

HAR	RISONBURG POLICE DEPARTMENT	Policy Number:
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VALEAC Standards: PER.01.01, PER.01.02, PER.01.03, PER.01.04, PER.05.01

A. POLICY AND PURPOSE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Harrisonburg Police Department and are maintained by the Human Resources Department.

In accordance with applicable federal, state, and local law, the Harrisonburg Police Department provides equal opportunities for applicants. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

Recruitment and selection should be conducted in a uniform manner by trained personnel and as required by the Code of Virginia.

B. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated, and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

C. RECRUITMENT

The hiring manager should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- a. Identification of racially and culturally diverse target markets.
- b. Use of marketing strategies to target diverse applicant pools.
- c. Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites if resources permit.
- d. Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- e. Employee referral and recruitment incentive programs.
- f. Consideration of shared or collaborative regional testing processes.

The hiring manager shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process and should periodically inform each candidate of his/her status in the recruiting process. Applicants will be provided with notice of application disposition.

D. SELECTION PROCESS

1. HIRING PROCESS FOR SWORN POSITIONS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

The hiring process shall include the following phases:

- a. Public announcement of open position(s) by the City's Human Resources Department.
- b. Application process with a specified closing deadline (all on-line using NEOGOV)
 - 1. Including previous employment, references, current and prior addresses, education, military record
- c. Employment eligibility, including U.S. Citizenship or in the process to obtain citizenship
 - 1. Must live or be willing to move within a one-hour drive of the City
- d. A complete review of a candidate's personal history statement.
 - 1. The professional standards unit will review candidate personal history statements prior to testing and determine which candidates have the potential to be best qualified for the position of police officer. Applicants disqualified at this stage will not be considered for future employment for the position of police officer for six months from the time their application was received.
- e. Written and Physical Agility Tests
 - 1. Applicants must score 70% or greater on the written test to pass. Applicants may only take the written test three times within each calendar year.

2. Applicants must successfully complete the physical agility course within a maximum allowable time of 1:36. Applicants are limited to three attempts at completing the physical agility course on a given testing day. Applicants are further limited to attending three physical agility course testing days within each calendar year.

f. Panel Interview

1. The panel interview is intended to assist in determining the strength of a candidate when considered in conjunction with the rest of the available information.

g. Conditional Offer of Employment

- 1. The best qualified applicants may have a conditional offer extended to them after the professional standards unit evaluates the following: an applicant's personal history statement, written test score, physical agility course results, and panel interview performance.
- 2. A conditional offer of employment must be signed by the applicant prior to the administration of the polygraph examination, psychological evaluation, or medical screening exam.

h. Polygraph Test

- 1. If a polygraph examination is administered, the examiner should be appropriately licensed or certified.
- i. Fingerprints and Photograph taken
- j. Background Investigation
 - 1. NCIC/VCIN, credit and DMV checks (including driving record) on all applicants
 - 2. Information obtained from public internet sites
 - 3. Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
 - 4. Local, state and federal criminal history record checks (VA Code § 15.2-1705; VA Code § 15.2-1503.1; VA Code § 15.2-1505.1; VA Code § 19.2-389)
 - 5. Search for applicants in the National Decertification Index (NDI)
- k. Psychological and Physical, as required.
 - 1. Physical and psychological examinations should be administered by appropriately licensed professionals. Examination results should be securely maintained in accordance with Virginia law and the established records retention schedule (see the Personnel Records and the Records Maintenance and Release policies).
- 1. Drug Testing
- m. Final approval of the applicant by Chief of Police
- n. All steps in the selection process are conducted by trained personnel.

At any stage in the hiring process applications may be rejected when a candidate's performance, attitude, or background information produces a concern which is not likely to be rectified within a short period of time. Such candidates, when rejected, may be subjected to a 12-month disqualification period. Candidate's subject to a disqualification period will not be eligible for future consideration for employment for a period of 12 months from the receipt of a candidate's rejected application. The imposition of a disqualification period is done so at the discretion of the professional standards unit.

2. VETERAN PREFERENCE

The Department will provide veteran preference as required (VA Code § 15.2-1509).

E. RESPONSIBILITIES OF THE HIRING MANAGER

- a. The hiring manager shall contact the City's Human Resources Department to initiate public posting of a recruitment announcement. He shall also arrange for a NEOGOV notification to those applicants who are not placed on the eligibility list. The selection and hiring process will be coordinated, managed, and followed through by the hiring manager or designee, in cooperation with the Commander of the section seeking to fill the open position.
- b. The hiring manager and the City's Human Resources personnel will determine the minimum qualifications for the selection of the non-sworn position.

Responsibilities of the hiring manager or designee, when hiring non-sworn personnel:

- a. Shall be responsible to formulate, direct, participate and cooperate with the Chief of Police in the hiring of non-sworn personnel.
- b. Shall be responsible for the reviewing of applications, applicants' correspondence, setting up applicant interviews, applicant background investigation, and pre-employment physical exam.
- c. Shall ensure, through supervision and inspection, that all elements of the selection process are administered, evaluated, and interpreted in a fair and uniform manner.
- d. Shall ensure that all personnel conducting interviews and investigations in the selection process are trained to conduct such functions.

F. BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Harrisonburg Police Department.

1. NOTICES

Background investigators shall ensure that investigations are conducted, and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

2. STATE NOTICES

The Department shall notify the candidate of the information appearing in his/her criminal history record if the information is a basis for an adverse employment determination (VA Code § 15.2-1503.1).

3. REVIEW OF SOCIAL MEDIA SITES

The hiring manager shall not require candidates to do either of the following (VA Code § 40.1-28.7:5).:

- a. Disclose the username and password to the candidate's social media account.
- b. Add an employee, supervisor, or administrator to the list of contacts associated with the candidate's social media account.

4. RECORDS RETENTION

The background report and all supporting documentation, including but not limited to all testing results, shall be maintained in accordance with the established records retention schedule.

5. DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to make a confident decision on the candidate's suitability for hire. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

The hiring manager should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

6. ADDITIONAL REQUIREMENTS

The Department shall not request, require, solicit, or administer a genetic test to any applicant as a condition of employment (VA Code § 40.1-28.7:1).

For all candidates previously employed as an officer by a law enforcement agency or jail, the Department shall request from any such agencies information related to prior arrests, prosecutions, criminal conduct, excessive use of force, official misconduct, civil suits, or adverse employment actions as required by <u>VA Code § 15.2-1705</u>, and no candidate may begin employment as an officer prior to the department's receipt of that information (<u>VA Code § 15.2-1705</u>). The Department shall request that the candidate complete a waiver or release authorizing the request for this information (<u>VA Code § 15.2-1705</u>).

7. INVESTIGATOR TRAINING

Only members who have received department-approved training should conduct background investigations.

G. DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following (VA Code § 15.2-1505.1):

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality of the circumstance's framework.

H. EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation and shall be conducted in a uniform manner. The Human Resources Department should maintain validated standards for all positions.

1. STANDARDS FOR OFFICERS

Candidates shall meet minimum standards established by Virginia law, including those required in <u>VA Code § 15.2-1705</u>:

- a. Be a citizen of the United States
- b. Pass a background investigation including fingerprint-based criminal history records inquiries to both the Central Criminal Records Exchange and the Federal Bureau of Investigation
- c. Possess a high school education or have passed a high school equivalency examination approved by the Board of Education
- d. Possess a valid driver's license if required by the duties of office to operate a motor vehicle

- e. Applicant must meet established medical, physical, and psychological requirements, subsequent to a conditional offer of employment, conducted under the supervision of a licensed physician
- f. Satisfactory completion of the physical abilities test
- g. Applicant must possess the present ability to perform essential functions of the position sought
- h. Be at least 21 years of age
- i. Not have been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth
- j. No use of any narcotic, other drug or substance, in violation of Virginia law within the 12 months prior to the date of application.
 - 1. All other instances of narcotic, other drug, or substance use, possession, distribution, or contact, will be evaluated on a case-by-case basis on the following criteria set forth in **DISQUALIFICATION GUIDELINES**
- k. Not have produced a positive result on a pre-employment drug screening, if such screening is required by the Department, where the positive result cannot be explained to the Chief of Police's satisfaction
- 1. Any arrest or pattern of arrests or incidents where the applicant was the subject in investigation by law enforcement that would harm public confidence in the department.
- m. Crimes against property when committed as a juvenile will be evaluated by the Administrative Commander on an individual basis.
- n. Not have been convicted of or pled guilty or no contest to:
 - 1. Any misdemeanor involving moral turpitude, including but not limited to petit larceny under <u>VA Code § 18.2-96</u>, or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth
 - 2. Any misdemeanor sex offense in the Commonwealth, another state, or the United States, including but not limited to sexual battery under <u>VA Code § 18.2-67.4</u> or consensual sexual intercourse with a minor 15 years of age or older under clause (ii) of <u>VA Code § 18.2-371</u>
 - 3. Domestic assault under <u>VA Code § 18.2-57.2</u> or any offense that would be domestic assault under the laws of another state or the United States
- o. Traffic Offenses
 - 1. A minimally acceptable driving record includes the following components:
 - a. (-5) or fewer demerit points
 - 2. The following conditions are unacceptable driving record attributes, which normally prevent employment in a position that includes driving responsibilities:
 - a. (-6) or more demerit points.
 - b. DWI/DUI conviction within the last 3 years.
 - c. Any combination of violations, convictions, or accidents that creates a pattern which indicates that the applicant is a high-risk driver due to an ongoing history of unsafe driving habits

The Chief of Police maintains the right to request a waiver and establish department requirements for certain positions when such requirements are determined to be necessary to perform the duties of the position.

I. NEW MEMBER ORIENTATION

All new members of the Harrisonburg Police Department shall receive information regarding the Department by the City of Harrisonburg Human Resources and the Accreditation Manager:

- a. Role, purpose, goals, policies and procedures
- b. Working conditions and regulations
- c. Member responsibilities and rights
- d. Leave program
- e. Compensation and benefits plan including, but not limited to:
 - 1. Entry-level salaries
 - 2. Salary differential within ranks
 - 3. Salary levels for personnel with special skills
 - 4. Compensatory time policy
 - 5. Overtime policy
 - 6. Retirement programs
 - 7. Health insurance programs
 - 8. Disability and death benefits
 - 9. Professional liability protection
 - 10. Employee educational assistance program
 - 11. Employee assistance program

J. JOB DESCRIPTIONS

The hiring manager should ensure that a current job description is maintained for each position in the Department.

K. EMPLOYEE REFERRAL PROGRAM

- a. Provides potential for a \$1,000 (\$500 at hiring and \$500 after one year of service) referral payment to city employees who refer an applicant that is selected for a full-time or part-time HPD Officer position. For non-sworn position referrals, the referring employee is authorized payment of \$500 after the referred employee completes their probationary year. The Employee Referral Program does not apply to current city employees who transfer to the HPD or applicants who have previously worked for the city.
- b. Referred applicant must successfully complete 12 months of continuous employment prior to payment. The 12-month time period begins at the date of hire for certified and non-certified sworn positions.
- c. The referring employee will be responsible for completing the 210- Employee Referral Form-2022 v2 and submitting the form to the hiring manager based upon the following:
 - 1. Non-certified sworn position employee referral forms shall be submitted prior to the candidate's HPD testing process.
 - 2. Certified sworn position employee referral forms shall be submitted prior to the candidate's application submission or within a reasonable amount of time, thereafter, as determined by the Professional Standards Division.
- d. Only one referral payment can be offered per candidate. If a candidate is referred by more than one employee, the first referral received will be the one rewarded if the candidate is hired and meets the requirements set forth in this program.

- e. The referring employee must be an active city employee in good standing at the time the referral payment is due.
- f. The hiring manager is responsible for administering the Employee Referral Program.

Exceptions:

- a. A referral payment is not applicable for positions filled by internal candidates, including but not limited to transfers, promotions, or part-time to full-time status changes.
- b. The Chief of Police and employees responsible for recruitment efforts for their department are not eligible for referral payments.

L. PROFESSIONAL DEVELOPMENT INCENTIVE PROGRAM (PDIP)

The Professional Development Incentive Program recognizes and monetarily rewards the attainment of valuable and necessary certifications earned by sworn officers.

1. PROGRAM GOALS

The goal of the Professional Development Incentive Program is to reward employees' value and contributions in attaining certifications/specialties that will allow them to provide the highest level of service to the community, consistent with best practices in the law enforcement industry. The program recognizes high performance in the areas of learning, professional development, and use of new skills to improve customer and industry service. Specifically, the program recognizes several factors:

- a. Rewards the attainment of vital certifications with a direct impact on the Department's vision, mission, and values.
- b. Rewards initiative of employees who seek to continue education and training to enhance personal and professional skills, knowledge, and abilities.
- c. Meets the business needs of the Department by appropriately valuing certifications through the professional assessment of a certification's difficulty to attain and maintain, time period to attain, continuing education necessary, and other factors considered by the Police Department and Department of Human Resources.

2. PROGRAM SUMMARY & ELIGIBILITY

The program consists of two components: Specialty Assignments and the Incentive Program. Classifications that are eligible for specialty assignments and the incentive program include Police Officer, Master Police Officer, Career Police Officer, Sergeant, and Lieutenant.

- a. Employees are selected through a competitive, non-promotional process for specialty assignments, that may be eligible for a within-grade adjustment in accordance with City policy.
- b. The Incentive Program is designed to recognize and reward employees for participating on specialty teams or attaining certifications deemed vital to the services the Department

- provides to the community, and for attaining enhanced training and certifications beyond the requirements of their positions.
- c. Requests for all specialty assignments and monetary rewards under the incentive program require the approval of the Chief of Police or their designee.

3. SPECIALTY ASSIGNMENTS

Sworn officers may apply, through a competitive process designed by the Chief of Police or their designee, for a specialty assignment. Such assignments may be eligible for a within-grade adjustment in accordance with City policy. The Chief of Police may exercise discretion related to specialty assignments based on departmental need.

4. INCENTIVE PROGRAM

The incentive program is a voluntary program for sworn officers included in the aforementioned classifications. Incentives are awarded for certifications that are above and beyond the employee's normal position duties or essential functions. The requirements to receive incentives are the following:

- Satisfactory completion of the field training program.
- Completion of the certification requirements and providing proof of designation.
- Meeting the incentive requirements (participation in continuing education required of the certification, active use of the certification for the Department/industry use, etc.).

5. INCENTIVE COMPENSATION

Incentive compensation is a lump sum amount applied to an employee's hourly base rate of pay. The lump sum amount is the value of the incentive as assessed and assigned by the Police Chief with review by the Department of Human Resources. The application of incentive compensation shall be in accordance with City compensation policies. The certification schedule for incentive compensation can be modified periodically by the Chief of Police in consultation with the Department of Human Resources and approved by the City Manager. Should an employee wish to propose adding a new certification to the incentive schedule, they should properly document the certification and present the certification to the Administrative Division Commander. Consideration will be given regarding the certification attainment difficulty, time to certify, continuing education required, and most importantly, departmental business need.

The certification schedule for incentive compensation is subject to annual budgetary approval by the City Manager and can be removed at any time.

6. INCENTIVE PROGRAM RULES

- a. Each approved certification has its own set of minimum requirements. Once an employee attains a particular incentive, they must maintain their level of activity to keep that certification current. It is the responsibility of the employee to maintain their certification.
- b. Employees shall only receive incentives for certifications in which they are actively utilizing or participating. If an employee has a particular certification or is a member of a specialty team and resigns from that position, does not fulfill the department/certification entity requirements, or does not maintain their certification, the incentive shall be removed immediately.
- c. Each certification shall have a defined business need. The Chief of Police determines the allotted positions for each applicable certification necessary at any given time. An employee may be approved to receive a certification, however, if there is no business need designated or already enough positions allotted that have attained the certification, the employee will need to wait for an opening to begin receiving the incentive.
- d. Each employee choosing to participate in the Professional Development Incentive Program is fully responsible for documenting their certifications, continuing education, expiration dates, etc.

7. INCENTIVE PROGRAM PROCEDURES

- a. When an employee gains or loses a certification, appropriate documentation (certificate, test scores, etc.) will be transmitted to the designated administrative position. The incentive compensation will be applied or removed with the use of a Personnel Action Request (PAR) Form, in accordance with City policy and Department of Human Resources/Department of Finance designated schedules for compensation changes. If an incentive is removed, the employee is not eligible to receive that incentive again for one year to return in good standing.
- b. Upon first attaining a certification or becoming a specialty team member, the employee shall complete the 299B Professional Development Incentive Request Form and forward the form through the Administrative Chain of Command for approval. Once all approvals are met, the form will be transmitted to the designated administrative position to work with the Department of Human Resources to apply the incentive consistent with City compensation policy.
- c. If an employee resigns or is removed from a team, or otherwise loses an incentive, a memo of removal should be sent to the Administrative Captain (either from the employee or the team commander/leader). The Administrative Captain will complete a 299B Professional Development Incentive Request Form for removal of incentive and forward it to the designated administrative position for completion of a PAR form to be submitted to Human Resources. This notification process shall be completed immediately upon the employee's removal decision.

8. CERTIFICATION OF INCENTIVES SCHEDULE

- a. See attached 303 APPENDIX A INCENTIVE SCHEDULE
- b. Within-Grade Adjustment
 - 1. A within-grade adjustment may be considered for the attainment of an Executive Level (FBI National Academy, PERF Senior Management Institute for Police, SPI Executive) or Command Level (Northwestern, SPI, or UVA) Leadership school that has applicability to the industry and fulfills the Department business need. This shall be in accordance with City compensation policy.

9. TERMINATION OF PROGRAM

The Professional Development Incentive Program will be reviewed as needed and may be modified or terminated by the City Manager and/or the Chief of Police in consultation with the Director of Human Resources.