

CHAPTER 5
EMPLOYMENT PRACTICES

429—5.1(216A) Hiring policy.

5.1(1) *Equal employment opportunity/affirmative action policy.* In compliance with state and federal laws, executive orders, regulations and the Iowa department of human rights, it is the policy of the division of deaf services:

a. To ensure fair and equal employment opportunity on the basis of merit and fitness for all qualified employees and applicants for employment, without regard to race, color, national origin, creed, sex, religion, age, physical or mental disability, or any other nonmerit factors;

b. To prohibit discrimination, whether intentional or unintentional, against all employees and applicants for employment because of race, color, national origin, creed, sex, religion, age, physical or mental disability, or any other nonmerit factor, except that in accordance with section 501C of the Rehabilitation Act of 1973 (as amended by Public Laws 93-516, December 7, 1974; 94-230, March 15, 1976; and 95-602, November 6, 1978), priority will be given to promotion of job opportunities (hiring, placement, and advancement in employment) of blind and deaf persons and other recipients of rehabilitation services;

c. To implement affirmative action based on the results of quantitative and qualitative analyses, which will remove artificial barriers to and otherwise ensure equal employment opportunity and the prevention of discrimination;

d. To afford remedy, based on the results of quantitative and qualitative analyses, to those individuals and classes of individuals whose treatment has resulted in an illegally discriminatory employment situation as compared to the majority class when that treatment cannot be justified on the basis of merit, business necessity or bona fide occupational requirement and to correct circumstances resulting from policies, procedures, or practices which have, or tend to have, discriminatory impact;

e. To enforce this policy and the resulting program.

5.1(2) *Procedure.* This policy is an integral part of every aspect of personnel policy, procedure, and practice including recruitment, selection, placement, salary, classification, advancement, training, and other treatment of employees and applicants for employment. It is disseminated and discussed internally and externally and is posted in conspicuous places in the agency (departmental and staff bulletin boards, for example). The division of deaf services, department of human rights, is an equal employment opportunity and affirmative action employer. The department coordinator is the agency official responsible for equal employment opportunity and affirmative action compliance. The department of human rights maintains an internal system for continuous auditing and reporting on its affirmative action program. A complete breakdown of staff by EEO-4 occupational category and protected class is maintained.

429—5.2(216A) Hiring guidelines. The division of deaf services will follow hiring guidelines and procedures set forth by the department of personnel for filling positions covered by contract or merit provisions as applicable.

5.2(1) *Job-related factors.* The administrator will document job-related factors to be used to screen applicants to interview, to prepare interview questions, and as the basis for the final hiring selection. Job-related factors will be developed, based on the following, and will become part of the permanent record of hiring for specific positions:

a. Education required to perform the job.

b. Relevant work experience.

c. The position description questionnaire for this position, updated if necessary.

d. The section A (performance plan) prepared for this position.

e. The merit job specifications for this class.

5.2(2) *Contacting/selecting applicants for interviews.* Certificates for job classes will be ranked according to test or education/experience scores. All hiring will be from the top six scores.

a. A letter shall be prepared by the administrator and sent to each applicant on the list indicating specific duties, education, experience, availability requirements, knowledge, abilities, and skills required. Interested applicants will be requested to submit within ten working days a résumé and reasons why they feel they qualify for the job.

b. Based upon previously documented job-related factors and class utilization status, the supervisor will review applicant résumés and determine whom to interview. Reasons for eliminating interested applicants from interviews shall be documented and shall become part of the permanent record of hiring for the specific position. The certificates will identify minority and protected class applicants. If the class is underutilized, the applicants who are identified as minority or protected class members and, based on their response, appear qualified for the position shall be given consideration in determining whom to interview.

c. The supervisor will be responsible for scheduling the interviews with the applicants.

5.2(3) *Conducting the interviews.* The interview will be conducted by the administrator of the division.

a. Interview questions shall be prepared by the administrator based on previously documented job-related factors.

b. Each person interviewed shall be asked the same questions and the responses shall become part of the permanent record of the hire.

c. The applicant may be required to participate in a role-playing assessment using audiovisual equipment.

d. Second interviews may be scheduled when necessary by the administrator and shall be conducted in the same manner as the initial interview. The same questions and demonstrations shall be asked of each candidate; responses and resulting hiring recommendations shall become part of the permanent record of hire.

5.2(4) *Selection.* The selection shall take into consideration the utilization status of the class and the applicants' meeting of the job-related factors previously documented.

a. If the class is underutilized, and protected class/minority applicants were interviewed, these applicants will be considered for selection if they meet the job-related requirements for the job. The reasons for nonselection(s) shall be well documented and shall become part of the permanent record.

b. If the class is not underutilized, the selection shall be based on the job-related factors previously documented. The selected candidate shall be that person most meeting the requirements. References shall always be checked before the final decision is made.

c. The administrator shall make a recommendation of the preferred applicant to the commission. Upon approval, the commission shall make a recommendation to the department of human rights coordinator, and the coordinator shall have the final decision on the recommendation.

d. The position shall be offered to the selected applicant through personal contact, at which time the salary shall be agreed upon. If the applicant accepts the position, a follow-up letter prepared by the supervisor shall be sent offering the position, stating the agreed-upon salary, and stating the beginning date of employment.

e. All applicants who were not interviewed or were interviewed but not selected shall be sent an appropriate letter thanking the applicant for the applicant's interest and stating that the position has been filled. The letter shall state that any comments or concerns be directed to the division administrator.

5.2(5) *Record keeping.* All documents pertaining to EEO and hiring decisions must be kept by the department for five years.

a. Each division will be responsible for keeping the complete record for each hiring decision for five years in a central location. The person responsible for maintaining these records will be the administrator.

b. Each record shall include the following:

- (1) A copy of the vacancy announcement.
- (2) The list of interview questions used.
- (3) The job-related factors upon which the hiring decision was made.
- (4) Documentation as to whether or not the class is underutilized.

- (5) Copies of any materials provided to the applicants.
- (6) Résumés/applications of each person interviewed.
- (7) Any interview notes.
- (8) For any protected class applicant in an underutilized class, an explanation of why the person was not hired.

c. The division of central administration shall prepare a quarterly report for the department coordinator and the division administrators that includes the following:

- (1) Number of vacancies filled by each division during that quarter and year to date.
- (2) A listing of all classifications by division within the department that are underutilized, and during which quarter the underutilization occurs.
- (3) Any change in the underutilization figures due to hiring during that quarter. The administrator shall have responsibility for monitoring compliance with these policies.

5.2(6) *Hiring complaint resolution.* Any allegations of favoritism, unfair or inappropriate hiring practices should be directed to the administrator for resolution. If the person is not satisfied with the decision, the person should contact the department of human rights coordinator. If agreement cannot be reached through the informal conciliation procedure, the complainant may invoke the formal appeal procedure by contacting the Iowa civil rights commission.

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