

	<b>MARICOPA COUNTY SHERIFF'S OFFICE</b> <b>POLICY AND PROCEDURES</b>	
	<b>Subject</b> <b>HIRING AND PROMOTIONAL PROCEDURES</b>	<b>Policy Number</b> <b>GC-12</b>
		<b>Effective Date</b> <b>04-04-25</b>
<b>Related Information</b> Arizona Administrative Code Employee Merit System Resolution and Rules Law Enforcement Officers' Merit System Rules GC-11, <i>Employee Probationary Periods, Unclassified Employees, and Releases</i> GC-17, <i>Employee Disciplinary Procedures</i> GF-3, <i>Criminal History Record Information and Public Records</i> GH-3, <i>Polygraph Procedures and Documents</i> GH-5, <i>Early Identification System</i> GJ-28, <i>Prison Rape Elimination Act (PREA)</i>	<b>Supersedes</b>  GC-12 (11-17-22)	

## PURPOSE

The purpose of this Office Policy is to establish a uniform process for hiring, appointment, and promotions and to explain the responsibilities of each component involved in the process.

## POLICY

It is the policy of the Office to administer an efficient, effective, and fair process resulting in the hiring and promotion of those individuals who best demonstrate the skills, knowledge, and abilities necessary for a successful career with the Office. Responsibility for the phases of hiring and promotion is divided between the Office and the Maricopa County Human Resources Department. The hiring and promotional procedures used by the Office shall be in accordance with state and federal law, Maricopa County Policy, Office Policies, and when applicable, Maricopa County Law Enforcement Officers' Merit System Rules (LEOMSRs) or Maricopa County Employee Merit System Resolution and Rules .

## DEFINITIONS

***Applicant:*** A person who has filed an application with Maricopa County Human Resources for employment.

***Appointing Authority:*** The Sheriff of Maricopa County or the designated representatives authorized to act in this capacity.

***Appointment:*** Assignment of an employee into an unclassified position.

***Business Necessity:*** Relating to an Essential Function of the job. Each evaluation or other selection criterion which might exclude an individual with a disability must relate to an Essential Function of the job, or it is not consistent with business necessity.

***Candidate:*** An applicant approved for participation in an examination or an assessment process.

***Eligible:*** A person who has qualified for and attained a passing score on an examination for a specific position. The eligible person must meet the established prerequisites of the position to be filled, such as the minimum, acceptable levels of education, experience, and skill; and must be able to perform the Essential Functions of the job.

**Eligible List, Civilian and Detention Only:** An official list of eligibles for a particular job, used by the appointing authority, for selection for employment.

**Essential Functions:** The basic job duties that an employee must be able to perform, with or without a reasonable accommodation.

**Examination:** The evaluation process used by the Maricopa County Sheriff's Office to measure the qualifications and determine the relative excellence of candidates. Examinations include, but are not limited to, oral exams, written exams, demonstration or performance exams, and training and experience evaluations.

**Initial Probation:** A specified period of time following the employment of a classified employee in a budgeted position during which the work performance of the employee is evaluated. A classified employee may be released from initial probation for or without cause.

1. **Initial Probation, Detention Only:** With the exception of Job Profile adjustments and reassignments, detention personnel must serve an initial probation period upon their most recent employment, to include hire, promotion, demotion, or transfer into any classified position. The initial probation period shall be a minimum of one year, and may be extended by the Sheriff or designee, for up to six additional months.
2. **Probationary Appointment, Sworn Only:** The appointment to a regular position through certification in accordance with the Law Enforcement Officers' Merit System Rules. The probationary period for the probationary appointment of an entry level employee shall be one year and may be extended by the Sheriff or designee for up to six additional months.
3. An employee may be separated at any time during the initial probationary period without the right of appeal. In any case of suspension, dismissal, or demotion during an employee's initial probationary period the Sheriff or designee may investigate the circumstances and causes for the action taken. The employee must be given written notice of the action taken by the Sheriff or designee prior to the expiration of the established probationary period or the employee will be considered to have successfully completed the probationary period.

**Job Announcement:** An official public notice that a recruitment is being conducted.

**Medical Examination:** Procedures or tests that may seek information regarding an individual's physical or psychological health, or that seek information about the existence, nature, or severity of an individual's physical or mental impairment. Medical examinations do not include tests for physical agility; however, positions which require medical examinations for employment include drug screening tests.

**Misconduct:** Includes any violation of Office Policy or procedure, federal, state, or local criminal or civil law, constitutional violations, whether criminal or civil, administrative rules including, but not limited to, the Maricopa County Merit System Resolution and Rules, or Office regulations.

**Criminal Misconduct:** Misconduct by an employee that a reasonable and trained supervisor or internal affairs investigator would conclude could result in criminal charges due to the apparent circumstances of the misconduct.

**Minor Misconduct:** Misconduct that, if sustained, would result in discipline or corrective action less severe than a suspension.

Minor misconduct, while a violation of Office Policy, can often be addressed with supervisor-initiated intervention intended to improve a situation, or prevent a potential negative work performance situation

from progressing into a misconduct investigation. To address these employee behaviors, supervisors may initiate an intervention method, as specified in Office Policy GH-5, *Early Identification System*, to include: Squad briefing, meeting with supervisor; employee services; supervisor ride-along/work along; training; supervisor evaluation period; action plan; meeting with the commander; re-assignment; and coaching. The use of intervention shall only be used to address employee minor misconduct or behavior that does not, per the Office Disciplinary Matrix, exceed a Category 1, First or Second Offense or a Category 2, First Offense, and which has not been received by the Office as an External Complaint, or has not already been assigned to the Professional Standards Bureau (PSB).

**Serious Misconduct:** Misconduct that, if sustained, would result in discipline of a suspension, demotion, or dismissal.

**Principal:** An employee identified as the primary focus of an administrative investigation and against whom a complaint of misconduct has been made. An administrative investigation may have multiple principals.

**Promotion:** The movement of an employee to a different position control number at a higher rate of pay through an announced recruitment process.

1. **Promotional Probation, Detention Only:** See Initial Probation, Detention Only definition.
2. **Promotional Probation, Sworn Only:** The promotional probationary period for a sworn employee shall be six months unless extended by the Sheriff for up to an additional six months. A promotional probationary employee, who fails to satisfactorily complete the promotional probationary period may be, without right of appeal, be reverted to a position of the class previously occupied or to another suitable position. A promotional probationary employee, who is suspended or dismissed, has the right of appeal.

**Protected Characteristic:** All characteristics covered by applicable federal or state laws including, but not limited to, race, gender, religion, color, national origin, age, disability, sexual orientation, including transgender status, gender expression, pregnancy, veteran status, and genetic information.

**Register, Sworn Only:** An official list of eligible individuals for a particular position, placed in order of excellence according to results of an examination, which shall be used by the appointing authority for selection for appointments to positions in the Office.

**Serious Offense:** For the purpose of this Office Policy, offenses for which Office personnel have been disciplined or are the subject of an ongoing investigation that would bar Office personnel from a promotion or hire to a new position including, but are not limited to: engaging in discrimination that violates law or policy; failure to follow the requirements of court orders; criminal acts; providing false information in a misconduct investigation; and failing to report observed misconduct of another Office employee or volunteer.

**Unclassified Employee, Civilian Only:** An at-will employee not covered by the Maricopa County Employee Merit System Resolution and Rules.

## **PROCEDURES**

1. **Responsibilities:**
  - A. The Pre-Employment Division is responsible for recruiting and overseeing the certification and selection of eligible applicants for employment and candidates for promotion, whether classified or unclassified, including developing a register or eligible list and relevant responsibilities as the designee of the Maricopa County Human Resources Director.

- B. The Human Resource Services Division and the Pre-Employment Division Commanders shall be responsible for administering the role of the Office in the hiring and promotional processes respectively. Both division commanders are responsible for acting as the liaison between the Office and the following entities:
  - 1. The Maricopa County Human Resources;
  - 2. The Maricopa County Employee Merit System Commission; and
  - 3. The Maricopa County Law Enforcement Officers' Merit System Commission.
- C. Responsibilities of both the Human Resource Services Division and Pre-Employment Division include, but are not limited to, the following:
  - 1. Adhering to hiring and promotional procedures, in accordance with state and federal law, Maricopa County Policy, Office Policies and when applicable, LEOMSRs or EMSRs;
  - 2. Advising Maricopa County Human Resources of the selection of individuals for hire or promotion from the register or eligible list pursuant to the applicable Maricopa County Policy, Office Policy, LEOMSRs or EMSRs, and Arizona Revised Statutes (ARS);
  - 3. Reviewing and evaluating the hiring or promotional processes as needed; and
  - 4. Initiating the eligibility review of applicants or candidates selected for hire or promotion, respectively.
- 2. **Announcements:** Open competitive announcements shall be by public notice. Internal and promotional announcements may be issued separately for specific positions or on a combined basis with open competitive announcements. Open competitive and internal job announcements will be posted on the Maricopa County Career Page. All reasonable efforts will be made to communicate with employees concerning promotional opportunities, which may include notification through an *MCSO Administrative Broadcast*. Employees are encouraged to review on a regular basis the Maricopa County Career Page for all open job announcements, both internal and external, for Maricopa County.
- 3. **Efforts to Attract Applicants:** Every reasonable effort shall be made to attract qualified persons to compete in the selection process for open positions. The Sheriff or designee may appoint someone directly, who has a unique skill set, for high-level or otherwise critical unclassified positions. Accordingly, the Office may not announce for an unclassified position recruitment.
- 4. **Reasonable Accommodations:** Qualified individuals with disabilities shall be provided with reasonable accommodations so that they can participate in the recruitment and selection process. Reasonable accommodations made for testing, interviewing, or other aspects of the recruitment and selection processes may not be reasonable accommodations for employment.
- 5. **Candidate Examinations:** Examinations shall be conducted for all candidates, if applicable, based upon the needs of the position and administered by the Pre-Employment Division. Qualifying standards for the examinations shall be job-related and consistent with business necessity.
  - A. Promotional examinations shall be conducted either on a qualifying or competitive basis.
  - B. Sworn personnel are eligible to participate in promotional examinations if they meet position qualifications as listed in the promotional announcement and have received at least a "Meets

Minimum Requirements” on their last two annual *Employee Performance Appraisals* (EPAs), as specified in the LEOMSRs 9.04-B.4.

6. **Hiring and Promotional Procedures:** Hiring and promotional procedures shall conform to the rules specified by Maricopa County Policy, Office Policies, and the LEOMSRs or EMSRs, if applicable.
- A. When making hiring and promotional decisions, the Office shall consider an individual’s disciplinary history. This consideration shall be documented in the paperwork generated during the hiring and promotional process. The Applicant Processing Tracking Sheet shall be used for documenting the hiring review and the *Promotional Eligibility/Review* form shall be used for documenting the promotions review. The applicable form will be placed in the Personnel File.
  - B. If an employee or applicant has a disciplinary history of three or more sustained allegations of misconduct, or one sustained violation of a Category 6 or Category 7 Offense from the Office’s disciplinary matrices, the employee or applicant shall be deemed presumptively ineligible for hiring or promotion.
    - 1. Discipline involving a sustained Office Policy violation of a Category 1-3 offense shall be considered for three years.
    - 2. Discipline involving a sustained Office Policy violation of a Category 4-7 offense shall be considered for five years.
    - 3. There shall also be an overall ten-year lookback review conducted for patterns of behaviors and misconduct.
  - C. Any exceptions to the discipline history ineligibility shall require a written justification to be submitted to the Sheriff or designee by the applicable executive chief. The written justification shall be placed in the employee’s or applicant’s personnel file and handled according to the provisions contained within the Court Implementation Division (CID) Operations Manual.
  - D. If there is a pending administrative investigation for a serious offense, the applicant will not be considered until that investigation has concluded. The applicable executive chief may submit written justification for a waiver of the presumptive ineligibility to the PSB. The PSB Commander or designee shall indicate their concurrence or disagreement with the justification. The executive chief’s written justification and the PSB’s determination shall be included in the employee or applicant’s personnel file.
  - E. The Law Enforcement Rule 15 Disclosure standing shall be considered in all promotional decisions.
  - F. The Office shall take into consideration any violations of sexual misconduct or alleged violations of sexual misconduct involving inmates and prisoners when making hiring and promotional decisions, as specified in Office Policy GJ-28, *Prison Rape Elimination Act* (PREA).
    - 1. The Office shall not hire or promote anyone that may have contact with inmates or prisoners, and shall not enlist the services of any contractor that may have contact with inmates or prisoners under the following conditions:
      - a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; or

- b. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent, or was unable to consent or refuse.
2. The Office shall take into consideration any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.
  3. At a minimum, every five years, the Records & AFIS Division shall conduct criminal records checks on all current employees for investigations of allegations of sexual abuse. Criminal History Record Information (CHRI) shall not be made available to anyone not authorized except as specified in Office Policy GF-3, *Criminal History Record Information and Public Records*.
7. **Promotional Assessments:** Employees participating in a promotional assessment shall be relieved and compensated for the duration of their scheduled promotional assessment that occurs during their normal scheduled shift.
  - A. Employees participating in a promotional assessment overlapping into or out of their normal on-duty hours shall only be compensated for their normal scheduled on-duty hours.
  - B. Employees participating in a scheduled promotional assessment during their normal off-duty hours or any portion of the assessment occurring during their normal off-duty hours shall not be compensated.
8. **Background Investigations:** The Pre-Employment Division shall conduct background investigations on anyone eligible for hire. Background investigations shall not include any inquiry into a medical or psychological condition. If any medical or psychological information is voluntarily disclosed by the individual during the background investigation, it shall not be considered when determining whether to make a conditional offer of employment.
9. **Conditional Offer of Employment:** A Conditional Offer of Employment (COE) shall be provided to candidates selected to continue through the pre-employment process. The COE should provide the anticipated rate of pay and indicate that the position and rate of pay may be subject to change based on budgetary considerations. The COE should also contain the conditions upon which a candidate may be successful in the pre-employment process, such as the results of a background investigation, polygraph examination, medical examination, psychological evaluation, and/or command or executive review.
10. **Polygraph Examinations:** The Polygraph Services Section shall conduct polygraph examinations of individuals applying to be hired for specified Office positions and maintain a record of the results, as specified in the Pre-Employment Division Operations Manual.
11. **Physical Readiness Assessments:** Physical Readiness Assessments may be conducted for pre-employment purposes with the approval of the Pre-Employment Division Commander. Physical readiness assessments may be conducted based upon the needs of the position and in accordance with state and federal laws, and as specified in Maricopa County Policy, Office Policies, LEOMSRs or EMSRs, if applicable.
12. **Civilian Positions:** Once an eligible list has been established, the Pre-Employment Division will notify the division requesting to fill or promote civilian positions and schedule a time for the eligible individuals to be interviewed by a supervisor from the division. Current Office employee applicants who are in a classified position and accept a new civilian position during a job announcement or promotional recruitment will become unclassified employees. In order to avoid adversely affecting their CORP pension benefit, detention

officers who are retiring and intend to return to work in a civilian capacity must first complete an MCSO *Intent to Retire Form*, establishing their official retirement date before receiving any implicit or explicit final offer of employment.

- A. Interviews shall be conducted in accordance with state and federal law, Maricopa County Policy, Office Policies, and Maricopa County Merit System Resolution and Rules, if applicable.
    - 1. The hiring manager should consult with the Pre-Employment Division before candidate interviews, to review and approve potential interview questions, to ensure that the questions are job-related, and in accordance with state and federal law.
    - 2. The same approved questions shall be asked of all candidates invited to the interview process. No questions shall be asked related to a candidate's disability medical status, or protected characteristics.
  - B. The interview panel is responsible for determining the candidate's potential suitability for a job, based on their skills, experience, education, and any other job-related requirements of the position.
    - 1. The interview panel shall consist of at least two panelists in addition to an alternate panel member.
      - a. In the event a panel member is unavailable, the hiring manager shall substitute the panel member with the alternate panel member.
      - b. In such instances, the alternate panel member should be included in the final evaluation process when hiring decisions are being made.
    - 2. All panel members should be at the same Job Profile level or higher of the candidates being interviewed. Exceptions may be approved by the Pre-Employment Division if extenuating circumstances exist.
  - C. Information regarding the position expectations, Essential Functions to be performed, Office/division structure, division operation hours/potential work schedule, and location information should be provided to each candidate. Preparing an introduction including these topics to share with each candidate is advisable. At the close of the interview, candidates should be informed that the Pre-Employment Division will be in contact with the candidate regarding the status of their candidacy.
  - D. No offers of employment or promotion may be made during the interview process. Salary information will be provided to the candidate by the Pre-Employment Division, in consultation with the Office Compensation Section and/or Maricopa County Compensation personnel.
13. **Access to Records:** Access to a candidate's processing materials shall be limited to the Sheriff or designee, and employees of the Human Resource Services Division, the Pre-Employment Division, and the Administrative Services Division. All processing materials shall be retained in a secure location when not being processed or reviewed. Record retention schedules shall be in compliance with the Arizona State Department of Library, Archives, and Public Records policies.
14. **Rehire Discipline History:** When a former employee, not subject to the provisions of Arizona Administrative Code R13-4-109 (Denial, Revocation, Suspension, or Cancellation of Peace Officer Certified Status) or has not previously received a sustained allegation of a Category 6 or Category 7 offense, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*, is rehired, whether in a full time or reserve deputy status, their past discipline history shall be considered during the hiring process, and during the course of their current employment as follows:

- A. If a former employee is rehired, the employee's past discipline history shall continue to be considered for any future promotions throughout the course of employment, as specified in this Office Policy.
- B. If a former employee is rehired, the employee's past discipline history shall continue to be considered for any future discipline during the time frame of the most current sustained offense.
- C. If a former employee is rehired, the employee's past discipline history shall continue to be considered for any future transfers during the time frame of the most current sustained offense, as specified in this Office Policy.
- D. If a former employee is rehired, the employee's past discipline history shall be considered in future assignments as a Training Division Instructor or Field Training Officer during the time frames of the most current sustained offense.