



Department of Adult Correction
Policy and Procedure

Policy Name: Merit-Based Recruitment and Selection
Policy Number: DAC-HR-100-01
Division: Administration
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I. PURPOSE

The purpose of this policy is to ensure that North Carolina Department of Adult Correction (DAC) positions subject to the State Human Resources Act ([NC Gen. Stat. § 126](#)) are filled with individuals from among the most qualified as determined by job-related criteria and in the judgment of unbiased, objective human resources professionals.

II. APPLICABILITY

This policy applies to all DAC Divisions.

III. DEFINITIONS

A. Employee

A person employed by DAC regardless of employment type, including full-time or part-time permanent employees, probationary employees, time-limited employees, and temporary employees.

B. Human Resources Professionals

Employees who have received training on the merit-based recruitment and selection process who are responsible for ensuring proper receipt of applications and for correct screening of applications.

C. Job Analysis

The process of identifying the major characteristics and functions of a job. One of the functions of a job analysis is to determine if the current job description is equivalent to the current work practices being performed in the position. A job analysis will also identify any changes in the primary duties and responsibilities needed to perform the job.

D. Knowledge, Skills, and Abilities (KSA)

1. Knowledge: Information an individual has gained through education, training and/or work experience necessary to satisfactorily perform the essential functions of the job.

2. Skill: A proficiency that is readily observable, quantifiable, and measurable, i.e., word processing, operating a machine, etc.

3. Ability: Capacity to perform an activity at the present time.

E. Minimally Qualified

The group of applicants who possess qualifications that meet the minimum requirements for a position related to training, experience, knowledge, skills, and abilities, or other specific requirements stated in the job posting.

F. Most Qualified

The group of applicants who, to the greatest extent, possess qualifications that exceed the minimum training, experience, knowledge, skills, and abilities. The pool of most qualified candidates shall be those individuals determined to be substantially more qualified than other applicants pursuant to [NC Gen. Stat. § 126](#). The individual selected for the position shall be from among the most qualified applicants.

G. Non-Qualified

Those applicants who do not possess the training and experience, knowledge, skills, and abilities, or other selective criteria required for the job.

H. Preferences

Specific types of experiences, degrees, licenses, knowledge, skills, and abilities, or other selection factors beyond above those minimally required to perform the duties and responsibilities of a position.

I. Qualified

Those applicants whose credentials indicate the possession of training and experience, knowledge, skills, and abilities, or other selective criteria required for the job.

J. Selective Criteria

Additional minimum qualifications specifically related to the duties and responsibilities of the position. Selective criteria cannot increase the minimum training or years of experience required for the position. These will generally be unique to the position but may be standardized for a position classification where there is a high volume of positions in the class.

K. Subject Matter Expert

A professional who possesses expert knowledge of the technical requirements to perform a specialized job or task.

IV. POLICY

- A. It is the policy of DAC to provide equal employment opportunity to all applicants, without regard to race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, genetic information, or disability.
- B. All selection decisions shall be based solely on job-related criteria and comply with all federal and State employment laws, regulations, rules and policies and will be consistently applied to promote fairness, diversity and integrity.
- C. Preferential treatment shall not be granted to any private organization or individual based on political affiliation or influence.
- D. In order to ensure the integrity of State government and DAC, all employees have a responsibility to view public service as a public trust and to act impartially.
- E. Training
 - 1. All DAC Human Resources (HR) professional staff designated to screen employment applications are required to complete training in merit-based hiring guidelines, policies, and the software used to track applicants.
 - 2. Staff designated to serve as subject matter experts and actively participate in screening applicants along with DAC HR professionals should complete training in merit-based hiring guidelines and policies.
 - 3. At least one member of the interview team shall have completed the DAC HR – Employment Interviewing course via the Learning Management System (LMS).
- F. Job Analysis
 - 1. Prior to posting, when there is a change in the duties and responsibilities of a position that impacts the required qualifications, the hiring manager shall discuss the extent of the changes with an HR professional to determine if a job analysis is necessary. If it is necessary, the hiring manager shall conduct the job analysis with assistance and guidance from the designated DAC Central HR Classification Section staff member.
 - 2. Depending on the significance of the change in the duties and responsibilities, a new or revised position description may be necessary. Additionally, the job posting may need to be revised to reflect updated duties, selection criteria, preferences, KSAs, or minimum requirements. Any new or revised job description shall be submitted to DAC Central HR.
 - 3. Where there is a high volume of positions in a class, or little job change, there will not likely be a need to conduct a job analysis each time a vacancy occurs.
 - 4. The hiring manager and their designated HR professional shall ensure the critical tasks, KSAs, training, and experience requirements, including any selective criteria, necessary to

successfully perform the duties of the position have been identified. The generic KSAs as described in the job specifications published by the North Carolina Office of State Human Resources (OSHR) may be used where they are sufficient for differentiating qualifications of applicants and/or where there is a high volume of positions in a class.

G. Job Posting

1. The State's Online Job Application System (E-Recruit/NEOGOV) is the official job posting platform for State agencies. All positions subject to the State Human Resources Act are posted via this system and will post for a minimum of five business days excluding weekends and State holidays.
2. The hiring manager and their designated HR professional shall determine whether the posting will be internal to DAC, internal to State government, or open to all applicants, including those external to State government. The designated HR professional shall also consult with the hiring manager to determine if additional advertising in trade publications, technical colleges/universities, etc. are needed to target specific applicants.
3. The designated HR professional shall be responsible for ensuring that the position is posted and includes any selective criteria and/or preferences identified by the hiring manager for inclusion in the job posting.
4. The designated HR professional shall be the point of for receipt of applications. Under no circumstances may the hiring manager be the initial point of contact for receipt of the applications for a position. Where there is an attempt to deliver an application or resume to the hiring manager, the applicant or application shall be directed to apply via the State's [government jobs website](#).

H. Recruitment

1. DAC may use a variety of sources to achieve a diverse workforce that also meets the operational needs of the Department. Recruitment activities include, but are not limited to:
 - a) Attendance at community events, career days, and job fairs for purposes of educating individuals on the mission of the agency and career opportunities;
 - b) Meeting with representatives of organizations including branches of the military;
 - c) Standard online job posting through the State's [government jobs website](#); and
 - d) Additional recruitment resources, i.e., online recruitment websites, DAC authorized social media sites, trade journals, etc.
2. Where problems are identified due to a lack of sufficient applicants from underrepresented groups, DAC will conduct targeted recruitment to provide a larger applicant base.

I. Application Evaluation

1. The designated HR professional shall review applications to identify applicants with priority status. All priorities shall be granted in accordance with the [OSHR Selection of Applicants policy](#). The designated HR professional shall provide advice and guidance to the hiring manager regarding the priority considerations to be granted.
2. Employees in reduction-in-force (RIF) status may self-report their status by recording it on the electronic application or disclosing their status in an attached memorandum.
3. Applicants claiming Veteran's Preference are required to submit a [DD214 form](#) with their application for verification of eligibility.
4. Applicants claiming North Carolina National Guard Preference are required to submit the specific form based upon their current status: [NGB 23A](#), [NGB 22](#), or [DD256](#).
5. Consideration shall be given to applicants that have the following priorities, which are also explained in greater detail in State Human Resources Policy:
 - a) Priority Reemployment: Employees scheduled to be separated or separated through a RIF have priority consideration. See the OSHR [RIF Priority policy](#) for additional details.
 - b) Exempt Policy-Making/Managerial: Employees separated from exempt-policy-making/managerial positions for reasons other than just cause have priority consideration over non-State employee applicants and must only meet the minimum qualifications to receive priority. See the OSHR [Priority Reemployment for Policy-Making and Exempt Managerial Employees policy](#) for additional details.
 - c) Veteran's and NC National Guard Preference: Preference is to be given for initial employment, subsequent employment, promotions, reassignments, horizontal transfers, and RIF situations to qualified veteran applicants. See the OSHR [Veteran's and National Guard Preference policy](#) for additional details.
 - d) Promotional Priority: Career State employees are eligible for priority consideration over non-State employee applicants when the individuals possess substantially equal qualifications and the opportunity represents a promotion. See the OSHR [Promotional Priority policy](#) for additional details.
 - e) Injured-on-the-job/Workers' Compensation: Employees injured-on-the-job, placed on workers' compensation leave and who have been released to return to work by their physician, or have reemployment considerations based upon maximum medical improvement. See the OSHR [Workers' Compensation policy](#) for additional details.

J. Application Screening

1. Employment applications received within the posting period are screened by either an individual HR professional or by a panel led by a HR professional.

2. Screening is based on an assessment of each applicant's education and experience as compared to the minimum requirements for the position, any selective criteria established for the job, and related KSAs necessary to perform the duties of the position.
3. If a panel is used for the screening, the hiring manager and their designated HR professional shall jointly decide on panel members. Panel members should be knowledgeable of the merit-based recruitment and selection process.
4. Hiring managers are prohibited from serving as the point of contact to receive employment applications and may only participate in the screening process in consultation with their designated HR professional and subject matter expert(s), if applicable. Hiring managers may receive inquiries from interested candidates and provide information about the job duties and responsibilities that are required.
5. Screeners are prohibited from using their personal knowledge of an applicant's job duties during the screening process. In addition, records from the North Carolina Office of the State Controller (OSC) Integrated HR/Payroll System as well as Division of Criminal Information (DCI) Checks cannot be used in the initial application screening process. Only information included on the applicant's State employment application may be used during the initial application screening process. Disciplinary action(s), performance ratings, and criminal history as indicated by the response to or lack thereof to the conviction question shall not be used to initially screen employment applications. By submitting an application, the applicant is certifying at the time of delivery that the information on their application is true and accurate as of the date of delivery.
6. Screeners will separate all timely applications into one of three groups: non-qualified, qualified, or most qualified. Applicants in the most qualified grouping will be forwarded to the hiring manager for consideration.
7. DAC employees serving as subject matter experts may play a role in the screening process for classifications that require specific technical or specialized skills which may be difficult to understand or interpret. Typically, hiring managers and HR professionals will confer, prior to the job posting, and decide whether the use of subject matter experts in the screening process will be beneficial to the outcome of the process. Subject matter experts will only receive applications after they have been initially screened by the HR professional. Subject matter experts shall receive training on the applicant screening process prior to beginning their review. Each determination by a subject matter expert shall include a detailed explanation of the factors used to determine applicant eligibility.

K. Applicant Pools

1. After applications have been screened and referred to the hiring manager, the hiring manager shall identify an interview pool by determining which of the referred applicants are most qualified for the position based on job-related criteria. The hiring manager also has the option to interview all applicants received.
2. Minimally qualified applicants can be forwarded to the hiring manager when there are no candidates in the pool that clearly exceed the minimum qualifications. If a sufficient number

of applications are not received, then the hiring manager may choose to re-advertise the position to increase the numbers of applications and applicant diversity. Additionally, the hiring manager may choose to re-post a position to take corrective action if administrative errors have been discovered in the application receipt, screening, interviewing, or selection process.

L. Using Background Investigations for Disqualifying Convictions

1. DAC shall conduct background investigations consistent with [Executive Order 158](#) issued by Governor Roy Cooper on August 18, 2020.
2. In the instances when a criminal background check is to be completed, all candidates interviewed will be provided with a form, to be signed, which authorizes that a criminal background check may be conducted as part of the applicant selection process.

3. Class A Positions

Class A positions are those for which a law (federal or State) or regulation prohibits employment based on specific convictions. For these positions a background investigation, as required, may be conducted on the applicant to determine eligibility for employment. The majority of these positions fall into one of three categories:

- a) Positions requiring a security clearance or having access to sensitive public safety and security information;
- b) Positions requiring certification by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission; and
- c) Positions subject to the Prison Rape Elimination Act (PREA).

4. Class B Positions

- a) Class B positions are all those positions not designated as Class A.
- b) For Class B positions in which a criminal conviction is relevant to performing the duties of the position but is not grounds for prohibiting employment based upon federal or State law, a background check may still be performed. However, this action is prohibited until after the completion of an initial job interview.
- c) State employment decisions for Class B positions cannot be based upon the criminal history of an individual unless that criminal history is demonstrably job-related and consistent with business necessity associated with the position.
- d) If DAC obtains a copy of an applicant's credit report during the employment decision process, DAC shall provide the applicant with a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act."
- e) If DAC obtains a copy of an applicant's criminal record history during the employment decision process, in accordance with [14B NCAC 18B.0401](#) and [14B NCAC 18B.0404](#),

applicants may request a copy of their criminal history record by [contacting the North Carolina State Bureau of Investigation](#).

- f) When determining whether an offense found in the criminal background check should be cause for removal from the process, DAC shall consider:
 - i. The nature or gravity of the offense or conduct;
 - ii. The time elapsed since the offense;
 - iii. Conduct or completion of the sentence; and
 - iv. The nature of the job held or sought.
- g) The following circumstances are not grounds for removal from the process for Class B positions:
 - i. Expunged or pardoned convictions;
 - ii. Charges or convictions that do not relate to the underlying employment matter;
 - iii. Arrests not resulting in conviction; and
 - iv. Charges resulting in dismissal or not guilty.
- h) Applicants for Class B positions who are denied employment due to the results of the background check shall have a maximum of seven calendar days from the date the report is sent to the applicant to dispute the findings or provide information (including official reports) regarding steps towards rehabilitation. The Division Head or designee shall then make a final determination based upon this information. A position shall not be filled until this process is complete. Applicants may request a copy of their criminal history record by [contacting the North Carolina State Bureau of Investigation](#).
- i) Questions about the background check process should be directed to DAC Central HR and the DAC General Counsel's Office.

M. Using Disciplinary Actions and Performance Ratings

1. The hiring manager may also consider formally documented active disciplinary actions and the most recent performance rating in determining the final interview candidates when the pool of most qualified candidates are all internal to DAC.
2. The hiring manager shall consult with their designated HR professional prior to removing an applicant from the interview process based on information obtained by the hiring manager.
3. The rationale for removal shall be documented in the recruitment history file.

N. Interview, Recommendation, and Justification of Recommendation

1. Applicants determined to be most qualified shall be forwarded to the hiring manager for consideration.
2. The interview process shall include, at a minimum, a structured interview with benchmarked responses. The interview may be conducted by a designated interview team, to include the

hiring manager. If a designated interview team is used, it should be made up of a diverse panel of participants. Although team members will normally be in positions equal to or higher than the level of the position being filled, individuals in lower-level classifications may be utilized when they have detailed knowledge of the work involved in the job.

3. Any employee involved in the screening of applications is disqualified from serving on the interview panel.
4. HR professionals may advise the hiring manager regarding proper procedures to be followed in the interview and selection process, as well as in selection of interview team members who represent the Department's diversity.
5. Additional selection tools, such as job-related exercises or skills tests, may be used by the hiring manager if necessary, but shall be objective and based on job-related KSAs and consistently applied to all applicants in the final pool. Selection tools include validated job-related exercises, skills tests, etc.
6. Following the interview process, the interview team shall identify eligible candidates to be considered for hire and make a recommendation to the hiring manager. The hiring manager shall evaluate each applicant and make a final recommendation. The hiring manager shall forward the final recommendation, a written justification, and the application of the recommended candidate to the appropriate approving authority. The recommendation shall address the following issues:
 - a) Names of everyone interviewed as documented on the selection log;
 - b) Narrative explaining the selection of the recommended applicant;
 - c) An explanation of why a candidate with priority was not recommended, if applicable;
 - d) Explanation of selection tools and criteria;
 - e) A recommended salary; and
 - f) Any equity issues within the work unit created by the salary recommendation, if known.

O. Reference Checks and Final Selection

1. References shall be checked prior to the final selection in accordance with the [OSHR Reference Checks policy](#).
2. Management may consider disciplinary action and/or performance evaluations in the decision-making process to justify non-selection of a most qualified applicant. Further, the nature of information gathered when checking references on external candidates may be considered in the final decision.
3. Any information gathered during the review process may justify the hiring manager not selecting the candidate recommended by the interview team. Rationale for deciding to recommend another applicant must be documented in the written justification.

P. Approval and Notification

1. Employment recommendations shall be submitted by the hiring manager to the appropriate person responsible for salary determination, along with any supporting documentation. All recommendations must be approved by the designated supervisor within the appropriate chain of command. Applicants for positions which require specific certifications or licenses must have their credentials verified prior to an employment offer.
2. DAC Central HR is the approving authority for all technical aspects of the recruitment and selection process.
3. The DAC Secretary or their designee(s) is the final approving authority for all personnel transactions.
4. All applicants not selected will be notified by the HR Professional of the outcome of the selection process.

Q. Appealing Hiring Decisions

If an applicant has reason to believe they were denied employment due to political affiliation or influence, the applicant may appeal the hiring decision directly to the North Carolina Office of Administrative Hearings within 30 days of written notification that the position has been filled if all the following conditions apply:

1. The applicant applied for the position in question within designated time frame;
2. The applicant was not selected for the position;
3. The applicant was among the most qualified persons applying for the position;
4. The successful applicant for the position was not among the most qualified persons applying for the position; and
5. The hiring decision was based on political affiliation or political influence.

R. Monitoring /Evaluation

1. DAC Central HR shall review program data across the Department to ensure recruitment and selection activities are addressing Department hiring needs.
2. The DAC Equal Employment Opportunity (EEO) Office and DAC Central HR will compile and analyze an annual summary of selection criteria for the DAC Secretary Division Heads. This report shall include an analysis of the impact on demographic groups, exceptions to policy, and other relevant factors. DAC Central HR shall also comply with OSHR reporting requirements.

S. Recruitment History Files

1. Documentation of Process

- a) Documentation of the merit-based recruitment and selection process shall be maintained to support the decisions made and to provide data for monitoring and evaluating recruitment and selection practices and procedures.
 - b) A recruitment history file shall be developed and maintained for each hiring event (i.e., new hire, transfer, promotion, etc.) as required by the [North Carolina Department of Natural and Cultural Resources State Archives](#).
 - c) All applications will be maintained by the NC Online Job Application System.
 - d) In some cases, merit-based recruitment and selection process documentation may be contained within the text of another document. For example, most class specifications will include the KSAs and therefore it is unnecessary to duplicate that information in the recruitment history file. The recruitment history file may be maintained by the designated HR professional or the hiring manager and contain the following:
 - i. Any record of job analysis conducted for the vacancy including any KSAs and/or selective criteria;
 - ii. Vacancy announcement (job posting) or the approval letter from the Division Head or their designee(s) stating the reason(s) for deciding not to post, if applicable;
 - iii. Recruitment resources used (other than State posting): examples include newspaper advertisements, TV/radio announcements, journal announcements, etc.;
 - iv. Selection tools and criteria (exercises, skills, tests, etc.);
 - v. Record of interview including questions and benchmarked answers and notes of applicant responses; and
 - vi. Inventory of applicants as not qualified, qualified, and most qualified.
2. Confidentiality and Maintenance of Recruitment History Files
- a) All records associated with the merit-based recruitment and selection process shall be confidential unless otherwise specified by State or federal law, rule, or policy.
 - b) Recruitment history files shall be maintained as described above and stored in a secure location with limited access, but where they can be easily retrieved as needed by management or other authorized personnel.
- T. Violations of this policy may result in disciplinary action up to and including dismissal.

V. ROLES AND RESPONSIBILITIES

A. DAC Central HR

1. Develops the DAC merit-based recruitment and selection process in coordination with the hiring manager and in accordance with OSHR guidelines.
2. Assists management with implementation of the DAC merit-based recruitment and selection process.

3. Develops and presents training curriculum on the merit-based recruitment and selection process.
4. Provides technical assistance to managers and supervisors on:
 - a) The DAC merit-based recruitment and selection process and related personnel policies and procedures.
 - b) Applicant qualification determination and issues such as evaluation of a position description to ensure required KSAs are reflected.

B. DAC EEO Office

1. Interprets and applies State or federal laws, rules, or policies related to discrimination in employment and equal opportunity.
2. Monitors recruitment and selection activities to ensure adherence to merit-based recruitment and selection policies and procedures.
3. Maintains and analyzes data on employment practices to monitor and evaluate the effectiveness of the EEO program and make recommendations.
4. Advises management of the merit-based recruitment and selection program's impact and effectiveness on workforce demographics at all occupational levels.
5. Provides technical assistance and consultation to managers and supervisors in matters involving EEO issues and concerns as well as complaints alleging discrimination.

C. DAC EEO Office Director

Coordinates with the DAC HR Director to design, implement, and manage a merit-based recruitment and selection program to recruit highly qualified applicants from all backgrounds, ensuring a diverse and high performing workforce.

D. DAC HR Director

Coordinates with the DAC EEO Office Director to design, implement, and manage a merit-based recruitment and selection program to recruit highly qualified applicants from all backgrounds, ensuring a diverse and high performing workforce.

E. DAC HR Professionals

1. Ensure position postings are accurate in consultation with the hiring manager.
2. Ensure the point of contact for receipt of applications is someone other than the hiring manager.

3. Review and screen timely applications in accordance with this policy and job-related screening/selective criteria to categorize applicants into groups of non-qualified, qualified, and most qualified.

F. DAC Secretary or their Designee(s)

1. Ensures the DAC recruitment and selection process complies with all applicable and existing State or federal laws, rules, or policies.
2. Ensures all hiring practices are applied consistently and equitably, thereby demonstrating commitment and support for the merit-based recruitment and selection process.

G. Employees as Applicants

1. Seek information regarding advertised positions in order to submit the required materials.
2. Provide accurate and complete information as to credentials and qualifications.
3. Submit specified materials necessary to apply for a position within the required time frame.

H. Managers and Supervisors

1. Evaluate the need for filling vacant positions and notifies the designated HR professional when a position needs to be posted.
2. Maintain accurate position descriptions for subordinate jobs.
3. Notify the DAC Central HR Classification Section when a position description needs to be revised.
4. Understand and communicate the principles of the merit-based process to employees and applicants.
5. Support implementation of the DAC EEO plan to ensure a highly qualified and diverse workforce.

I. Subject Matter Experts

Support the screening of applications by providing knowledge and expertise about the specific duties and responsibilities unique to the position to be filled, and the evaluation of the relevance of various credentials of the applicants, in consultation with DAC Central HR.

VI. REFERENCES

- A. [Governor Cooper Executive Order 158](#)
- B. [NC Gen. Stat. § 126](#)
- C. [25 NCAC 01H .0630](#)