

HIRING & JOB ASSIGNMENTS

Revised December 2022

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A. GENERAL POLICY

1. Tooele City reserves the right to hire, fill vacancies, and otherwise make job assignments at management's discretion to meet changing business conditions and staffing needs.
2. When vacancies do occur, Tooele City generally prefers to give first consideration to current Tooele City employees who meet the minimum qualifications for the vacant position by opening a preferential internal posting. The Mayor may authorize waiving a preferential internal posting when it is deemed necessary or beneficial. Although this is not an exclusive list, preferential internal postings may be waived:
 - a. For part-time, temporary, seasonal, appointed, or sworn law enforcement positions;
 - b. When it is believed that only one or no employees possess the required minimum qualifications for the open position;
 - c. When moving a person to another position will maintain an individual's employment with Tooele City due to a layoff;
 - d. When moving a person to another position is prudent to meet legal requirements of the Americans with Disabilities Act or other laws;
 - e. When an individual has been involuntarily demoted or transferred to the new position, thus opening another position elsewhere;
 - f. When management believes that transferring or demoting an employee is necessary to meet business needs, to comply with Tooele City policies and procedures, or is in the best interest of the City;
 - g. When an employee who separated employment from Tooele City has requested reinstatement to the same position he/she held prior to separation and the employee had at least one full year experience in that position with Tooele City, and has requested reinstatement within 1 year of separation. *Terms and conditions pertaining to compensation, benefits, and seniority are established under the respective policies in this Manual; or*
 - h. When a voluntary lateral transfer is desirable between two employees and their respective department heads.
3. A position may be filled by transferring an employee from one position to another provided that both are of the same salary grade. Transfers fall into two categories: voluntary and involuntary. A voluntary transfer is deemed to be acceptable by the effected employee and department head(s) and may be initiated at either the employee's or the City's request. An involuntary transfer is made by the City with or without the employee's consent as deemed necessary to meet the needs of the City.

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B. ONLINE APPLICATION SYSTEM & SELECTION PROCESS

In general, applicants apply online. Hiring supervisors shall follow all employment laws and regulations pertaining to the selection process. Numeric rating or a ranking, general job criteria, or other job-related criteria should be used in the selection process. In addition, examinations or other tests may be administered when such tests are valid and reliable predictors of an individual's ability to perform the job.

C. VETERAN'S PREFERENCE

In accordance with Title 71, Chapter 10 of the Utah Code Annotated, 1953, as amended, Tooele City grants veterans' preference upon initial hiring with Tooele City to a preference eligible veteran or preference eligible spouse that meets the minimum qualification for the position as follows:

1. When a scored examination or other numeric rating mechanism is used and the applicant receives a passing score, Tooele City will give preference in hiring by adding to the applicant's score as follows:

- 5% of the total possible score, if the individual is a veteran;
- 10% percent of the total possible score, if the individual is a disabled veteran or a Purple Heart recipient; or

In the case of a preference eligible spouse, widow or widower, the same percentage the qualifying veteran is, or would have received, is added.

2. If a non-numeric ranking mechanism is used, Tooele City will give veteran's preference in interviewing and hiring, generally by extending a first interview.

D. RANKED POSITION ROSTER

Once the selection process has been completed, applicants may be held on a roster for future consideration. This roster may, at the hiring manager's discretion, be reused for a one-year period following the date the first offer for employment was made.

E. OFFERS FOR EMPLOYMENT

All offers for employment are made in writing generally by the human resource office.

F. BACKGROUND SCREENING & INVESTIGATIONS

In most circumstances the results of pre- and post- offer screenings and investigations are not made available to the applicant or employee. Information obtained from the background screening or investigation is deemed confidential and shared only with individuals involved in employment decisions.

The Tooele City Police Department maintains guidelines relating to background screening and investigations of applicants and employees for positions as police officers, police department personnel, or personnel in positions deemed to provide support to police personnel and requiring the confidence and trust of Tooele City in fulfilling their duties in support of public safety.

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1. **Screening - Pre-Offer.** Tooele City may conduct a pre-offer screening to assist in the selection process.

The pre-offer screening may include, but is not limited to:

- a. Verifying past employment and rehire eligibility;
- b. Evaluating the applicant's past employment performance and recommendations from prior employers/supervisors/associates;
- c. Contacting references or other individuals with knowledge of the applicant's performance or suitability for the position;
- d. Verifying the validity and accuracy of an individual's education, certifications, and training; or,
- e. Verifying the validity and accuracy of information provided by the applicant in written or oral communications.

2. **Background Investigation – Post-offer.** Tooele City may conduct further background investigation after a conditional offer of employment has been made. Based on the job requirements, a post-offer background investigations may include, but is not limited to:

- a. **Driving Records.** Reviewing driving records for jobs with driving responsibilities to determine the applicant's insurability and risk level;
- b. **Credit Reports.** Reviewing personal credit reports for jobs with access to City bank accounts or other highly responsible financial matters;
- c. **Sex Offender Registries.** Reviewing sex offender registries or other public databases for jobs working in positions of trust or proximity to children to verify that the individual does not appear in the database of persons who have been convicted of certain sex crimes;
- d. **Web Based Information.** Reviewing information available via the internet, social networking sites, trade association sites, or other web based sites to determine whether information publicly available to the general public via electronic means may be perceived as being derogatory to a protected class, sexually objective, offensive, violent, threatening, criminal, illegal, harassing, discriminatory, or as having other publicly available information may have the potential to compromise the applicant's credibility, present an unprofessional image for the City, compromise the public's confidence in the individual as a City employee, or be contrary to position for which the applicant is being considered. These types of inquiries may be made for jobs with the following types of responsibilities:

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- (1) Senior and mid-level management such as department heads and supervisors;
 - (2) Representing the City in a position that is highly visible including positions that serve as first point of contact for the public;
 - (3) Responsibility for the care, safety, or security of people including children and minors;
 - (4) Working in a position of trust or in proximity to children and minors;
 - (5) Having access to private residences, yards, buildings, or other properties not otherwise accessible to the general public;
 - (6) Working in a position with access to controlled substances, drugs, paraphernalia, restraint systems, or other safety sensitive materials; and/or,
 - (7) Working in a position established to protect and preserve public safety, confidential or highly sensitive information, or other enforcement or legal proceedings.
- e. Criminal History Records. Reviewing the applicant's criminal history records obtained from various sources, including but not limited to, the Utah Bureau of Criminal Identification, other State Criminal Records, prosecution and court records, for all City jobs.

G. CRIMINAL HISTORY RECORD GUIDELINES

1. Generally, only criminal convictions, guilty pleas, pleas of no contest and deferred adjudication will be considered in determining an applicant's suitability for employment or reassignment. Detention or arrest without conviction typically do not constitute valid grounds for employment decisions.
2. In determining an individual's suitability for employment or reassignment where the individual has criminal convictions, a committee comprised of the Human Resource Director, City Attorney, and the Department Head (or substitutes if deemed necessary or prudent) evaluates such factors as: the specific duties of the position, nature and seriousness of the crime; the relationship of the conviction to the requirements of the job; all circumstances relative to the crime, including mitigating circumstances; the age at the time of the crime; the time elapsed since the crime; and all other competent evidence of rehabilitation and fitness for duty, including but not limited to, letters or references by persons who have been in contact with the applicant since the applicant's conviction. The Mayor makes the final determination regarding approval to hire or reassign the applicant.

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3. The following guidelines are not exclusive:
- a. Felony convictions within the past seven (7) years for the following crimes, including convictions for attempt or conspiracy to commit the following crimes, will make an individual ineligible for hire:
 - (1) Murder;
 - (2) Arson;
 - (3) Criminal sexual conduct where the victim's failure to affirmatively consent is an element of the crime, such as sexual assault, or felonies involving the sexual or physical abuse of children, the elderly or the infirm, such as sexual misconduct with a child, making or distributing child pornography, or using a child in a sexual display, or incest involving a child;
 - (4) Robbery whether simple or aggravated;
 - (5) Burglary;
 - (6) Federal or State Civil Rights Convictions; or,
 - (7) Felony controlled substance crimes where intent to distribute is an element of the crime.

 - b. Other convictions within the past seven (7) years for the following crimes, including convictions for attempt or conspiracy to commit the following crimes, are considered serious concerns for any position but generally do not automatically disqualify an individual from hiring or reassignment:
 - (1) Crimes of violence;
 - (2) Theft;
 - (3) Drug convictions without successful completion of post-rehabilitation program;
 - (4) Alcohol convictions;
 - (5) Weapons violations;
 - (6) Other sexual convictions not listed above;
 - (7) Fraud;
 - (8) Financial Crimes; or
 - (9) Falsification in official matters.

 - c. Regardless of the time period, other convictions for certain types of crimes generally preclude hiring or reassigning an employee into certain positions. For example:
 - (1) Individuals with convictions for theft, embezzlement, identity theft, or fraud cannot be hired into positions with fiduciary responsibilities; or,

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- (2) Individuals with convictions for child molestation and other sex offenses can not be hired or reassigned to positions that involve direct unsupervised contact with minors and children.
4. When disqualification occurs because of criminal conviction information obtained from a third-party vendor or other consumer report, Tooele City will notify the individual in writing of their disqualification within five (5) business days and provide the individual with reasonable time to contest the validity of the information.