PURPOSE

The purpose of this Office Policy is to establish a uniform process for hiring and promotional procedures, 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 appointment 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 Law Enforcement Officers’ Merit System Rules (LEOMSRs), and Maricopa County Employee Merit System Rules (EMSRs).

DEFINITIONS

 Applicant: A person who has filed an application with 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, with or without reasonable accommodations.
Eligible List, Civilian and Detention Only: An official list of those eligible for a particular position, which shall be used by the appointing authority, for selection for appointments to positions.

Essential Functions: Those fundamental operations or duties which are considered indispensable to the successful completion of a job task. Functions are considered “essential” when employees are required to perform them and when their elimination would fundamentally alter the job. A function which is rarely performed may nevertheless be essential.

Examination: The evaluation process used by the Maricopa County Human Resources Director 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 conducted by Maricopa County Human Resources.

Initial Probation, Detention Only: A specified period of time following the most recent employment, to include hire, promotion, demotion, or transfer, into any classified position during which the work performance of the employee is evaluated. An initial probationary employee is at-will and may be released from initial probation for or without cause. The initial probation shall be a minimum of 12 months, and may be extended by the Sheriff or designee for up to six additional months. The exception to the initial probation only occurs based on market range title adjustments and reassignments.

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

Job-Related Standard: A legitimate measure or qualification relevant to an essential function of the job.

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: 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 Rules, or Office regulations.

Criminal Misconduct: Conduct 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: Conduct 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 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 PSB.

Serious Misconduct: Conduct 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.

**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 an entry level employee shall be one year and may be extended by the Sheriff, or designee for up to six additional months. An employee may be separated at any time during the initial probationary period of the probationary appointment 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.

**Promotional Probation, Sworn Only:** The promotional probationary period for a sworn employee shall be six months unless extended by the Sheriff for not more than six months. A promotional probationary employee, who fails to satisfactorily complete the promotional probationary period may, without right of appeal, revert 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.

**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 include, 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 Rules.

**PROCEDURES**

1. **Responsibilities:**
   
   A. The Maricopa County Human Resources Director (MCHR), or designee, is responsible for recruiting and examining applicants for employment and candidates for promotion and developing a register or eligible list. Upon receipt of a written request from the Human Resource Services Division, the MCHR shall recruit, test, and then certify a list of eligible candidates.
   
   B. The Human Resource Services Division and the Pre-Employment Services Division Commanders shall be responsible for administering the role of the Office in the promotional and hiring 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 Employees Merit System Commission;
      3. The Maricopa County Law Enforcement Officers’ Merit System Commission; and
      4. The Maricopa County Board of Supervisors.
C. Responsibilities of both the Human Resource Services Division and Pre-Employment Services Division include, but are not limited to, the following:

1. Adhering to promotional procedures, as specified in the applicable LEOMSRs or EMSRs;

2. Notifying the MCHRD, in advance, of the need of vacancies to be filled by promotion or hiring;

3. Preparing an announcement for an in-house publication, such as an MCSO Administrative Broadcast, that explains the required steps for promotion or hiring;

4. Advising County Human Resources of the selection of individuals for promotion or hire from the register or eligible list pursuant to the applicable LEOMSRs or EMSRs and Arizona Revised Statutes (ARS);

5. Reviewing and evaluating the hiring or promotional processes as needed; and

6. Initiating the employees or applicants promotional and hiring eligibility review.

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, internal, and promotional announcements will be distributed throughout the Office; all reasonable efforts will be made to communicate with employees concerning promotional opportunities.

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.

5. Candidate Examinations: Examinations shall be conducted for all candidates. 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 have received a “Meets Minimum Standards” 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 the Maricopa County Human Resources Department, the applicable LEOMSRs or EMSRs, and Office Policies.

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.

1. 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 shall be deemed ineligible for hiring or promotion.

a. The lookback period shall be as follows:

   (1) Hiring – 10 years;
   (2) Promotions – 10 years; and
   (3) Transfers – 5 years (assignments to CID, PSB, or BIO - 10 years).

b. The Law Enforcement Rule 15 Disclosure (Brady List) standing shall be considered in all promotional decisions.

c. Any exceptions shall require a written justification by the appointing authority for hiring or promoting the employee or applicant. The written justification shall be placed in the employee’s personnel file and handled according to additional provisions contained within the Court Implementation Division (CID) Operations Manual.

2. If an employee is the principal of an ongoing administrative investigation of a serious offense, the employee shall be deemed ineligible for promotion or hire to a new position until the investigation has reached its conclusion. A serious offense includes, but not limited to: engaging in discrimination that violates law or Office 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.

   a. Any exceptions shall require a written justification by the appointing authority for promotion or hiring the employee into a new position.

   b. The written justification shall be placed in the employee’s personnel file and handled according to additional provisions contained within the CID Operations Manual.

B. 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. Creation of Eligible List (Civilian and Detention Only): At the conclusion of an assessment process, the MCHRD shall prepare a list of eligible candidates or merge the names of new eligible candidates with those on an existing eligible list. The MCHRD shall determine the order in which candidates are placed on an eligible list. Typically, the names of eligible candidates shall be in alphabetical order, or by the order of their final numeric assessment score, if applicable.

8. Placement on Register (Sworn Only): After examinations are completed, the Maricopa County Law Enforcement Officers’ Merit System Commission shall prepare a register, or merge the names of the new eligible candidates with those on an existing register. The names of eligible candidates shall be placed continuously on registers in the order of their final composite scores in the examination.

9. Certification: The Human Resource Services Division shall request a register or eligible list of anyone eligible in order to fill positions. The Pre-Employment Services Division and the Human Resource Services Division shall maintain contact with those individuals throughout the employment process.

10. Background Investigations: The Pre-Employment Services 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 voluntary disclosed by the individual during the background investigation it shall not be considered when determining whether or not to make a conditional offer of employment. The background investigation includes, but is not limited to, the following:

A. Verification of the individual's identifying credentials, such as driver’s license, birth certificate, passport, or social security card;

B. Verification of the individual’s compliance with Arizona Peace Officer Standards and Training Board (AZPOST) or other applicable employment standards;

C. A review of the individual’s criminal history record;

D. A review of the individual’s employment history;

E. A review of any former Office employee’s disciplinary history with the Office;

F. A review of any disciplinary history related to the individual’s employment at another law enforcement agency;

G. Verification of the individual’s references. Prior employers or others shall not be asked any questions that cannot be directly asked of the individual himself;

H. Obtaining copies of the individual’s educational credentials, such as transcripts, diplomas, and degrees, if applicable to the position. High school or college transcripts may be procured at the pre-offer stage; and

I. Conducting Federal Bureau of Investigations (FBI) checks and national credit checks, as applicable for the position;
11. **Polygraph Services:** The Polygraph Services Section shall conduct polygraph examinations of individuals applying to be hired, and maintain a record of the results, as specified in Office Policy GH-3, *Polygraph Procedures and Documents.* Polygraph examinations shall be conducted only after a conditional offer of employment has been made. The results of a polygraph examination may be used as a determinant of employment eligibility.

12. **Physical Agility Evaluations and Oral Interviews:** The Pre-Employment Services Division and the Training Division shall be responsible for administering physical agility evaluations and coordinating oral interviews, when necessary. Physical agility evaluations may be given at any point in the application or employment process, as long as they are job-related, and consistent with business necessity.

   A. Physical agility evaluations given *prior* to a conditional offer of employment shall meet the following criteria:

   1. All eligible individuals shall be provided with a detailed, written description of the evaluation;
   2. Physiological or biological responses shall not be measured; and
   3. Impairment related inquiries or medical examinations to establish an individual’s fitness to take an agility evaluation are prohibited. Furthermore, those eligible shall not be screened for medical conditions, such as heart disease, prior to the evaluation.

   B. Select individuals who meet the eligibility requirements for deputy trainee, will be invited for a structured oral interview conducted by a minimum of two ranking, sworn officers.

13. **Civilian Positions:** Once an eligible list has been referred to the Office, the Pre-Employment Services 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 civilian employee applicants who are in a classified position and accept a new position during a job announcement or promotional recruitment, will become unclassified employees.

   A. It is the interviewer’s responsibility to be aware of state and federal law and Maricopa County Merit Rules as they relate to the interviewing process.

   B. The interviewer is responsible for determining the candidate’s potential for a job, based on their skill, experience, education, and any other requirements of the position that they seek, and whether they can perform the essential functions of the position with or without reasonable accommodation. The following topic outline is suggested for employment interviews for open competitive positions:

   1. Introduction: Greeting, explaining the structure of the interview, opening question.
   2. Work Experience: Previous jobs or tasks done during other employment, military assignments, and volunteer work.
   3. Education: High school, college, special training.
   4. Summary of Strengths and Shortcomings: Strengths or assets, shortcomings or areas for development.
   5. Position Information: Description of the essential functions of the position. The job description should be focused on the tasks, not the methods for performing the tasks. The possibility of alternative ways to perform the tasks should be left open. Only the “essential
functions” of the job should be included, while noting other tasks, not considered essential, that an individual may be asked to perform on occasion. Only those job qualifications, such as educational level or job skills, which relate directly to the performance of the essential job function, should be specified. After the essential tasks to be performed on the job have been discussed, the individual shall be asked:

a. “Can you perform the essential tasks described with or without a reasonable accommodation?”

b. No other discussion which may identify a disability or medical condition is permitted.

6. Office Information: Information about current Office benefits, salary, history, and operation. No promises concerning pay or promotions can be made.

7. Candidate’s Questions: The candidate should be allowed to ask questions.

8. Parting: No commitments will be made at this time. The supervisor is required to document the findings of the interview on forms provided by the Pre-Employment Services Division.

14. Requesting Medical Information: Prior to requiring a candidate to provide medical information, take a medical examination, or disclose information regarding a disability, the Pre-Employment Services Division shall extend a conditional offer of employment to the individual selected to fill the position. Employment shall be conditioned upon funding, the results of a medical examination, and, when appropriate, and in consultation with the Pre-Employment Services Division, a psychological evaluation, polygraph examination, and drug test.

A. The medical examination shall be provided by personnel under contract to the Maricopa County Office of Procurement Services, certifying the individual’s ability to perform the essential functions of the position, as outlined in the job description.

B. A drug test shall be provided:

1. If a candidate tests positive for illegal drug use, the test may be validated by asking him about any lawful drug use that may have resulted in the positive response.

2. A drug test which reveals the use of prescription drugs, in and of itself, cannot be used to eliminate an individual. However, in the event secondary medical information is obtained, it shall be treated as a confidential medical record, and maintained separately from the individual’s personnel file.

C. All psychological evaluations and assessments shall be conducted by designated and qualified professional personnel.

1. Emotional stability and psychological fitness evaluations shall be conducted on all candidates for deputy sheriff trainee and detention officer recruit. Psychological fitness evaluations may be required for civilian positions, including, but not limited to, Crime Lab Analysts, Emergency Dispatcher, and designated Inmate Programs positions.

2. The Behavioral Health Services Section shall maintain a record of the results of emotional stability and psychological fitness evaluations.

D. After reviewing the results of the medical examination and, when appropriate, the psychological
15. **Interviews Out of Sequence:** Under special circumstances, as determined by either the Human Resource Services Division Commander or the Pre-Employment Services Division Commander, evaluations and interviews conducted by either division may be accomplished out of sequence in order to expedite the employment procedure. However, polygraph examinations and, psychological and medical evaluations may only be accomplished following a conditional offer of employment, as specified in this Office Policy.

16. **Selection:** The Office’s selection must be from among the candidates listed on the register or eligible list.

17. **Notification:** The Human Resource Services Division for promotional candidates and Pre-Employment Services for new hires shall notify the MCHRD when a final selection has been made. Candidates who are unsuccessful may be informed of the specific evaluation, interview, or investigation which they failed. Notification shall be made verbally or by mail, or in any other manner prescribed by the MCHRD.

18. **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, Pre-Employment Services 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. Records which are to be disposed of shall be shredded and the shredding must be done by employees of the Pre-Employment Services Division only.

19. **Probationary Periods:** All employees occupying a classified position shall serve an initial probationary period. Unclassified employees do not serve a probationary period as they are at-will employees and are not covered by the Maricopa County Employee Merit System Rules, as specified in Office Policy GC-11, *Employee Probationary Periods*.

20. **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, 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 employees 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 employees past discipline history shall continue to be considered for any future discipline during the time frame of the most current sustained offense, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*.

   C. If a former employee is rehired, the employees 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 employees 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, as specified in Office Policy, GG-1, *Peace Officer Training Administration* and GG-2, *Detention and Civilian Training Administration*.