CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
BEST HIRING PRACTICES

The State's Hiring Principals ensure appointments to positions in the State Civil Service are made on the basis of merit and fitness, defined exclusively as the consideration of each individual's job-related qualifications for a position, including his/her knowledge, skills, abilities, experience, education and training. Selection procedures include but are not limited to: hiring interviews, reference checks, background checks, and/or any other procedures which assess job-related qualifications and are designed and administered to select those individuals who best meet the selection need.

Rule 250 Requirement that Selection be based on Merit and Fitness

Best hiring practices have been designed to ensure that hiring supervisors select the most qualified candidates following a fair and rigorous hiring process. This guidance provides an overview of the hiring process with links to informational resources and tools to assist hiring supervisors in every phase of the process.

Throughout the hiring process, supervisors should work closely with Human Resources Branch (HR) to ensure compliance with applicable laws and rules, CDFA policies, and provisions of relevant bargaining contracts.

Best Practice: Hiring Supervisors are responsible for assessing candidate's qualifications for vacant positions on a competitive basis.

I. Create a Duty Statement

Creating the duty statement is the first critical step of any hiring process. The hiring supervisor must prepare a detailed and accurate duty statement for the vacant position for which they are hiring. An accurate and thorough duty statement provides potential candidates with a clear description of the position and identifies essential and non-essential tasks and duties that are consistent with and appropriate for the Classification Specification. CalHR has developed the Virtual Help Desk for Supervisors and Managers, which provides detailed guidance about how to create an accurate duty statement.

Duty statements identify the required qualifications, duties to be performed, working conditions, and reporting relationships. Even after the hiring process is complete, supervisors are responsible for maintaining accurate and up-to-date duty statements for each position. Your duty statement is your contract with the employee. A signed copy of the duty statement must be sent to the Human Resources Branch (HR) where it will be filed in the employee's Official Personnel File (OPF).

Best Practice: *Create a duty statement which provides a clear description of the position and identifies essential and non-essential tasks consistent with and appropriate for the classification. The Task Statement Matrix is a great tool to develop well written Essential Functions by breaking it down by Action Verb, Purpose, Why a task is performed and the tools and work aids used etc. A link to the Task Statement Matrix can be found Here. Re-evaluate the duty statement annually during the annual Performance Appraisal period and update it if needed.*

II. Advertise True Vacancies

Positions are required to be advertised for a minimum of 10 working days on CalHR's California State Jobs website, the Department's SharePoint Portal, and through an all-employee e-mail. In addition, most seasonal employment must be advertised on the (CalJobs) website. The vacancy announcement should include a description of the duties, working conditions, desirable qualifications, and any other job related information such as special requirements, necessary licenses, or a Statement of Qualifications (SOQ). Providing all the relevant information regarding the position in the vacancy announcement will assist candidates in determining whether they meet the minimum qualifications, and if they are able to perform the duties with or without reasonable accommodation.

In order to find the candidates who are truly interested in the job and have the knowledge, skills, abilities (KSAs), and characteristics required to be successful in that job, consider requiring a SOQ. The SOQ is made up of additional job-related questions (created by the hiring supervisor and/or their subject matter experts) that give potential candidates the opportunity to tell about experiences that demonstrate how they have previously applied their knowledge, skills, and abilities needed for the job. Your Classifications Analysis Unit (CAU) analyst can assist you in creating an SOQ for your job announcements.

***Best Practice**: Advertise vacant positions for a minimum of 10 working days and include a description of the duties, working conditions, desirable qualifications, necessary licenses, and any other job related information. If appropriate, create a Statement of Qualifications (SOQ) to further screen and assess interested candidates.*

III. Develop Application Screening Criteria

Before applications are reviewed in the Examination and Certification Online System (ECOS), the hiring supervisor must develop job related screening criteria that directly relates to the minimum qualifications and the duties of the position as outlined in the class specifications. Hiring supervisors should identify and document job related KSAs and use them as a basis for developing the screening criteria. For example, if the position requires editing skills and attention to detail, the hiring supervisor might consider making the existence of significant typographical errors or missing information on the application or the cover letter one of the screening criteria. In contrast, it would not be appropriate to establish screening criteria requiring an applicant to have knowledge of accounting if the essential functions of the position do not involve accounting duties. Screening criteria must be based on job qualifications that relate to the vacant position. Once the screening criteria are developed, the hiring supervisor should use the criteria to identify the most qualified candidates to interview. A sample candidate screening matrix can be found here.

Screening criteria may be modified after the initial review of the applications if the hiring supervisor determines that none of the applicants possess the initial desirable qualifications. For example, if a supervisor is looking for a candidate who possesses specialized technology experience and none of the candidates has this background, it would be appropriate to modify the screening criteria to include a comparable job related area of expertise. If the supervisor is not satisfied with the candidate pool he/she may want to consider re-advertising the vacant position.

Finally, hiring supervisors shall maintain a copy of the criteria used to evaluate each candidate for their records. This record verifies that you conducted a fair impartial process using screening criteria directly related to the KSAs for the position. It is also a critical record if you are later required to defend your hiring process. Your screening criteria, interview and rating criteria are to be sent to HR with Part II of the SO-12 along with the Report of Hiring Interview, Form SO-194.

After screening the applications, the hiring supervisor will select the top candidates (up to a maximum of 10) to verify eligibility. Verification of the applicant's eligibility using the Eligibility Verification form SO-207 process should occur prior to interview and must occur prior to a job offer. Follow the SO-207 Instructions and send it to Cdfa.ASD_Eligibility_Verification@cdfa.ca.gov. HR reviews the applications to ensure the candidates have eligibility for appointment to the position. Program/District Agricultural Association (DAA) staff must ensure all candidates submitted on the SO-207 have complete application packages. It is the responsibility of the program or DAA to ensure all documents you requested are submitted by the candidate (typing certificates, transcripts, etc) if the exam analyst must contact the candidate this could hold up the review process.

Candidates with SROA/Surplus status must be given preference when filling a vacancy; however they must comply with all of the selection activities associated with the vacancy. Click here for the California State Restriction of Appointments (SROA) Policy and Procedures.

The hiring supervisor is responsible for reviewing applicable bargaining unit contracts to ensure compliance with any provisions that may govern the hiring process such as post and bid, seniority, or other terms that relate to filling vacancies.

***Best Practice**: Develop job related screening criteria that directly relates to the minimum requirements, duties of the position, and job related KSAs, which have a nexus to the duties of the vacant position. Apply those criteria throughout the application screening process and keep a record. Prior to interview, submit the Eligibility Verification Form SO-207 to* Cdfa.ASD_Eligibility_Verification@cdfa.ca.gov *to determine if the candidates meet the minimum qualifications for the position and have eligibility for the appointment.*

IV. Interviewing Candidates

The interview is the hiring supervisor's primary opportunity to assess a candidate's qualifications and potential for success on the job. It is important to ask candidates open-ended, job related questions, and it is also a good practice to use your screening criteria and duty statement to help come up with your questions. It is also important to ask each candidate the same set of questions during the interview. You may ask a candidate follow-up questions to clarify specific experience that is listed on his or her application. If you are interviewing both internal and external candidates, it is inappropriate to develop questions that solely require internal knowledge gained only from working at the hiring department.

Such questions are not permissible because they create an unfair advantage for internal candidates.

Evaluation and rating criteria need to be established when you develop your interview questions. Similar to the application screening criteria, evaluation and rating criteria must be based on job related qualifications. The evaluation and rating criteria should assess the candidate's responses to the interview questions relative to education, experience, communication skills and other job related qualifications. The interview notes and evaluation for each candidate shall be maintained by the hiring program. Your hiring interview questions and criteria along with your application screening criteria are to be emailed via the SO-12 electronic mailbox to HR with Part II of the SO-12 along with the Report of Hiring Interview, Form SO-194.

It is recommended the interview panel be comprised of two to three panel members. You should try to create a diverse panel that includes individuals who are at the same level or above the classification for which you are recruiting. The final hiring decision should be made by the hiring supervisor or manager. All hiring documentation should be kept for a minimum of 5-years per the California Code of Regulations, Section 26, and Record Retention Requirements.

You must be able to substantiate your final candidate was selected based upon a fair and objective assessment of job related qualifications. This is an integral part of the merit-based, competitive selection process.

The following describes a variety of interview methods, interviews and exercises that can be used:

A. Patterned/Structured Interview

Candidates appear before a panel of two or more evaluators who ask each candidate the same predetermined questions, evaluate candidates' responses, and assign ratings based on pre-established rating criteria. The questions usually have appropriate answers with a correlating points system that is used to score the candidate for every correct element covered by the candidate in response to the question.

B. Behavioral-Based Interview

Behavioral-based interviewing is premised on the concept that the best predictor of a candidate's future performance is past performance. Interview questions are predetermined and built around specific job related activities previously performed by the candidate. The interviewer asks the candidate to describe what they have actually done rather than what they would do in a 'what if' situation. To find more information on behavioral-based interviews, see Page 3 of the Selection Process Module in the Virtual Help Desk for Supervisors and Managers or the Leadership Competency Model Behavioral Interview Guides Presentation.

C. Written Exercise

Candidates are given a topic and asked to prepare a written narrative response. Generally, 15 to 30 minutes of the interview is set aside for this purpose. The written product is then subsequently evaluated to assess both the applicant's writing ability and the ability to organize and integrate information and ideas. A written exercise is typically given along with a hiring interview and can be part of the overall rating.

D. In-Box Exercise

The in-box exercise evaluates the candidate's ability to prioritize and/or identify the appropriate action to take to complete job related tasks. Candidates sometimes perform a job related mock assignment. An in-box exercise is typically used in conjunction with a hiring interview.

Sample interview guides and questions can be found here.

Helpful Interview Tips for before during and after the interview process

Before the interview - Contacting Applicants

- When scheduling interviews, inform each candidate of the type of interview, i.e., written or in-box exercises, so that he or she can request and receive reasonable accommodation, if needed.

- Applicants should be contacted via email and telephone number(s) listed on their STD 678 State Application and/or resume.
- Applicants should be contacted at least two times with each method of contact provided by the applicant.
- When possible, the person making contact should leave a message regarding the nature of the call and provide a return phone number.
- The person making contact should record the date and time the contact was made.
- Contact your CAU analyst, if you have any issues or questions about contacting the applicant.
- Request each candidate bring a list of references to the interview.

During The Interview

- Ask each candidate if you may contact their current supervisor for a reference. Some applicants may not inform their supervisor they are seeking other job opportunities.
- Provide each candidate with a current duty statement either before or during the interview. You may also provide an organization chart or other information.
- If candidates have been provided a copy of the questions during the interview, remember to retrieve the questions at the conclusion of the interview.

- During the interview, ask each candidate if he or she has any questions.
- Advise candidates if a second round of interviews will be conducted.
- Inform candidates when you expect to reach a final decision.
- Ask each candidate to complete the authorization to review personnel records and contact references form SO-125.
- Have applicants sign their application

After The Interview

- Conduct an Official Personnel File (OPF) review to seek information on past performance.
- Check references
- If your hiring process becomes delayed keep in touch with all candidates to let them know you are still completing the process. Remember, they are waiting to hear from you, and keeping candidates updated will have a positive reflection on your organization.
- Follow up with letters in ECOS to let the applicants that did not receive interviews and the candidates that did interview but were not selected, that you have hired someone for the position.

***Best Practice**: Select the most appropriate interview method for the position. Use the same interview method for all candidates for the same position. Ask open-ended, job related questions. Always apply consistent evaluation and rating criteria to each candidate. Retain all hiring documentation for five years.*

V. Check Official Personnel File (OPF) and Prior Job References

Another critical component of the hiring process is reviewing the top candidates' Official Personnel File (OPF) and checking references.

A. Official Personnel File Review

If the candidate is already a state employee, you may request authorization to access his or her OPF by asking the candidate to complete and sign an Authorization to Review Personnel Records and Contact References form SO-125. Once the candidate has signed the SO-125, contact the candidate's current employers Human Resources Office to request an appointment to review the file and a printout of the candidate's state employment history (PIMS HIST). The California Personnel Office Directory can be found here. Information for reviewing a personnel file can be found on Page 6 of the Selection Process Module from the Virtual Help Desk for Supervisors and Managers. A list of transaction codes that you may find helpful when reviewing PIMS HIST can be found here. It is important to base your hiring decisions solely on information that is job related and appropriate for consideration. For instance, you should not make an adverse hiring decision based on low leave balances. Do not assume that a low leave balance indicates an attendance problem. Employees are entitled to use all leave balances as approved by their supervisor. Low leave balances could be related to a reasonable accommodation or other appropriate use of approved leave. Staff in your HR and EEO offices can help you determine the types of information you are permitted to consider in reaching your final decision.

B. References

One of the most valuable means of gathering information about candidates is conducting reference checks. This step should never be skipped, regardless of how quickly the position must be filled. As a prospective employer you must seek job related information regarding your candidates in order to make an informed hiring decision. As part of this process, it is important to speak with current and former supervisor(s). Private sector employers are sometimes reluctant to provide a detailed reference; however, they will almost always verify employment dates. Check all the information you receive against the information provided by the candidate.

If the candidate failed to provide the name or phone number of a prior supervisor or indicated a supervisor was ‘retired’ or ‘unavailable,’ you should call the prior appointing authority to find out if there is anyone who will provide a reference for the candidate. Failure to provide this information may be unintentional, but it does not relieve you of the duty to complete as thorough a reference check as possible. A hiring supervisor may also call additional references listed on the candidate’s reference list such as current or former Managers/Supervisors.

Remember you may only consider information that is relevant and directly related to the candidate’s ability to perform the duties of the position. If information you obtain from a reference check is not related, you may not rely on it in rendering your final hiring decision. If you are uncertain about whether you can rely on extraneous information provided by a hiring reference, consult with your Classification Analysis Unit Analyst.

The following are some helpful resources regarding conducting reference checks:
Selection Process Module from the Virtual Help Desk for Supervisors and Managers

Sample Employment Reference Questions

C. Social Media

As more and more information becomes publically available on the internet and social media sites, you may be tempted to search the internet for information about your candidate at some point during the hiring process. There are some potential pitfalls you should consider prior to accessing social media to search for information about your candidate. Labor Code section 980 prohibits an employer from requiring or requesting an employee or applicant to (1) disclose a username or password for the purpose of accessing the employee’s or applicant’s personal social media, (2) access personal social media in the presence of the employer, or (3) divulge personal social media use (with limited exceptions for the investigation of employee misconduct). The law currently does not prohibit an employer from accessing public information not protected by a password.

However, although it is not illegal to access public, or non-password protected information, there are risks in checking social media sites. For example, if you check the internet and discover information that reflects that the candidate is a member of a protected class, and then you subsequently hire a different candidate, you could inadvertently bring into question whether you improperly considered that protected status in reaching your hiring decision. This is another reason why all hiring decisions should be well documented and based solely on legitimate job related considerations.

***Best Practice**: Get a signed Authorization to Review Personnel Records and Contact References Form SO-125 from each candidate interviewed in order to review their Official Personnel File (OPF) and contact references. Compare all the information provided by the candidate with the information contained in the OPF. Call references provided by the candidate to make an informed evaluation. Consider only information that is job related.*

VI. Select the Candidate/Job Offer

After you have completed the steps above, consult with HR before extending an offer to your proposed candidate. An offer can be made after you have, completed your interviews, checked references, reviewed the OPF and verified eligibility for appointment. Once you have selected your candidate you must obtain a salary determination and range determination (if necessary) for the candidate you have selected. Simply email the name of the candidate you have selected to the ASD Eligibility Verification mailbox. You will receive an email from HR with the information. This email must be included in your SO-12 package. After an offer is made you will provide the prospective employee with the duty statement for review and signature. The candidate must initial the appropriate Reasonable Accommodation (RA) statement. If a RA is requested, the hiring supervisor must work with the Equal Employment Opportunity Office to resolve the request before the employee can start work. If no RA is requested a start date can be negotiated. Prospective employees usually ask to give their current employer at least two week's notice when accepting a new position. Within state service, the candidate's current appointing authority may retain the employee for up to 30 days if the position is considered a lateral transfer (a position with equal or similar pay). Also note that if the classification for which you are hiring requires a medical clearance you must ensure the employee completes the required physical and has received approval by the state medical doctor before the new employee starts work. Please review the CDFA Medical Clearance policy and the list of classifications that require a Medical Clearance.

***Best Practice**: You are ready to make a job offer after you have completed your interviews scored your candidates using the rating criteria you developed, checked references and reviewed the OPF. Ensure you have received a confirmation email from the Exam Unit stating the candidate you have selected is eligible for hire and meets the minimum qualifications. Any request for RA must be resolved before a start date is negotiated. If applicable, medical clearance must be approved before the new employee starts.*

VII. Follow up Letter

It is important to timely follow-up with each candidate who participated in the hiring process by notifying those who were not selected. A follow-up letter notifies the candidate that he/she was not selected for the position and expresses gratitude for their interest in the position. A sample can be found here on the SharePoint portal. You should consider meeting privately with internal candidates to provide constructive feedback that will aid them in future employment opportunities.

VIII. Maintain Hiring Documentation

California Code of Regulations, section 26, Record of Retention Requirements states that appointing powers shall retain hiring documents for a minimum of five years. The documentation required to be retained includes but is not limited to the following: duty statement of the position being filled, all job announcements and bulletins, all applications received for the job opening, pre-employment reference checks, minimum qualification verifications, application screening criteria, interview rating criteria, interview questions, interview scoring or rating sheets and records documenting the reasons why the selected candidate was hired for the position.

***Best Practice**: Your hiring documentation should be carefully collected and retained for a minimum of 5-years. Should there be a question regarding your hiring practice, this documentation will be part of your defense if your process is challenged.*

IX. Make Good Use of Probationary Period

Selection of the candidate does not end with the offer and acceptance of the position. Government Code section 19171 requires that a probationary period be completed: (a) when an employee enters or is promoted in the state civil service by permanent appointment from an employment list, (b) upon reinstatement after a break in continuity of service resulting from a permanent separation, or (c) after any other type of appointment situation not specifically excepted from the probationary period requirement by statute or by board rule (i.e. employee transferring from one department to another where a probationary period has not been served). The probationary period is considered part of the selection process. Government Code section 19172 requires a supervisor to regularly evaluate the work and efficiency of the probationer. It is important that this evaluation be in writing. If a supervisor determines that a probationer must be rejected on probation, the supervisor must be able to demonstrate that the probationer was provided both notice of his or her performance deficiencies and an opportunity to correct them. Consult with your CAU Analyst if your probationary employee has performance deficiencies and is not meeting job expectations. California Government Code section 19173 (a) states it is the supervisor's responsibility to reject a probationary employee if they are not meeting expectations for the job. California Code of Regulations section 321 states that in the event a probationer has not, during the prescribed calendar length of the probationary period, worked the hours set forth; the probation will automatically be extended until the probationer has worked the required number of hours. You must work with your CAU

Analyst if you suspect your probationary employee will need to have their probation extended.

Best practice: *Evaluate and document the probationer's work and efficiency through the probationary period. In order for you to effectively evaluate your new employee's performance, it is important to give them a full range of duties. Also ensure they are evaluated at least three times during the probation period. It is your duty to reject a new employee if he/she is not meeting expectations. It is also your responsibility to ensure your probationary employee works the prescribed calendar length as well as the number of hours required. Contact your CAU Analyst if your employee is not meeting job expectations or if you need to extend the probation period due to absence.*

X. Unlawful Appointments

If your hiring process is challenged through the Merit Issue Complaint Process, the State Personnel Board will investigate. All hiring documentation will be examined. If the hiring process was not proven to be a fair and competitive process the appointment of the candidate hired may be unlawful and could be voided. To evaluate the actions of the hiring authority under rule 249, "good faith" is presumed to exist in the following circumstances:

In order to make an appointment in "good faith," an appointing power and all officers or employees to whom an appointing power delegates appointment authority must:

- Intend to observe the spirit and intent of the law
- Make a reasonable and serious attempt to determine how the law should be applied
- Assure that positions are properly classified
- Assure that appointees have appropriate civil service appointment eligibility
- Intend to employ the appointee in the class, tenure and location to which appointed under the conditions reflected by the appointment document
- Make a reasonable and serious attempt to provide the relevant reference materials, training, and supervision necessary to avoid any mistakes of law or fact to the persons responsible for the pertinent personnel transactions
- Act in a manner that does not improperly diminish the rights and privileges of other persons affected by the appointment, including other eligibles

For questions regarding Best Hiring Practices, contact your CAU Analyst.