

CHAPTER 3 HIRING PRACTICES

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3-1 General Practice

The City is an *equal opportunity employer*. It is the policy of the City from recruitment through employment and promotion, to provide equal opportunity at all times without regard to race, color, religion, sex, national origin, age, pregnancy or disability in compliance with the requirements of state and federal law.

It is the policy of the City to fill all job openings with the most qualified individual available. Where possible, it shall be the policy of the City to promote from within provided that all promotions shall be made based upon the candidates' qualifications.

3-2 Anti-Nepotism

Concerning the prohibitions regarding the employment of relatives, it is the City's policy to comply with Title 52, Chapter 3, Utah Code Annotated. The City prohibits any person holding any position, to appoint, vote for the appointment of, directly supervise, be in the line of supervision of, or be directly supervised by their father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild. This policy applies to full-time regular employees, part-time employees, temporary or seasonal employees, and paid-on-call employees.

3-3 Exception to Anti-Nepotism Policy

Chapter 3-2 shall not apply if the Mayor determines that the potential employee/relative is the only person available or best qualified to perform supervisory functions. The employee who exercises authority over a relative may not evaluate the relative's job performance or recommend salary

increases for the relative. The employee or public officer shall make a complete written disclosure of the relationship to the Mayor (Utah Code 52-3-1).

3-4 Veterans Preference

In accordance with Title 71, Chapter 10, Utah Code Annotated, eligible veterans and their spouses shall be given preference in interviewing and hiring for a position.

3-5 Eligibility to Compete in Examinations

Open competitive examinations: Examinations designed to establish eligible lists shall be open to all citizens of the United States and to resident aliens who meet the minimum qualifications and requirements set forth in the announcement, without regard to race, color, creed, sex, age or disability.

Admittance to Examinations: Admittance to examinations may be limited to employees within the classified service when it is determined there exists a sufficient number of qualified candidates.

Noncompetitive Examinations: When appropriate, an examination may be conducted to establish an employee's eligibility for appointment to a higher level position when such position is reallocated in recognition of a change in duties and responsibilities.

Restriction on Admission to Examinations: All applicants for positions within the classified service shall meet age, residency or other requirements as established under the personnel program.

3-6 Job Announcements

Job announcements shall specify the title and beginning salary of the position for which the examination is announced; the nature of the work to be performed; the experience and training required, the time, place and manner of making application; the necessary special qualifications established for admission to the examination; and other pertinent information including the weight to be given to various components of the examination consistent with the position to be filled.

Announcements shall be distributed for every examination or job opening in order to inform interested and qualified persons of the opportunity to apply, except as the Mayor determines for those positions appointed by the Mayor and enumerated in Section 2.02.030 of the Brigham City Code.

Announcements shall be posted where eligible persons might reasonably expect to be located. A copy of each external announcement shall be sent to the local office of the Department of Workforce Services. Announcements shall be posted for a minimum of five working days, unless a longer announcement period is required to attract a sufficient number of applicants for the position at any time.

3-7 Application for Examination

Application forms shall be available to all interested persons upon request in person or in writing at such places as may be deemed appropriate for effective recruitment. All applications must be made upon approved City application forms unless waived by the Mayor or his/her designee, and must be submitted within the time period specified in the announcement. It shall be the policy of the City to interview all City employees who apply for and meet the minimum qualifications required for a vacant City position.

3-8 Admission to Examination

Qualified applicants shall be notified of the date, time, and place of the examination. No person shall be permitted to take any examination without an authorization or other satisfactory evidence of acceptance or conditional acceptance of that person's application.

Any applicant who, because of serious illness or other good cause, is unable to appear as notified, may at the discretion of the Mayor or his/her designee be given the examination at a later date, but only if the City was advised of the candidate's inability to appear prior to the time for which the examination was originally scheduled and it is feasible to give the examination again.

Reasonable accommodation shall be made to disabled individuals eligible for consideration for the position in question if their disability makes it unduly difficult for them to take the examination. In such cases the Mayor or his/her designee shall determine and administer an alternate form of examination that is accessible to the disabled individual.

3-9 Rejection of Application

Any application may be rejected if the applicant:

- a. is found to lack the qualifications prescribed for admission to the examination or filling the position; or
- b. has a record of unsatisfactory employment; or
- c. has pleaded guilty to a felony or been convicted of a felony or pled no contest to a felony which would bar the applicant from effective performance of the duties of the position applied for; or
- d. has practiced or attempted to practice deception or fraud in the applicant's application or examination; or
- e. has otherwise violated provisions of these rules and regulations.

3-10 Failure to Pass Examination

An applicant who fails to achieve a passing score in an open competitive examination may not compete again for the position until ninety days have passed from the original date of taking the examination.

3-11 Background Checks

Brigham City Corporation is an active participant in the McGruff Truck Program, with McGruff trucks currently operating in the following departments: Public Power, Public Works and Leisure Services. Brigham City recognizes that the McGruff Truck Program provides a very important service to both the young people and other citizens of our community. Among other things, this program provides a “safe place” or a place of refuge to young children or others who find themselves in a dangerous or emergency situation. Therefore, in light of the height and level of trust likely to be placed upon those particular Brigham City employees operating the McGruff trucks; it is the policy of Brigham City Corporation that all those individuals currently employed in the Public Power Department, Public Works Department, or Leisure Services Department, who are or will be working on any McGruff truck shall be asked to submit to a voluntary criminal history and background check. Any individuals who are not currently employed in any of these departments but are seeking such employment, either as a “new hire” or a transfer from a different department, shall be required to submit to a mandatory criminal history background check before his/her employment application or transfer request can be processed.

3-12 Criminal History Review for Employees and Volunteers that Work with Minors, Vulnerable Adults, or Persons with Disabilities

Brigham City Corporation shall require that any applicant, paid or volunteer, for a position involving interaction with minors and/or vulnerable adults authorize and submit to a Criminal History Review and Background Investigation to establish that the applicant’s character and conduct is consistent with that of those entrusted to hold such positions. Those applicants found to have been convicted of offenses involving minors and/or vulnerable adults, or persons with disabilities or any offense affecting their ability to appropriately interact with minors, and/or vulnerable adults, or persons with disabilities shall not be hired or permitted to serve regardless of when the conviction occurred. The use of this information shall conform to Utah Law. Those volunteers and employees approved for positions involving interaction with minors and/or vulnerable adults, or persons with disabilities shall be required to authorize and submit to Criminal History reviews and Background Investigations every 2 years.

3-13 Appointing Authority

The head of each City department or division shall be the appointing authority for the employees in that department or division, and he or she shall make a recommendation to the Mayor that formal Council approval of the hire be obtained.

3-14 Types of Employment

Probationary Appointment. Probationary appointment shall be made only following an action of the City Council certifying re-employment, promotion, reinstatement, or original appointment.

Temporary and Seasonal (and Emergency) Appointments. Appointments to temporary or seasonal positions may be made without the use of formal examination and certification procedures. However, applicants must be sixteen (16) years old and meet minimum position qualifications as determined by the Mayor. Temporary and seasonal appointments shall be approved by the Mayor or his/her designee but shall not require Council approval.

Part-Time and Paid-On-Call Appointments. Appointments to part-time/paid-on-call positions may be made by the supervisor after approval of the Mayor and City Council. Such appointments shall be made, however, by using the formal examination and eligible certification provisions outlined in these procedures.

Temporary Emergency Appointments. In an emergency, to prevent undue delay or serious interference with the provision of vital City services, department or division heads may make an emergency appointment for a period not to exceed thirty calendar days. Such appointments can be made without recourse to the formal examination and certification provision of these procedures. Approval of the Mayor is required to make a temporary emergency appointment, and the appointing authority must use the appropriate personnel action form.

3-15 Transfers

A position may be filled by transferring an employee from another position of the same or similar class having the same salary range, after that employee has completed six months employment. Interdepartmental transfers must be approved by both departments affected.