**Checklist for Hiring City Employees, LMC Model Form**

*Helpful background information on this model may be found in the* [*Hiring Chapter*](https://www.lmc.org/resources/hr-reference-manual-chapter-2-hiring/) *of the Human Resources Reference Manual.*

Use this checklist of items the city must consider or complete before and during the hiring process of a city employee to ensure compliance with major requirements of state and federal law and to implement best hiring practices for your city. The Hiring chapter of the Human Resources Reference Manual explains the legal and practical reasons for items included here. You may wish to add city-specific practices or delete items that do not apply to you to create a custom list for your city.

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| **Authority to Hire** | |
| ❑ | The city understands the authority and role of staff and council in hiring as dictated by the form of government under which the city operates. |
| ❑ | The position is approved, and funding provided in the city’s budget. |
| ❑ | If the position is covered by a collective bargaining agreement, the wages for this job class have been negotiated |
| ❑ | If the position is covered by civil service, the rules of the Civil Service Commission will be/have been considered throughout the hiring process. |

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| **Job Description/Organizational Issues** | |
| ❑ | A job description has been prepared or exists and has been updated. |
| ❑ | The job description includes the essential functions and physical requirements of the position for purposes of the Americans with Disabilities Act, the Minnesota Human Rights Act, and other applicable laws. |
| ❑ | The city has determined the following items. Some cities include some or all of these elements in the job description format. |
|  | * How is the position impacted by child labor laws (e.g., does the employee operate equipment or work hours prohibited for certain age groups)? * Whether the position requires adult supervision (e.g., underage lifeguards)? * The title of the position and the date the job description was last updated. * Primary objective of the position (the main reason the job exists). * The essential functions of the position (the primary duties the city * wants the person in this position to perform). * The minimum requirements a candidate needs to be considered for the position (e.g., any educational or degree requirements, minimum years of work experience, required licenses or certificates, special skills like typing speed or familiarity with computer software).   When establishing the minimum requirements, cities should keep in mind they may be called upon to prove the requirement is job-related or constitutes a business necessity.   * Other desirable qualifications for the job (e.g., additional years or specialized experience, educational requirements above and beyond the minimum, such as a graduate degree). |
|  | Some cities like to include other items such as:   * FLSA status (exempt/nonexempt) * The department the position is located within. * The physical requirements of the job * The job title of the supervisor * Examples of how the employee’s performance will be judged (also known as performance criteria) * The extent of supervision the position requires. * The positions supervised by the position. * The amount of public contact required in the position. |

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| **Recordkeeping for Hiring Process** | |
| ❑ | The city has a checklist for the hiring process, so no steps are accidentally missed. |
| ❑ | The city has a “procedure file” established, and maintained in accordance with the city’s record retention schedule, which includes:   * Job description. * Job posting. * Copies of any advertisements for the opening and which newspapers, magazines, newsletters, websites, or other places the position was advertised. * Application forms received from all candidates. * Supplemental application forms (if used). * A copy of the rating form showing how points were awarded to rank and rate applicants for veterans’ preference purposes. * A copy of any checklist used for the hiring process showing various steps the city took during the process. * List of interview panel members. * A copy of interview questions used for all rounds of interviews (and rating sheets from the interview panel if used). * A copy of any tests, examinations, questionnaires, supplemental application forms, etc. used to narrow the list of candidates. * Descriptions or copies of any tests used in the process (e.g., skills tests, written tests, etc.). * Notes from the interview process or other notes about how decisions were made during the process. * If used, rating sheets from the interview process (e.g., ranking and rating forms used by the interviewer(s) to assign numeric scores to the candidates interviewed). * List of all candidates interviewed in every round of interviews. * A copy of each type of letter sent to applicants (one for those not interviewed; one for those interviewed but not hired; etc.). * The name and actual start date of the individual who was ultimately hired for the job. |
| ❑ | The city reports new hires to the child support enforcement authorities. |
| ❑ | The city completes I-9 forms on all employees. |
| ❑ | The city completes W-4s on all employees. |
| ❑ | The city maintains a copy of the release form signed by an applicant for checking references and performing other types of background checks. |

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| **Job Postings and Posting Process** | |
| ❑ | The city uses a job posting which summarizes the position’s duties, work hours, pay scale, overtime status, minimum and desirable requirements, and information about how to apply. |
| ❑ | The city sends a copy of the job posting to these groups as appropriate:   * Professional associations. * Neighboring cities or local government organizations. * Local businesses. * Social media. * Consider posting on the League of Minnesota’s job posting page: https://www.lmc.org/careers/posting-city-jobs/ |
| ❑ | The city places a copy of the posting in all city locations, or on the city website and/or intranet. |
| ❑ | The city has determined how the position will be posted: internal only, internally prior to an open external recruitment, or an open external recruitment. |

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| **Job Ads** | |
| ❑ | The city considers placing the job ad in publications or on websites to reach minority populations. |
| ❑ | The job ad was reviewed by an attorney or human resources professional to make sure there are no indications of preference based on age, sex, national origin, or any other protected status. |
| ❑ | The city placed the ad in papers, publications, social media and on websites most likely to draw a qualified pool of candidates. |
| ❑ | The city explains how to apply for veterans’ preference points either in the job ad, on the application, or both. |
| ❑ | The city will want to determine in advance if they want to impose a deadline for the receipt of applications or leave the position “open until filled.” An application deadline is helpful in meeting the requirements of the Minnesota Veterans Preference Act. |

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| **Application Review and Rating Process** | |
| ❑ | The city’s employment application form has been reviewed by the city attorney or a human resource professional to ensure there are no illegal or inadvisable questions. Refer to the [League’s Model Employment Application](https://www.lmc.org/wp-content/uploads/documents/Employment-Application.docx), noting that in accordance with [Minn. Stat. § 363A.08](https://www.revisor.mn.gov/statutes/cite/363A.08), as of January 1, 2024, cities are prohibited from inquiring into, considering, or requiring disclosure of the pay history of an applicant for employment for the purpose of determining wages, salary, benefits, or other compensation for that applicant. |
| ❑ | For open, competitive hiring processes, the employment application includes a Veteran’s Preference (VP) Point application form. The city is aware of how veterans’ preference can impact promotional hiring processes as well. Refer to a model VP form included in the [League’s Model Employment Application](https://www.lmc.org/wp-content/uploads/documents/Employment-Application.docx). |
| ❑ | If my city has more than 100 employees, the employment application includes a voluntary Equal Employment Opportunity survey form to complete the city’s EEO-4 form in September for odd-numbered years. |
| ❑ | The city evaluates whether or not to use a supplemental application form to make ranking and rating veterans easier. (The League offers some sample supplemental forms for various positions linked in this memo: <https://www.lmc.org/wp-content/uploads/documents/Veterans-Preference-in-Hiring.pdf> ). |
| ❑ | The city has designed a form to rate applicants for the position. Alternatively, the city has decided (in advance) upon the criteria to be used for rating them. The rating form includes veterans’ preference points. (The League offers sample training and experience rating forms for several positions linked in this memo: <https://www.lmc.org/wp-content/uploads/documents/Veterans-Preference-in-Hiring.pdf> ). |
| ❑ | If applicable in my city, the employment application includes a disclaimer about employment-at-will. |
| ❑ | The employment application form provides information to the applicant about their rights under the Minnesota Government Data Practices Act, including a Tennessen advisory.  Consider the sample in the model employment application: <https://www.lmc.org/employment-application/> |
| ❑ | The employment application form contains a nondiscrimination/equal employment opportunity statement. |
| ❑ | The employment application form includes contact information for reasonable accommodation requests during the application process. |
| ❑ | The employment application (and supplemental application form, if used) requires the applicant to verify all information provided is true and complete, and attests to any false statements may be grounds for disqualification or termination if hired. |

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| **Testing and Selection Process** | |
| ❑ | Any formal written or skills tests to be administered, such as ones listed below, have been examined for adverse selection and validity issues.   * In-basket exercises * Physical agility tests (The League offers a pre-employment, post-offer [Police Officer Physical Abilities Test](https://www.lmc.org/resources/police-officer-physical-abilities-testing/) through WorkSteps that has been validated in accordance with EEOC standards, specifically for Minnesota’s city law enforcement departments.) * Typing and proofreading tests * Standardized tests purchased from a testing company * Writing style tests |
| ❑ | All [POST Board requirements](https://mn.gov/post/cleosadministrators/cleosresources/) have been met for police officer testing and selection. |
| ❑ | The city reviewed its union contract, if any, to ensure the contract does not limit the city’s right to select supervisors or require the use of seniority in the selection process. ([Minnesota law](https://www.revisor.mn.gov/statutes/cite/179A.07) prohibits the city from signing such an agreement.) |
| ❑ | The city has decided what type of interview process will be used, for example: Interviews by panel members (city employees, residents, professionals from other cities, councilmembers, etc.).   * How many rounds of interviews? |
| ❑ | Interview panel members have been trained about how to conduct the interview (e.g., avoid leading questions; ask only job-related, follow-up questions; ask same questions of all applicants; etc.). This resource may be helpful: [Instructions for Interview Panel](https://www.lmc.org/wp-content/uploads/documents/Instructions-for-Interview-Panel.docx) |
| ❑ | The interview questions have been examined by an attorney or human resources professional to ensure no illegal or inadvisable questions are being asked. |
| ❑ | The interview questions were developed with the knowledge, skills, and abilities required for the position in mind. |
| ❑ | Applicants have been notified reasonable accommodations can be made during the interview/testing process upon request. |
| ❑ | If job applicants will be required to demonstrate job-related skills through a role-play, mock presentation, or operation of city equipment:   * The tests measure actual skills used on the job for essential functions of the position, and * The city can show these skills predict future job success. |
| ❑ | The city has considered safety/liability issues with operating equipment used during testing. |
| ❑ | The city does not conduct polygraph (or any other type of lie-detector) testing on its employees or applicants as this practice is prohibited by state law. |
| ❑ | The city is aware of Data Practices impacts, specifically when an applicant’s name is considered private or public data. For additional information, refer to: [Data Practices: Analyze, Classify and Respond](https://www.lmc.org/wp-content/uploads/documents/Data-Practices.pdf). |

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| **Medical and Psychological Exams** | |
| ❑ | The city conducts medical and psychological exams for police officer candidates as required by state law. |
| ❑ | Medical exams are conducted post-offer and required for anyone being hired in that job class, in compliance with the Americans with Disabilities Act (ADA) and Minnesota Human Rights Act (MHRA). |
| ❑ | The medical exams comply with the requirements of the Genetic Information Nondiscrimination Act (GINA)? |
| ❑ | If personality or other similar assessments are conducted pre-offer, they have been reviewed by the city attorney to ensure they are not likely to be viewed by the courts as medical exams. |
| ❑ | Medical exams, including psychological exams, used by the city to evaluate job candidates have been reviewed by an attorney or human resources professional to ensure no questions are asked about disabilities, family medical history, sexual orientation, religion, or other applicable protected categories. |
| ❑ | The city makes arrangements to cover the expense of any medical examination or furnishing of any medical records from the employee. |

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| **Drug and Alcohol Testing** | |
| ❑ | The city has established a drug and alcohol testing policy/procedure for all holders of commercial driver’s licenses. |
| ❑ | For CDL/DOT covered driving positions, we have an applicant or employee:  (1) Submit to a pre-employment drug test.  (2) Possibly submit to a pre-employment alcohol test, but only if it is required for all applicants and transfers.  (3) Receive a negative test result on the pre-employment drug test prior to the new hire or transfer working in a safety-sensitive position for the first time. The notification of negative drug test results must come from the Medical Review Officer.  (4) The city will need to complete a three-year drug and alcohol records check for drivers of previous CDL employers. Employers of CDL drivers subject to the DOT drug and alcohol testing rules will be required to query the agency’s Commercial Driver’s License (CDL) Drug and Alcohol Clearinghouse (“Clearinghouse”) before hiring new drivers.  For more information, please refer to: <https://www.lmc.org/wp-content/uploads/documents/Drug-and-Alcohol-Testing-Toolkit.pdf> |
| ❑ | If the city conducts pre-employment drug and alcohol testing of its employees other than commercial driver’s license holders, it has reviewed its policy/practices for compliance with state law so that:   * All applicants for the same job are required to take the same test, and * Tests are administered only after a job offer has been made to the applicant(s). * Since 2023 cities are prohibited from testing job applicants for the presence of cannabis as part of the cities’ pre-employment screening for most positions. For more information, please refer to: <https://www.lmc.org/wp-content/uploads/documents/Drug-and-Alcohol-Testing-Toolkit.pdf> |

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| **Communicating with Applicants** | |
| ❑ | The city complies with the requirement under the Veterans’ Preference Act to notify applicants who are veterans meeting the minimum qualifications, with their final examination ratings. For veterans who are not contacted for an interview or selected for the position, the written notice must state the reason for the rejection. |
| ❑ | The city has trained appropriate employees how to handle calls from applicants who were not selected for a position. |
| ❑ | The city has trained appropriate employees regarding what information can be given to applicants. |

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| **Sharing Information about Applicants** | |
| ❑ | The city has reviewed its practices and trained appropriate employees about giving out information on applicants, before and after they become finalists for a position. |
| ❑ | The city has reviewed its practices and trained appropriate employees about giving out information on the selection process itself (e.g., test questions, interview questions, etc.). |

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| **Reference Checks on Job Applicants** | |
| ❑ | The city conducts reference checks on all job applicants. |
| ❑ | The city trained appropriate staff about what can and cannot be asked during a reference check on a job applicant. |
| ❑ | The city requires applicants to sign a release form before conducting reference checks. |

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| **Background Checks** | |
| ❑ | The city conducts background checks for all positions leading to employment as a police officer as required by state law, including:   * POST Board minimum selection standards and * Security standards for access to computerized records. |
| ❑ | The city releases background check information on police officers to other jurisdictions as required by statute after verifying that appropriate releases have been signed. |
| ❑ | The city uses appropriate release forms to obtain permission from the job applicant when it conducts background checks (e.g., criminal history checks, credit history checks, others). |
| ❑ | The Minnesota Department of Administration, Information Policy and Analysis Division recommends, as a general rule, a parent or guardian’s signature be obtained on the release form when the candidate is under the age of 18 or has a legally appointed guardian. However, depending upon the data being requested, the specific requirements for obtaining consent to release data from a minor vary. Cities should work closely with their city attorney to determine if the information being requested from a juvenile requires the signature of a parent or guardian |
| ❑ | The city notifies the POST Board when it begins a background check on a job applicant for police officer. |
| ❑ | If the city uses its own police department to conduct criminal history checks, the staff in the police department has been trained on how to run the check appropriately and what to release. |
| ❑ | The city has reviewed its practices on criminal history checks, adopted a policy regarding how background checks will be handled, and ensured checks comply with the Criminal Offenders Rehabilitation Act and 2012 EEOC guidance. |
| ❑ | The city conducts a criminal background check on firefighter applicants for hire. Refer to [Minn. Stat. § 299F.035](https://www.revisor.mn.gov/statutes/cite/299F.035). |
| ❑ | The city conducts a [criminal background check](https://www.revisor.mn.gov/statutes/cite/299C.68) on applicants who will manage residential property such as for the housing and redevelopment authority, who have the means, within the scope of the individual’s duties, to enter tenants’ dwelling units. |
| ❑ | The city considers which types of background checks to run on job candidates other than police officers and firefighters (e.g., credit history checks on finance staff with access to city funds; criminal history checks on staff who work with children; etc.), depending on the position requirements. |
| ❑ | The city’s police department is not used for conducting applicant driving records. Local police departments have access to Minnesota Driver and Vehicle Services (DVS) data on driving records for law enforcement purposes only (not employment checks). Cities can enter into a business agreement with the DVS to obtain driver’s license records for applicants other than law enforcement employees. |

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| **Offer/New Hire Letters** | |
| ❑ | The city sends a letter to each new hire outlining the hire date, rate of pay, regular work hours, and other requirements of state law.: In accordance with the [Minnesota Wage Theft Prevention Act](https://www.dli.mn.gov/business/employment-practices/wage-theft-legislation-2019-and-summaries), the city provides each employee with a written notice at the start of their employment and retains a signed copy of the notice on file. |
| ❑ | The city reviewed its practices on job offers to ensure no unintentional employment contracts are being created. |
| ❑ | The wage paid to the employee is in compliance with the Minnesota minimum wage rate For additional information see ). <https://www.lmc.org/resources/hr-reference-manual-chapter-4-compensation/> |
| ❑ | The city provides an Earned Sick and Safe Time Notice at the start of employment in English or in an employee’s primary language if that is not English, informing them about earned Sick and Safe Time. For additional information, refer to <https://www.dli.mn.gov/sick-leave>. |

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| **New Employee Orientation** | |
| ❑ | The city established a procedure for new employee orientation to explain wage issues, personnel policies, benefits, city practices on parking, lunches, breaks, etc. This [Employee Orientation Checklist](https://www.lmc.org/wp-content/uploads/documents/Employee-Orientation-Checklist.docx) may be a helpful starting place. |
| ❑ | The city established a “sign-off” procedure to document new employees received a copy of the employee handbook and/or participated in an orientation.  In accordance with the Minnesota Wage Theft law, employers are also required to provide employees in writing of any changes to the information in the initial employee notice before the date the changes take effect. Additionally, within that same law with respect to record keeping requirements, the city will maintain a list of personnel policies provided to employees and the date they were given to the employee. For additional information, please refer to: <https://www.dli.mn.gov/business/employment-practices/wage-theft-legislation-2019-and-summaries> |
| ❑ | Additionally, common new hire paperwork can include, but is not limited to:   * Federal W-4 and W-4 MN forms * [I-9](https://www.uscis.gov/i-9) * Comply with [MN New Hire Reporting](https://newhire-reporting.com/mn-newhire/faq.aspx) * [PERA](https://mnpera.org/) reporting * Direct deposit paperwork (if the city requires all new hire to participate in mandatory direct deposit) * Federal Student Loan Forgiveness documents * City personnel policies * Emergency contact listing * Any applicable benefit insurance enrollment paperwork * Sharing a copy of the position description with the employee |
| ❑ | In 2022, the legislature passed a new law effective June 1, 2023, requiring mandatory reporting by youth recreation program employees who are 18 years old or older. While the statute does not require employers to offer mandated reporter training, employers and employees are still obligated to understand and execute their legal requirements to report abuse under this statute. Refer to the [Hiring Chapter of the HR Reference Manual](https://www.lmc.org/wp-content/uploads/documents/HRRM-Hiring.pdf) for a link to the Minnesota Child Welfare Training Academy. |
| ❑ | Internally, it can be helpful to ensure the employee is [registered with LMC](https://mylmc.lmc.org/UI/Login.html). |