commitment to equal employment opportunities applies to all terms and conditions of employment.

Revision Dates: 8/1/1995 [08-95], 8/30/1999 [A-2]. 3/23/2005 [A-2], 4/21/2009, 3/1/2010, 12/23/2015, 11/01/2020



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The City's standard policy is to post vacant positions externally for at least five (5) working days except in the following circumstances:

- A recruitment process for the same position occurred within the previous 90 days (based on interview date) and a viable applicant pool still exists.
- A valid eligibility list exists for the position.
 - Eligibility Lists: The City of Loveland may use eligibility lists for positions with a high turnover rate and/or lengthy selection process (e.g. background checks, psychological screening, polygraphs). Department Directors and Human Resources will determine when eligibility lists are appropriate and will determine length of time before expiration.
- A qualified internal candidate pool has been identified
 - Internal Postings:
 - New and/or vacant positions, including opportunities for promotion, are typically posted internally and externally. The job may be posted for "internal applicants only" if the Department Director and Human Resources determine that there are at least two current employees considered to be viable and qualified candidates for the position. This does not mean that more than one employee must apply for this to be a viable process.
 - For the purpose of this policy, a *viable and qualified candidate* is defined as a current employee who meets the minimum job requirements and for whom the position would be a lateral or promotional opportunity.
 - Current employees applying for internal job openings must notify their current manager upon notification they are advancing in the selection process (i.e., beyond application to phone screen/initial interviews).
- A qualified employee accepts a demotion.
- The City Manager must approve any exception outside of those listed above. Exceptions the City Manager is authorized to make in regard to posting new or promotional opportunities include:
 - Temporary, acting and/or interim assignments. No immediate posting for a promotional opportunity is required to fill a position on a temporary basis, if the position will not exceed six (6) months. If the position may become permanent, the required posting for the promotion must be made in time for employees to apply for the permanent position.
 - Automatic Promotion after trial period. No posting for a promotional opportunity is required to fill a vacancy/new position if the City is considering an automatic promotion after the successful completion of a designated trial period. Trial periods are a working test period, which must be less than one year, and where the terms and intent to automatically promote after such period are represented within the written offer of employment. The decision to use a trial period and automatically promote will be based solely on employee performance and/or City operational needs.
 - Confidentiality constraints. A posting for a promotional opportunity is not required if the City has a compelling reason to keep a particular opening confidential because the position is still held by an incumbent who, for reasons other than



avoiding posting requirements, has not been informed they will be separated from employment.

Offers of employment are not authorized or valid until all required procedures and approvals have been completed.

Nepotism

Individuals identified as having a *Relationship* may be hired if there is no conflict with guidelines outlined below. The purpose is to avoid employment situations in which favoritism, interpersonal conflicts, money matters, and/or lack of confidentiality could interfere with customer service or decision making. The guidelines will also apply if employees have an employment change (i.e., transfer, promotion) or develop a *Relationship* that conflicts with the guidelines.

- Employees may not directly or indirectly supervise or be supervised by an individual with whom they have a *Relationship*;
- Employees may not be in a position that audits, verifies, receives, or is entrusted with money received or handled by an individual with whom they have a *Relationship*;
- No one in a *Relationship* may work in a position which handles confidential matters and/or access to confidential information involving the employee of whom they have a *Relationship*, including central payroll and personnel records.
- Employees in a *Relationship* may not report to the same direct supervisor, unless an exception is approved by Human Resources.

The City of Loveland reserves the right to apply nepotism policies to situations where there is a conflict of interest or the potential because of the relationship between employees, even if no direct reporting relationship or authority is involved.

Supervisors and managers may, under extraordinary emergency circumstances, and while acting under the authority of their position, direct the actions of the employee with whom they have a relationship to conduct lawful and necessary activities related only to the extraordinary situation.

When a situation runs contrary to the nepotism guidelines, the affected individuals have 90 calendar days to settle the issue by one of them transferring (when possible) or resigning. Human Resources, in coordination with the Department Director, reserves the right to make the employment decision if the impacted individuals do not.

Confidentiality of Information

All candidates' names, information disclosed or discussion within the interview process, is confidential and should not be discussed with anyone outside of the process.

Results of background checks will only be shared on a need-to-know basis and in accordance with applicable law. Reports received from both state and federal agencies are City property.



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Should an adverse employment decision or volunteer placement be based upon a background report secured by a credit reporting agency, the City will follow the requirements of the Fair Credit Reporting Act, in accordance with applicable law.

Basis For Mandate:

- Title VII of the Civil Rights Act of 1964 (Title VII); The Age Discrimination in Employment Act of 1967 (ADEA); Title I of the Americans with Disabilities Act of 1990 (ADA); The Genetic Information Nondiscrimination Act of 2008 (GINA); The Colorado Anti-Discrimination Act (CADA)
- Colorado Equal Pay for Equal Work Act
- City Charter Section 8-4 of Article 8 and Section 9-1 of Article 9.
- Internal governance
- Fair Credit Reporting Act (FCRA)
- Criminal Justice Information Services (CJIS) Security Policy, Article 5.12

V. PROCEDURE:

Recruitment Plan, Requisition, Posting and Applications

The hiring manager and Human Resources will conduct an initial meeting prior to posting a job to review the position, department needs and develop the recruitment plan. Expectations will be established with all key stakeholders at that time. Upon approval to fill the position, Human Resources will assist the hiring manager in the posting and screening process. HR will advertise and cover the costs of the standard citywide posting, which includes diversity outreach. Additional sourcing locations such as industry leading or niche job boards are paid through the Department's budget.

All applicants are required to submit their application/resume through the City of Loveland applicant tracking system (with the exception of external search firm recruitment processes). Applications will **not** be accepted after the established posting deadline, unless the Human Resources Director identifies extenuating circumstances that allow for an exception.

Interviewing and Selection

All interview questions, exercises, testing and other selection tools must be approved by Human Resources prior to use in the selection process. The selection process includes:

1. Application Review
2. Initial Phone/Video Screening
3. In Person Panel Interview
 - For regular benefit eligible positions, Human Resources will assist departments in screening candidates and scheduling interviews. Human Resources will participate in interviewing panels as practicable, and when an interview process includes internal candidates, a representative from Human Resources is required to participate on the panel, unless an exception is approved by the Human Resources Director and a non-department staff member is secured to participate. All panel members are required to complete City training in order to participate on an interview team. Generally, interview teams will consist of at least two members and a Human Resources representative if there is an internal candidate.



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- In-person interviews are required prior to any offer of employment. In-person panel interviews should be limited to the most highly qualified and viable candidates. Hiring Managers are expected to aim for a maximum of five candidates to align with best practices. The Human Resources Director may make an exception to the in-person interview requirement in appropriate circumstances. In coordination with Human Resources, out of area candidate interviews may be eligible for travel reimbursement with director approval.
 - For temporary/seasonal positions, Human Resources may assist the department with recruiting support, including screening resumes and designing interview questions, if requested. Applicants for temporary and seasonal positions do not require panel interviews.
4. Professional Reference Checks
- Hiring managers must demonstrate a good faith effort to complete at least two (2) professional work references on their chosen candidate. Such references must be obtained from a current or recent supervisor/manager. All reference checks conducted must be documented and submitted to Human Resources. Social Media and Internet searches on candidates are expected to be completed by Human Resources upon Hiring Manager request.
5. Background screening
- Following completion of interviews and references, the hiring manager must contact Human Resources to initiate a background investigation. Background checks will be conducted on the final candidate(s), 18 years of age and older, for all full-time and part-time Regular, Temporary and/or Seasonal employment positions, ongoing volunteer positions and current employees selected for a different position. Exceptions may apply for part-time temporary rehires if length of time since the last background check on file occurred within the previous 13 months, depending on the position, gap of employment, and length of time since the last background check on file. Background checks vary depending on position and may require more strict and/or rigorous screening depending on the department and/or position.
6. Drug and Alcohol Testing
- Police Department employees, positions requiring a commercial driver's license and other safety sensitive positions, which require a drug and/or alcohol test, will be conducted after a conditional employment offer is made. Refer to the Administrative Regulations "Drug-Free Workplace", "Drug & Alcohol Use – CDL/DOT and "Drug & Alcohol – FTA".
 - CDL/DOT employees will also be subject to a query through the Drug & Alcohol Clearinghouse as part of a pre-employment driver investigation. The Clearinghouse is a secure online database that gives employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations. The Clearinghouse contains records of violations of drug and alcohol prohibitions in 49 CFR Part 382, Subpart B, including positive drug or alcohol test results and test refusals. When a driver completes the return-to-duty (RTD) process and follow-up testing plan, this information is also recorded in the Clearinghouse.



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If an applicant or volunteer attempts to withhold or falsify information, the applicant/volunteer will be disqualified from consideration for employment or volunteer opportunity.

Employment or volunteer placement with the City is subject to review based on the information received from the background investigation. Although a disqualification is possible, in accordance with federal and state laws, a previous conviction does not automatically result in disqualification.

Periodic Updates and Self-Disclosure

All employees and ongoing volunteers are subject to background updates. The City will conduct regular updates on employees in the following positions: safety sensitive, interacting with vulnerable populations, or requiring a driver's license and others as deemed appropriate by the City or as mandated by law. Updates for employees in all other positions will be conducted when circumstances exist that cause the department director to believe that an update is necessary to protect the public interest. A person's continued employment or volunteer placement may be subject to the results of the periodic background investigations. Any employee subject to an updated background check shall execute such documents as are requested by the City to complete that background check.

All employees and volunteers are required to immediately inform, absent extenuating circumstances, their supervisor in the event that they are arrested or convicted of a felony or misdemeanor, other than minor traffic violations. Additionally, those employees in positions requiring a valid Commercial Driver's License (CDL) must immediately inform, absent extenuating circumstances, their supervisor if they receive a citation for any traffic violation.

Failure to self-disclose applicable information may result in disciplinary action, up to and including termination.

Employment Offers

A conditional offer of employment or volunteer placement may be extended prior to the completion of the required background checks. However, the applicant's first day of work in the position must not be prior to the satisfactory completion of all required checks. Exceptions may be approved by Human Resources on a case-by-case basis. For all benefit-eligible positions Human Resources will generate and send formal offer letters.

Any employment offer that departs from standard hiring practice must be approved by both the Department Director and the Human Resources Director prior to extending the offer to a candidate. Examples of exceptions to standard offers include, but are not limited to:

- Salary offers that are above the posted hiring range
- Any "sign-on" bonus or relocation expense assistance
- Paid time-off in addition to the standard benefit provided

Notifications



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Once an offer has been accepted, Human Resources will contact all external candidates not selected for the position. Hiring Managers are responsible to notify all internal candidates whether selected for an interview or not.

Re-Employment

Former employees considered in good standing at the time of termination may be eligible for rehire. Former benefit eligible employee(s) rehired into another benefit eligible position within 365 days, from their last termination date, will retain their former seniority date, vacation tenure and retirement contributions. Those employees rehired after 365 days, will have a seniority date which reflects their most recent hire date.

Record Retention

After a hiring decision has been made, all interview notes, exercises, reference forms and any applicable paperwork must be forwarded to Human Resources to comply with retention and EEOC guidelines.

VI. OTHER RELATED REGULATIONS & PROCEDURES:

AR-00038 ADA Employment Policy

AR-00040 Drug & Alcohol – CDL/DOT

AR-00041 Drug & Alcohol Use – FTA

AR-00054 Pay & Employment Decisions

VII. CITY MANAGER SIGNATURE:

Stephen C Adams, City Manager