

## Selection of Applicants

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### Policy

All agencies shall select from the pool of most qualified persons to fill vacant positions. Employment shall be offered based upon the job-related qualifications of applicants for employment using fair and valid selection criteria and not on political affiliation or political influence.

Definition: Political affiliation & political influence: For the purposes of this policy, political affiliation is the membership in, participation in, or support of, a particular political party, group, or candidate. Political influence occurs when political affiliation impacts the decision to hire or not to hire and the selection decision was not based on fair and valid selection criteria

The selection of applicants for vacant positions shall be based upon a relative consideration of their qualifications for the position to be filled. Using fair and valid selection criteria, the agency shall review the credentials of each applicant and determine who possesses the minimum qualifications. From those applicants who meet the minimum qualifications, a pool of most qualified candidates shall be identified. The pool of the most qualified candidates shall be those individuals determined to be substantially more qualified than other applicants. The individual selected for the position must be chosen from the pool of most qualified applicants.

Selection procedures and methods shall be validly related to the duties and responsibilities of the vacancy to be filled. The Office of State Human Resources will

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provide technical assistance, upon request, to agencies wishing to design or review selection procedures.

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### Written Notification to Applicants

After making the selection decision, the agency shall provide timely written notice of non-selection to all unsuccessful candidates in the most qualified pool. In making the selection determination of minimally qualified and most qualified, policies regarding priority consideration must be applied. (See Priority Reemployment Consideration Policy in this section.)

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### Appeals

- A State employee or applicant for State employment who believes that he or she was denied selection because of harassment, discrimination or retaliation may appeal first through the informal EEO inquiry process and then through the agency grievance procedure.
  - A career State employee who believes he or she was denied priority consideration as a State employee for promotion may appeal through the agency grievance procedure.
  - A State employee or applicant for State employment who believes that he or she was denied a reduction in force priority in violation of law may appeal through the agency grievance procedure.
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### Applicant Information

Applicants must furnish true, accurate, and complete information and documentation. When an agency discovers that an applicant provided false or misleading information on a State application, or its equivalent, the following shall occur:

- (1) When an agency discovers, prior to employment, that an applicant provided false or misleading information in order to meet position qualifications, the applicant shall be disqualified from consideration for the position in question.
- (2) When an agency discovers, after employment, that an employee provided false or misleading information or concealed employment history or other required information

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significantly related to job responsibilities, but not used to meet minimum qualifications disciplinary action is required and shall be administered in accordance with the following criteria:

- Disciplinary action, up to and including dismissal, shall be taken, but the severity of such action shall be at the discretion of the agency head.
- The agency head's decision, while discretionary, shall consider: the effect of the false, misleading or concealed information on the hiring decision, the advantage gained by the employee over other applicants, the effect of the false information on the starting salary, and the advantage gained by employee in subsequent promotion and salary increases. Job performance shall not be considered in such cases, nor can decisions be made on the basis of race, creed, color, religion, national origin, sex, age, disability or political affiliation.

(3) When an agency discovers that an employee was selected based on false or misleading work experience, education, registration, licensure or certification information in order to meet position qualifications, the employee shall be dismissed, regardless of length of service.

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### Verification of Credentials

The employing authority shall verify the validity of academic and professional credentials and the accuracy of data contained in the application information and documentation provided by each new employee within 90 days from the date of the employee's initial employment. The agency shall inform applicants in writing at the time of selection that credentials must be verified within 90 days of initial employment and prior to the granting of a permanent or time-limited permanent appointment.

Advisory Note: Credentials that are required to be verified are (1) the highest post-secondary degree in all cases and (2) registrations, licenses, certifications, and work history that are used to qualify or set the salary of an applicant.

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### EMPLOYMENT LIMITATIONS

#### Age Limitations

The Fair Labor Standards Act sets 14 as the minimum age for most non-agricultural types of work but limits the number of hours that may be worked for minors under age 16. It also prohibits minors under age 18 from working in any occupation that is deemed to be hazardous. Agencies should review the Child Labor provisions in the FLSA if questions of minimum age arise.

(Website: <http://www.dol.gov/dol/topic/youthlabor/agerequirements.htm>)

Advisory Note: North Carolina State government is not subject to the North Carolina Department of Labor laws and, therefore, does not require an Employment Certificate as issued by the Department of Social Services.

Law Enforcement Officers must be at least 20 years of age.

Maximum Age - There is no maximum age for employment.

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#### Employment of Relatives (Nepotism)

Members of an immediate family shall not be employed within the same agency if such employment will result in one member supervising another member of the employee's immediate family, or if one member will occupy a position which has influence over another member's employment, promotion, salary administration or other related management or personnel considerations. This includes employment on a permanent, temporary, or contractual basis. The term immediate family includes wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson and granddaughter. Also included is the step-, half- and in-law relationships based on the listing in this Paragraph. It also includes other people living in the same household, who share a relationship comparable to immediate family members, if either occupies a position which requires influence over the other's employment, promotion, salary administration or other related management or personnel considerations.

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#### Employment of Aliens

The State is permitted to hire only properly identified U.S. citizens and aliens with proper work authorization from the Department of Homeland Security, Bureau of U.S. Citizenship and Immigration Services.

## Selection (continued)

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*See Immigration/Employment of Foreign Nationals Policy.*

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### **Federal Military Selective Service Act**

State law requires selected applicants to indicate if they are in compliance with the Federal Military Selective Service Act. Failure to comply with the registration requirements bars a person from State employment.

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## **SPECIAL EMPLOYMENT AND REEMPLOYMENT CONSIDERATIONS**

### **Priorities**

Priority for vacant positions shall be given to:

- Employees separated from exempt policy-making/confidential positions or exempt managerial positions for reasons other than just cause (*See Priority Reemployment for Exempt Policy-Making/Confidential and Exempt Managerial Employees*);
- Employees separated from exempt managerial positions as a result of a violation of G.S. 126-14.2 (*See Priority Reemployment for Exempt Managerial Employees Removed from Positions for Violations of G.S. 126-14.2*);
- Employees notified of or separated by reduction in force (*See Priority Reemployment Consideration for Reduction-in-Force Employees*);
- Employees returning from workers' compensation leave (*See Workers' Compensation Policy*);
- Career State employees seeking promotions (*See Promotional Priority*); and
- Eligible veterans (*See Veterans' Preference Policy*).

The Office of State Human Resources provides a monthly Priority Reemployment Inventory for reduction-in-force employees and employees separated from exempt policy making/confidential and exempt managerial positions. (*See Priority Referral System*) The agency shall be responsible for assuring that these priorities, as well as the other priorities, are appropriately administered. If priority reemployment applicants are available, the appropriate priority must be afforded.