

CHAPTER 5

Recruitment and Examination

To the extent that any provisions of these Regulations conflict with the terms of a Collective Bargaining Agreement (CBA) in effect between the County and an exclusive bargaining representative, the terms of the CBA shall control.

5.1 Overview of the Process

- 1 By law, appointments to positions in the competitive service of Fairfax County must be on a competitive basis, free of discrimination on the basis of race, color, national origin, religion, sex, age, political affiliation, disability, pregnancy or related medical conditions, gender identity, sexual orientation, genetic information, military status, and on the basis of ability, training and experience of the appointees which fit them for the work which they are to perform.

- 2 To accomplish this end:
 - a. Positions in the competitive service are advertised periodically in a manner designed to reach a broad sector of qualified potential applicants. Applications are accepted for an individual position or specified group of positions.

 - b. In the case of positions for which vacancies occur with some frequency or periodically in large numbers, applications may be accepted at intervals for specific classes rather than for specific positions and qualified applicants may be placed on eligibility lists and certified from such lists for consideration by department heads or deputies as vacancies occur;

 - c. Applicants are selected from certification lists for further screening, which usually includes either a personal or panel interview.

 - d. Applicants are screened through a variety of processes which usually includes either a personal or panel interview and may include written, oral, and performance testing, and evaluation of education and experience. The best qualified are certified for only those positions advertised.

 - e. Family members, members of households and extended relationships (as defined in Chapter 2) of an applicant/employee shall not participate in any part of the screening or selection process (including development of the process) in which the applicant/employee is on the eligible list.

 - f. Successful applicants are appointed and serve a one-year probation period.

- 3 When an adequate number of well qualified potential applicants for a position exist within the competitive service, competition may be restricted to County employees unless doing so would create or perpetuate a serious imbalance of the work force in terms of race or sex, in which case the position will be advertised for open competition. However, when there are an adequate number of well qualified applicants for a particular position in an agency, the Human Resources Director may restrict admission to the examination for that position to current employees of the department.
- 4 The Human Resources Director is responsible for all aspects of the recruitment and certification process, except those aspects delegated by him/her to department heads as authorized in these regulations; and for ensuring that all appointments to positions in the competitive service comply with the Merit System Ordinance and these regulations. Periodically, the Human Resources Director will offer training on laws, regulations and techniques pertinent to interviewing potential employees.
- 5 Any applicant who believes that his/her failure to receive an appointment was the result of illegal discrimination as defined in the Merit System Ordinance has certain appeal rights defined herein.

5.2 Announcement of Vacancies

- 1 In the interest of minimizing delay in filling vacancies, department heads or designee should inform the Human Resources Director of actual or impending vacancies as soon as this information becomes available.
 - a. This is accomplished by reviewing and updating the class specification and position description, as needed, in advance of submitting an on-line personnel requisition to advertise the vacancy.
 - b. Once the class specification and position description have been reviewed and approved, the department shall submit an on-line personnel requisition including a position number, job description, physical requirements, number of vacancies, a list of special or preferred qualifications, required background checks, supplemental questions for screening the preferred qualifications, the selection procedure to be used, and the length of the announcement.
 - c. A vacancy may be advertised and applicants certified before the vacancy occurs, but no appointment may become effective more than three pay periods before the position is vacant unless dual encumbrance has been authorized by the County Executive or his/her designee.
- 2 The announcement period for job vacancies shall be at least two weeks unless otherwise authorized by the Human Resources Director, or designee.

- a. If, in the opinion of the Human Resources Director, or designee, there is an adequate pool of potential applicants and there is an urgent need to fill the position the announcement period may be reduced to one week but in no case shall the announcement period be less than five business days.
 - b. Except for public safety uniformed jobs, the Human Resources Director may accept applications after the closing date if the eligibility or certification list for a position has not been issued.
 - c. Positions for which a continuing need for applicants exists or for which recruitment is particularly difficult may be announced with an open or indefinite closing date, and applicants may be placed on an eligibility list or certified at any time after the announcement has been open for five business days.
- 3 Each announcement of a vacancy shall include information on the position (e.g., number of vacancies, title, salary, duties, minimum and preferred qualifications, supplemental questions, screening process, closing date) so applicants have sufficient information to be able to consider whether to apply for the position.
 - 4 Job announcements shall be available through multiple online sources and may include printed communications, which are likely to reach a large and varied population.

5.3 Evaluation of Applicants

- 1 The Human Resources Director or his/her designee may investigate any applicant's statements regarding their qualifications and experience to ensure their accuracy and completeness.
- 2 The content of all evaluations, including interviews, shall be based on bona fide occupational qualifications pertinent to the duties to be performed. Department heads or deputies shall ensure that all interviewers are aware of legal restrictions on the types of questions, which may be asked of applicants.
- 3 The Human Resources Director may delegate some or all of the actions described in this section to department heads.

5.4 Disqualification of Applicants

- 1 In addition to failure to meet basic qualifications, a finding of any of the following facts may be cause for rejection of an applicant.
 - a. The applicant has falsely stated any material fact or has attempted to practice deception or fraud in his/her application.

- b. The applicant has any disqualifying condition (mental or physical); although the mere finding of such shall not be disqualifying if reasonable accommodation can be made.
- c. The applicant currently is a substance abuser, except that a history of substance abuse shall not in itself disqualify a person in recovery.
- d. The applicant has been found guilty of a felony, misdemeanor, or crime involving moral turpitude, or has committed disgraceful conduct, such as to render him/her presently unfit, in the judgment of the Human Resources Director, for a position in the class for which he/she is applying or for County service.
- e. The applicant has a recent record of previous unsatisfactory service in County employment or elsewhere of such a nature as to demonstrate unsuitability for employment in a position of the class for which he/she is applying.
- f. The applicant has used or attempted to use, prior to, during or subsequent to the examination, fraud or pressure of any kind for the purpose of bettering his/her grade on the examination or to obtain certification to any position.
- g. The applicant has received a dishonorable discharge from the Armed Forces resulting from conviction by a general court martial for an offense which renders him/her presently unfit, in the judgment of the Human Resources Director, for a position in the class for which he/she is applying or the County service.
- h. The applicant has received a bad conduct discharge from the Armed Forces resulting from conviction by a special court martial for an offense which renders him/her presently unfit, in the judgment of the Human Resources Director, for a position in the class for which he/she is applying or for County service.

-2 When such finding is made, the Human Resources Director may reject the application and may cancel the eligibility of the applicant if he/she already has been certified or has attained a place on an eligible list. In the event the applicant has already received an appointment, the Human Resources Director may take appropriate action to remove him/her from the County service. The applicant shall be informed in writing of the action taken under this provision and of the reason therefore, and shall be advised of the method of appeal outlined in the following subsection.

-3 Any person whose application is rejected by order of the Human Resources Director, whose eligibility is canceled or who is removed from any position under the provisions of this rule may make a written request to the Human Resources

Director for reconsideration, giving his/her reasons therefore, within fifteen business days of the date on which he/she received notice of this action. The decision of the Human Resources Director is final, except that an employee in the competitive service who is dismissed in accordance with this section after having completed his/her initial probationary period may grieve his/her dismissal under the provisions of Chapter 17.

5.5 Investigations and Fingerprinting

- 1 Department heads or their designees are responsible for verifying references and claimed veteran status or status as a person with a disability of prospective appointees.
- 2 Investigations of the backgrounds of candidates for public safety positions will be conducted by the various public safety agencies. The backgrounds of candidates for other sensitive positions may be investigated at the request of a department head or designee with the concurrence of the Human Resources Director.
- 3 Selected candidates receiving a conditional offer of employment in a sensitive position will be fingerprinted and the prints forwarded to the Federal Bureau of Investigation for checking against its records. Any such candidate who refuses to be fingerprinted shall be disqualified. Candidates with a conviction or convictions on their record that are incompatible with the nature of employment in the sensitive position may be denied employment and the conditional offer of employment rescinded.
- 4 Selected candidates receiving a conditional offer of employment into a position identified by the agency director as a position of trust shall be required to submit for a credit check. Any candidate who refuses to do so shall be disqualified and the conditional offer of employment shall be rescinded. The agency director or designee shall review credit reports of candidates who receive an unfavorable report and take action in accordance with Personnel/Payroll Administration Policies and Procedures, Memorandum No. 56, Credit Check Requirements for Positions of Trust.
- 5 All appointees will be required to present evidence of United States citizenship or, in the case of non-citizens, evidence of eligibility to work in the United States as required by law. All appointees who have claimed veteran status or status as a person with a disability will be required to present evidence of the status claimed.

5.6 Medical Examinations

- 1 The Human Resources Director shall designate classes for which a pre-employment medical examination shall be required.

- 2 Candidates who fail such examinations shall be disqualified, but such failure shall not disqualify any individual from consideration for a position for which the physical qualification he/she failed to meet does not apply.

5.7 Security and Retention of Applications and Related Records

- 1 Applications of successful and unsuccessful candidates and selection process shall be securely retained in accordance with the Library of Virginia Retention Schedule GS-3.
- 2 Individual applicant performance and records shall not be discussed or shared outside of the Human Resources Director or designee, department director or designee and interview panel.
- 3 Retention of records may be in paper, photographic or electronic form.

5.8 Promotional Public Safety/Uniformed Employee Examinations

- 1 Qualifying Scores
 - a. In establishing qualifying scores, the Human Resources Director or his/her designee may consider the following factors: minimum standards of job performance, distribution of candidates' raw scores in a particular examination, standard deviation of test scores, test reliability, adverse impact, validity and standard error of measurement.
 - b. When an exam consists of several components, such as written, performance and physical portions, a candidate may be required to attain a qualifying score in each portion of the exam.
- 2 Method of Breaking Ties
 - a. If two or more candidates attain the same final score, the tie shall be resolved in favor of the applicant who receives the highest score in the most heavily weighted portion of the examination. If a tie still exists, scores on the remaining portions of the examination will be considered in order of their relative weight.
 - b. For promotional examinations for uniformed public safety job classes, if the tie extends beyond the procedure noted above, the tie shall be resolved in favor of the employee having the longest period of continuous service in the class series, beginning with date of appointment to the public safety class series (police, fire, sheriff).
- 3 Notice of Examination Results for Public Safety Examinations

If an examination was conducted for the purpose of establishing a continuing eligibility list, all successful candidates will be advised of the results as soon as practicable after establishment of the list. Such notice shall include the following information:

- a. The position class,
- b. The length of time the list will be maintained,
- c. The number of persons on the list, except in the case of open announcements where the individual's position on the list may change from time to time as other applicants are found eligible, and
- d. The individual's position on the list as determined by applicable sections of Chapter 6 of these Regulations, except in the case of open announcements where the individual's position on the list may change from time to time as other applicants are found eligible.

-4 Examination Security

- a. Family members, members of households and extended relationships (as defined in Chapter 2) of candidates eligible to participate in an examination shall not serve on a promotional examination committee, as a pre-tester, nor in the administration of the examination.
- b. Committee members, pre-testers and personnel who participate in test administration are prohibited from discussing any component of an examination except as authorized by the Human Resources Director.

-5 Examination Reevaluations

- a. For written multiple choice exams that test the candidate's technical knowledge (such as departmental operating manuals, standard operating procedures, etc.), candidates may request a reevaluation of their examination papers with a view towards obtaining a higher score providing such request is made to the Human Resources Director within 15 business days following written notification of the examination results. Other types of written exams (including but not limited to situational judgment tests, multiple choice in-baskets, etc.) that measure other abilities are not subject to reevaluation.
- b. When a request for reevaluation results in a candidate obtaining a higher score so that the relative standing of the candidate on an eligible list is changed, the Human Resources Director shall review certifications made subsequent to the

promulgation of the eligible list and determine whether or not the initial and incorrect score resulted in the candidate's losing certification. When, as a result of error, a certification has been lost to an eligible candidate, the Human Resources Director shall place the name of the candidate on the eligible list so that he/she benefits from the next certification. Appointments already made from such eligible lists shall not be affected by such correction.

- c. Reevaluation of performance-based examinations (including but not limited to practical examinations and assessment centers) shall not be allowed. However, candidates may request an explanation of their performance rating in such exams providing such request is made to the Human Resources Director within 15 business days following written notification of the examination results. The explanation shall be provided by the examining staff of the Employment Division and the Agency Test Evaluators, if any. Staff shall answer questions of the candidate, including information on how the test was graded and how scores were obtained in general. Staff shall not normally reveal individual scores on specific dimension ratings.

-6 Eligible Lists

- a. The names of applicants who meet minimum qualifications as determined by an examination, which is numerically scored, shall be placed on the appropriate eligible list in order of their total scores or grouped into bands. Candidates will be grouped into bands based on similar scores. If grouped into bands, at least two bands (well-qualified and qualified) are required and within each band all eligible candidates will be considered tied.
- b. In the event of a tie in scores, the method of breaking ties in Section 5.8-2 shall apply in placing applicants on the appropriate eligible list. Within each band all eligible applicants within the band will be considered tied.