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## State of Oregon LEGISLATIVE BRANCH PERSONNEL RULES

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### **Legislative Branch Personnel Rule 6: Recruitment, Selection and Hire**

**APPLICABILITY:** This rule applies to the Legislative Branch which includes positions in the Legislative Assembly, the Secretary of the Senate's Office, the Chief Clerk of the House of Representative's Office, Legislative Administration, the Legislative Counsel Office, the Legislative Fiscal Office, the Legislative Revenue Office, the Legislative Commission on Indian Services, the Legislative Policy and Research Office and the Legislative Equity Office, unless noted otherwise or conflicts with an applicable collective bargaining agreement or law.

(1) **Purpose.** The purpose of the recruitment and selection process is to ensure that all positions are filled by qualified, competent individuals who are well-suited to do the work for which they are employed. Individuals selected by any of the methods specified in these rules must meet the minimum qualifications for the class of work position to which an appointment is made.

(2) **Methods for recruiting and filling vacancies.**

- (a) Upon deciding to fill a vacancy, the appointing authority shall notify Employee Services of the action to be taken.
- (b) An appointing authority may fill a position through any of the following methods:
  - (A) Open competitive recruitment, in which any Legislative Branch employee or member of the public may apply for the position.
  - (B) Legislative Branch limited internal recruitment, in which only current Legislative Branch employees, including limited duration status employees and temporary status employees, may apply for the position.
  - (C) Direct appointment, in which the appointing authority may appoint an applicant to a vacant position based on the applicant meeting the minimum qualifications established for the position.

~~(a) Underfill appointments may occur for the following reasons:~~

~~(A) Developmental. After consultation with the Human Resources Director, an appointing authority may underfill a position for developmental reasons, such as gaining the necessary length of experience by time on the job. Recruitment for the underfill opportunity shall~~

~~be conducted in accordance with this rule. The length of the underfill and requirements to satisfactorily complete the developmental experience shall be documented prior to the appointment. When the employee, as determined by the appointing authority, satisfactorily completes the underfill requirements, the employee shall be reclassified to the level required for the position and may receive an increase in pay in accordance with LBPR 4.~~

~~(B) Administrative need. An appointing authority may underfill a position if, due to organizational changes, the budgeted level of a position is higher than organizational needs require. The position may be filled at the lower level classification using any method listed in this rule.~~

**(2) Job announcements.**

**(3) Recruitment announcements.**

- (a) Recruitment announcements are required for all job vacancies being filled by open competitive or limited internal recruiting methods. Announcements should state both the required and preferred qualifications in terms of education, knowledge, skills, and experience for the position.
- (b) The required content of a recruitment announcement may be defined or refined beyond the required content ~~as~~ expressed in a classification specification position profile or position description to ~~more~~ fully reflect the specific requirements of a position. the position to provide applicants with sufficient information to make a decision regarding their interest or suitability for the position..
- (c) An announcement issued for a job vacancy must include the following:
  - (A) Class Position title;
  - (B) Salary range;
  - (C) Location;
  - (D) Type of recruitment;
  - (E) Nature Essential duties and description of the assigned work;
    - (A) Qualifications required of the applicant;
    - (B) Manner in which application is to be made;
    - (C) Notification that a criminal records check may be part of the selection process, only when a criminal records check is part of the selection process; and
  - (F) Qualifications such as training, education, experience, and special skills required for the position; Note: It is unlawful to require or request dates when an applicant attended or graduated from an educational institution prior to completing an initial interview or making a conditional offer of employment.
  - (G) Application instructions including manner in which applications must be submitted for consideration;
  - (F)(H) Any special working conditions that apply; and
- (b) ~~Appointing authorities shall ensure that announcements issued for job vacancies are posted in a manner accessible to all employees. Announcements for vacancies being filled through open competitive recruitment must be posted in a manner accessible to the public.~~
  - (I) If required by federal or state law, notification that an applicant's criminal conviction history may be considered when making a hiring decision.

(d) Announcements issued for job vacancies being filled through open competitive recruitment must be posted in a manner accessible to the public and applications accepted for a minimum of 14 calendar days. A limited Limited internal recruitment announcement need onlyannouncements must be posted in a manner accessible to all employees and must be posted for a minimum of seven7 calendar days.

**(3)(4) Selection process for open competitive and limited internal recruitments.**

- (a) When an announcement is issued for an open competitive or limited internal recruitment as described in subsection (2)(b) of this rule, the appointing authority is responsible for reviewing and selecting applicants in compliance with Legislative Branch Personnel Rules and procedures.
- (b) Employee Services is responsible for determining which applicants meet the minimum qualifications for a position in Legislative Administration. Applications for positions in other legislative agencies or parliamentary offices shall be forwardedmade available to those agencies or offices for evaluation. Applications for positions in Information Services may be evaluated by Information Services professionals.
- (c) Evaluation The evaluation of all applicants must be based on the selection criteria, qualifications of the applicant, and the applicant's responses to supplemental questions, if any, when required, and as posted in the recruitment announcement.
- (d) Applicants shall not be rejected during any part of recruitment and selection process based on a protected status.
- (e) All applicants who are not selected shall be notified by Employee Services no later than 10 business days after the selected applicant's acceptance of the position. In the event the decision is made not to fill a position for which recruitment has been announced, Employee Services shall notify the applicants no later than 10 business days after the date on which such a decision was made.
- (f) Upon written request of a veteranfrom an applicant who is a veteran or a former or current member of the Oregon National Guard, Employee Services shall provide to the veteran applicant the reason(s) that the applicant was not selected.

**Veterans'**

**(4)(5) Veterans and members of the Oregon National Guard Preference.**

(e) Consistent with ORS 408.230, Employee Services shall identify veterans in the applicant pool and veterans' preference shall be applied at every step of the evaluation/interview process when one or more qualified disabled or nondisabled veterans apply for a vacancy for whichWhen the recruitment method used by the appointing authority is a competitive process involvingincluding application screening or, scoring, interviews or any other form of examination.

- (a) When an interview evaluation or assessment, Employee Services shall identify veterans and former and current members of a veteran applicant is a component of the selection process for a position to be filled by an employee, the Oregon National Guard in the applicant pool. Employee Services shall apply the interviews shall be conducted in accordance with ORS 408.237."veterans' preference" at every step of the application, evaluation, assessment, and interview process.

**(6) Interviews.**

- (a) Selection criteria and any other elements that will be used to assess candidates selected for interviews must be determined in advance of interviews and based on the recruitment announcement and the position description.
- (b) Interview questions and the structure of the interview should be consistently applied to all candidates selected for interviews. Each candidate should be asked the same set of questions and undergo the same assessment method. Supplementary or probing questions (which are more specific to the applicant) may be asked during the interview but only following the responses given to an original interview question.

**(7) Reference checks.**

- a) Reference checks can be conducted and may include previous employment verification, conduct and performance at previous employers, reviewing samples of previous work, verification of certifications or educational credentials, licenses or any other information pertinent to the position.
- b) The Legislative Branch may designate positions as security or safety sensitive based on the assigned duties or level of position and may require a criminal background check. If a criminal background check is required, applicants must sign an Authorization to Release Information form after an initial interview has been conducted. If no interview is conducted, applicants must sign an Authorization to Release Information form prior to a conditional offer of employment. All costs related to a criminal background check shall be paid by the legislative agency for whose benefit the costs were incurred.
- c) Job offers will be made in writing subject to satisfactory references check or criminal background check as applicable.
- d) Candidates who provide false or misleading information during the recruitment, the reference check, or the criminal background check shall be disqualified from further consideration in the recruitment.
- e) Salary history inquiries. It is an unlawful practice under ORS chapter 659A for an employer or prospective employer to seek the salary history of an applicant.

**(8) Confirmation, terms, and acceptance of appointment.**

(A) Upon notice by the appointing authority of a finalist, Employee Services shall conduct a pay equity analysis consistent with LBPR 4 and notify the appointing authority of the result; and,

(B) Prepare a job offer letter after receiving written acceptance and approval of the pay equity analysis from the appointing authority. The offer letter will include, at a minimum, the position title, department, date of hire or start date, base salary, name of appointing authority, and notification of at-will employment. Signing bonuses or moving expenses shall be included when authorized by the appointing authority.

(C) Moving expenses.

I. An appointing authority may reimburse actual moving expenses for a newly hired employee not to exceed a total of \$20,000. Receipts for any reimbursement requests exceeding \$5,000 are required.

II. All moving expense payments or reimbursements are taxable to the employee and are processed through Payroll and are taxable per IRS regulations.

III. A condition of moving expense reimbursement is agreement from the newly hired employee to repay any moving expense reimbursement in an amount equal to the amount of moving expenses multiplied by the percentage of the 24-month commitment not served by the employee as stipulated in LBPR 4, Section (6).

(D) Acceptance of appointment.

- I. Upon notification of completion, Employee Services will upload the signed and accepted offer letter into the human resources information system.
- II. A prospective employee who fails to accept and submit their job offer letter to Employee Services through the human resources information system prior to the prospective employee's start date is unable to onboard, receive a badge, or participate in any other business processes required prior to start work.
- III. A newly hired employee who fails to report for work at the scheduled start date, time and location without communication with Employee Services and the appointing authority is considered to decline the appointment.

(8)(9) Documentation of hiring decision. The appointing authority shall, in accordance with the Legislative Branch document retention schedule, retain all selection and evaluation materials either electronically or in hard copy, including:

- a. Application screening summaries;
- b. The screening criteria used;
- c. All applications received;
- d. Names of applicants interviewed;
- e. Name of applicants not interviewed;
- e.f. Interview questions used;

(d) Interview notes;

- g. All interview notes, including face-to-face and those collected during phone interviews or other electronic communication medium;
- f.h. Notes from reference checks;
- g.i. The name of the applicant selected; and

(10) Onboarding.

a) Required documents. Other information as required by Legislative Branch policy statementsAn;

(3) Confirmation and acceptance of appointment.

- (a) Upon notice by the appointing authority of a finalist, and Employee Services shall:
  - (A) Conduct a pay equity analysis pursuant to LBPR 4;
  - (B) Prepare an offer letter which includes, at minimum, the date of hire, salary and notification of at will employment; and
  - (C) Upon receipt, upload the accepted offer letter into the human resources information system.
- (b) An employee who fails to accept and submit their offer letter to Employee Services through the human resources information system prior to the employee's start date is unable to

~~attend onboarding, receive a badge or any other business processes.~~

~~(c) An applicant who fails to report for work at the scheduled time and location declines the appointment.~~

~~are~~ Required documents. An appointing authority is responsible for ensuring each new employee: to the Legislative Branch:

(a) Completes ~~a form~~ I-9 “Employment and Eligibility Verification” form within three days of beginning work as required by federal law.

(A) ~~If~~ Consistent with federal law, if the appointing authority fails to have the new employee fails to complete the required documents within three days of beginning work, the employee is not authorized to be employed.

(B) ~~The Employee Services~~ human resources information system retains completed I-9 forms for all current employees for as long as the employees work for the Legislative Branch. I-9 forms for employees who are no longer employed by the Legislative Branch are retained for three years after the date of hire or for one year after the date employment ends, whatever is later.

~~(d) Signs into the human resources information system and enters the employee's emergency contact information within five days of employment.~~

(b) Employee Services will send new employees the New Employee Orientation Form which contains a list of mandatory and informative trainings. New employees are required to view, read, and complete the required activities, then sign and return the form to Employee Services no later than 30 days from the date of hire.

**(11) Introductory period.**

- a. The Legislative Branch places critical importance on the introductory period, as it forms the basis from which new employees can quickly get up to speed, perform their duties effectively and begin to make contributions to their teams, department, agency and the Branch. The introductory period lasts for 6 full months from the employee's start date and, barring unforeseen or extenuating circumstances, could take an employee more than 6 consecutive months to complete; further, the introductory period may be extended by the appointing authority.
- b. All new employees are expected to be proactive and take ownership of their own job responsibilities, meet expectations set by the appointing authority throughout the introductory period. Failure to meet set expectations may subject the employee to Legislative Branch Personnel Rule 9.
- c. Nearing the end of the first six (6) months in the position, the appointing authority shall decide to either continue or terminate the employee's appointment in accordance with LBPR 4 and LBPR 9. The appointing authority must consult the Director of Human Resources if the employee is not meeting expectations during the introductory period or if the appointing authority wishes to terminate the appointment.

**(9)(12) At-will status.** Employment Consistent with LBPR 9, employment with the Legislative Branch is and remains at-will during and, after completion of the introductory period, and throughout the employee's tenure with the Legislative Branch. An employee may be terminated without cause at the discretion of the appointing authority at any time.

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