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April 13, 1998

Departmental Circular
Number 98-1

TO: All Department Heads and Personnel Officers

FROM: James H. Takushi, Director

SUBJECT: Revised Procedures for the Review of Qualification Requirements Prior to Announcing a Vacancy

In light of the delegation authority given to departments in the classification of positions as well as the enactment of The Americans with Disabilities Act, Departmental Circular No. 83-13, "Revised Procedures for the Review of Qualification Requirements Prior to Announcing a Vacancy," has been revised to reflect procedural changes, to reaffirm the basic underlying concerns and to emphasize their importance. Departmental Circular No. 83-13 is therefore rescinded and replaced by this circular.

A personnel system based on merit principles, equal employment opportunity regulations, The American with Disabilities Act, and other regulations protecting persons with disabilities all require that job applicants be screened only for essential job-related qualifications.

Within the State civil service system, such requirements are initiated through the position description process and established when the position is allocated to a class. The minimum qualification requirements of the class then become the official requirements of the position. Those official class requirements may be supplemented by selective certification requirements for the position. Consequently, appropriate job-related qualifications are derived and expressed through: (1) an accurate position description, (2) assignment of the position to an appropriate class, (3) appropriate minimum qualification requirements for the class, and (4) selective certification requirements for the position where necessary.

In order to assure effective and efficient recruitment, it is necessary that the official qualification requirements for a position be current, appropriate and complete prior to initiating recruitment. Therefore, departments are requested to go through the following steps before announcing vacancies internally or requesting a list of eligibles from Department of Human Resources Development in order to insure that existing official

requirements are still applicable to the position and that they do reflect all of the essential requirements for that position.

1. Review the position description to insure that the duties and responsibilities and proposed qualification requirements are accurately described. Any significant discrepancies should be corrected by redescribing the position and submitting it to the departmental personnel office through channels prior to proceeding with recruitment.
2. Review the minimum qualification requirements of the class to which the position is allocated, and the selective certification requirement for the position, if any. This review should verify that:
 - a. all specified requirements are, in fact, required for satisfactory performance of the essential functions of the position; and
 - b. all essential requirements are specified.

In conducting this review, special attention should be paid to the physical requirements, if any, to insure that otherwise qualified applicants with disabilities are not disqualified for non job-related reasons and that all bonafide physical requirements are specified. Identification of the need for a driver's license should especially be well examined because of the disproportionate impact of such license requirements on applicants with disabilities.

3. If there are any discrepancies between the actual requirements of the position and the official requirements, follow-up action is required. Any superfluous requirements should be brought to the attention of the Department of Human Resources Development, as should the need for additional requirements, prior to proceeding with recruitment. In the event additional requirements are believed warranted, the question of whether to change the minimum qualification requirements of the class or to supplement them by selective certification should be addressed.

Follow-up actions should be submitted as follows:

- a. Requests for changes to minimum qualification requirements should be submitted in a letter citing the specific portion of the minimum qualification requirements which is deemed inappropriate, the recommended language of the minimum qualification requirements, the reasons for the change and (unless the proposed changes are minor) a DPS 232 (see Departmental Circular No. 82-6, dated May 13, 1982).

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- b. Requests and actions to establish, change or abolish selective certification requirements should be prepared in accordance with Departmental Circular No. 83-11, dated October 18, 1983, Procedures for Requesting Selective Certification and Delegation of Certain Types of Selective Certification, with supplement dated April 25, 1991.

The above procedures are designed to avoid: (1) the reannouncement of job vacancies because a needed change in minimum qualification requirements was not identified prior to the initial recruitment effort; (2) having to inform applicants of official changes in qualifications after the initial recruitment; and (3) having candidates learn of additional, unofficial, "requirements" during the interview process. These situations are undesirable because of the duplication of effort involved and because of the possible appearance of an intent to discriminate against a specific person, particularly one who is in a protected group, such as a minority or a person with a disability.

Questions with regard to this memorandum and requests for, or notification of actions should be referred to Diana Kaapu, Chief, Classification and Compensation Review Division, 587-1022.

Your continued cooperation will be appreciated.