Human Resources Division

Hiring Guidelines

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1.00 Introduction: Hiring Process for Executive Branch Agencies

The Commonwealth of Massachusetts is an employer committed to developing a highly qualified and diverse workforce. These guidelines are used by Executive Branch agencies when filling positions, whether by hiring an external candidate or through an internal promotion process. The guidelines ensure fair and consistent hiring practices within the Commonwealth.

The Human Resources Division (HRD) has rolled out an electronic hiring process called MassCareers, which allows electronic approval, system generated correspondence and transparency on where the candidate is in the process. In addition to the rollout and adoption of MassCareers, HRD has developed a more streamlined business process in order to significantly reduce the time to fill vacancies. These Hiring Guidelines provide comprehensive steps for each element of the streamlined hiring process. For those agencies that have not transitioned to MassCareers, please see Appendix E: Guidelines for Agencies not on MassCareers.

The HRD account analyst for your agency is available for consultation on all aspects of the hiring process, including those situations in which a candidate cannot be hired within the process outlined in these guidelines.

2.00 Classification

2.01 Classification: Non-Management

HRD delegates the classification of non-management positions classified under the provisions of Chapter 30, Section 45 to secretariats/agencies. Non-management position classification is the selection of the classification (job title) that has the duties, level of responsibility, and qualification requirements most similar to those of the non-management position to be classified.

Requirements and Procedures

- The agency must ensure that a position is properly classified prior to posting it on MassCareers or requesting a waiver via MassCareers of the posting requirement. The agency classifies the position by identifying classifications for comparison to the position description and selecting the best title for the position. Please see Position Classification for details on the proper classification of non-management positions.
- The agency must complete a non-management position description form (formally known as a Form 30) for the position prior to posting the vacancy or requesting a waiver on MassCareers of the posting requirement. For instructions on how to create a position description please see:
    - Position description form
    - Guidelines for completing position descriptions
- The incumbent must sign the position description at the time of appointment.
- The agency may not post a position or request a posting waiver for a position that is marked with a classification flag in HR/CMS. If a position is marked with a classification flag, the agency reviews the classification of the position by creating and evaluating a new position description.

Contact your HRD account analyst to reclassify the position to an appropriate title and remove the classification flag.

- The agency must ensure that the position is included on the organizational chart and that the supervision exercised and reporting staff is accurately reflected, as described in the position description. A current, official organizational chart must be submitted to HRD by January 1st of each year.

Audit Requirements

- Current, signed position description must be kept on file for each employee.
- Current, official organizational chart must be kept on file at the agency's central human resources office.

2.02 Classification: Management

Management classification and job evaluation is the system used to determine the proper job group of management positions classified under Chapter 30, Section 45. The Commonwealth of Massachusetts uses the Hay Guide Chart Profile Method to evaluate management positions.

Requirements and Procedures

- The agency must ensure that a position is properly classified prior to posting it on Mass Careers or requesting a waiver via MassCareers.
- The agency must prepare and evaluate a Management Questionnaire (MQ) for each management position whenever the classification changes (upgrades, downgrades, and new functions).
- The agency evaluates and classifies a management position by reviewing the duties and responsibilities of the job, assigning points based on unique factors, and determining classification using the points (score). Please see the Position Evaluation Training Manual: Hay Guide Chart – Profile Method for detailed procedures on the evaluation and classification of management positions.
- The agency selects the appropriate management classification from one of four series of management titles. The agency must secure secretariat approval of any changes to management classifications (upgrades and downgrades) and any new management classifications for management levels V through XII.
- Once secretariat approval is obtained, the agency must submit to HRD for review and evaluation the MQ, organizational chart, and any other relevant documentation of any changes to management classifications (upgrades and downgrades) and any new management classifications.
    - For filled M5 – M12 reallocations, the incumbent will need to have a background check within the past two years prior to the position reallocation in HR/CMS.
- The incumbent must sign the MQ at the time of appointment.
- The agency may not post a position or request a waiver for a position that is marked with a classification flag in HR/CMS. If a position is marked with a classification flag in HR/CMS, the agency reviews the classification of the position by creating and evaluating a new MQ. Contact

your HRD account analyst to reclassify the position to an appropriate title and remove the classification flag.

- The agency must ensure that the position is included on the organizational chart and that the supervision exercised and reporting staff is accurately reflected, as described in the Management Questionnaire. A current, official organizational chart must be submitted to HRD by January 1st of each year.

Audit Requirements

- Employee functional titles must be in HR/CMS.
- Current, evaluated MQ and evaluation documentation must be kept on file for each management position.
- Current, official organization chart must be kept on file with each evaluated MQ.

2.03 Classification Appeal Process: Non-Management

Classified employees have the right to file appeals of the classification of their positions to HRD under the provisions of Chapter 30, Section 49. If an appeal is denied by the Personnel Administrator, the same appellant has the right to file an appeal with the Civil Service Commission (CSC). The effective date of an appeal is considered to be the date the appeal is received at the agency, such date being rolled back to the previous Sunday for pay purposes.

It is the responsibility of each agency to administer the appeals process, from receipt of a request and scheduling of an appeal audit to issuance of a decision on an appeal. Appellants who are aggrieved by the agency decision may then appeal that decision to HRD. Appellants may appeal HRD's final decision to the Civil Service Commission. Agencies must take care to ensure that a fair and impartial audit is conducted, an objective decision is rendered, and all aspects of the appeal process are carefully documented in writing.

HRD analysts will be available to conduct appeals audits if the agency is unable to conduct a fair and impartial audit.

Procedure

- Filing of Appeal:

    1. The appellant submits a written request to appeal their classification to their agency's HR department. The written request must contain the title the appellant is currently holds and the title he/she is requesting; and the basis for the reclassification request. The agency should document the date the appeal is received.

    2. The agency schedules an appeal audit (commonly known as a desk audit) and notifies the appellant of the date/time. Notification of the appeal audit should also be sent to the appellant's supervisor and union representation (if applicable). The agency should allow the appellant's supervisor and/or union representative to be present at the request of the appellant.

3. To prepare for the appeal audit, the agency should send the Interview Guide to the appellant in advance of the appeal audit and assemble any relevant documentation, such as the appellant's position description (form 30), organizational charts, and relevant classification specifications.

- During the Appeal Audit:

    1. The agency should explain the appeal process, including the right to appeal an adverse decision to HRD, and answer any procedural questions at the start of the appeal audit.

    2. The agency reviews and assists with the completion of the Interview Guide with the appellant. Appellants are encouraged to submit any additional documentation.

    3. The Interview Guide should be signed by the appellant, indicating they agree with the contents. If the appellant is not in agreement, they may attach to the guide the reasons for the disagreement. The appellant's supervisor should be given the opportunity to review the completed Interview Guide and prepare a separate document concerning any disagreement they have with the contents of the guide.

- Preparing the Decision:

    1. The agency should assemble and review all documentation relating to the appeal. Once the review is complete, the agency should proceed with classifying the position. Please see Position Classification for details on how to classify non-management positions.

    2. The agency should document their recommended classification with a detailed justification for the recommendation. This justification should be sent to the appellant along with the agency's preliminary decision. The agency should give the appellant ten days to file a written rebuttal if they disagree with the decision.

    3. After ten days, or upon review and consideration of the rebuttal information, the agency should issue a decision.

    4. If the appellant disagrees with the agency's decision, they can appeal to HRD. The appeal request should be sent to HRD in writing by the appellant, with a copy of the agency's decision letter and any other information the appellant would like to provide attached. HRD will contact the agency for a copy of the appellant's appeal file to conduct a document review. HRD will issue a decision. If still aggrieved, the appellant may then appeal to the Civil Service Commission.

- Implementing Decisions:

    1. If the resolution requires a position reallocation, the agency should submit the request via E-form to HRD for processing. Audit Requirements

Audit Requirements

Complete appeal file, including Interview Guide, position description (Form 30), organizational chart, any other documentation that was used to make the classification determination, the appellant's appeal letter, a copy of the agency's preliminary and final decision letters and the justification document.

2.03 Classification Appeal Process: Management

Any manager of the Commonwealth objecting to any provision of the classification affecting their position may appeal in writing to HRD and shall be entitled to a hearing upon receipt of such appeal. Managers have the right to appeal their classification to HRD under the provisions of Chapter 30, Section 49.

Procedure

- Appeal Notification Process:

    1. Any manager seeking to appeal his or her management classification must submit the appeal request in writing to HRD. Once the HRD receives a complete appeal package, HRD will schedule a management classification appeal hearing with the appellant.

    2. HRD will send a hearing notification letter to the appellant and copy to the agency's HR Director. The notification letter will inform the appellant that the hearing will take approximately one hour and that a failure to appear at the schedule hearing without proper prior notification will result in a default proceeding and a dismissal of the appeal.

- The Management Classification Appeal Hearing:

    1. The management classification appeal hearing will consist of up to three HRD staff (the Hearing Panel) from the Organizational Development Unit (ODG).
    2. The Hearing Panel will conduct the hearing and accept testimony and documentation from the Appellant.
    3. At the conclusion of the hearing, the Hearing panel will conduct an appeal evaluation including the following steps:
        - determine if the job is truly managerial and if so,
        - follow the established rules and conventions for conducting management job evaluations;
        - upon receipt of final approval of the evaluated level of the management position in question, HRD will send a decision letter providing the appellant with the findings of the hearing and detailing his/her appeal rights to the Civil Service Commission.

- Implementing Decisions:

    1. If the resolution requires a position reallocation, the agency should submit the request via E-form to HRD for processing. Appellant's may need to clear a background check prior to the completion of their reallocation.

3.00 Position Management

Position management is the establishment, reallocation, or transfer of positions for hiring and workforce administration purposes.

Requirements and Procedures

- The agency must ensure that the position is properly classified.
- The agency must ensure that an account is correctly set up and funded before positions are created or transferred to the account.
- The agency must ensure that an accurate functional title has been assigned to the position. For management positions wherever possible, the agency should choose a functional title from the benchmark management job title listing
- The agency must request via document management (e-forms) the establishment, reallocation, and other position data changes in HR/CMS. HRD processes all e-form requests.
- The agency must request new location codes as required.
- The agency should review its vacant positions to determine if an existing position can be used or reallocated before requesting the creation of a new position.
- The agency must determine the position type before it is created in HR/CMS. A position must have an official state position type designation.
- The agency must use position type PR for all 960 hour appointments.
- The agency must enter and maintain reports-to information for all employees in HR/CMS.
- The agency must ensure that the requested job code matches the standard hours of the positon.

4.00 Posting, Waivers & Recruitment

The Commonwealth of Massachusetts is an employer committed to developing a highly qualified and diverse workforce.

During the hiring process all written recommendations for candidates of state positions who are hired are considered public records. This provision does not apply to internal communications within the Executive Branch. Additionally, written recommendations for employment may not be considered by the hiring authority until the agency determines the applicant has met the minimum qualifications and requirements for the position. However, a hiring authority may contact a person who has submitted a written recommendation or conduct reference checks in accordance with the agency's regular practice.

4.01 Posting Requirements and Procedures

- All management and non-management positions must be posted on the MassCareers internet site. MassCareers postings will remain open until filled.
- Promotional opportunities must be posted internally in accordance with collective bargaining agreements and agency policy.
- The agency must comply with its diversity plan.
- The agency enters a posting on MassCareers. All postings may be launched to the Internet by the agency. Please see MassCareers job aids for further information.

4.02 Waiver Requirements and Procedures

- All positions should be posted in order to encourage an open, fair and transparent hiring process. The agency may, on an exception basis, request a waiver from the posting process based on a documented business need (i.e. internal promotion, specialized skills, etc).
- The agency must secure approval via the waiver requisition process in MassCareers for any position NOT posted on MassCareers.
- Waivers for non-management and management positons levels M1 through M4 are approved by at the agency. The agency must enter a wavier into MassCareers and follow the established approval path as defined in the Waiver Requisition Process job aid. Justification for why the agency is requesting a waiver of the posting process must be included in requisition in MassCareers. Please see Appendix B: Non-Management and Management M1 – M4 Waiver Requests - Criteria for Approval for additional details.
- Waivers for management positons levels M5 through M12 are approved at the secretariat level. The agency must enter a wavier into MassCareers and follow the established approval path as defined in the Waiver Requisition Process job aid for all M5 through M12 hires, promotions, transfers, and demotions into positions that were not posted on MassCareers. Justification for why the agency is requesting a waiver of the posting process must be included in requisition in MassCareers.

4.03 Recruitment

- The agency should use the state's benefits package as a recruitment tool for prospective employees:

  Group Insurance Commission

  Rules Governing Paid Leave and Other Benefits for Managers and Confidential Employees (Red Book)

  EILB (Extended Illness Leave Bank)

  Tuition Remission

  Family Leave (FMLA)

  State Employees Serving as Volunteers Program

  Collective Bargaining Agreements

- The agency should consult Section 3, Recruitment Plan of the Model Hiring Plan for suggestions on how an agency can enhance its recruitment efforts.

Audit Requirements

Current management questionnaires, position descriptions and all related documentation regarding the posting, recruitment or waiver processes are required for audit purposes.

5.00 Selection

The Commonwealth is committed to creating high performing workforce. The goal of the selection process is to find the right candidate with the right skills for the function while achieving a workforce that reflects the diversity of the Commonwealth's population. Any criterion or process that is used to screen and select candidates, from qualification requirements through the interview, must be job-related and applied consistently to all candidates.

5.01 Requirements and Procedures

- The following requirements, which are available on the Civil Service homepage, apply to non-management hires and have precedence in the order shown below:
    1. Civil Service Reinstatement List (administered by the agency)
    2. Civil Service Re-employment List
    3. Department Promotional Civil Service List
    4. Open Competitive Civil Service List
    5. Agency Collective Bargaining Recall List
    6. Statewide Recall List
    7. Internal and external posting
- Please refer to the appropriate contract for posting and promotional requirements for non-management positions covered by collective bargaining.
- The MassCareers Knowledge Center provides detailed guidelines on:
    - Utilizing ACE methodology (Achievement, Certification, Experience) and creating asset questions to screen candidates
    - Preparing a requisition for posting
    - Moving candidates through the candidate selection workflow
    - Conducting reference checks
    - Sending correspondence
- Agencies may reference Appendix D: Developing Valid Qualification Requirements and Screening Procedures for key laws, guidelines, and terminology that apply to screening and selecting candidates.
- The agency develops screening criteria that directly relate to the essential functions and preferred qualifications of the position.
    - All position titles have templates in Taleo that include the minimum entrance requirements defined on the HRD classification specification and any special requirements for the individual position. This language has been translated into a question(s) for candidates to self-assess their qualifications.
        - The agency uses these screening criteria on a pass-fail basis to determine whether the candidate is eligible for consideration.
    - The agency develops additional screening criteria based on the competencies most critical in performing the essential functions of the position, using the ACE methodology.
        - The agency determines which asset questions will be used to narrow down the number of candidates to be interviewed.

    - The agency determines interview questions and the scoring process that will be used to rank qualified candidates.
    - The agency selects the interview panel and determines which questions will be asked. It is best practice to have at least 3 members on the interview panel.
- The agency conducts the screening. It is important to provide reasonable accommodation to candidates during the screening process. Based on the type of position to be filled and the number of candidates, the process normally consists of the following steps:

    1. The agency conducts an initial screening to determine whether candidates meet the qualification requirements set forth in the vacancy announcement.
    2. The agency then identifies the candidates to be interviewed.
    3. The agency conducts the first interview and may conduct subsequent interviews as deemed necessary. The interview process may begin during the posting period.
- The agency checks references using the reference forms in MassCareers. Agencies do not need to verify all experience claimed by the candidate though it is best practice to check references from the previous employer and supervisor.
- The agency verifies education and required licenses/certifications of the selected candidate. The agency should use primary source verification for all licenses/certifications that are required for the job. Education verification may consist of collecting copies of transcripts, reviewing the original diploma, or verification through a 3rd party service. Only the highest level of education achieved needs to be verified (high school education, if highest, can be excluded from the verification unless required for the job).
- The agency makes a conditional offer of employment to the candidate selected.

Audit Requirements

Documentation of the criteria used in the selection process, scoring, demographic information if collected, and candidates' applications should be retained in the agency.

6.00 Salary Administration

6.01 Salary Administration: Non-Management

Agencies have more flexibility for approvals of non-management salaries for their constituent agencies. This gives agencies the ability to offer salaries more comparable to current market rates and to compensate individuals for relevant work experience.

Requirements and Procedures

- The agency must ensure that the candidate meets the minimum entrance requirements (MER's).
- The agency must ensure that recruitment above the minimum salary rate is based on comparable work experience as explained in Appendix C: Calculating Comparable Experience for Salary Determinations.

- The agency must ensure the candidate was not employed by the Commonwealth in the twelve months immediately preceding the date of the recruitment (unless the relevant Collative Bargaining Agreement states otherwise).
- The agency must adhere to salary rules within the applicable collective bargaining agreement.
- The agency must refer to the Technical Pay Law (TPL) guidelines and get approval from the appointed TPL agency qualified reviewer when determining a salary for an information technology professional.
- The agency must adhere to the Salary Administration Rules (Gray Book) for all salaries for confidential and unclassified positions.
    - Salaries for confidential jobs must be consistent with salary charts contained within the collective bargaining agreement.
    - Salaries for unclassified jobs must be in compliance with statute.
- The agency ensures that the approved salary for a potential new hire does not cause a salary collision as outlined in the Gray Book by exceeding the salary of the supervising manager.
- The agency must adhere to the following policy issued by HRD in regard to all salaries for student interns: Consolidated Student Intern Pay Range Schedule (TPL & Non-TPL) (issued March 7, 2014).
- The agency obtains approval within MassCareers to recruit a candidate into a non-management position at a salary within the applicable range, provided that the candidate meets the MERs and has the comparable experience.
- The agency's formal offer is extended to the candidate **after** final approval is obtained.

Audit Requirements

- Copy of the candidate's resume and all salary justification and documentation.
- HRD approval of salaries that exceed the criteria listed above.
- Verification that the candidate was not employed by the Commonwealth in the twelve months immediately preceding the date of the recruitment, if applicable.

6.02 Salary Administration: Management

Salaries should be based on the value of the job to the agency (including duties, responsibilities and market rates). HRD recommends that instead of posting the entire salary range, agencies post a range based on research with similar titles. Agencies should also take into account prior incumbent salaries.

Requirements and Procedures

- The agency must adhere to the Salary Administration Rules (Gray Book) when determining management salaries.
- HRD is available to provide guidance and salary information as it relates to a particular functional title within comparable agencies.
- For new hires and promotions, agencies have the flexibility to determine management salaries within the following parameters:
    - The salary must be within the range posted on MassCareers.
    - The candidate must meet the minimum entrance requirements.

    - The candidate must have the comparable experience (as explained in Appendix C: Calculating Comparable Experience for Salary Determinations.) to reach the requested salary.
    - The salary should not cause compression or collision either with the supervising manager or the direct subordinates.
    - The salary should not create peer inequity within the agency (peers with similar experience and/or skills).
- For M1 – M8 promotions (or other hiring transactions for candidates internal to the Executive Branch) have the following additional criteria when setting salaries:
    - Agencies have flexibility up to 7.5% for a one management level increase.
    - Salary increases above 15% of the employee's current salary, regardless of how many management levels the candidate is promoted, must come to HRD via a MassCareers Salary Request Form for approval.
    - If the candidate is currently in a bargaining unit position, the agency should take into account the full value of the candidate's pay (overtime, callback pay, etc.) as a factor in determining the salary.
- M9 through M12 salaries are subject to final approval through the MassCareers requisition process.
- The agency head or designee must approve all salaries.
- The agency must submit a MassCareers Salary Request Form and include HRD on the approval path HRD if the requested salary is outside the new hire or promotion criteria.
- The agency's formal offer is extended to the candidate **after** final approval of the MassCareers Offer.

Audit Requirements

- Copy of the candidate's resume and all salary justification and documentation.
- HRD approval of salaries that exceed the criteria listed above.

7.00 Appointment Process

7.01 Appointment Process: Non-Management

All non-management positions that are posted for at least 14 calendar days can be filled by agencies once the posting period closes, if applicable. Best practice is to leave the posting open until filled, with first consideration to be given candidates that apply within the first 14 days to bargaining unit positions. Please see the Posting, Waivers, and Recruitment section for waivers of the posting requirement.

Requirements and Procedures

- The agency head or designee, the agency fiscal office, the agency Diversity Officer and the agency Human Resources Director constitute the approval path for non-management hires.
- For candidates who are transferring from another Executive Branch agency or another branch of government agencies should refer to the Transfer of Benefits guidelines.

- The performance of new hires must be evaluated prior to the end of the probationary period as governed by the applicable collective bargaining agreement. This will enable the agency to terminate an unsatisfactory employee before the probationary period ends.
- Once all approvals are in place, the agency appoints the employee in HR/CMS. For assistance please see the HR/CMS Knowledge Center.
- For Technical Pay Law (TPL) positions, the applicable TPL functional title is entered into HR/CMS. Please see Implementation of Revised Technical Pay Law (TPL) Functional Titles memorandum for more information.
- Contracted student intern appointments do not need to be processed via MassCareers.
- The agency evaluates the new hire's performance prior to the end of the probationary period, as outlined in the EPRS Supervisor Guide.

Audit Requirements

- The agency must retain a copy of all salary requests and related information.
- Copy of EPRS evaluation completed during the probationary period.

7.02 Appointment Process: Management

Requirements and Procedures

- The agency head or designee, the agency fiscal office, the agency Diversity Officer and the agency Human Resources Director constitute the approval path for management hires in levels M1 through M4.
- The agency Senior Manager, agency Fiscal Officer, agency Diversity Officer, secretariat Human Resources Director, secretariat Director of Diversity, HRD and Governor's Personnel Office constitute the approval path for management hires in levels M5 through M12.
- Employment checks are required for all M5 through M12. Employment checks must be done pre-hire for M9 through M12 and may be done post-hire for M5 through M8 (with the exception of direct reports to Agency Heads, M5 and above, those must be done pre-hire).
- A new employee who is going to have a post-hire employment check must complete an Employee First Day Declaration Form and Employee Acknowledgement Form.
- Prior to appointing a candidate to a management position, the agency confirms that a functional title is assigned to the positions in HR/CMS.
- For candidates who are transferring from another Executive Branch agency or another branch of government agencies should refer to the Transfer of Benefits guidelines.
- Once all approvals are in place, the agency appoints the employee in HR/CMS. For assistance please see the HR/CMS Knowledge Center.

Audit Requirements

- Employee functional title must be in HR/CMS.
- The agency must have on file a signed copy of the MQ.
- The agency must retain a copy of all salary requests and related information.

8.00 Acting Appointments

Upon approval, agencies have the ability to compensate employees as "acting" pending agency section/appointment of a full-full-time incumbent. Acting appointments should not exceed 6 months and agencies must utilize Excess Quota (EQ) or Sick Leave (SL) positions in order to track acting appointments. Additional pay should not be used to pay acting appointments.

8.01 Acting Appointments: Non-Management

Requirements and Procedures

- The agency must identify an Excess Quota (EQ) or Sick Leave (SL) position for use in the acting appointment.
- The agency must ensure the candidate meets the MERs.
- The promotional increment must be followed as outlined in the appropriate **Collective Bargaining Agreement.**
- Acting appointments are not to exceed a six-month period.
- The agency can approve acting appointments for non-management positons via the waiver requisition process in MassCareers.
- HRD will audit the use of EQ and SL positions to ensure compliance with the Acting appointment policies.

Audit Requirements

The agency must retain any Acting Pay approval documentation.

8.02 Acting Appointments: Management

- The agency must identify an Excess Quota (EQ) or Sick Leave (SL) position for use in the acting appointment.
- The agency must ensure the candidate meets the MERs.
- The agency can approve acting appointments for management positions M1 through M4 via the waiver requisition process in MassCareers.
- The agency must follow the established approval path for all M5 through M12 when processing acting appointments. Acting appointments for M5 through M12 are approved via the wavier requisition process in MassCareers. Justification for why the agency is requesting an acting appointment must be included in requisition in MassCareers.
- For levels M5 through M8 acting appointments HRD will review for compliance with acting pay guidelines and once approved, the HRD Account Analyst will lift flags and notify the agency. No employment check is necessary for M5 through M8 acting appointment.
- For levels M9 through M12 employees will need to complete an employment check prior to MassCareers approval
- Acting appointments must be for at least eight weeks and should not exceed six months.
- Acting appointments are only allowed when performing the duties of a vacant position of a higher management level.

- Acting appointments should only be used to support a critical business need and should not be used as a succession planning tool.
- Acting pay should be up to 7.5% of the employee's current salary.
- Acting appointments outside the parameters detailed in this section must submit a request to HRD.
- HRD will audit the use of EQ and SL positions to ensure compliance with the Acting appointment policies.
- Non-managers acting in management positions may elect to continue to have their union dues deducted and remain in a union sponsored Health and Welfare dental/vision insurance plan without a break or change in coverage. Agencies must notify the union that the employee has elected to continue coverage to ensure that dental/ vision coverage is not discontinued. Union dues deductions must be terminated if the acting manager elects GIC dental/vision coverage.

Audit Requirements

The agency must retain any Acting Pay approval documentation.

9.00 Post Hire Audit Guidelines

The delegation of the hiring process provides agencies and secretariats more decision-making authority and freedom to act. With this delegation, agencies and secretariats are expected to make appropriate decisions during the hiring process. HRD is available at all times to provide consultation, guidance, and training on the hiring process guidelines. In addition, HRD will conduct regular audits of all hiring process steps to ensure fair and consistent hiring practices throughout the Commonwealth.

Requirements and Procedures

- The agency must maintain electronic or hard copies of all required documents for each step within the hiring process. The documents required for audit purposes may be found under the Audit Requirements sections of the individual hiring process guidelines.
- HRD conducts regular audits of all hiring process steps. Audit results that prove to be inconsistent with the hiring process guidelines will initiate a request from HRD for complete documentation from the agency regarding specific hires. These requests will be made system reports/audits, via on-site visits, phone calls, and emails.
- HRD will also conduct regular audits of additional pay usage.
- Concerned parties will be notified when HRD determines that the agency did not follow the hiring process guidelines. HRD will work with the agency to rectify the situation and provide training, if necessary, in order to prevent future problems.
- At any time, the agency or secretariat may request HRD's assistance in correcting any hiring process steps that do not follow the hiring process guidelines.
- The Chief Human Resources Officer reserves the right to take corrective action on any hiring process step that does not comply with the hiring process guidelines. Additionally, the Chief Human Resources Officer may revoke delegation at any time.

Appendix A: Series of Management Titles

Administrator	This series is for general administrative work requiring the exercise of independent judgment in a variety of functions, the primary purpose of which is to serve the administrator's own agency or other agencies. No specific professional degree or license is required.
Fiscal Officer	This series is for those positions in which the majority of work is in the fiscal field. No specific professional degree or license is required.
Program Manager	This series is for the head, assistant or member of a department, division, bureau, section or unit of which the primary purpose is to manage a major segment of which is to serve the public. No specific professional degree or license is required.
Program Manager Specialist	This series is for professionals such as attorneys, physicians, and engineers, for which a specific professional degree or license is required to perform the functions of the position and for which no other degree can be substituted.

Appendix B: Non-Management and M1 through M4 Waiver Request Criteria for Approval

Agencies should ensure the following criteria are met prior to approving a non-management or M1 – M4 waiver request:

- Position is properly classified. An approved management questionnaire is on file at the agency for the management M1– M4 position.
- Agency has satisfied civil service requirements before offering position to the candidate.
- After ensuring that civil service requirements have been satisfied, agency needs to ensure that agency or statewide recall roster list is used (if applicable) before offering position to candidate.
- Agency obtains necessary approvals for salaries outside of guidelines.

Agencies should use the criteria listed below as a guide for approving or denying non-management and management M1 – M4 waiver requests.

- Vacancies (new hires, promotions, transfers) being filled without posting on the MassCareers system
    - Criteria for approval:
        - Candidate must meet the minimum entrance requirements of the position
        - Candidate must be hired in accordance with all collective bargaining and civil service requirements, when applicable.
        - Request must have sound justification for waiver, e.g., change of duties due to agency reorganization, candidate was previously considered for another posted vacancy within the agency, candidate is being appointed in an "acting" capacity, or candidate is going from "acting" to permanent appointment.
- Seasonal hires
    - Seasonal employment runs from May - September or November - March

    - Criteria for approval:
        - Seasonal employees cannot be working during the months of April or October unless specific language is contained in the agency's budget.
        - If language has not been added to the budget and an agency wants to hire a seasonal employee during the months of April or October, then an emergency appointment would need to be requested through HRD's Chief Human Resources Officer.
        - Candidate must meet the minimum entrance requirements of the position
- Intermittent Employees
    - Intermittent employees are employees who work less than half time with no benefits.
    - Criteria for approval:
        - Candidate must meet the minimum entrance requirements of the position
- Rehires
    - An employee returning to employment within the same agency
    - Criteria for approval:
        - Candidate must be hired into the same, equivalent, or lower title from when he/she left the agency
        - Candidate must meet the minimum entrance requirements of the position.
- Hiring additional candidates to posted vacancies
    - Agency posts a vacancy on MassCareers and requests to make additional hire(s) from the same applicant pool.
    - Criteria for approval:
        - Candidate must be from the original applicant pool
        - Candidate must meet minimum entrance requirements of the position
        - Agency must document why additional positions were not posted
        - Location of the additional position(s) must be the same as the location of the position posted.
- Converting contract employee to full-time position
    - Employee has been working in contracted capacity for the agency and the agency would like to hire the contract employee into a full-time regular position.
    - Criteria for approval:
        - The agency must ensure that the hire is in compliance with the applicable collective bargaining contract.
        - Candidate must meet minimum entrance requirements of the position
- Position posted on MassCareers, but candidate hired left position and agency wants to hire another candidate from the applicant pool
    - Criteria for approval:
        - Candidate must be from the original applicant pool
        - Candidate must meet minimum entrance requirements of the position

Appendix C: Calculating Comparable Experience for Salary Determination

Minimum Entrance Requirements (MERs)

The Minimum Entrance Requirements on classification specifications describe the minimum kind, amount, and level of experience, education, training, licensure, and other eligibility requirements needed at hire for each job title. The specification describes substitutions for required experience, if any. Older specifications describe licensure requirements in the "Special Requirements" section rather than the "Minimum Entrance Requirements" section. Both sets of requirements must be met. The candidate who just meets all of these requirements is eligible for placement in step 1 of the salary range (for non-managers) or the first salary quartile (for managers). Note that if a license is required, the MERs do not include the education or experience prerequisites for the license, since that eligibility determination is made by the licensing body.

Comparable Years of Service for Salary Determinations

Recruitment rates above step 1 of the salary range (for non-managers) or for placement within a particular salary quartile (for managers) are based on years of experience comparable to experience in the classification title. Therefore, work experience must be in addition to what was needed to be eligible for step 1 (for non-managers) or the particular salary quartile placement (for managers). The work must have been at the same or higher level as the job title to be considered comparable service. For example, many professional titles credit both paraprofessional and professional work experience toward their Minimum Entrance Requirements. Additional paraprofessional experience, however, would not be considered comparable service since it is not at the same level as the job title. Similarly, internships do not typically constitute comparable experience for recruitment rates. Each year of comparable service corresponds to one additional step beyond step 1 or, for management positions, as described in the Salary Administration Rules (Gray Book).

HRD Consultation

Please consult with your HRD account analyst for assistance in determining candidates' comparable experience or to discuss problems in recruiting and retaining qualified employees.

Appendix D: Developing Valid Qualification Requirements and Screening Procedures

Goal

The goal of the selection process is to find the person who is best able to perform the Essential Functions of the position while achieving a workforce that reflects the diversity of the Commonwealth's population. The Commonwealth promotes the diversity of its workforce through required agency Affirmative Action Plans and Diversity Plans.

Legal Requirements

In addition to meeting the goals of the agency's Affirmative Action and Diversity Plans, qualification requirements and other screening procedures must adhere to anti-discrimination law. Minimum

Entrance Requirements and required competencies on class specifications, preferred qualifications in job postings, and all policies, forms, procedures, practices, and criteria used in selecting candidates must be job-related and may not eliminate anyone from the applicant pool for reasons not directly related to ability to perform the job. The burden of proof is on the employer to prove that any device used for selection actually measures ability to perform on the job. Adverse Impact occurs when the hiring rate for women and minorities is less than 80% of that of the highest employment-achieving group. Overly inflated requirements creates an artificial barrier for otherwise qualified candidates. Similarly, requiring experience that could only be gained by a current agency employee creates a barrier to talented external candidates.

Federal Laws

- Civil Rights Act (1866, 1871, 1964 Amended 1972, 1967 Amended 1978 and 1986, 1991): It is unconstitutional to discriminate against a person because of that person's race, religion, sex, national origin, age, or disability. The Civil Rights Act of 1991 enables an employee to recover significant monetary damages if an employer discriminates in a malicious way because of physical or mental handicap, age, race, religion, sex, or national origin.
- Rehabilitation Act of 1973: Prohibits discrimination because of physical or mental impairment that limits one or more major life activities. An employer with a Federal contract exceeding $50,000 is mandated to develop and post an Affirmative Action Plan.
- Americans with Disabilities Act (ADA): Prohibits discrimination against "qualified persons with disabilities" during all employment practices including job application, hiring, firing, advancement, and compensation. Employers must provide reasonable accommodation to qualified people with disabilities in performing the essential functions of the job. Under ADA, job functions may be considered essential for several reasons, including but not limited to the following:
    1. The reason the job exists is to perform that function.
    2. There is a limited number of available employees among whom the performance of that function can be distributed.
    3. The function is so highly specialized that the incumbent is hired based on expertise or ability to perform the function.
- Immigration Reform and Control Act of 1986: It is illegal to hire people who are illegal immigrants. Employers MUST obtain proper documentation of all employees as employers are subject to a fine up to $10,000 for every illegal employee.

*Massachusetts Law: **Chapter 151B***

*EEOC Guidelines: **Uniform Guidelines on Employee Selection Procedures***

- Uniform Guidelines on Employee Selection Procedures: It is important NOT to discriminate against any group and the Burden of Proof is on the employer to prove that non-discrimination is the case. Non-discriminatory policies, practices, procedures and techniques must be used during employee selection.

- Uniform Guidelines on Employee Selection Procedures - Adverse Impact: Women and minorities must be hired at a rate equivalent to 80% of that of the highest employment achieving group. Accurate records must be kept as it is the employer's responsibility to prove that all employment decisions were fair and in compliance with all applicable statutes and laws.

Terminology

Competency: An observable behavior that contributes to successful performance. Competencies include applied knowledge, skill, and abilities.

Minimum Entrance Requirements: The minimum kind and amount of experience, education, or training through which a candidate could acquire the knowledge, skills, abilities, and other competencies needed for acceptable performance at hire.

Basic Merit Principles:

- Recruiting, selecting and advancing of employees on the basis of their relative ability, knowledge and skills including open consideration of qualified applicants for initial appointment;
- providing equitable and adequate compensation for all employees;
- providing training and development for employees, as needed, to assure the advancement and high quality performance of such employees;
- retaining employees on the basis of adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- ensuring fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, age, national origin, sex, marital status, handicap, or religion and with proper regard for privacy, basic rights outlined in M.G.L. C. 31 and constitutional rights as citizens, and;
- ensuring that all employees are protected against coercion for political purposes and are protected from arbitrary and capricious action.

Appendix E: Guidelines for Agencies not on MassCareers

Agencies that have not yet transitioned to MassCareers should continue to follow the following processes:

Posting Requirement and Procedures

- All management and non-management positions must be posted on the Commonwealth Employment Opportunities (CEO) internet site for a minimum of 14 calendar days if posted externally.
- Promotional opportunities (internal postings) must be posted internally in accordance with collective bargaining agreements and agency policy.
- The agency must comply with its diversity plan.
- The agency enters a posting on CEO. The secretariat then approves the posting. Postings for all non-management positions and management positions M1 through M4 may be launched to the

Internet by the secretariat. Please see CEO job aids for further information. Postings for management positions M5 through M12 are reviewed and launched to the Internet by HRD.

- If an agency is not receiving a satisfactory response from the CEO posting, the agency may:
    - Extend the current posting's closing deadline on the CEO within the 14-day posting period; or
    - Repost the position following the 14-day posting deadline by creating a copy of the inactive CEO posting; or
    - Advertise the position in external locations.
- Please refer to the appropriate CEO job aids for posting positions, extending deadlines and reposting positions on CEO.

Waiver Requirements and Procedures

- All positions should be posted in order to encourage an open, fair and transparent hiring process. The agency and/or secretariat may, on an exception basis, request a waiver from the posting process based on a documented business need (i.e. internal promotion, specialized skills, etc).
- The agency and/or secretariat must secure approval via the waiver process for any position NOT posted on the CEO.
- The agency can seek a waiver of the non-management and management positions M1throughM4 posting process through its secretariat. HRD has a non-management and management M1 - M4 waiver request form that agencies/secretariats may wish to use as a model. Please see Appendix B: Non-Management and Management M1 – M4 Waiver Requests - Criteria for Approval for details on requesting and/or processing non-management and management M1 through M4 waivers.
- The agency must enter a waiver into the NIH system for all M5 through M12 hires, promotions, transfers, and demotions into positions that were not posted on the CEO. Justification for why the agency is requesting a waiver of the posting process must be included in the NIH. Prior to entering M5 – M12 waiver into the NIH system the agency must obtain secretariat approval of the waiver.

Selection Requirements and Procedures

- The following requirements, which are available on the Civil Service homepage, apply to non-management hires and have precedence in the order shown below:
    1. Civil Service Reinstatement List (administered by the agency)
    2. Civil Service Re-employment List
    3. Department Promotional Civil Service List
    4. Open Competitive Civil Service List
    5. Collective Bargaining Recall List
    6. Internal and external posting
- Please refer to the appropriate contact for posting and promotional requirements for non-management positions covered by collective bargaining.
- The Model Hiring Plan provides detailed guidelines on:

- developing and applying screening criteria,
- developing a recruitment plan,
- preparing a job posting,
- conducting and scoring structured interviews,
- candidate selection and reference checks,
- sample forms.

- Agencies may reference Appendix D: Developing Valid Qualification Requirements and Screening Procedures for key laws, guidelines, and terminology that apply to screening and selecting candidates.
- All candidates selected for interview must complete the Commonwealth Employment Application. This form includes disclosure of family relationships with other state employees as required by Executive Order 444 (Sunshine Policy).
- The agency develops screening criteria that directly relate to the essential functions of the position.
    - The agency develops screening criteria for the vacancy announcement, including the minimum entrance requirements defined on the HRD class specification and any special requirements for the individual position. This announcement is used in the recruitment process.
        - The agency uses these screening criteria on a pass-fail basis to determine whether the candidate is eligible for consideration.
    - The agency develops additional screening criteria based on the competencies most critical in performing the essential functions of the position.
    - The agency determines how these will be used to narrow down the number of candidates to be interviewed.
    - The agency determines interview questions and the scoring process that will be used to rank qualified candidates.
        - The agency selects the interviewer(s) and determines which questions will be asked.
- The agency conducts the screening. It is important to provide reasonable accommodation to candidates during the screening process. Based on the type of position to be filled and the number of candidates, the process normally consists of the following steps:
    1. The agency conducts an initial screening to determine whether candidates meet the qualification requirements set forth in the vacancy announcement.
    2. The agency then identifies the candidates to be interviewed. When contacting those selected for interview, the agency includes a request to complete the Commonwealth Employment Application prior to the interview. The agency may, however, elect to have only the final group of candidates selected in the first interview complete this form.
    3. The agency conducts the first interview and may conduct subsequent interviews as deemed necessary. The interview process may begin during the posting period.

- The agency checks references. Agencies do not need to verify all experience claimed by the candidate though it is best practice to check references from the previous employer and supervisor.
- The agency verifies education and licenses/certifications of the selected candidate. The agency should use primary source verification for all licenses/certifications, regardless if they are required for the job.
- The agency makes a conditional offer of employment to the candidate selected.

Appointment Process: Management

Secretariats approve all management appointments for managers M1 through M4 within their constituent agencies. HRD must process the appointment of all managers M5 through M12.

Requirements and Procedures

- The agency Diversity Officer, agency head (or designee), secretariat Human Resources Director, secretariat Director of Diversity, and the cabinet level secretary/designee sign off and approve management hires in levels M1 through M4.
- The agency Diversity Officer, agency head (or designee), secretariat Human Resources Director, secretariat Director of Diversity, and the cabinet level secretary/designee sign off on management hires in levels M5 through M12; however, HRD processes the appointment of managers M5 through M12.
- Employment checks are required for all M5 through M12. Employment checks must be done pre-hire for M9 through M12 and may be done post-hire for M5 through M8. For additional information, please refer to the Employment Check Guidelines.
- A new employee who is going to have a post-hire employment check must complete an Employee First Day Declaration Form and Employee Acknowledgement Form.
- Once salary requirements are resolved, the agency enters the prospective hire in Notice of Intent to Hire (NIH) for secretariat approval. All NIHs are required to include the position functional title.
- The secretariat approves all NIH entries for management levels M1 through M4 according to the NIH Guidelines. HRD processes the appointment of managers M5 through M12 in NIH and, once approved, notifies the agency and secretariat.
- Prior to appointing a candidate to a management position, the agency confirms that a functional title is assigned to the position in HR/CMS. Wherever possible, the agency should choose a functional title from the benchmark management job title listing.
- For candidates who are transferring from another Executive Branch agency or another branch of government agencies should refer to the Transfer of Benefits guidelines.
- Once all approvals are in place, the agency appoints the employee in HR/CMS. For assistance please see the HR/CMS Knowledge Center.

Acting Appointments

Requirements and Procedures

- The agency must identify an Excess Quota (EQ) or Sick Leave (SL) position for use in the acting appointment.
- The agency must ensure the candidate meets the MERs.
- For non-management and levels M1 through M4, the agency can approve via a defined internal process.
- For levels M5 through M8 acting appointments must be entered into the NIH system and a current resume must be submitted to their HRD Account Analyst. HRD will review for compliance with acting pay guidelines and once approved, the HRD Account Analyst will lift flags and notify the agency. No employment check is necessary for M5 through M8 acting appointment.
- For levels M9 through M12 acting appointments must be entered into the NIH system and a current resume must be submitted to their HRD Account Analyst. Employees will need to complete an employment check prior to NIH approval. Once the NIH is approved, the HRD Account Analyst will lift flags and notify the agencies.
- For managers, acting appointments must be for at least eight weeks and should not exceed six months.
- Non-management acting appointments should not exceed six months.
- Acting appointments are only allowed when performing the duties of a vacant position of a higher position.
- Acting appointments should only be used to support a critical business need and should not be used as a succession planning tool.
- For non-management acting appointments, the promotional increment must be followed as outlined in the appropriate **Collective Bargaining Agreement.**
- For managers, acting pay should be up to 7.5% of the employee's current salary.
- Acting appointments outside the parameters detailed in this section must submit a request to HRD.
- HRD will audit the use of EQ and SL positions to ensure compliance with the Acting appointment policies.
- Non-managers acting in management positions may elect to continue to have their union dues deducted and remain in a union sponsored Health and Welfare dental/vision insurance plan without a break or change in coverage. Agencies must notify the union that the employee has elected to continue coverage to ensure that dental/ vision coverage is not discontinued. Union dues deductions must be terminated if the acting manager elects GIC dental/vision coverage.