



# Arkansas Community Correction

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## **ADMINISTRATIVE DIRECTIVE: 16-07 RECRUITING AND HIRING**

**TO: ARKANSAS COMMUNITY CORRECTION EMPLOYEES**

**FROM: SHEILA SHARP, DIRECTOR**

**SUPERSEDES: AD 14-10**

**APPROVED: \_\_\_\_\_ Signature on file \_\_\_\_\_ EFFECTIVE: July 1, 2016**

**I. APPLICABILITY.** This policy applies to Arkansas Community Correction (ACC) employees and applicants for classified positions.

**II. POLICY.** ACC policy is to recruit, select, and employ qualified persons with the character, record of conduct, and experience consistent with agency policies, philosophy, and mission. Selection will be nondiscriminatory and based on applicant qualifications, background investigations, interview(s), other job related criteria, and the needs of the ACC.

Nothing contained in ACC policies, handbooks, applications, other documents, the granting of any interview, placement in a probationary status, or any other administrative act, creates a contract between an individual and ACC for either employment or the provision of benefits. The ACC does not guarantee continued employment for any specific period of time and employment can be terminated with or without cause, and with or without notice, at any time, at the option of either the ACC or the employee.(4-APPFS-3E-02[P]; 4-APPFS-3E-08)

### **III. DEFINITIONS.**

**A. Conditional Offer of Employment.** An offer of employment conditioned upon an applicant meeting certain job-related requirements prior to hire and/or during the probationary period.

**B. Constitutional Officer.** Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Attorney General, Commissioner of State Lands, and Auditor of State.

**C. Convictions.** A conviction must include a guilty plea, plea of nolo contendere, negotiated plea, or finding of guilt by a judge or jury.

**D. Direct Threat.** A significant risk of substantial harm to the health or safety of a person.

**E. Essential Job Functions.** The fundamental (not incidental) duties of a job.

**F. Extra Help.** Positions specifically designated in the agency budget to be filled by temporary employees who work 1,000 hours or less per year.

**G. Family Members.** The husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, sister, brother, stepsister, stepbrother, half-sister, half-brother, sister-in-law, brother-in-law, daughter, son, stepdaughter, stepson, daughter-in-law, son-in-law, aunt, uncle, first cousin, niece or nephew.

**H. Grant Position.** A position that is funded for a specified period of time and from sources other than State General Revenue Funds.

**I. Hiring Official.** The **Center Supervisor, Area Manager, Administrator or higher** who manages the recruiting and hiring process for a position in his or her supervision chain.

**J. Law Enforcement Officer (LEO).** Parole/Probation Officer/Agent, Parole/Probation Manager/Assistant Manager, Parole/Probation Assistant Director, Deputy Director of Parole/Probation Services, and others as designated by the Director who have met, or are in the process of meeting, Arkansas law enforcement certification requirements of Specialized Police Personnel.

**K. Probationary Period.** A continuous period of on-the-job work experience during which a new employee completes conditions of employment and during which the employee and the ACC may evaluate employee suitability in terms of knowledge, skill, ability, character, interest and conduct, and determine whether employment should be continued.

**L. Qualified Individual with a Disability.** An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements for the employment position that the individual holds or desires and who, with or without reasonable accommodation, can perform the essential functions of such position.

**M. Reasonable Accommodation.** Modifications or adjustments that do not pose an undue hardship on the employer and which enable qualified applicants with disabilities to access the job application process or enable qualified employees with disabilities to perform the essential job functions and to enjoy the same terms, conditions, and privileges of employment that are available to persons without disabilities.

**N. Rehire.** A rehire is a former employee who previously left state service.

**O. Undue Hardship.** "Undue hardship" is defined as an "action requiring significant difficulty or expense" when considered in light of a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation.

#### **IV. SPECIAL REQUIREMENTS.**

**A.** ACC employees must meet the minimum qualifications for their jobs, be able to perform the essential job functions (including providing a signed form to that effect after a conditional offer is made), be fingerprinted, receive favorable background investigations, and successfully complete training requirements and probationary periods, and if applicable, obtain and/or maintain certification and/or licensing.

**B. Reasonable Accommodations in Employment.** (2-CO-1C-09-1; 4-ACRS-7E-03; 4-APPFS-3E-03);

1. Upon request, the ACC will make reasonable accommodation(s) for the known physical and/or mental impairment of a qualified employee or applicant with a disability so that he/she may have the same access to the employment application processes, terms, conditions, and privileges of employment that are available to a person without disabilities unless doing so imposes an undue hardship or direct threat. Supervisors who have an applicant or employee requesting reasonable accommodation should immediately contact the Human Resources Administrator (HRA) to facilitate an accommodation determination. (4-APPFS-3E-03)
2. If a supervisor observes a qualified employee with a known disability having apparent difficulty in the performance of the essential job functions, he/she may inquire of the employee as to whether accommodation is needed. Otherwise, a supervisor or other hiring official must not inquire into apparent or unknown physical or mental disabilities.
3. Qualified applicants and employees with a disability may make requests for accommodations for physical and/or mental impairments to the HRS Administrator, who will in good faith make every effort to facilitate (in coordination with the agency legal counsel and appropriate Deputy or Chief Deputy Director) a determination of reasonable accommodation necessary to enable the employee to perform the essential job functions. The HRS Administrator will solicit a written recommendation, justification, and information relative to the expense through the supervisory chain to the Director for review and approval, prior to responding to the request.
4. Because of the physical demands associated with working in a corrections setting, an applicant for a position assigned to the Parole/Probation or Residential Services Divisions will complete a questionnaire regarding his/her ability (with or without accommodation) to perform the essential job functions. (2-CO-1C-19)

**C. Specialized Police Officer (LEO - Law Enforcement Officer).** Bachelor's degrees must be from a four-year college or university that is accredited by an organization recognized by the U.S. Department of Education, and the degree must meet the minimum qualifications specified in the Office of Personnel Management position class specifications. (4-APPFS-3A-01). Physical and psychological examinations are also

required (4-APPFS-3A-04). A LEO must complete the law enforcement training requirements as set forth in the Arkansas Commission on Law Enforcement Standards and Training (CLEST) rules and regulations manual.

Psychological Exam for Law Enforcement Officers – All Law Enforcement Officers must take the Minnesota Personality Inventory (MMPI). The HRS must schedule the administration of the MMPI (to include purchasing documents) with a psychologist or psychiatrist to be completed within thirty (30) days of the new employee's first workday whenever possible. The psychologist will send the F-2b form to HRS to retain in LEO file.

Once a Law Enforcement Officer has met all requirements required by CLEST within the twelve (12) month employment probationary period, application must be made for certification.

The Application for Award of Special Police Officer Certificate (CLEST F-7) form must be completed by the supervisor, signed by applicant, notarized, and sent to the HRS 10 business days before the employee's one-year anniversary (one-year in the Parole/Probation Officer position). A copy of the ACC Law Enforcement Training Academy certificate must accompany the CLEST F-7.

Additional supplemental forms must be submitted as appropriate for certified Law Enforcement Officers in compliance with the guidelines set forth by CLEST. All Supplemental Forms should be signed by the supervisor and employee and notarized before being sent to HRS who will forward to CLEST.

**Supplemental forms include:**

1. Personnel Change-in-status Report (CLEST F-4). This form must be submitted to HRS within 10 days of a LEO resignation, dismissal, retirement, death, change in rank, change of name, or other change in status, at which time HRS will notify CLEST.
2. Personnel Separation Notice (CLEST F-4a). The hiring official must present or mail this form to the LEO within 10 days of resignation, retirement, termination, or other form of separation. A copy of the form must be provided to the HRS.
3. Application for Award of Law Enforcement Instructor Certificate (CLEST F-8). This form must be completed by the supervisor, signed by employee, notarized, and sent to the Central Training Section. The Instructor Development Course certificate must accompany the F-8.
4. Law Enforcement Officer or Instructor Certificates. When received in response to the CLEST F-7 or CLEST F-8 application, the original certificate will be mailed to the HRS. HRS will make a copy for the LEO file and send the original to the hiring

official who should copy the certificate for the supervisory file and present the original to the officer.

**D. Residential Services Positions.** Hire selections for residential services positions must complete the Essential Job functions form. If the answer is “Yes with Accommodations” to any of the statements, the form must be completed and signed by a physician. New employees must be promptly screened for Tuberculosis (TB).

**E. Treatment Staff.** Within the initial 30 days of employment with ACC, a person hired in a treatment position must at minimum be certified as an Alcohol/Drug Counselor (ADC), Advanced Alcohol/Drug Counselor (AADC), Co-occurring Disorders Professional (CCDP), or registered with the Arkansas Substance Abuse Certification Board (ASACB) as a Counselor in Training (CIT). A CIT must test and pass for one of these certifications within three years. An employee who fails to obtain certification within the designated time frame or otherwise does not maintain required certification or licensure does not meet the requirements of the job will be terminated from that position. Upon becoming certified, employees must present the certification documentation to their supervisors who will forward such certification documents to Human Resources.

Persons hired into a position as a clinical supervisor must be a Certified Clinical Supervisor (CCS) or must test and pass the test as a CCS within two years of being hired as a CCS.

Persons who fail to get a passing score within the two-year period no longer meet the essential functions of the job and will be terminated from that position.

The “ASACB Policy and Procedure Manual” available on the ASACB website describes the “Certification Standards,” “Training/Education Approval Guidelines,” and other related information. Failure to obtain and maintain certification within the designated time frame constitutes failure to meet the essential functions of the job (4-ACRS-7B-02)

**F. Training Staff.** When hiring Central Training staff, excluding the administrative assistant, the same process and forms must be used as are used for Law Enforcement Officers (Parole/Probation Officer positions). All staff trainers in the CTS must become a CLEST certified law enforcement instructor within the first year of employment as a CTS trainer.

**G. Polygraph Examiners.** Polygraph Examiners must be licensed as required by the Arkansas Board of Private Security Agencies and the Arkansas Polygraph Examiners Act (Arkansas law section 17-39-101 through 17-39-308). Examiners must also follow the rules and regulations of this Board concerning conducting truth verification testing. A minimum of 40 hours of post-conviction sex offender testing training, beyond the basic examiner’s course requirements, is required for those who practice post-conviction truth verification testing. Examiners must obtain a minimum of 30 hours of continuing education in a two-year time period with 16 of the 30 hours consisting of specialized sex offender polygraph training. Examiners should complete a minimum of 25 examinations

prior to undertaking post-conviction sex offender testing. Examiners who have conducted fewer than 25 such exams should conduct these types of exams under the supervision of an experienced examiner in post-conviction sex offender testing. Examiners may not serve as both Polygraph / CVSA examiner and Supervision Officer to the offender.

**H. ACC Hire Selections.** All applicants selected for ACC employment must be of good character and the best qualified for the position as determined through such methods as interviews, background checks, mock presentations or writings.

**I. Use of Vehicles for Conducting State Business.** ACC employees in security and LEO positions, positions assigned State vehicles, and employees who use a personal or State vehicle to conduct State business, are required to have valid Arkansas driver's licenses and meet the Vehicle Safety Program guidelines for driving a State vehicle. (4-ACRS-1B-03)

**J. Positions Requiring Commercial Driver Licenses (CDL).** Applicants for positions requiring a CDL must authorize ACC to contact the Arkansas Office of Driver Services regarding past positive alcohol and/or drug tests. Applicants with a history of a positive test must submit documentation of completing a treatment program or an educational program prescribed by a substance abuse counselor.

**K. Avoiding Conflicts of Interest.**

1. Constitutional Officers and Their Spouses. ACC will not hire a constitutional officer serving in an elected office. Spouses of constitutional officers may be hired by ACC only with prior approval from the Legislature and the Governor. Former constitutional officers may not be hired into a job created or which had a salary enhancement of more than 15% by legislation enacted in the two-year period immediately preceding the conclusion of the constitutional officer's term in office. The continued employment of an ACC employee who becomes a constitutional officer or a spouse of a constitutional officer will be in accordance with Arkansas Code Ann. §21-1-402. Upon notification from the hiring official, ACC HRS will notify the State Chief Fiscal Officer, the Governor, and the Legislative Council of the hiring of any former constitutional officer.

2. Employment of Family Members. Hiring officials must not hire, promote, or demote a person into a position supervising or being supervised by a member of his/her family, working with or having access to sensitive confidential information regarding other family members, or where there is a conflict of interest. If employees become related after employment and a conflict of interest or supervision results, or if a reorganization creates such conflicts, up to 30 calendar days may be allowed to resolve the matter. If a resolution is not reached, the hiring official, with approval of the appropriate Deputy Director, may require one of the employees to transfer or resign immediately following the 30 calendar day allowance.

**V. GUIDELINES.** ACC will use various announcements and competitive processes to attract, hire and retain qualified applicants and encourage the professional advancement of experienced and qualified ACC staff. The ACC HRA must ensure use of the Arkansas State Jobs website to advertise all job vacancies for classified positions, as defined in the Statewide Classification and Compensation system. Additionally, job advertisements will affirm that ACC is an equal opportunity, at-will, drug and smoke-free criminal justice agency. Employees will be subjected to drug and/or alcohol testing and undergo background investigations. (4-APPFS-3A-02)

**A. Veteran's Preference.** The State Veteran's Preference Law confers preference in employment for certain veterans (or their widows, widowers, and spouses) provided they meet "substantially equal qualifications" and provide a DD214 Long Form to the hiring official during or before the interview process.

**Veteran's Requests for Information.** When a person who has qualified for veteran's preference makes a request for scoring information, the hiring official must provide the person with his/her base score, adjusted score, and the successful candidate's score. Also upon request, the hiring official must provide in writing the reason that the veteran was not included on a list of qualified candidates for interview and why the veteran was not selected for the position. (Arkansas law section 21-3- 302)

**B. Applicant Interviews.** Interviews will be conducted by a committee. Hiring officials should strive for a committee which reflects the agency demographics.

**C. Special Programs/Initiatives.** When consistent with the ACC mission and acceptable human resources practices, ACC may hire or engage the services of non-employees based on its participation in special programs/initiatives.

1. **Employment of Minors.** ACC Employees must have graduated from High School. However, students or others who are at least 18 years old may be hired for extra-help positions under special conditions and when approved by the appropriate Deputy Director. Some restrictions may also apply regarding employing minors in sensitive security areas. Minors will be paid at least the federal minimum wage. A minor must have a valid work permit, certificate of high school proficiency, or be a high school graduate.

a. A minor who is a high school graduate or has a certificate of high school proficiency may work the same hours as an adult.

b. A minor who has not graduated or achieved a certificate of high school proficiency may work up to 8 hours per day, 40 hours per week when school is not in session. When school is in session, a minor is limited to working up to 4 hours per day unless written permission is received from school authorities allowing the minor to work up to 8 hours on any day immediately prior to a non-school day.

- c. Before an employment offer is made to a minor, the hiring official should consult with the HRA and verify authorization of the hire.
2. Extra-Help. ACC will allow extra help and temporary personnel only when justification warrants, funds are available, a position is available and it is approved by the Director.
  - a. The supervisor will submit a request, justification and number of hours through the established supervisory approval process. Approved requests will be forwarded to the Deputy Director of Administrative Services and Human Resources Section to ensure availability of a position and funding.
  - b. Before making an employment offer for an Extra Help position, the requesting supervisor must interview the applicant, check employment and character references, obtain a favorable ACIC/NCIC check, and if hired, forward necessary papers (including but not limited to, employment application, reference checks, NCIC/ACIC results, INS forms, and W-4) to HRS and obtain a start date from HRS.
  - c. In case of an emergency, the Director may waive any and all of the above steps. In emergencies, personnel may be hired from a temporary employment service using procedures identified by the Deputy Director of Administrative Services and with the Director's approval

## **VI. FILLING VACANCIES.**

- A. Request to Fill Job Vacancy.** When a vacancy occurs, the hiring official must make a request to advertise the position to HRS by submitting a Job Vacancy Request form and a Hiring Freeze Exception Request form, as well as supporting documentation.
- B. Advertising/Screening Applicants.** Unless authorized to perform these functions locally, the central HRS Office will advertise vacancies, screen applications for completeness and minimum qualifications, and forward them to the hiring officials. Hiring officials, or a selected designee, must pre-score qualified applicants using the rating procedures as outlined below in D (Rating System) and by using the appropriate form. Upon request and approval, HRS will provide standardized information for advertisement in the local media. Supervisors may ask to have more detailed information added. Position advertisements must be posted for a minimum of five (5) business days. Advertising positions will follow OPM Policy.
- C. Employment Applications.** Applicants are encouraged to submit applications using the Arkansas State Jobs website. A separate completed application is required for each advertised position. All applications must be entered into the Arkansas State Jobs website or received in the Central Office, Human Resources Section on or before the position closing date.

**D. Rating System.** A Rating System approved by Human Resources shall be utilized by the Hiring Official and/or Interview Committee for scoring applicants selected for interview. Scoring shall be conducted in a manner that ensures objective criteria are used for selection of the most qualified applicants for vacant positions. Using the Applicant Rating Sheet, points shall be awarded for various criteria, which when totaled, comprise the total score for each applicant interviewed. The Rating System shall include:

1. Related Education. The applicant must meet minimum requirements for the job classification or must be approved as a qualified applicant per state requirements. A maximum of ten (10) points may be awarded to an applicant for completion of Related Education above the Minimum Educational Requirements for the position.

If the Minimum Qualifications require a high school diploma and the applicant possesses a related Associate's degree, two (2) points will be awarded; if the applicant possesses a related Bachelor's degree, two (2) points will be awarded; and if the applicant possesses a related Master's degree, two (2) points will be awarded. This would give the applicant a total of 6 (six) points for education.

If a Bachelor's degree is required and the applicant possesses a Master's degree, two (2) points will be awarded, and if the applicant possesses a related Doctorate's degree, two (2) points will be awarded.) A copy of the diploma or degree showing the award of the educational level is required. This would give this applicant a total of four (4) points

2. All diplomas received must be from the Department of Education for the applicable state.

3. All degrees received must be from a college or university accredited by one of the Regional Institutional Accrediting agencies recognized by the United States Department of Education.

4. Related Experience. An applicant's experience level for the job classification is awarded pre-calculated points for each month of related experience exceeding the minimum requirements up to a maximum of 10 points. A year of experience is calculated in twelfths to appropriately level the score in conjunction with education. If the applicant is approved for a substitution, then those years used to substitute must be subtracted from the total years in the appropriate section of the pre-scoring sheet.

5. Veteran's Status. An applicant may qualify for 5 or 10 points in accordance with provisions of the Arkansas Veteran's Preference Law. To claim Veteran's Preference, an applicant must be honorably discharged from a tour of active duty, other than active duty for training only, with the Armed Forces of the United States or served honorably in the National Guard of Reserve Forces of the United States for a period of at least six (6) years, whether retired or discharged. Five (5) points are awarded for standard veteran's preference. A disability discharge is ten (10) points. Disabled veterans or veterans over the age of fifty-five (55) should have ten (10)

points added to his/her final rating score. The applicant must produce a copy of the DD214 long form or NGB form 22 to receive veteran's preference points.

**E. Substitution of Minimum Qualifications.** If an applicant is determined "not qualified", and has related experience, the applicant must submit a letter addressed to the Human Resources Section requesting substitution of experience for the education requirement. Upon review of the state application, the requirements of the position and the letter requesting minimum qualifications substitution, the HRS may approve the request to move forward in the application grading process. The approval does not guarantee the applicant will receive an interview or be selected for the position, but only to move forward in the process.

**Substitution equation:**

One year of related experience = one year of education from an accredited college

If the Applicant is selected for the position, ACC HRS must submit the request to ACC Qualifications Review Committee for final approval of substitution request.

**F. Applicant Interview Process.** Hiring officials are responsible for following established procedures for the Interview Process:

1. Based on the pre-score, the interview will be conducted with the top six (6) but not more than twelve (12) applicants. Fewer than Six (6) qualified applicants will result in all applicants being interviewed. More than twelve (12) may be interviewed if the pre-scores prohibit a natural cutoff at twelve (12) applicants.

The pre-score determines the applicants selected for interview. The top six applicants with the highest pre-scores must get an interview; however, if the sixth applicant pre-score is tied with other applicants, then those applicants must also receive an interview.

2. Interview committee members are responsible for documenting and scoring the interview responses on the Applicant Scoring Form.

Scoring for interviews shall be determined by assessing the responses to questions that support the knowledge, skills, and abilities (KSA's) of each job specification.

The rating shall be multiplied times the numerical weight (importance) assigned for each KSA to determine the total interview score, which must be 60% or higher. Any supervisory position requires an interview score of 70% or higher. The Hiring Official and interview committee shall utilize objective questions relative to the knowledge, skills, abilities and requirements of the position. Questions and model answers must be attached to the hire/promotion packet.

3. Select an interview committee of no less than two people who reflect agency and/or county demographics and may include the Hiring Official. The Hiring Official may

select the top-scoring applicant or may elect to re-interview the top three applicants prior to making a final selection. If the selected applicant does not have the highest score, written justification in clear and unambiguous terms is required on the Applicant Recommendation Summary.

4. Applicants not properly registered or with Selective Services will not be considered for employment.

**G. Selection Criteria.** The hiring official makes the initial recommendation for hire based on information furnished by the applicant, responses on Qualification Inquiry Form, applicant interview responses, work and/or character references, ACIC/NCIC reports, and an assessment of knowledge, skills, and abilities (KSAs). Persons applying for rehire will be evaluated on the same basis as other applicants plus past job performance and the circumstances surrounding termination of previous ACC employment; physical, and psychological exams (when appropriate); and in compliance with legal, budgetary, and regulatory requirements. Consequently, the applicant with the highest interview score will not necessarily be the applicant hired for the position. (2-CO-1C-13; 4-ACRS-7B-04)

#### **H. Background Investigation.**

1. For positions requiring a CDL, the HRS must request information from the Office of Driver Services Commercial Driver Alcohol and Drug Testing Database (CDADTD) and maintain the results for three (3) years. A person with a record of a positive drug and/or alcohol test may not work for ACC in a position requiring a CDL.
2. LEO and Residential Security Positions. Applicants and incumbents for law enforcement officer positions are prohibited by CLEST rules and regulations from having a felony conviction. The fact that an individual has received a pardon or their record has been sealed/expunged does not release the person from having a felony record for the purpose of the CLEST requirements. A person must not be employed as an ACC LEO if he or she has a felony or a misdemeanor conviction for domestic violence or sexual abuse by force or coercion.

ACC also requires applicants for Residential Services positions to meet the above Commission standard on misdemeanor and felony convictions except as outlined below in Conviction Exceptions.

Residential Services and Central Office Hiring Officials must be consistent with federal, state, and local laws and make efforts to contact all prior correctional facility employers (jails, prisons, or community correction facilities) for information on substantial allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. (PREA 115.217)

3. Conviction Considerations. An ex-offender status will not automatically disqualify an applicant for employment with ACC, except for Law Enforcement Officers/Security

Officer positions. The following should be considered in determining whether convictions other than those described in the preceding paragraphs are sufficient to refuse employment or discharge from employment:

- a. the job duties and responsibilities;
  - b. the nature and number of convictions;
  - c. the facts of each conviction;
  - d. the length of time between a conviction and the employment decision;
  - e. rehabilitation efforts; and
  - f. if the particular conviction would prevent acceptable job performance.
4. Hiring Officials must conduct a comprehensive background investigation using the following tools: Authorization for Release of Information, addresses listed on the Child and Adult Maltreatment forms for last five (5) years, Qualification Inquiry, ACIC/NCIC reports and responses from local courts. This information must be included in the hire packet sent to HRS.
  5. The comprehensive background investigation and packet will be reviewed by the HRS-BD on each recommended applicant. If during the investigation or review, the hiring official or HRS encounters information that indicates a potential connection or involvement with terrorism, the information must be forwarded through the Internal Affairs Administrator (IAA) to the Arkansas State Police (ASP) for review by the Joint Fusion Center (the Arkansas Joint Terrorism Task Force). (4-ACRS-7B-05; 2-CO-1C-18).
  6. Following review of the background investigation and hire packet, the HRS-BD will forward it to the appropriate Deputy Director. If the background is not acceptable, the HRS must provide the supporting information.
  7. The Deputy Director must review the complete packet and sign indicating “approved” or “not approved.” Approved hire packets are sent to HRS.
  8. When a Deputy Director approves an applicant, his/her Administrative Specialist must communicate the information on the Information Systems Access Request form to the Information Technology department.

**I. Rehire of Retired State of Arkansas Employees.** Candidates who have retired from State of Arkansas jobs are subject to a mandatory waiting period before they can be rehired. Anyone who enters the DROP on or after March 1, 2011, cannot return to APERS covered employment.

- |   |                         |
|---|-------------------------|
| • Regular Retirement On or after July 1, 2009 | 180 days waiting period |
| • DROP Retirement:                            |                         |
| • On or before January 1, 2009                | 30 days                 |
| • February 1, 2009 – February 1, 2011         | 180 Days                |
| • March 1, 2011                               | Not eligible to return  |
- (includes employers covered under reciprocal plans)

## **J. Inter-Agency Movements.**

1. Administrative transfer – The Director may at any time transfer employees and/or their positions to another location when the transfer is in the best interest of the Department.
2. Lateral Transfer  
ACC employees must meet the following criteria to be eligible for a lateral transfer; however, the Director or appropriate Deputy Director may approve the request based upon extenuating circumstances.
  - a. A current ACC employee **not** on disciplinary probation may apply for a lateral transfer to a position title and grade that is the same as the employee's current position.
  - b. A newly-hired employee currently on initial probation may **not** request a lateral transfer until his or her probationary period is up.

The employee is responsible for obtaining all required signatures on the Request for Lateral Transfer form. Once completed, the Request for Lateral Transfer form and the DFA Disclosure/Certifications Forms must be sent to HRS on or before the day the position advertisement on the Arkansas State Jobs website closes. HRS will validate transfer eligibility and forward transfer requests to the hiring official.

The hiring official may interview and process his/her hiring recommendation or request HRS to forward remaining applications for the position and resume the normal interview and selection process. The hiring official is responsible for notifying non-selected candidates referred to him/her for consideration; HRS will notify all other applicants. HRS will confirm the Lateral Transfer Date and will notify both the Releasing Official and the Hiring Official. The Releasing Official may allow the transfer in less than two weeks. 4-APPFS-3E-09

3. Transfer  
Any transfer of a position or employee within an Area requires immediate supervisor and Division Deputy Director approval.
4. Promotions  
ACC employees may compete for subsequent promotion within the agency using the State application to apply for a higher graded job (4-APPFS-3E-09). Reference checks for promotion applicants may be limited to internal checks. Criminal history checks will be conducted. Upon change to a higher grade, an employee's salary will be increased in accordance with OPM Policy and guidelines of the Timekeeping and Compensation Policy.
5. Demotion
  - a. Voluntary – Employees can opt to demote to a vacant position with approval

from the immediate supervisor and Division Deputy Director

b. Involuntary – Refer to Administrative Directive: Employee Discipline

### **K. Conditional Offer of Employment**

1. The hiring official must make a written conditional offer of employment. Candidates for employment should be informed of any position requirements, such as training, certification, travel requirements/frequency, and extended or irregular work hours. The written conditional offer of employment may be electronic; however, a signed letter must be obtained prior to start of ACC employment and must be provided to HRS on or before HR in-processing day, which is usually on the hire date.
2. Certified counselors must provide HRS a copy of the certification the first day of or before HR in-processing or orientation otherwise; promptly forward attainment of certification.
3. Assemble the HR hire pack to include required documents listed on the Hire Pack Checklist that is appropriate for the position.

### **L. Final Processing**

The HRS, upon receipt of a completed and correct hire packet, will issue an effective hire date to the hiring official.

The hiring official must notify the candidates who were interviewed, but not selected, that the position has been filled by another qualified applicant.

### **M. Orientation.**

The hiring official must facilitate enrollment for new employees in the orientation process as described in the Employee Training policy. The hiring official must submit new employee information via ACC HR IT Notify.

### **N. Probationary Period.**

All new employees, rehires, transfers (including lateral transfers), and promotions must complete a probationary period as outlined below.

- New Hire – 12 months
- Rehire – 12 months
- Internal Transfers (including lateral transfers) – 6 months
- Promotions – 6 months
- Voluntary Demotions – 6 months
- Involuntary Demotions – 12 months

Completion of a probationary period does not affect the “at-will” employment status of the employee or create or constitute a contract for employment. In the event of a major illness or other necessity that results in approved, long-term absences from the work place during the probationary period, the period will be extended until such time as the total amount of time on the job reaches the equivalency of 12 months. (2-CO-1C-15)

#### **O. Veteran’s Requests for Information.**

When a person who has qualified for veteran’s preference makes a request for scoring information, the hiring official must provide the person with his/her base score, adjusted score, and the successful candidate’s score. Also upon request, the hiring official must provide in writing the reason that the veteran was not included on a list of qualified candidates for interview and why the veteran was not selected for the position. (Arkansas law section 21-3- 302)

### **VII. FORMS LIST**

Form 1A	Hire Pack Checklist for Non-Security/Non-LEO
Form 1B	Hire Pack Checklist for Law Enforcement Officers
Form 1C	Hire Pack Checklist for Residential Services Security
Form 2	Request for Job Vacancy Advertisement
Form 3	Applicant Scoring
Form 4	Applicant Recommendation Summary
Form 5	Workplace Notices
Form 6	Qualification Inquiry (All Employees)
Form 7A	External Employment Reference Form
Form 7B	Internal Employment Reference Form
Form 8	Character Reference Questionnaire
Form 9	Grant Position Acknowledgement
Form 10	Applicant Rating Sheet
Form 11	Authorization for Release of Information
Form 12	Request for Lateral Transfer
Form 13	Law Enforcement Code of Ethics
Form 14	Essential Job Functions Non-Security/ Non- LEO
Form 15	Essential Job Functions Law Enforcement
Form 16	Essential Job Functions Residential Security
Form 17	Information Systems Access Request Form
Form 18	Conditional Offer of Employment (LEO)
Form 19	Conditional Offer of Employment (Residential Services)
Form 20	Conditional Offer of Employment (Non-Security/Non-Leo)
Form 21	Notice of Non-Selection
Form 22	Notice to Applicant’s Selected for Interview
APS-0001	Authorization for Adult Maltreatment Central Registry (Check) Form
CFS-316	Request for Child Maltreatment Central Registry (Check) Form
DFA Disclosure Forms	

OPM Form 023 Statement of Selective Service Status  
OPM Form Hiring Freeze Exception Request

CLEST F-1 Initial Employment Form  
CLEST F-2 Medical Examination Form  
CLEST F-2a Medical History Questionnaire  
CLEST F-3 Personal History Statement  
CLEST F-4 Personnel Change in Status Report  
CLEST F-4a Personnel Separation Notice  
CLEST F-7 Application for Award of Law Enforcement Certificate  
CLEST F-8 Application for Law Enforcement Instructor Certificate  
ALETA Training Application Forms

## **VIII. REFERENCES**

**Arkansas Dept. of Finance & Administration (DFA)  
Disclosure of Employment of Family Members forms is available on the Department of  
Finance and Administration: Human Resources website**