

**10-1 Introduction**

WSDOT endeavors to be an equal opportunity employer and to hire individuals based on their qualifications. Therefore, potential employees shall be recruited utilizing all available resources, and in a fair and inclusive manner known to comply with applicable regulatory requirements.

WSDOT uses a centralized program staffed by a team of senior-level Human Resource Consultants to facilitate standard recruitment and selection processes with uniform protocols that are consistent, objective, and legally defensible. The centralized recruitment program is a partnership between the statewide Recruitment Team, the local Human Resources office, the hiring manager(s), and respective appointing authority.

**10-2 Purpose**

WSDOT is committed to increasing the recruitment, selection, and promotion of diverse, qualified employees based on merit and identified competencies. The purpose for this chapter is to establish and ensure agency-wide consistency, inclusivity, and legal defensibility in recruitment and selection activities.

**10-3 Scope**

WSDOT's Recruitment Policy applies to all employees who are involved in recruitment, selection, and hiring processes. All participants are responsible to adopt and ensure compliance with this policy. WSDOT will hold its managers and supervisors accountable for the best business practices set forth in this policy which are structured to comply with the U.S Equal Employment Opportunity Commission's Uniform Guidelines on Employee Selection Procedures, and all other applicable state and federal statutes.

**10-4 Policy**

- A. All appointments, whether they be permanent, non-permanent, on-call, classified, Management Services (WMS and EMS), and exempt, as well as any services contracted through employment or staffing agencies, shall be processed and approved through the applicable Human Resources (HR) Office.
- B. Managers and/or supervisors must obtain the appropriate internal approvals that consider budget, position allocation, position function, staffing level implications, and salary, prior to requesting formal recruitment actions.
- C. Prior to initiating any recruitment actions, managers and/or supervisors will partner with their local HR Consultant to review the formal position description to ensure it thoroughly reflects the full scope of the position, and clearly identifies the appropriate competencies and qualifications, both preferred and required.

- D. In keeping with WSDOT's value of Inclusion, to ensure a wide array of perspectives, disciplines and backgrounds are represented in our outreach, decision making and workforce, all recruitment and selection efforts to fill a permanent vacancy will be opened competitively to both internal and external applicants.
1. Any recruitment and/or selection efforts made exclusive to internal prospects (applicants) require written approval from the agency Director of Human Resources.
- E. All competitive recruitment activities must be tracked and captured via the statewide applicant tracking system, to include at a minimum:
- Job classification, and position number(s)
  - Applicant status (disposition/reject reason)
  - All candidates selected for interview
  - All candidates selected for hire
  - Date an offer is accepted

#### **10-4.1 Screening Applications**

- A. The assigned Recruiter will use the required qualifications directly from the formal position description to conduct an initial screening of the applicant pool. The preferred (desired) qualifications may also be used to further screen, as needed, to achieve a feasible number of applicants for certification.
1. Any additional screening criteria used throughout the recruitment process must be based on job analysis, as captured in the formal position description, and used solely to evaluate an applicant's competencies to perform the duties and responsibilities of a classification and/or a position. ([WAC 357-16-070](#))
  2. Additional screening criteria, apart from the required and preferred qualifications captured in the position description, must be documented in writing and retained with the Recruitment records. ([SGRRS 4.11](#))
- B. Prior to certification, the hiring manager, or designated subject matter expert (SME), may conduct an SME review of the applications as part of the screening process. SME reviews may not include visibility of the applicants' name, gender, ethnic origin, nor any other personal identifying information. The SME review is an evaluation to determine if the work history and qualifications presented on the application are sufficiently relevant to the position.

- C. Managers may use screening methods to narrow down the certified pool of referred applicants to a reasonable list of candidates for further consideration. The screening methods used must be based on the position specific competencies required for successful performance of the job duties. The assigned Recruiter will assist hiring managers in developing all pre-employment screening tools and criteria to ensure compliance with state and federal laws. Screening criteria will be strictly based on job analysis, as captured in the formal position description, and should be established prior to reviewing applications.
- D. WSDOT requires that application screening, and all other pre-employment assessments, be conducted in the most objective manner possible.
  - 1. Applicants who are otherwise competitively qualified may not be excluded from consideration or “screened out” due solely to gaps in employment.
  - 2. In accordance with the [RCW 49.94.010](#) and [Executive Order 16-05](#), an employer (WSDOT) may not seek to obtain nor make considerations based on criminal background information until after the applicant(s) has been determined as otherwise qualified for the position.
- E. Any and all applicants not referred to the hiring manager for further consideration will be notified with a regret from the assigned Recruiter.

#### **10-4.2 Certification**

Certification is *the act of referring eligible candidates to the employing official for further consideration* ([WAC 357-01-060](#)). Only eligible candidates who satisfy the competencies and other requirements of the position to be filled will be certified.

- A. Applicants will be certified in the order prescribed by [WAC 357-16-130](#):
  - 1. Internal layoff candidates; internal promotional candidates may also be certified.
    - i. Any preference granted to promotional candidates must be in accordance WSDOT's Promotional Policy as required by [WAC 357-16-150](#).
  - 2. If there are no names on the internal layoff list, then:
    - i. The recruiter must certify any and all candidates from the statewide (enterprise) layoff list who satisfy the qualifications, then;
    - ii. The recruiter will certify other eligible candidates available.
  - 3. General Government Transition Pool (GGTP) candidates who satisfy the qualifications will be certified when there are no layoff, nor internal promotional candidates.

- B. The appointing authority, in consultation with the applicable HR office, may decide the number of applications to be certified unless otherwise predetermined by a Collective Bargaining Agreement (CBA).
  1. In determining the number of certified applications, the appointing authority shall consider a reasonable quantity that can be manually reviewed with defensible objectivity and consistency.
  2. Unless otherwise specified by the appointing authority, the Recruiter will certify up to twenty (20) applicants. If there is a tie for the last position, the agency may consider up to five (5) additional equally qualified applicants.
    - i. If the certified pool does not contain at least three (3) affirmative action candidates, the agency may certify up to three (3) additional applicants.
    - ii. When recruiting to fill multiple positions, the agency may certify an additional five (5) internal applicants and five (5) external applicants.
  3. All certified applicants must meet the position-specific qualifications deemed necessary to perform the duties of the position to be filled.

### **10-4.3 Interviews**

When filling vacancies through a competitive selection process, an interview will be conducted using a structured format. Structured interviews include a predetermined set of questions; candidates are asked the same questions, in the same order, and evaluated using standard criteria.

- A. WSDOT requires that interviews, and all other pre-employment assessments, be evaluated in the most objective manner possible. WSDOT will ensure that candidates are selected for interview based on merit and assessed qualifications.
  1. The assigned Recruiter will assist the hiring manager in developing relevant, legally defensible interview questions based on job analysis, as captured in the formal position description. Any and all interview questions will be reviewed prior to use by either the assigned Recruiter or local HR Consultant to ensure full compliance with state and federal laws.
  2. The assigned Recruiter will assist hiring managers in developing fair and objective assessment tools for each pre-employment assessment activity, including interviews. Any and all assessment criteria will be reviewed prior to use by either the assigned Recruiter or local HR Consultant to ensure full compliance with state and federal laws.
  3. The assigned Recruiter will be responsible to partner with the local HR office to coordinate and prepare any reasonable accommodation needs for applicants requesting assistance.

- B. A structured interview must be conducted to allow no less than three (3) individuals to participate in assessing the candidates.
  1. For mass hiring, where there are multiple panels interviewing a single pool of candidates to fill a high volume of positions, there should be no less than two (2) individuals to participate in assessing a single candidate.
- C. All interviewer participants (panelists) must complete the required *Interview Training* as indicated in the agency Diversity Plan prior to engaging with candidates.
- D. Hiring managers are to consider the diversity makeup of their interview panel, ensuring a wide array of perspectives, disciplines and backgrounds are represented. Interview panels should consist of a combination of subject matter experts, supervisors within the reporting structure, statewide peers or counterparts, customers, and/or other stakeholders that interface with the position to be filled.
- E. Candidate confidentiality is protected by Washington State statute [RCW 42.56.250](#). Anyone involved in the interview process agrees to maintain said confidentiality.
- F. At any point in the process, WSDOT may decline to further consider a candidate who:
  - Does not meet established qualifications or competencies for the position
  - Is unable or unwilling to perform one or more of the essential functions of the position with or without accommodation
  - Is unable or unwilling to satisfy one or more job related requirements of the position (e.g. shift assignment, work location)
  - Is found to have provided false information in their application materials or during an interview
- G. Candidates no longer being considered for a position will be timely notified.
  1. Hiring managers are encouraged to contact all interview candidates following interviews to notify them of their status in the recruitment.
  2. The assigned Recruiter will notify candidates at the conclusion of the recruitment if regrets have not been communicated previously by the hiring manager.

#### **10-4.4 Salary Setting**

The Equal Pay and Opportunity Act (EPOA), effective July 28, 2019, states that despite existing equal pay laws, there continues to be a gap in wages and advancement opportunities among workers in Washington [RCW 49.58.005](#). The law has several elements that require employers to provide equal compensation to “similarly employed” workers along with equal opportunities for career advancement.

Washington State legislature finds that the long-held business practice of inquiring about salary history has contributed to persistent earning inequalities. As such, WSDOT is committed to ensuring all applicant salaries are set per the following:

- A. WSDOT employees may not seek the wage or salary history of an applicant from the applicant themselves, nor from a current or former employer, except in instances where:
  - The applicant has voluntarily disclosed their wage or salary, or
  - After the hiring manager has negotiated and made an offer of employment with compensation.
- B. WSDOT may not discriminate in providing compensation based on age, gender or any other demographic factors between similarly employed employees.
  1. Job titles alone do not determine if employees are similarly employed. Employees are “similarly employed” if they work for the same employer and the performance of the job requires:
    - similar skill
    - similar effort
    - similar responsibility
    - similar working conditions
- C. Compensation must be solely based on bona fide job-related factors, such as:
  - Education, training, and experience
  - A seniority or merit system
  - Current market ranges for the type of work performed
  - Regional or other geographical differences in compensation levels
- D. The appointing authority may confer with either the assigned Recruiter or the local HR Consultant to verify that their intended salary offer adheres to any applicable rules of promotion. If the intended salary offer does not comport with applicable rules of promotion, the assigned Recruiter or local HR Consultant may provide a recommendation to the appointing authority that complies with the requirements. However, no specific details regarding the candidate’s current salary nor salary history may be disclosed.

#### **10-4.5 Professional Reference Checks**

WSDOT defines a professional reference as an individual with professional relation to the candidate who can attest to their work performance, technical skills, and job-related competencies.

- A. A minimum three (3) references should be conducted for each candidate. Ideally, these will include at least two (2) current and/or former supervisors.
- B. Candidates must provide written consent by completing an Authorization to Release Information form prior to any reference check activities.
- C. Any and all reference checks should be conducted after a structured interview has taken place, where candidate(s) have had an opportunity to introduce themselves and provide relevant context to their professional background and work history.

- D. The assigned Recruiter will assist hiring managers in developing fair and objective questions for reference checks. Any and all questions will be reviewed prior to use by either the assigned Recruiter or local HR Consultant to ensure relevance, objectivity, and compliance with state and federal laws.
  1. All reference checks should be conducted using an established set of questions that are asked of each reference in order to identify patterns or trends that may be important to the ultimate selection decision.
  2. All reference check questions and responses must be documented in writing and retained with the Recruitment records. Hiring managers are encouraged to use the standard WSDOT Reference Check form provided by the Recruiter.
- E. Investigating candidates' digital footprint can lead to bias in the selection process, and may expose the agency to legal liability. The general rule is to avoid any online search engine or social media reviews of applicants in the recruitment and/or selection process.
  1. Under circumstances where there is an immediate nexus to the daily work of the position to be filled, the agency Director of Human Resources may ultimately determine it necessary to review candidates' digital footprint as part of the screening and/or selection process. To reduce risk and mitigate bias, any and all necessary online search engine or social media reviews in this regard must be conducted by a neutral third party in coordination with the assigned Recruiter.
    - i. Any such investigation will be conducted as part of the reference check process, after a structured interview has taken place.
    - ii. Any such investigation will be conducted for all candidates undergoing reference checks as part of the selection process.
    - iii. Any and all screening criteria should be established, in writing, prior to the online investigation and retained with the Recruitment records.
    - iv. Any and all findings having impact on the selection process must be captured and retained with the Recruitment records.

#### **10-4.6 Criminal History and Background Checks**

In 2018, the Legislature passed the Washington Fair Chance Act to protect job applicants with a criminal record so they may fairly compete for job opportunities. As such, WSDOT is prohibited from the following until after initially determining that an applicant is otherwise qualified for the position:

- Inquiring verbally or in writing about an applicant's criminal record;
- Receiving information through a criminal history background check;
- Otherwise obtaining information about an applicant's criminal record;
- Implementing policies or practices that automatically or categorically exclude job applicants with a criminal record, including rejecting applicants for failure to disclose a criminal record.

- A. In accordance with the [RCW 49.94.010](#) and [Executive Order 16-05](#), an employer (WSDOT) may not seek to obtain nor make considerations based on criminal background information until after the applicant(s) has been determined as otherwise qualified for the position.
  1. With the exception of any specific positions or classifications where necessity is indicated by formal policy or legal statute, criminal background checks are not required nor permitted to be used for consideration in recruitment or selection processes at WSDOT.
  2. Criminal background checks should not be obtained until after all other vetting has been completed and the candidate(s) has been determined as otherwise hireable.

Information obtained from a criminal background check may not necessarily preclude employment, but may be considered in determining the candidate's suitability and competence to perform the essential job functions.
- B. Criminal background checks must be conducted with the upmost sensitivity and respect to the candidate. Any results from the criminal background check, whether or not they disqualify the candidate from consideration, should be addressed in a dignified manner that adheres to the highest levels of confidentiality, taking into account that the candidate may be qualified for other positions within the agency.
- C. Any unfavorable results from a criminal background check that raise questions in regards to an applicant's suitability and competence to perform the essential job functions will be evaluated by the assigned Recruiter, and provided to the appointing authority directly, in confidence, for review and approval.
- D. All criminal history and background check documentation must be retained with the Recruitment records.

## 10-5 Appointment

- A. Prior to making an offer of employment, any and all selection materials must be reviewed by the assigned Recruiter or local HR Consultant. Selection materials include interview notes, rating and/or scoring documentation, and reference checks.
- B. Documented approval from the respective appointing authority must be obtained prior to making a formal offer of employment.
- C. Any direct appointments to fill permanent positions in lieu of a competitive recruitment process must be approved in writing by the agency Director of Human Resources.



## 10-6 Records Retention

- A. Per the State Government General Records Retention Schedule (SGGRRS), records relating to the process of recruitment and selection of employees must be retained for three (3) years after the completion of the recruitment/hiring process, then destroyed. [SGGRRS 4.11](#)

Recruitment and selection records include, but are not limited to:

- Job announcements and postings;
  - Job description and qualifications;
  - Eligibility lists for specific positions;
  - Applications, resumes and test results;
  - Applicant profile data;
  - Scoring, ranking and selection criteria;
  - Interview questions and evaluations;
  - Background and criminal history checks;
  - Reference check questions and answers
- B. All outstanding recruitment and selection documents must be provided to the assigned Recruiter within no more than two (2) weeks from the date the job offer is accepted.

## 10-7 Promotional Policy

Managers and supervisors will confer with their human resources office to determine if the establishment of a promotional unit for recruitment purposes is appropriate prior to publication of a recruitment notice. Promotional only recruitments must be approved in writing by the agency Director of Human Resources prior to any formal recruitment actions.

Promotional Organizational Unit – In accordance with WACs [357-16-055](#) and [WAC 357-58-195](#), the WSDOT has established the following Promotional Organizational Units. Recruitment may be limited to the following groups when a vacancy exists:

- The WSDOT region in which the vacancy exists
- Job Class Series (open only to employees currently employed in the same job class series as the vacancy)
- Agency-wide.

If the recruitment is limited to a specific promotional organizational unit(s), WSDOT will identify the promotional organizational unit(s) in the recruitment notice.

In accordance with [WAC 357-16-150](#), a promotional candidate must meet all of the following criteria:

- Currently a permanent internal employee of WSDOT.
- Successfully completed their probationary period.
- Applying for a position paying a higher salary range.
- Meets the required competencies of the position.

Employees who have accepted project or non-permanent appointments outside of WSDOT are not eligible to compete as WSDOT promotional candidates.

Employees who have accepted project or non-permanent appointments within WSDOT are eligible to compete as WSDOT promotional candidates provided they have attained permanent status.

## 10-8 Reemployment

WSDOT may directly reemploy, without certification, former permanent status employees who have submitted an application for employment as long as there are no eligible candidates on either the internal or statewide layoff lists and the former employee satisfies the competencies and requirements of the position to which the employee is being reemployed. Prior to reemployment to WSDOT, the former permanent employee must submit an application and all other documents required by WSDOT at the time of application. WSDOT does not have a time limit for reemployment.

## 10-9 Internal Disability Separated Applicants

Former permanent employees of WSDOT who were disability separated and are eligible for reemployment in accordance with [WAC 357-19-465](#) will be treated as internal promotional candidates for certification purposes. Internal promotional standing for internal disability separated applicants will last for a period of up to two years from the date of disability separation in accordance with [WAC 357-19-465](#) and [WAC 357-19-470](#) and WSDOT Promotional Policy.

## 10-10 Related Forms

WSDOT [Authorization to Release Information](#)

WSDOT [Interview Panel Guide](#)

WSDOT [Interview Response Rating Tool](#)

WSDOT [Reference Checks – WGS \(Non-supervisor\)](#)

WSDOT [Reference Checks – WMS and Supervisors](#)