

**MARYLAND STATE DEPARTMENT OF EDUCATION  
HUMAN RESOURCE MANAGEMENT**

**SUBJECT:**     HIRING POLICY FOR SKILLED SERVICE  
                 POSITIONS NOT DESIGNATED AS SPECIAL  
                 APPOINTMENTS

**SECTION:** HR-3A  
**PAGE:** 1 of 3  
**EFFECTIVE:** 10/1/97  
**REVISED:** 12/1/03

**APPROVED:**   Original Signed by Dr. Grasmick, State  
                  Superintendent

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**1.     POLICY STATEMENT**

- 1.1     It is the policy of the Maryland State Department of Education (MSDE) to offer employment in the Skilled Service for positions not designated as Special Appointments. Such employment is offered to qualified applicants appearing on a Certification of Eligibles List established by MSDE, the Department of Budget and Management's Office of Personnel Services and Benefits (OPSB), or any other Maryland State Agency list that MSDE may elect to use.
- 1.2     This policy applies to all Divisions/Offices within MSDE.
- 1.3     MSDE actively subscribes to a policy of equal employment opportunity and complies with the Code of Fair Employment Practices, Executive Order 01.01.1995.19.
- 1.4     Selection and hiring of Skilled Service employees for these positions shall be conducted in accordance with federal and State laws, regulations, and guidelines and MSDE policies and procedures.
- 1.5     MSDE encourages filling vacant positions through promotion of its own qualified employees and will post such promotional opportunities in locations accessible to all employees.
- 1.6     Relatives of current MSDE employees may be hired only if the current employee does not directly supervise the individual, or is not in a position to influence the individual's salary, benefits, working conditions, performance appraisal, disciplinary actions, or grievance decisions.
- 1.7     The Position Selection Plan required by the State Personnel and Pensions Article will be determine jointly by the Division/Office and the Human Resource Management Branch (HRMB).
- 1.8     The Chief of the Human Resource Management Branch, as the designee of the Appointing Authority, will approve all Position Selection Plans after consultation with the respective Division/Office.
- 1.9     When choosing to develop a selection and hiring instrument for the purpose of establishing an eligible list, MSDE is responsible for assuring its job relatedness, reliability, and validity, and defending it against any challenges.

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- 1.10 Expenses incurred for the purpose of creating an eligible list for Skilled Service positions shall be funded by the respective Division/Office.
- 1.11 A minimum of three qualified applicants will be interviewed when the applicant pool permits.
- 1.12 HRMB is responsible for verification of references and possession of the required qualifications except for those positions that are assigned to the Division of Rehabilitation Services (DORS) for which this responsibility has been delegated in writing to that Division's Human Resource Office (DORS HRO).
- 1.13 Records documenting the selection and hiring process shall be maintained by HRMB in accordance with the records retention schedule except for those positions that are assigned to DORS for which this responsibility has been delegated in writing to DORS HRO.

## **2. REFERENCES**

- 2.1 State Personnel and Pensions Article, Title 7, Subtitle 2
- 2.2 Code of Maryland Regulations, Emergency Regulations 17.04.03 and Department of Budget and Management's Office of Personnel Benefits and Services Guidelines
- 2.3 Annotated Code of Maryland, Education Article, Title 2, Subtitle 1, Section 2-104
- 2.4 Title VII of the Civil Rights Act of 1964
- 2.5 Equal Pay Act
- 2.6 Age Discrimination in Employment Act of 1967, as amended
- 2.7 Rehabilitation Act of 1973
- 2.8 Immigration Reform and Control Act of 1986
- 2.9 Americans with Disabilities Act of 1990
- 2.10 Civil Rights Act of 1991
- 2.11 Maryland's Human Relations Law, Article 49B of the Annotated Code
- 2.12 Code of Fair Employment Practices, Executive Order 01.01.1995.19

## **3. DEFINITIONS**

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- 3.1     Appointing Authority – State Superintendent of Schools or Chief of the Human Resource Management Branch as designee.
- 3.2     Certification of Eligibles List – This List, sometimes referred to as an eligibles list, contains candidates who have been assessed and placed, in random order, within one of three scored categories: Best Qualified, Better Qualified, and Qualified. In addition, the list includes approved individuals who are eligible for transfer or reinstatement after layoff or separation, and special options candidates certified by the Division of Rehabilitation Services.
- 3.3     Hiring Process – Any methods used to gather an applicant pool from which to fill a vacant position, whether it is by selection from an existing eligible list or by announcement from which an eligible list will be established.
- 3.4     Qualified – Any person who meets the minimum qualifications as stated in the job specification and who is on the Certification of Eligibles List for the announced classification.
- 3.5     Relative – For the purpose of this policy a relative is a spouse, father, mother, sister, brother, child, or in-laws.
- 3.6     Skilled Service – One of four categories of service within State government and, for purposes of this policy, positions not designated as Special Appointments.
- 3.7     Special Appointment – As defined within the State Personnel and Pensions Article and determined by the Secretary of the Department of Budget and Management, a position that provides direct support to a member of the Executive Service or is specified as a Professional Assistant under Section 2-104 of the Education Article.

**MARYLAND STATE DEPARTMENT OF EDUCATION  
GENERAL ADMINISTRATION**

<b>SUBJECT:</b> PROCEDURE FOR HIRING SKILLED SERVICE EMPLOYEES FOR POSITIONS NOT DESIGNATED AS SPECIAL APPOINTMENT POLICY	<b>SECTION:</b> GA-3A <b>PAGE:</b> 1 of 8 <b>EFFECTIVE:</b> 10/1/97 <b>REVISED:</b> 12/1/03
<b>APPROVED:</b> Original Signed by Mary K. Clapsaddle, Assistant State Superintendent	

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**1. GUIDELINES**

1.1 These procedures are based on the Personnel Reform Act of 1996, the Code of Maryland Regulations (COMAR), and the Department of Budget and Management's Office of Personnel Services and Benefits (OPSB) Guidelines for the selection and hiring of Skilled Service employees for positions not designated as Special Appointments. The Personnel Reform Act of 1996 requires MSDE to:

- Fill the vacant Skilled Service positions in accordance with a **Position Selection Plan**; and
- Ensure that the selection and hiring practices are consistent with applicable federal and State laws, regulations, and OPSB Guidelines.

**2. APPLICABILITY**

This procedure applies to all selection and hiring activities for Skilled Service positions not designated as Special Appointments.

**3. PROCEDURAL STEPS**

Required for filling all Skilled Service positions not designated as Special Appointments for which the hiring process is conducted by HRMB as well as those positions that are assigned to the Division of Rehabilitation Services (DORS) for which this responsibility has been delegated in writing to that Division's Human Resources Office (DORS HRO):

3.1 To initiate any hiring process, the Division/Office forwards to HRMB or DORS HRO:

**A. Request to Fill Vacant Budgeted Position**

1. The three options available to MSDE for filling such vacancies are to use:
  - a. an existing Certification of Eligibles List developed by MSDE, OPSB, or another Maryland State Agency;
  - b. a new Certification of Eligibles List established by MSDE by one of the following methods:
    - a Promotional Announcement limited only to MSDE employees in budgeted positions; or

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- an announcement to the public via newspaper or other media to include all MSDE employees in budgeted and/or contractual positions on MSDE's payroll and reimbursable personnel; or

c. reassignment within a Division/Office.

2. Before utilizing an existing or newly established Certification of Eligibles List, all layoffs and separations for budget reasons on OPSB's Certification of Eligibles List for the same classification must first be notified of the vacancy and given the right of the first opportunity to apply.

**B. Position Description Form (MS-22)**

- C. The Division/Office's Program Cost Account (PCA) for appropriately charging advertising expenses. (HRMB will pay the cost via a State-issued corporate credit card, then realign the costs to the Division/Office where the vacancy exists.)

3.2 After consultation with the Division/Office, HRMB will determine and develop the Position Selection Plan for filling the vacancy.

- A. A completed **Position Selection Plan** is required prior to filling a vacancy. The Plan shall include:

1. the **Position Description (MS-22)**;
2. the minimum qualifications
3. any selective qualifications required for appointment to the position, such as job skills, language, or hardware/software requirements;
4. any limitations on selection for the position, such as those eligible to apply and willingness to work in a particular location;
5. details for applying for the position, such as where to send applications and the manner for posting the position announcement within MSDE; and
6. the following information as determined by HRMB or DORS HRO:
  - the location and deadline for submitting applications;
  - the life of any list it establishes; and
  - the type of selection test to be administered if MSDE is establishing a list.

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- 3.3 If hiring is to be made from an existing Certification of Eligibles List, HRMB or DORS HRO will:
- A. log in the Request to Fill Vacant Budgeted Position and assign it a file number for tracking purposes;
  - B. send a copy of the Position Selection Plan to the MSDE Equity Assurance and Compliance Branch and to OPSB; and
  - C. mail a letter describing the position to persons on the list in the categories determined by HRMB or DORS HRO to be necessary to obtain a sufficient response of interest by the designated deadline that is at least ten calendar days from the date of the letter. This letter will include the location of the position; the deadline for response; the required specific knowledge, skills, abilities; any special conditions for this position, and instructions for obtaining an Application for Employment.
- 3.4 If hiring is to be made from an Certification of Eligibles List established by MSDE, then HRMB or DORS HRO will:
- A. log in the Request to Fill Vacant Budgeted Position and assign it a file number for tracking purposes;
  - B. send a copy of the Position Selection Plan to the MSDE Equity Assurance and Compliance Branch and to OPSB; and
  - C. develop a draft Position Announcement for discussion with the Division/Office subject matter experts that will contain:
    - 1. a summary of the position description
    - 2. the minimum and any selective qualifications necessary for consideration;
    - 3. the type of selection test;
    - 4. the location and deadline for submitting applications; and
    - 5. the life of the established list.
  - D. send a copy of the Position Selection Plan and the Position Announcement to OPSB at least one week before the posting date to assure public access;
  - E. post, with the assistance from MSDE field locations, the Position Announcement for at least two weeks before the deadline for submitting the MSDE Application

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for Employment in at least one centralized location in each facility that is accessible to all employees;

- F. use any other method reasonably calculated to give eligible persons notice of the vacancy such as printed advertisements in newspapers and journals, paper and electronic bulletin boards, website postings, and special notices at least two weeks before the deadline for submitting the **MSDE Application for Employment**;
- G. develop a job-related and valid test based on job analysis data and a review by appropriate subject matter experts;
- H. establish an Certification of Eligibles List. After the deadline date for responses, HRMB or DORS HRO, with oversight from HRMB, will:
  - 1. review applications to determine those meeting minimum qualifications;
  - 2. send notice to applicants not meeting minimum qualifications that their applications are no longer being considered for the position;
  - 3. determine if fewer than ten but more than two applicants meet the minimum qualifications for a position. If so, the Appointing Authority may:
    - select applicants for interview from the Certification of Eligibles List without need for further selection testing; or
    - re-announce the position vacancy.
  - 4. evaluate qualified applicants using an appropriate job related selection process. A selection test must be free of charge and open to all qualified applicants except one who intentionally falsifies information on the application. These applicants shall receive written notice of the reason for the proposed disqualification and may submit a written response.
  - 5. advise qualified applicants, if applicable, of the test site at least ten days before the test administration date;
  - 6. administer the test according to the **Position Selection Plan**;
  - 7. apply any credit points to which qualified applicants are entitled who earn at least the minimum passing score on a selection test and are placed on the Certification of Eligibles List using the same rules, regulations, and guidelines as those used by OPSB;

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8. place applicants, based on the appropriate standards, in one of the following categories; this placement is to be documented on the **Applicant Resume/Application Screening Report**:
    - Best Qualified;
    - Better Qualified;
    - Qualified; or
    - DORS Certified, as set forth in law, as being physically capable and adequately trained to qualify for the position.
  9. submit a copy of the **Applicant Resume/Application Screening Report** to the Equity Assurance and Compliance Branch including EEO statistics.
- 3.5 Employment interviews will be conducted prior to making a selection from any Certification of Eligibles List. Interviews may be conducted by the immediate supervisor or a panel of at least two persons, including the panel chair, who should be representative of a diverse workforce. Before interviews are scheduled, the following steps must occur:
- A. The Division/Office will designate the interviewer(s) and submit to HRMB or DORS HRO:
    1. the name(s) of the interviewer(s) for verification that the interviewer(s) is/are certified in Interview Skills Training; and
    2. the Applicant Interview Evaluation containing the interview questions for review and approval signature.
  - B. HRMB or DORS HRO will form an appropriate applicant pool from which the Division/Office may select interviewees;
  - C. The Division/Office will select a minimum of three applicants to be interviewed, if the pool permits, and will arrange the interviews and request the applicants to bring to the interview the following:
    1. a copy of their diploma or transcript indicating their highest degree;
    2. references, preferably three but no less than two, such as:
      - letters of reference from current or past supervisors or employers;
      - the two most recent performance evaluations; or
      - the names and telephone and fax numbers of current and/or former supervisors.
  - D. HRMB or DORS HRO will send the appropriate letter to the applicants not selected to be invited for an interview.



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- E. Each applicant will be requested to complete the following on the day of the interviews:
    - 1. three **References for Employment** unless other acceptable forms of reference have been provided;
    - 2. the **Authorization for Verification of Qualifications**; and
    - 3. the **Authorization of General Release**.
  - F. Give a copy of the **Position Description Form (MS-22)** to applicants to read at the first or second interview, whichever is applicable.
- 3.6 After interviews, the following steps must be taken prior to an official offer:
- A. Interviewer(s) evaluate the interviewed applicants based on established criteria and complete and sign the **Applicant Interview Evaluation**;
  - B. The interviewer(s) completes the **Selection Report** and submits it to the Division/Office Head for approval and signature along with an **Applicant Interview Evaluation** and an **MSDE Application for Employment** for each applicant interviewed;
  - C. The Division/Office submits to HRMB or DORS HRO:
    - 1. the **Selection Report** with the approval signature naming the first and second choice candidates and the maximum authorized salary step to be offered for each;
    - 2. the **Request to Hire Above Step Three for New State Hire**, if applicable; and
    - 3. for each applicant interviewed:
      - the **MSDE Application for Employment**;
      - the **Applicant Interview Evaluation**;
      - the **Authorization for Verification of Qualifications**;
      - the **Authorization of General Release**;
      - a copy of the applicant's diploma or transcript indicating the highest degree, if provided at the interview; and
      - three **References for Employment** forms or other acceptable forms of reference provided by the applicant.
- 3.7 HRMB or DORS HRO will:

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- A. review the selection and salary information for appropriateness, verify references and, whenever possible, possession of qualifications prior to any offer or as soon as possible thereafter, but no later than six months from the date of employment, check that start date is agreed upon, and make an official offer of employment followed by a confirmation letter;
  - B. take the following steps to finalize the employment process:
    1. before making the offer:
      - verify qualifications whenever possible;
      - verify references (minimum of two unless circumstances will allow for fewer); and
      - receive the State Employment History, if applicable.
    2. before hiring:
      - complete a drug testing, if applicable.
    3. after hiring:
      - complete a criminal background check when applicable;
      - conduct Orientation;
      - receive an **Employment Eligibility Verification Form (I-9)** along with copies of acceptable documents;
      - submit to the Equity Assurance and Compliance Branch a copy of the final **Selection Report**; and
      - notify, in writing, all other interviewed applicants and any other applicants not invited for interview that they were not selected, once an offer is accepted.
- 3.8 Any applicant who is not selected may appeal the decision to the Appointing Authority only on the grounds that the decision was unconstitutional or illegal. The decision of the Appointing Authority is final.
- 3.9 The Chief of the Human Resource Management Branch must certify to the Secretary of Budget and Management when the appointment is forwarded to the Office of Personnel Services and Benefits for processing that the selection and hiring process was conducted in accordance with the Position Selection Plan, State law, and regulations.

#### 4. FORMS

##### 4.1 Request to Fill Vacant Budgeted Position

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- 4.2 **Position Description Form (MS-22)**
- 4.3 **Position Announcement**
- 4.4 **MSDE Application for Employment**
- 4.5 **Applicant Resume/Application Screening Report**
- 4.6 **Applicant Interview Evaluation**
- 4.7 **Selection Report**
- 4.8 **Request to Hire Above Step Three for New State Hire**
- 4.9 **Reference for Employment**
- 4.10 **Authorization for Verification of Qualifications**
- 4.11 **Authorization of General Release**