

Employment Hiring Program

Line of Business: Law Enforcement Liability, Public Official Liability

Risk Control Strategy/Key Issues: Implementation of a policy to hire only qualified individuals as law enforcement officers.

Suggested Program Elements:

1. Policy Statement:

- Management should formalize their commitment to follow non-discriminatory hiring procedures. These procedures should adhere to current equal opportunity standards, including but not limited to Americans with Disabilities Act (ADA) and relevant state law requirements.
- Formal assignment of responsibility and accountability to one individual to drive the implementation of the policy within the organization should be effected. This individual should enforce the policy, document hiring procedures for all applicants, and act as the main contact within the Organization.

2. The Hiring Policy should include:

Detailed steps to be followed in the Application Process

- Develop a detailed job description for each vacant position prior to posting or advertising the vacancy.
 - A detailed job description should contain the conditions of eligibility. Although the details of these conditions may vary by position, certain conditions should be addressed within the job description.
 - Adherence to the Immigration Reform and Control Act, which applies to all citizens of the United States and legal aliens.
 - Age requirements – This requires special attention. A minimum age requirement must be established in compliance with federal, state, and local child labor laws. Any maximum age requirement should be avoided unless in compliance with federal, state, and local laws and regulations pertaining to age discrimination.
 - Physical requirements – This may vary by position. Review the anticipated and/or documented daily physical demands required by an employee occupying the position in question. Compile a list of the physical demands including minimum ability requirements. These physical requirements may include such items as bending, lifting, climbing, visual and auditory demands.
 - Educational requirements (if applicable) – This may vary by position. Establish minimum educational requirements for the position in question. This may be accomplished through the documented research of employees performing similar job activities within your organization or geographical area. These educational requirements may include graduation from high school (or equivalent), bachelor's degree, master's degree or doctorate degree (Ph.D.).
 - Job openings should be posted internally (internal publications, message boards, etc.) as well as externally (newspapers, trade publications, employment agencies, etc.) in order to provide equal opportunity/access to all potential applicants.

- Develop and document detailed testing requirements for each applicant that meets the requirements identified in the job description. Testing, should only be conducted when job-related and necessary to determine an individual's job qualifications. All testing should be conducted uniformly and should not attempt to single out or discriminate against any individual in violation of federal, state, or local laws and regulations. If in doubt, legal counsel should be consulted.

Examples of testing requirements include the following:

- Writing and communication skills - This is performed to ensure that the applicant is capable of communicating effectively and completing any required forms and/or reports.
 - Logic skills - This is performed to ensure that the applicant is capable of rational thought and/or problem solving skills.
 - Legal skills - This is performed to ensure that the applicant is well versed in the required legal procedures, rationale and vernacular associated with the position in question.
 - Psychological Testing – This is performed to ensure that the applicant is free of mental illness or other defect that would render him or her incapable of self-control or appropriate behavior in positions of authority and/or responsibility.
 - Drug and Alcohol Testing – This is performed to ensure that the applicant is not currently unencumbered by the detrimental physical and psychological effects of alcohol and drug abuse. Impairment resulting from alcohol and drug abuse not only puts the affected employee at risk for injury, but also their coworkers and those under their supervision.
 - Physical Agility Testing – This is performed to ensure that the applicant possesses the physical ability or abilities to meet the requirements identified in the job description.
 - Weapons Proficiency Testing – This is performed to ensure that the applicant possesses the knowledge and skills to properly operate, maintain and secure different types of weapons in a responsible manner. Improper training and handling of weapons may result in accidental injury to the applicant and/or others who may be unfortunate enough to be nearby.
- Develop and document detailed background check requirements for each job position, where applicable. Perform the background check for each applicant that meets the requirements identified in the job description. Applicants should be informed that a background check is required and agree to the process (in writing) prior to initiating the check. Any other federal or state requirements for conducting applicant background checks should likewise be followed.

Background check requirements may encompass the following,

- Verification of Employment with prior employers - This is performed to verify an applicant's reported employment history. Previous employers may be limited to the amount and type of information that they can provide. Typically, a previous employer can only verify the dates of employment for a previous employee. The release of additional information could result in litigation.
- Criminal Record Check – This may vary by position. This is performed to verify an applicant's criminal background or lack thereof. Certain positions may require the handling large sums of money, the use of deadly weapons, the enforcement of laws or the safety of the general public. It is in the best interest of a public entity and the general public to thoroughly investigate certain applicants. For example, this type of screening process is used to prevent murderers from becoming police officers or embezzler's from becoming treasurers. Care should be taken, however, to ensure that applicant's job position necessitates a criminal background check.

- Motor Vehicle Record (MVR) Check - This may vary by position. This is performed to ensure that an applicant is in possession of a valid driver's license and exhibits safe driving habits. This is especially important when a job description requires the operation of personal or entity owned vehicles during the execution of an employee's duties. The goal of this process is to identify and eliminate unsafe and/or illegal drivers from injuring themselves and/or others while operating a vehicle in the name or interest of your entity.
- Establish and document detailed Applicant Interviewing Guidelines. Communicate these guidelines through training seminars or employee workshops. The goal of this process is to effectively eliminate the risk of posing inappropriate or "illegal" questions to the applicants.

Applicant Interviewing Guidelines may include the following;

- What can be asked of an Interviewee? – Establish a list of appropriate questions into a format to be utilized during the interview process. Appropriate questions should be developed and approved by a human resource professional and/or legal counsel to ensure legal compliance.
- What cannot be asked of an Interviewee? – Establish a list of inappropriate questions into a format to be utilized during the interview process. Inappropriate questions should be developed and approved by a human resource professional and/or legal counsel to ensure legal compliance.
- Establish and document an Applicant Review Process. This process should be approved by a human resource professional and reviewed by legal counsel to ensure legal compliance. Communicate this process to potential interviewers through training seminars or employee workshops. The goal is to develop and implement a standardized review process for all applicants. The key point is to ensure that all applicants are treated uniformly and in compliance with any federal, state, or local laws and regulations.
- Establish and document criteria for the Rejection of Applications. A human resource professional and/or legal counsel should approve the criteria to ensure legal compliance. Communicate the rejection criteria to those individuals who will be responsible for making the decisions through training seminars or employee workshops. Your goal is to develop and implement standardized rejection criteria for all applicants. The key point is to ensure that all applicants are treated uniformly and in compliance with any federal, state, or local laws and regulations.

3. Pre-qualification process for outside testing agencies

- When choosing an outside testing agency, you should pre-qualify the agency.
- Investigate the agency's credentials and make sure that the agency meets or exceeds federal control guidelines for the method of testing in question.

Program Activities Calendar:

- Review of each hire package for compliance
- Annual review of policy for compliance/changes
- Annual review training on hiring process

Web Site Links:

- United States Department of Labor
<http://www.dol.gov/#>
- U.S. Equal Employment Opportunity Commission
<http://www.eeoc.gov>



www.tridentinsurance.net

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