

## **Rule # 5-40**

### **Appointment Procedures**

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#### **§ 5-40-010 Responsibility for Employment Lists**

- A. Eligible lists of candidates for employment will be maintained by the departments that established the recruitments and lists.
- B. Recall and transfer lists will be maintained by Central Human Resources for all classified job profiles.

#### **§ 5-40-020 Types and Order of Candidate Lists**

- A. Recall Lists: Unless a collective bargaining agreement specifies otherwise, these are established by classification and contain the names of regular status employees who, due to a reduction in force, have been laid off, demoted, reassigned to a lateral classification, or reassigned from full-time to part-time status. An employee who accepts a transfer or elects to retire will not be placed on recall lists.
  - 1. When filling a vacancy, names from the recall list will be considered ahead of candidates on all other lists. A manager is not required to offer a position to an employee who lacks specific skills or knowledge if such skills or knowledge are not easily learned on the job within the normal orientation period. If the manager, Department Human Resources staff, and the employee mutually determine that the employee does not have the required skills or knowledge required for a position, the Department Human Resources staff must state in writing what qualifications required for the position the employee lacks and send to Labor Relations for review prior to denial. The employee's name will remain on the recall list for certification to other vacancies during the balance of the eligibility term.
  - 2. When an employee declines an offer of recall, the employee's name will be removed from that recall list.

B. Transfers, Demotions, Reinstatement following Demotion or Separation:

1. Transfers: An employee may be reassigned or request reassignment from one position to another position in the same job profile and must meet classification minimum qualifications. Such transfers are subject to restrictions contained in the collective bargaining agreements.
2. Central HR will maintain two (2) Countywide transfer lists: a Class Transfer List and a General Transfer List.
  - a. Class Transfer lists will contain the names of classified employees seeking transfers from one position to another position in the same job profile.
  - b. General Transfer Lists will contain the names of qualified employees requesting:
    - i. A transfer to a position in another job profile having a pay range with the same top step and similar qualifications; or a voluntary demotion to a job profile with a lower pay range; or
    - ii. Reinstatement following voluntary demotion to the job profile from which demoted, or if abolished, an equivalent job profile, or to a previously held job profile; or
    - iii. Regular employees who separated from County service in good standing may request reinstatement within one (1) year of separation from regular County service to the same or a previously held job profile, or if abolished, an equivalent job profile. Employee eligibility is one (1) year from date of separation and not renewable.
3. No employee will be transferred from a position in one job profile to a position in another job profile with the same maximum pay rate for which there are substantially dissimilar requirements for appointment unless the employee meets the position requirements.
4. Any reassignment of an employee from a position in one job profile to a position in a job profile with a lower pay range will be considered a demotion and will be made only in accordance with the discipline procedure unless an employee has voluntarily requested a demotion.
5. Unless covered by the provisions of a collective bargaining agreement, names of persons requesting transfer will appear on the transfer list for the appropriate classification in alphabetical order without score. Transfer lists may be certified to managers along with external, open until filled or internal lists. Transfer requests must be processed in accordance with applicable collective bargaining agreements.

6. Upon appointment to a new regular position, employees who transfer, demote or are reinstated following a voluntary demotion will serve a trial service period of one hundred and twenty (120) calendar days to demonstrate the employee's ability to fulfill the requirements of the position. Employees who are being reinstated following separation are subject to the applicable probationary/trial service period in MCPR § 2-15-020 and may be removed during probation.
  7. Employees; who are serving a probationary/trial service period at the time of transfer or demotion are required to complete their probationary/trial service period and may be required under the terms of the applicable collective bargaining agreement to serve a new probationary/trial service period. If the employee does not satisfactorily fulfill the requirements of the new position, such employee will be returned to their previous position.
- C. Internal Lists: These lists are established by job profile and consist of the names of candidates for classified positions who meet the minimum qualifications for the job profile and specific requirements of the position, and have passing scores or ranks based on the assessment method used. Eligible candidates may be applying for promotions, demotions or transfers.
- D. External and Open Until Filled Positions: These lists are established by job profile and consist of the names of all candidates for classified positions who meet the minimum qualifications for the job profile and specific requirements of the position and have passing scores or ranks based on the assessment method used.
- E. When scores are given, the lists of names of eligible candidates will be in the order of their scores. Names will appear in alphabetical order on lists for which no scores were given.

#### **§ 5-40-030 Duration of Eligible Lists or Eligibility**

Lists may be of fixed duration or designated as open until filled.

- A. Recall Lists. The term of eligibility on the recall list is eighteen (18) months from the date a name is placed on the recall list or for the period indicated in the applicable collective bargaining agreement.
- B. Class Transfer List. Employees will submit requests to be on the transfer list in the manner specified by Central HR. Names will remain on the list for one (1) year. Eligibility may be renewed annually.
- C. General Transfer List (except reinstatement following separation: see (D) below). Employees will submit requests to be on the transfer list in the manner specified by Central HR. Names will remain on the list for one (1) year. Eligibility may be renewed annually.

- D. Reinstatement Lists. The term of eligibility to remain on a reinstatement list is one (1) year from the date of layoff or reassignment to a lower classification. Regular employees who are still employed by the County may renew their eligibility on the reinstatement list annually. Regular employees who separated from County service in good standing are eligible for reinstatement for one (1) year following the date of separation and may not renew their eligibility.
- E. Internal, External, and Open until Filled Lists. These lists are established by job profile. The department managing the recruitment announcement will specify the duration of the list. The beginning date will be the date names are initially placed on the list. The term of eligibility for placement of names on the list will be up to two (2) years from the date of application.

#### **§ 5-40-040 Abolition of Lists**

Lists may be abolished prior to their normal expiration date for the following reasons:

- A. All candidates have been interviewed and found not acceptable for documented job related reasons; or
- B. The list was illegally constituted; or
- C. The list is comprised of fewer than five (5) candidates for each vacancy; or
- D. The job profile for which the list was established has been abolished, or the minimum qualifications for the job profile have changed; or
- E. Any other business-related reason approved by the Multnomah County Chief Human Resources Officer.

When a list is abolished, all remaining candidates will be notified and may reapply for the new recruitment.

#### **§ 5-40-050 Certifications And Referral of Eligible Names**

- A. Upon notice that a position in the classified service will be filled, the names of the highest-ranking eligible candidates from lists for the job profile to which the position is allocated will be submitted to the hiring manager. Names may be submitted from a list for another job profile equal to or higher than the position, provided that the candidates have demonstrated the necessary qualifications for the position. Candidates from active recall lists will be considered prior to those qualified by assessment.
- B. The hiring manager may require that only candidates with specific position related experience, education, skill or ability and availability for the location and work schedule be certified. The following method will be used to certify eligible names from the list to meet the requirements for the position:

1. When scores are given to each candidate, a minimum of the three (3) candidates with the highest scores, or all scores if fewer than three (3), who have the knowledge, skills, and abilities required, and who are available for the location and work schedule of the position will be certified for each vacancy. All names with the same rank or score will be included. At the department's discretion, candidates whose names have been referred from an eligible list within the previous five (5) business days, may not have their names submitted to another vacancy during that period of time.
2. When candidates are self certified or are otherwise without score, all candidates who have the knowledge, skills and abilities, and who are available for the location and work schedule of the position will be certified for each vacancy. Departments have the option of conducting subsequent assessments and then giving scores to candidates certified to a list.
3. When the number of eligible candidates on a non-scored or self-certified list exceeds twenty-five (25), departments have the option, using the County's applicant tracking system or a scientifically accepted method, of selecting for interviews a random number of candidates from the list of eligibles. A minimum of the top three (3) randomly selected individuals must be considered.
4. If a list contains fewer than five (5) certified candidates, the entire list may be submitted.
5. Under Oregon Veterans Preference law ([ORS 408.225 to 237. ORS 408.497](#)), all veteran applicants who meet the minimum qualifications for a position must be interviewed.

C. Subject to provisions of the applicable collective bargaining agreements, names of transfer candidates who meet the knowledge, skills and abilities for the position, and who are available for the location and work schedule of the position will be provided to the hiring manager.

#### **§ 5-40-060 Consideration of Candidates**

Candidates shall be considered after either an interview or review of all application material as required.

- A. Hiring managers are responsible to partner with Department Recruiters to implement equity based interview practices, such as sending the interview questions ahead of time, ensuring a diverse panel, etc.
- B. The hiring manager is responsible for contacting candidates for interviews and may further assess candidates for the position. When a certificate of eligibles is issued in

order from the highest to lowest score, candidates for interviews will be selected in that same order, unless otherwise required by law.

- C. When an issued certificate of eligibles contains tied scores, all candidates with that score will be considered if one (1) candidate with that score is considered, or if not scored or self-certified, all candidates will be interviewed unless there are over twenty-five (25) candidates.
- D. If names are certified on a scored list, all candidates with higher scores than the person hired must be considered. If names are certified without scores, an attempt must be made to contact all candidates on the list provided to the hiring manager.
- E. In accordance with the Gladys McCoy Standard ([Multnomah County Resolution No. 2018-114](#)), when a competitive recruitment is utilized for an unclassified Department Director, Deputy Director, or other senior leadership position as determined by the Chair, reasonable efforts will be made to interview the highest qualified candidates of color and underrepresented communities within the workforce.
- F. When the initial attempt to contact a candidate is unsuccessful, a candidate will not be determined to be unavailable until:
  - 1. Written notice has been emailed to the candidate requesting to schedule an interview appointment within five (5) calendar days of the email; or
  - 2. Two (2) attempts on separate days have been made to contact the candidate based on the contact information listed on their application, including but not limited to voice mail messages, emails, text messages, and/or U.S. mail, requesting to schedule an appointment within three (3) business days.
- G. When the hiring manager has selected the final candidates, the recruiter will draft the conditional offer of employment letter in the system, contingent upon successfully completing the following:
  - 1. Check references. Compensation decisions for initial appointment to County employment will not be based on a candidate's current or past compensation with current or former employers. Compensation includes wages, salary, bonuses, benefits, and fringe benefits.
  - 2. Conduct criminal history checks as may be required for the position.
    - a. Except as provided in § 5-40-060 (E)(2)(b) below, criminal history checks can only be conducted after an initial interview or after a conditional offer of employment is made if there is no interview conducted.

b. The requirement that criminal history checks come after an initial interview or conditional offer of employment does not apply in the following circumstances:

- i. If federal, state, or local law, including corresponding rules and regulations, require the consideration of a candidate's criminal history;
- ii. When the position with the County is in a law enforcement agency or the criminal justice system; or
- iii. When the County is seeking a non-employee volunteer.

3. Conduct other background investigations as may be required for the position.

H. It is generally the hiring manager's responsibility and discretion to make the final hiring decision. A variety of factors may affect the hiring decision i.e. panel feedback, Veterans Preference, reference and background checks, balance of skills on the team, bumping and layoff rules. The hiring manager should consult with their Department Human Resources Unit and Department Equity Manager or Team on how those factors impact their hiring decision.

I. After the hiring manager has selected the finalist, the manager will order drug testing if required for the position.

#### **§ 5-40-070 Closing the Recruitment Process**

A. Results of the recruitment must be entered into the applicant tracking system by the hiring department.

B. Candidates interviewed will be notified of the results of the interview process by the hiring department.

C. The department must retain recruitment records for appointments to classified and unclassified positions for three (3) years. Each file will include individual applications, tests utilized, scores given, a certificate of eligibles list, interview notes, and other relevant information.

#### **§ 5-40-080 Notification of Appointment Status**

A. All newly appointed employees will be notified in writing of their appointment status and the end date of their probationary/trial service period or appointment.

B. Classified employees appointed or reclassified to an unclassified County position must submit a signed statement to the department human resources unit acknowledging notice that they are waiving their classified status as required in [MCC § 9.120](#).

## **REFERENCE**

[ORS 408.225 to 237, ORS 408.497](#)

[Multnomah County Code Chapter 9](#)

[Multnomah County Resolution No. 2018-114](#)

MCPR 2-15 Employee Status

MCPR 5-30 Appointments