HUMAN RESOURCES DIVISION
CIVIL SRVICE UNIT

GENDER-BASED SELECTIVE CERTIFICATION

Massachusetts General Laws, Chapter 31, § 21, provides that the Personnel Administrator may limit eligibility for appointment to any civil service position based on gender if the duties and responsibilities of such position clearly and unequivocally so require.

Requests for such gender-based selective certifications are carefully reviewed by the Human Resources Division (HRD) to ensure that such gender based selective certification is valid and job-related.

To initiate HRD's review of a gender-based selective certification request, the Appointing Authority must file a completed gender-based selective certification Questionnaire documenting such need. The completed questionnaire and any supporting documentation is then analyzed by HRD.

HRD will review the documentation to determine that there is sufficient information to establish that the employer has a bona fide occupational qualification ('BFOQ') to justify the use of single sex hiring practices. The employer must explain the reasons for hiring one gender in particular and must provide specific fact-based information.

Three types of information must be included to support a BFOQ analysis:

1. The factual basis for believing that all or substantially all males would be unable to safely and efficiently perform the duties of the position at issue.
2. The Appointing Authority's operation would be undermined by not hiring females exclusively.
3. The Appointing Authority could not accomplish its goals by adopting a less discriminatory practice.

If the request is justified, HRD will issue a selective certification and will notify the MCAD of its issuance. If the request is lacking sufficient information to support the request HRD will notify the Appointing Authority.

Selective certifications have, in the past, been requested and approved for female public safety officers to allow municipalities to have sufficient shift coverage to ensure the privacy rights of clients within such categories as rape crisis intervention, transportation of female prisoners and search of female prisoners.

Questions relative to the selective certification process may be addressed to Human Resources Division, Civil Service Unit at **civilservice@mass.gov**

HUMAN RESOURCES
DIVISION
GENDER-BASED SELECTIVE CERTIFICATION QUESTIONNAIRE

The following information must be submitted to HRD in documentation of this request for a gender- based selective certification. Please provide answers to all questions, including all subsections of #4. HRD encourages the Department to provide data, statistics or documentary evidence where available in support of the request.

MUNICIPALITY: _____ DEPARTMENT: _____
POSITION TITLE: _____ NO. of VACANCIES: _____
REQUISITION NUMBER: _____

1. Total number of employees in this Department: _____
   Total number of MALES employed in the position: _____
   Total number of FEMALES employed in this position: _____

2. Total number of employees in this position title: _____
   Total number of MALES employed in the position: _____
   Total number of FEMALES employed in this position: _____

3. Identify other positions in the department that have similar duties to the position in question. Total number of employees in this/these position(s): _____
   Total number of MALE employees in this/these position(s): _____
   Total number of FEMALE employees in this/these position(s): _____
   Mutual aid from other departments: _____

4. There are **three types** of information required in a BFOQ analysis:

   1. The factual basis for believing that all or substantially all males would be unable to safely and efficiently perform the duties of the position at issue.
      a. Written job descriptions or affidavits (sworn statements) describing the specific job position.
      b. Any other information to support Employer's argument that responsibilities in this job position can only be performed by females in a "safely and efficiently" manner. This type of information in particular should include:
         i. Duties related to privacy concerns (for example, rape investigations, strip searches);
         ii. How much time a female employee would spend on these duties;
         iii. If current staff members in other positions, such as matrons, perform these duties;
         iv. Duties involving safety of females and how frequently those duties are performed;
         v. Any historical data proving that male officers have been unable to safely and efficiently perform these duties in the past.

2. The Appointing Authority's operation would be undermined by not hiring females exclusively. The Employer will be required to provide sufficient evidence to show that the functions of the department will be weakened or disadvantaged if female employees are exclusively hired for the position.
    a. Historical data indicating that the Employer's business of operation has been undermined or weakened by non-gender based hiring practices.
    b. Any data-supported projections, plans or predictions regarding the Employer's ability to operate in future absent a selective certification for hiring female employees.
3. The Appointing Authority could not accomplish its goals in any other way.
    a. The details of the Employer's efforts to explore alternatives to selective certification of female candidates.
        i. Recruitment efforts directed at female veterans, and other qualified female candidates, and
        ii. The use of a cadet training program.
    b. Any data the Employer has gathered which reflect the results of their recruitment efforts.

Name of Contact Person: _____

Title	E-mail Address
Appointing Authority Signature & Title	Date

ATTACH COMPLETED QUESTIONNAIRE AND ANY DOCUMENTATION TO THE CIVIL SERVICE ONLINE REQUISITION