

1020 DHS Personnel Management

I. Purpose and Scope

This policy applies to all DHS employees and adheres to all applicable state and federal laws as well as established policies of the Arkansas Department of Finance and Administration (DFA) Office of Personnel Management (OPM).

II. Policy

- (a) DHS employees, supervisors, and managers involved in the hiring process are prohibited from discriminating against, and unlawful treatment of, individuals based on a person's race, gender, age, creed, religion, national origin, as well as pregnancy, disability, or veteran status. Violation of this is grounds for termination.

Hiring Procedures

- (b) All DHS hiring officials must follow the applicable hiring procedures outlined in the DHS Administrative Procedures Manual (APM) Chapter 801.

Hiring Freeze Requests (HFR)

- (c) DHS Divisions or Offices must have approval to exceed their internal target number.
 - (1) Positions higher than a GS10, IT08, and MP03 must follow an internal approval process prior to advertising and hiring. Refer to APM 801.
 - (2) The DHS Human Resources Office serves as the point-of-contact between hiring officials and the Department of Finance and Administration's Office of Personnel Management (OPM). Refer to APM 801 for more information regarding HFRs.

Job Advertisements

- (d) Job vacancies that must be advertised on the Arkansas Government Jobs website must be posted at least five (5) business days, although the hiring official may choose to advertise longer.
 - (1) Positions that do not require public advertisement include GS13, IT08, and MP03 and above, all SEs, extra help, emergency hires, and any other position authorized by the Governor.
 - (2) DHS must first notify OPM before extending an offer to fill a position GS13, IT08, and MP03 and above, all SEs, emergency hires, and any other position authorized by the Governor that does not require advertisement, or one with a salary in excess of \$100,000.

Hiring Register

- (e) Hiring officials should receive hiring registers within two business (2) days of the closing date of the position posting on arstatejobs.com.

Applications

- (f) Applicants must utilize the electronic state application form located on www.ark.org/arstatejobs/index.php to complete an official application for consideration for the position.
- (g) Applicants may contact the hiring official to inquire about the position and hiring officials may respond, but hiring officials cannot accept an official application (Refer to APM Chapter 801 for more details).
- (h) Applicants may submit a paper application to the DHS Office of Human Resources (HR).
- (i) DHS Human Resources staff is responsible for notifying applicants of the status of their applications and when positions are filled.

ADA Accommodations

- (j) In accordance with the Americans with Disabilities Act, alternate formats (large print, audiotape, etc.) will be provided for applicants upon request. It is the applicant's responsibility to advise of the need for any special accommodations. DHS HR will accommodate the request.

Falsifying Application

- (k) Falsely claiming to have earned a college degree on a state employment application will result in immediate termination and a permanent ban from rehire at DHS. Submitting other false information on an employment application may also result in immediate termination. Please see [OPM Policy 62 "Discharge, Dismissal, and Disqualification."](#)

Minimum Qualifications

- (l) To be considered for a position, the applicant must meet the Minimum Qualifications (MQs) established by OPM. DHS HR will first determine if applicants meet the MQs for a position and add only those HR considers qualified to the hiring register. DHS HR may substitute qualifications for additional experience or education.

Minimum Qualifications Reconsideration

- (m) Applicants who are informed that they do not meet MQs may submit a written request for reconsideration explaining their qualifications. Reconsideration must be completed by the DHS Chief HR Officer or designee within (5) business days. If DHS HR is unsure if an applicant qualifies, the DHS Chief HR Officer may request OPM perform the qualifications review (Refer to [OPM Policy 42 "Minimum Qualifications"](#)).

Questionnaires

- (n) After receiving hiring registers, if the hiring official chooses to use questionnaires to reduce the applicant pool, the hiring official must email questionnaires to all applicants on the register. Hiring officials should then select candidates for interviews only from the

applicants who respond to the questionnaire. Hiring officials can refer to DHS APM Chapter 801 for more guidance.

Forms for Interviews

- (o) All applicants selected for interview must complete all applicant disclosure forms at the interview as outlined in DHS APM Chapter 801. All disclosure forms will be required in the hire packet of the applicant selected for hire.
 - (1) The disclosure forms ensure that the employee is not related to someone within the supervisory chain of command and that the employee is not connected to a state contract or grant. A supervisor who hires a relative must be terminated and is subject to prosecution for violation of state law. (*Refer to Ark. Code Ann. §§ 25-16-1001 et seq.; Governor’s EO 98-04; or [OPM Policy #5 “Disclosure-Relatives, Marriage, Contracts.”](#)*)

Interviews

- (p) While conducting interviews, hiring officials should ask questions related to the job functions of the position and the employee’s applicable work history or experience. All applicants who are interviewed must be asked the same questions. Hiring officials may have applicants selected for interview write answers to a short questionnaire during the interview. (*Refer to APM Chapter 801.*)

Reference Checks

- (q) Hiring officials must have applicants selected for interview sign the “Reference Authorization and Reference Check” form DHS-1162 so that reference checks can be performed. A current or former employer may only provide answers to the questions on form DHS-1162 if the applicant has granted written consent. Even if consent is given, previous employers are not required to disclose the information on the former employee. (*Refer to Ark. Code Ann. § 11-3-204, or [OPM Policy #12 “Reference Checks.”](#)*)
- (r) Prior to any offer being made to an applicant, the hiring official or designee must perform a work history check on the applicant selected for hire. See APM Chapter 801. The work history check must be documented and included with the hiring packet.
- (s) After the reference check is completed, the hiring official may extend an offer of employment but must state that the offer is contingent upon passing a drug test and completed background checks (state, federal, or child or adult maltreatment) that are applicable to the position.
- (t) If an applicant selected for hire resigns within sixty (60) days, the hiring official may select the second highest qualified applicant from the hiring register without submitting a new Online Job Vacancy Request (JVR).

Veterans’ Preference

- (u) DHS must provide a veteran preference as required by state law (*Refer to Ark. Code Ann. § 21-3-302*) and must follow the procedures in DHS APM Chapter 801. (*Refer to [OPM Policy #13 “Veteran’s Preference.”](#)*)

- (1) Veterans are required to submit appropriate documentation (a DD-214 Certificate of Release or Discharge from Active Duty or NGB-22 National Guard Discharge certificate) to the hiring supervisor by the conclusion of the job interview in order to have Veterans' Preference points added to his or her KAS score. Veteran's status must also be considered for promotion and retention of employees. (*Refer to Ark. Code Ann. § 21-3-304.*)

Initial Probationary Period

- (v) The acceptance of a position places the new hire on a six (6) month initial probationary period, including current DHS employees in new positions. Before the end of the initial probationary period, the supervisor may choose to:
 - (1) Keep the employee;
 - (2) Extend the employee's initial probationary period for up to another six months; or,
 - (3) Dismiss the probationary employee (formal disciplinary action is not necessary).
 - (A) An employee who has never worked for DHS before who is dismissed while under initial probationary status does not have access to the grievance process. However, a DHS employee who transferred or promoted into a new position but is removed prior to the end of the initial probationary period still has access to the grievance process unless the new position title is excluded from the process.
- (w) A current DHS employee in a position less than six months may apply for other positions.

III. Extra Help Positions

- (a) *Refer to [OPM Policy #39 "Extra Help Positions.](#)*

IV. Emergency Hires

- (a) *Refer to [OPM Policy #8 "Hiring Freeze and Job Advertisement"](#).*
- (b) Emergency hires are considered temporary and will not exceed six (6) months (*Refer to Ark. Code Ann. §21-4-203 (12)*). Emergency hire employees are ineligible for accumulating annual leave with pay (*Refer to Ark. Code Ann. §21-4-204 (d)*).

V. Interim Appointments

- (a) Interim appointments are only for positions deemed vital to the overall effective and efficient operation of the agency.
 - (1) The DHS Director will name interim appointments to vacancies among Division Directors or Office Chiefs.
 - (2) Division Directors or Office Chiefs will make interim appointments of assistant directors, county administrators, assistant administrators, and institution directors (superintendents) with the DHS Director's approval.

- (b) Interim appointments must:
 - (1) Meet the MQs and have any applicable licensures/special conditions of the position;
 - (2) Be paid at least the minimum rate of the position while serving as interim; and,
 - (3) Not exceed six (6) months, without the written approval of the DHS Director.
- (c) If placing an interim appointment in a vacant position permanently, then the agency hiring procedures must be followed.

VI. Acting Appointments

- (a) Acting Appointments are temporary appointments to any position that will last no more than ninety (90) days and are made to vacated, critical positions to assure compliance with certification or other external requirements.
- (b) Acting appointments must:
 - (1) Apply only when a singular employee is in an “acting” capacity in excess of 14 consecutive working days;
 - (2) Be made by utilizing employees occupying positions at least one grade level above, or in a grade equal to, the position in which they will temporarily fill;
 - (3) Not impact an employee’s current salary; and,
 - (4) Meet state MQs and any applicable licensures/special conditions of the position.
- (c) Exceptions may be made to the above requirements with documented justification and approval of the DHS Director.

VII. Definitions

- (a) “Employee” is a person employed in a legislatively authorized position either on a full or part-time basis by a state agency.
- (b) “Hiring officials” are supervisors who, upon completing the state mandated supervisor training, may conduct applicant interviews and select an applicant for hire. Hiring officials do not have to be the immediate supervisor of the position to be filled, but they must have a thorough understanding of the job knowledge, ability, and skills required for the position being filled.
- (c) “Relative” refers to a husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, daughter, son, stepdaughter, stepson, daughter-in-law, son-in-law, uncle, aunt, first cousin, nephew, or niece.

Any questions concerning DHS HR Policies and Procedures should be directed to HR Liaison or the Office of Chief Counsel.

VIII. References

OPM has oversight of DHS’ personnel management. DHS will utilize the following OPM policies for reference purposes as needed.

Crossgrading a Position:

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/38-CrossgradingaPosition.pdf>

Disclosure of Relatives, Marriage, Contracts: (Nepotism)

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/5-Disclosure-RelativesMarriageContracts.pdf>

Employing Children Under 18:

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/6-EmployingChildrenUnder18.pdf>

Employing Constitutional Officers and Spouses:

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/7-EmployingConstitutionalOfficersandSpouses.pdf>

Extra Help Positions:

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/39-ExtraHelpPositions.pdf>

Hiring Freeze and Job Advertisement:

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/8-HiringFreezeandJobAdvertising.pdf>

Immigration Reform and Control Act of 1986:

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/9-ImmigReformandControlAct.pdf>

Job Sharing Positions:

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/41-JobSharingPositions.pdf>

Military Selective Service:

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/10-MilSelSerReg.pdf>

Minimum Qualifications:

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/42-MinimumQualifications.pdf>

Pool Positions:

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/44-PoolPositions.pdf>

Proof of Prior Service:

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/11-ProofofPriorSer.pdf>

Reference Checks:

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/12-ReferenceChecks.pdf>

Veteran's Preference:

<http://www.dfa.arkansas.gov/offices/personnelManagement/Documents/13-VeteransPreference.pdf>