

# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

Best Practice MODIFIED

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. The rules governing employment practices for the Office of Protective Services (OPS), Department of State Hospitals (DSH) are maintained by the California Department of Human Resources (CalHR) and the State Personnel Board (SPB).

## 1000.2 PEACE OFFICER ESSENTIAL FUNCTIONS

Agency Content

Peace Officer Essential Functions include tasks which are considered requirements in order to successfully hold the position for which the candidate has applied for and to which they were codified. Applicants must meet essential functions identified in the DSH-OPS duty statement.

## 1000.3 POLICY

Best Practice MODIFIED

In accordance with applicable federal, state, and local law, DSH provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. DSH does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

DSH will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## 1000.4 RECRUITMENT

Best Practice MODIFIED

The OPS should employ comprehensive recruitment and selection strategies to recruit and select employees from a qualified and diverse pool of candidates.

The strategies shall include:

- (a) Establishment of a written recruitment plan.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive DSH website and the use of DSH-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Employee referral and recruitment incentive programs.

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- (f) Consideration of shared or collaborative regional testing processes.

The OPS shall avoid advertising, recruiting, and screening practices that stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The OPS should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

### **1000.5 SELECTION PROCESS**

State **MODIFIED**

The DHS shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the DHS should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
  - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed with permission from the applicant prior to extending an offer of employment (Penal Code § 832.12).
  - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment
- (k) Relevant national and state decertification records, if available, including the National Decertification Index

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### 1000.5.1 VETERAN'S PREFERENCE

State MODIFIED

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Gov. Code § 18973.1).

### 1000.6 BACKGROUND INVESTIGATION

State MODIFIED

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of DSH (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

It is the policy of OPS that prior to hiring non-sworn staff a background investigation shall be conducted. OPS Sacramento is the sole authority for conducting background investigations for applications in the positions of peace officers, Sacramento special investigators, Retired Annuitant (RA) staff, professional/support staff, and communications operators.

### 1000.6.1 NOTICES

Federal

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

### 1000.6.2 STATE NOTICES

State MODIFIED

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Pen. Code § 11105).

### 1000.6.3 REVIEW OF SOCIAL MEDIA SITES

State MODIFIED

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code section 13680(g) (11 CCR 1953(e)(12)).

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Due to the potential for accessing unsubstantiated, private or protected information, the OPS shall not request or require candidates to provide passwords, account information or access to password-protected social media accounts.

The OPS should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The OPS fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the OPS should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### 1000.6.4 DOCUMENTING AND REPORTING

State **MODIFIED**

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

Care must be exercised that evaluations of social media sites do not involve inquiries or assessments of protected conduct or classifications (race, gender, sexual orientation, religious or political affiliation, family medical history, etc.). The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward it to the Chief of Law Enforcement or the authorized designee for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953 (g)(12)).

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### 1000.6.5 RECORDS RETENTION

State

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

- (a) Reports and documentation for candidates hired by the OPS shall be retained for the entire term of employment and a for a minimum of four years after separation from the OPS.
- (b) Reports and documentation for candidates not hired by the OPS for a minimum of four years.

### 1000.6.6 BACKGROUND INVESTIGATION UPDATE

State MODIFIED

A background investigation update may, at the discretion of the Chief of Law Enforcement or an authorized designee, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the California Department of State Hospitals or is transferred to a different department within the State as provided in Title 11 California Code of Regulations section 1953, subdivision (f).

### 1000.6.7 ADMINISTRATIVE BACKGROUND INVESTIGATION

Agency Content

OPS at the facilities will conduct an administrative background investigation for applicants in the positions of retired annuitant (RA) special investigators, firefighters, and professional/support staff.

### 1000.6.8 INVESTIGATOR TRAINING

State

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

### 1000.6.9 CONFIDENTIAL POST RECORDS

State MODIFIED

Records released to the OPS from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code section 13510.9, subdivision (e).

## 1000.7 DISQUALIFICATION GUIDELINES

Best Practice

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior

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- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

### 1000.8 EMPLOYMENT STANDARDS

State **MODIFIED**

All candidates shall meet the minimum standards required by state law (Gov. Code § 1029; Gov. Code § 1031; Pen. Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the DSH. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources should maintain validated standards for all positions.

#### 1000.8.1 STANDARDS FOR PEACE OFFICERS

State **MODIFIED**

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Legally authorized to work in the United States under federal law
- (c) At least 21 years of age at the time of appointment except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Of good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) Be a high school graduate or otherwise satisfy the educational requirements under Government Code section 1031, subdivision (e)
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

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- (h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
- (i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
  - 1. Reading and writing ability assessment (11 CCR 1951)
  - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the OPS (Penal Code § 13510(d)).

### 1000.8.2 STANDARDS FOR COMMUNICATION OPERATOR

**State** **MODIFIED**

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A background investigation (11 CCR 1959)
- (d) A medical evaluation (11 CCR 1960)

### 1000.9 PROBATIONARY PERIODS

**Discretionary** **MODIFIED**

The Administrative Lieutenant or designee should coordinate with the OPS Department of State Hospitals Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.