
STOREY COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES	NUMBER:	308
	EFFECTIVE DATE:	09/16/08
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		09/07/21
	AUTHORITY:	BOCC
	COUNTY MANAGER:	AO

SUBJECT: APPLICANT SELECTION, OFFER OF EMPLOYMENT AND PRE-EMPLOYMENT DRUG SCREEN

I. Policy:

A. Selection

Employment decisions must be based solely on merit. Consistent with applicable federal, state, and local laws and regulations employment decisions may not be influenced by race, religion, gender, sexual orientation, age, disability, national origin, ancestry, color, veteran status, pregnancy, genetic information, domestic partnership, gender identify or expression, political affiliation, membership in the National Guard, or any other class that becomes protected by federal and/or state law. The Elected Official or Department Head has ultimate responsibility for selection of the candidate for hire; however, s/he should take into consideration the input of the other members of the interview team. The Elected Official or Department Head is responsible for ensuring the selected candidate meets the required level of education, experience, certification, license, etc. The Elected Official or Dept. Head will document the basis of his/her decision to select a particular candidate, i.e., why s/he is the most qualified and the best fit for the position. The Elected Official of Department Head should also document why the other candidates were not selected. The Candidate Interview Evaluation Form (reference: Candidate Interview Evaluation Form 305-F2) is the best tool for this. The Elected Official or Dept. Head will submit the documentation regarding why the selected applicant was chosen and notify Administrative Officer and/or Personnel Director of the selection, the desired date of hire and pay grade commensurate with the posting. The Elected Official or Department Head shall submit to Personnel Director and/or Administrative Officer a Salary Resolution Cover Sheet (reference: 308 F1 form), as soon as the applicant selection has been made.

The Administrative Officer and/or Personnel Director may deny the hiring of the candidate desired by the Elected Official or Department Head if the candidate is disqualified from employment by any provisions of the county administrative policies.

The Administrative Officer and/or Personnel Director must provide the Elected Official or Department Head the reason for not allowing the hire. The decision of the Administrative Officer and/or Personnel Director may be appealed to the County Manager for a final determination.

B. Job Offer Letters

After an applicant has been selected for employment or promotion, the employer will notify the Personnel Director and/or Administrative Officer, who will extend the following:

1. A conditional offer of employment pending background check if criminal checks are required (i.e., background, criminal, DMV, consumer reporting, drug test, but not alcohol test).
2. A medical exam is required, a “bona-fide” conditional offer letter. This letter will condition the offer on passing medical examinations. Note: Except for peace officer positions, a medical exam must not be performed before the results of a criminal background check in section 1 above.
3. A “formal job offer letter” once applicable criminal and medical checks and exams have been passed; this letter will include the terms and conditions of employment. (reference: Offer Letter – Employers 308F form)

Prior to notifications/letter being extended, the employer may contact the selected applicant by telephone or email to determine whether there is continued interest in employment and to indicate that a request to hire has been made, but must state that only a notification in writing can be considered as an official job offer.

The employer will notify, if applicable, the applicant of any provisions of state and federal law that disqualifies a person with a particular criminal history from employment in a particular situation.

Note: All non-medical background checks must be completed before applicant is subject to medical exams.

C. Pre-employment Drug Screening

1. The employer may require successful applicants for safety-sensitive positions to consent to a pre-employment screen test for drugs and prohibited substances. The employer will advise the selected applicant that the presence of one or more drug metabolites may be cause for rejection from further consideration for employment, and that offers of employment are contingent upon a negative test result. The applicant may be asked to authorize the employer, as a condition of employment, to conduct through the employer’s designated laboratory testing facility, a screen test for drugs and prohibited substances. Refusal to authorize and participate in a screen shall eliminate the applicant from further consideration for the position.

2. The employer may direct applicants to an appropriate collection facility. The drug screen test must be undertaken as soon after notification as possible, and in no circumstances later than forty-eight (48) hours after notice to the applicant.
3. The employer will advise applicants of the opportunity to submit medical documentation to support a legitimate use for a specific drug. Such information will be reviewed only by medical consultants determining whether the applicant is lawfully using an otherwise illegal drug or prohibited substances.
4. The employer will not extend a final offer of employment to any applicant with a verified positive test result, and such applicant will not be considered for any vacancy of the employer for a period of twelve (12) months. The employer shall disqualify the applicant on the basis of failure to pass the applicable test(s).

****NOTE:** Safety-sensitive positions (see policy Vehicle Operators Drug and Alcohol Policy # 206A)

D. Other Conditions

1. All offers of initial and continuing employment are conditioned upon the applicant furnishing satisfactory evidence of identity and legal authority to work in the United States. Each applicant must attest to his/her identity and legal authority to work in the United States in accordance with the applicable federal statute by completing and signing INS Form I-9 (Employment Eligibility Verification). Depending on the specific position, offers of employment may also be contingent upon passing a pre-employment physical examination, background check, submitting documentation of qualifications, and/or obtaining job-required licenses.
2. The applicant may be questioned about past criminal history upon being offered conditional offer of employment pending background checks, at which point the applicant must provide in writing a description of past crime(s) for which s/he was convicted and the dates of the conviction(s). Arrests for which no conviction occurred must not be included. The employer may verify the information through a background check conducted by a consumer reporting agency. The employer may revoke the conditional offer of employment if it is determined that there is a nexus between the crime(s) committed and the position for which the applicant applied only after considering:
 - a. Whether any criminal offense committed by the applicant directly relates to the responsibilities of the position for which the applicant has applied;
 - b. The nature and severity of each criminal offense committed by the applicant;
 - c. The age of the applicant at the time of the commission of each criminal offense;
 - d. The period between the commission of each criminal offense and the date of the application for employment; and

- e. Any information or documentation demonstrating the applicant's rehabilitation.

The employer shall not consider any of the following criminal records in connection with an application for employment:

- a. An arrest of the applicant which did not result in a conviction;
- b. A record of conviction which was dismissed, expunged or sealed; or
- c. An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

If the criminal history of an applicant is used as a basis for rejecting an applicant or rescinding a conditional offer of employment, such rejection or rescission of a conditional offer of employment must:

- a. Be made in writing;
- b. Include a statement indicating that the criminal history of the applicant was the basis for the rejection or rescission of the offer; and
- c. Provide an opportunity for the applicant to discuss the basis for the rejection or rescission of the offer with the director of human resources or a person designated by the director.

Note: The above provisions do not apply to an applicant for a position that is a peace officer, firefighter, or has physical access to a computer or other equipment used for access to the Nevada Criminal Justice Information System or the National Crime Information System, except that the employer shall not consider any of the following criminal records in connection with an application for employment:

- a. An arrest of the applicant which did not result in a conviction;
- b. A record of conviction which was dismissed, expunged or sealed; or
- c. An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.

Criminal background checks may be conducted prior to a job offer being made for these applicants and the application may require the applicant to explain the criminal history before s/he is considered for employment.

- 3. Applicants are typically responsible for travel expenses incurred in the interview process. An exception may be made by the HR Director if the position is deemed difficult to recruit and there are funds available. If the HR Director deems the position difficult to recruit the selected applicant may be eligible for reimbursement of travel costs as provided:
 - a. Travel reimbursement will not exceed \$500.00 and must be accompanied by travel receipts.
 - b. The selected applicant must accept the position and conditions for employment and appear for the first day of work.

E. Failure to Appear for Work

If a selected applicant fails to report for work, including new-hire orientation, within the time period prescribed by the employer, that applicant may be deemed to have declined the position and be removed from the eligible list.

II. RESPONSIBILITY FOR REVIEW: The County Personnel Director and/or Administrative Officer will review this policy every 5 years or sooner as necessary.