

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**PD-71 (rev. 13), “SELECTION SYSTEM PROCEDURES”**  
**AUGUST 1, 2018**  
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Attachment B: PERS 215, Minimum Qualifications Screening Instructions (08/18)

Attachment C: PERS 300, Applicant Screening Form (08/18)

Attachment D: PERS 289, Interview Schedule (08/18)

Attachment E: PERS 287, Interview Documentation Form (08/18)

Attachment F: PERS 284, Certification of Compliance (08/18)

Attachment G: PERS 286, Conditional Offer of Employment for Posted Positions (08/18)

Attachment H: PERS 45, Applicant Flow Reporting Form (08/18)

Attachment I: PERS 253, Checklist for Selection Packets (08/18)



TEXAS DEPARTMENT  
OF  
CRIMINAL JUSTICE

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**SUPERSEDES:** PD-71 (rev. 12)  
September 1, 2015

## EXECUTIVE DIRECTIVE

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**SUBJECT:** SELECTION SYSTEM PROCEDURES

**AUTHORITY:** Tex. Gov't Code §§ 411.089, 493.001, 493.006(b), 493.007, 656.002, 657.002-.003, 657.0045-.0047, 657.010, 659.256, 672.002, 672.004, 812.205; Tex. Lab. Code §§ 21.001-.556; *Immigration Reform and Control Act of 1986*, 8 U.S.C. § 1101; *Uniformed Services Employment and Reemployment Rights Act*, 38 U.S.C. §§ 4301-4334; *Americans with Disabilities Act of 1990, as amended*, 42 U.S.C. §§ 12101-12117; *Civil Rights Act of 1964, as amended*, 42 U.S.C. §§ 2000e-17; *Civil Rights Act of 1991*, 42 U.S.C. §§ 1981-1983; *General Appropriations Act*; BP-02.08, "Statement of Internal Controls"

**APPLICABILITY:** Texas Department of Criminal Justice (TDCJ) positions other than correctional officer (CO) positions or parole officer (PO) career ladder positions (see PD-73, "Selection Criteria for Correctional Officer Applicants," and PD-72, "Employee Salary Administration")

**EMPLOYMENT AT WILL CLAUSE:**

This directive **does not** constitute an employment contract or a guarantee of continued employment. The TDCJ reserves the right to change the provisions of this directive at any time.

Nothing in this directive limits the executive director's authority to establish or revise human resources policy. This directive guides the operations of the TDCJ and **does not** create a legally enforceable interest for employees or limit the executive director's, deputy executive director's, or division directors' authority to terminate an employee at will.

**POLICY:**

The TDCJ promotes equal employment opportunity through a selection system without regard to race, color, religion, sex (gender), national origin, age, disability, or genetic information (collectively "protected class"). In addition, the TDCJ complies with the provisions of applicable federal and state laws relating to employment and reemployment entitlements for prospective, current, or former members of the uniformed services.

The TDCJ has zero tolerance for all forms of employment discrimination in the selection process, and harassment or retaliation is prohibited. No employee or applicant for employment shall be subjected to retaliation for opposing or reporting employment discrimination in the selection process.

**DEFINITIONS:**

“*Americans with Disabilities Act*” (ADA) is the federal statute passed in 1990 and amended by the *ADA Amendments Act of 2008*, that prohibits discrimination on the basis of disability against qualified individuals with a disability, and requires reasonable accommodation for qualified individuals with disabilities, after a determination has been made that the qualified individual can perform the essential functions of the position held or desired with the reasonable accommodation requested.

“Classified Position” is a position identified in the *General Appropriations Act* as being included in the *Position Classification Plan* and includes all positions in classification Salary Schedules A, B, and C.

“Document Screening” is a process used to reduce the number of qualified applicants to be interviewed by: (a) further reviewing the applications of applicants who met the minimum qualifications; and (b) determining if the applicants meet an established set of higher qualifications.

“ERS Retiree” is an outside applicant for a posted position who retired from state employment through the Employees Retirement System of Texas (ERS).

“Essential Functions” are the fundamental job duties of a position an applicant or employee is required to be able to perform either with or without a reasonable accommodation.

“Foster Child Employment Preference,” for the purpose of this directive, is the preferential consideration for employment given, when all factors considered for selection of an applicant are equal, to an applicant currently 25 years of age or younger who was under the permanent managing conservatorship of the Department of Family and Protective Services on the day preceding the applicant’s 18th birthday.

“Human Resources Representative” is the employee assigned to coordinate certain human resources activities at the unit or department level.

“Inside Applicant” is a current TDCJ employee who seeks a promotion, lateral transfer, or voluntary demotion for a posted position. For the purpose of this directive, a Texas Board of Pardons and Paroles (BPP) member or employee applying for a TDCJ posted position is an inside applicant.

“Interagency Transfer” is the movement of an employee from one state agency to another state agency without a break in service by promotion, demotion, or lateral transfer.

“Job Description” is a TDCJ document defining the job summary, essential functions, minimum qualifications (education, experience, knowledge, and skills), and additional requirements with or without reasonable accommodations of a specific position within the TDCJ. The “Additional Requirements With or Without Reasonable Accommodation” section identifies the physical and mental characteristics necessary to perform the essential functions of that position, special conditions, and equipment used in performing the essential functions.

“Job Posting” is an announcement of position availability that includes basic information regarding the position’s minimum qualifications and application procedures in addition to location and salary information and the corresponding military occupational specialty code.

“Lateral Transfer” is a change in the duty assignment from one classified position to another position of like or different classification with similar levels of responsibility in the same salary group, such as A15 to B15, with a lower, same, or higher established salary rate. If a position is in the same salary group with a higher established salary rate, and is posted for inside or outside applicants, an employee may be laterally transferred only after applying for the position and being selected in accordance with this directive. A lateral transfer in the form of an administrative reassignment shall be into a position with a lower or same established salary rate in the same salary group, such as A15 to B15.

“Military Occupational Specialty Code” is a code used by the military to identify a specific job.

“Minimum Qualifications” is the minimum level of education, experience, training, knowledge, and skills required or preferred for a position in each job description.

“Minimum Qualifications Screening” is the process used to determine, based on documentation provided, whether an applicant for a posted position meets the minimum qualifications and certain eligibility criteria for the position.

“Non-Targeted Career Position” is any TDCJ position that is not a targeted career position.

“Outside Applicant” is a person other than a TDCJ employee, or BPP member or employee, seeking interagency transfer, employment, or reemployment consideration for a posted position. For the purpose of employment processing, a Windham School District employee is an outside applicant.

“Postings Coordinator” is an employee within the Employment Section, Human Resources Division, who coordinates TDCJ job posting procedures.

“Promotion” is a change in the duty assignment of an employee from one classified position to another classified position that: (a) is in a higher salary group with at least a 3% salary increase into or within Salary Schedule A or at least a 3.4% salary increase into or within Salary Schedule B; (b) requires higher qualifications, such as greater skill or longer experience; and (c) involves a higher level of responsibility.

“Qualified Applicant” is a person who meets the eligibility criteria and all of the minimum qualifications established for a position.

“Selection System Administrator” is the administrator within the Employment Section, Human Resources Division, who coordinates the TDCJ selection system and is the custodian of record for selection packets.

“Study Material” is any job-related document provided to applicants to familiarize them with specific aspects of the vacant position.

“Substance Control Officer” (SCO) is a TDCJ employee in Employee Relations, Human Resources Division, who coordinates the TDCJ alcohol and drug testing programs.

“Supervisor of Correctional Officers” is any of the following positions: sergeant, lieutenant, captain, major, assistant warden, and warden.

“Targeted Career Position” is any of the following positions: correctional officer (CO), sergeant, lieutenant, captain, major, laundry manager (LM), food service manager (FSM), and parole officer (PO).

“Uniformed Services” means the U.S. armed forces, the Army National Guard, the Air National Guard, the Texas National Guard, the Texas State Guard, the commissioned corps of the Public Health Service, and any other category of persons designated by the president in time of war or emergency.

“Veteran,” for the purpose of this directive, means a person who was honorably discharged after serving in the uniformed services or reserve or auxiliary service component of one of the branches.

“Veteran with a Disability” means a veteran who is classified as disabled by the United States Department of Veterans Affairs or its successor or the branch of the service in which the veteran served and whose disability is service-connected.

“Veteran’s Employment Preference,” for the purpose of this directive, is the preferential consideration for employment given, when all factors considered for selection are equal, to the following: (a) a veteran, including a veteran with a disability; (b) a veteran’s surviving spouse who has not remarried; and (c) an orphan of a veteran killed while on active duty.

“Veteran’s Liaison” is an employee within the Human Resources Division who is assigned the duty of coordinating the TDCJ veteran’s recruitment program.

“Voluntary Demotion” is an employee-requested change in duty assignment from one classified position to another classified position in a lower salary group. A voluntary demotion in the form of an administrative reassignment shall only be into a position with a lower or same established salary rate in a lower salary group. Voluntary demotions are requested by employees for personal reasons and are not a result of a disciplinary action.

“Worksite Visit” is a visit conducted between a posted position’s supervisor or designee and a potential applicant to provide the potential applicant the opportunity to view the worksite and obtain specific information about the position and the position’s unit, department, or division.

**PROCEDURES:**

I. General Provisions

A. Standard Forms Used in the Selection Process

The Human Resources Division director or designee annually shall review the standard forms used in the selection process to ensure the forms are in compliance with TDCJ policies and procedures and equal employment opportunity (EEO) laws.

B. Selection Process Participants

1. Contact Person

a. The contact person for a posted position is designated on the job posting as the employee responsible for providing potential applicants with the State of Texas Application for Employment forms, the job description, study material, information regarding worksite visits, and to whom the State of Texas Application for Employment for the posted position should be submitted. In addition, the contact person may perform certain selection processing functions regarding the posted position, such as minimum qualifications screening, or delegate those actions to another qualified employee.

b. When the contact person is an applicant or is related to an applicant as indicated on the TDCJ Nepotism Chart (see Attachment A of PD-26, “Nepotism”), the contact person shall not further participate in any of the selection process functions for the posted position, such as minimum qualifications screening, document screening, or interview process. The contact person shall notify their supervisor for guidance on designating another qualified employee, who is not an applicant nor related to an applicant, to perform the contact person’s selection process functions.

2. Selection Reviewer

The selection reviewer is responsible for reviewing the selection packet to verify that each step of the selection process complies with TDCJ policies and procedures. In addition, the selection reviewer is responsible for

conducting certain selection process functions, such as document screening or interviewing, or delegating all or some of these actions to the contact person or a primary interviewer. An employee shall not serve as a selection reviewer until the employee has completed the PD-71 Manager's Training.

- a. If the position is in salary group A18/B18 or lower, or salary group C3 or below, the selection reviewer shall be a TDCJ administrator who is in a position in salary group A19/B19 or above, or salary group C4 or above, and who is generally in the position's chain of supervision. The selection reviewer may be outside the position's chain of supervision as a result of a supervisor's absence, conflict of interest, or other circumstances.
- b. If the position is in salary group A19/B19 or above, or salary group C4 or above, the selection reviewer shall be the supervisor of the position.

### 3. Interview Participants

An employee shall not serve as an interview participant until the employee has completed the PD-71 Manager's Training.

#### a. Primary Interviewer

The primary interviewer shall record interview responses and make the selection decision. The primary interviewer may be the same employee as the selection reviewer or may be an employee designated by the selection reviewer. If designated by the selection reviewer, the primary interviewer shall be an employee in a supervisory position with a higher established salary rate than the position being filled.

#### b. Additional Representation

The selection reviewer or primary interviewer may elect to have an additional representative present during the interviews. An additional representative shall be in a position with the same or a higher established salary rate as the position being filled. If participation by an additional representative is elected, the additional representative shall participate in each interview for the position. An employee shall not serve as an additional representative until the employee has completed the PD-71 Manager's Training.

C. Assistance

Requests for assistance implementing the procedures within this directive should be directed to the selection system administrator.

D. Rescinding an Applicant's Selection

If the Human Resources Division director determines a selection process did not comply with the provisions of this directive, the Human Resources Division director shall coordinate with the selection reviewer to rescind an applicant's selection and implement corrective action.

II. Position Announcement Guidelines

A. Required Job Description

Prior to the posting of any position, the appropriate human resources representative shall ensure that Employee Classification, Human Resources Division, has approved the job description in accordance with PD-93, "Employee Classification."

B. Completing the Request to Fill Eform

The appropriate human resources representative shall generate a Request to Fill eform. In addition to providing basic information about the position, such as payroll title, extended title, and position number, the eform shall specify the following:

1. Whether the position will be posted. The TDCJ is not required to post temporary positions or administrative reassignments;
2. Whether the position is to be posted as available to lateral transfer and voluntary demotion applicants only or as available to both inside and outside applicants.

a. Lateral Transfer and Voluntary Demotion Applicants Only

The posted position shall be available only to inside applicants who are currently in the same or higher salary group than the posted position. The position shall be posted for at least five calendar days.

b. Inside and Outside Applicants

The posted position shall be available to inside and outside applicants. The position shall be posted for at least 10 calendar days;

3. Whether the position is designated as a veteran's position. The TDCJ may designate an open position as a veteran's position and only accept applications for that position from individuals who are entitled to a veteran's employment preference.

Division directors shall coordinate with the Selections Program Area, Human Resources Division, prior to designating a position as a veteran's position;

4. Whether worksite visits are to be conducted. The manager of a posted position has the option to offer all applicants the opportunity for a worksite visit. Worksite visits can be conducted only if the posting states that worksite visits shall be conducted;
5. Whether the posting states that study material is available;
6. Whether telephonic interviews are to be conducted;
7. Whether a job-related test is to be used in the selection process. If a test is used, the Request to Fill eform shall specify the test is: (a) written, oral, or a demonstration; or (b) any combination thereof. If the test is written, the eform shall specify whether the test requires use of a computer. A job-related test can be used only if the posting states that a job-related test shall be conducted.

A job-related test shall not be administered unless the test has been reviewed and approved by the selection system administrator or designee;

8. If overnight travel is required, moderate overnight travel routinely requires one or two nights per week, and extensive overnight travel routinely requires more than two nights per week; and
9. Contact person designation.

C. Routing and Approval of the Request to Fill Eform

The appropriate human resources representative shall route the Request to Fill eform to the postings coordinator in accordance with the TDCJ Request to Fill Guidelines, which are available on the TDCJ Human Resources Representative Information website. The postings coordinator shall:

1. Ensure the Request to Fill eform includes complete and accurate information;
2. If the Request to Fill eform specified the vacancy is to be posted, use the information provided on the eform to prepare and post the position vacancy announcement as available to lateral transfer and voluntary demotion applicants only or as available to both inside and outside applicants; and
3. Inform the requestor of the earliest date the position may be filled in the following manner:
  - a. If the position is posted, the posting shall include a statement identifying the earliest date the position may be filled.
  - b. If the position is not posted, the Request to Fill eform shall be returned to the requestor along with a statement indicating the request has been approved and identifying the earliest date the position may be filled.

D. Posting Extensions, Reopenings, and Cancellations

1. Extensions Before the Closing Date

The appropriate human resources representative may complete the REQ2EXTEND eform to extend a closing date. The completed eform shall be routed as specified by the appropriate division and submitted to the postings coordinator. If the eform is received by the closing date, the postings coordinator shall extend the closing date of the position.

2. Reopenings After the Closing Date

A posting shall be extended instead of reopened whenever possible. However, a posting may be reopened after the closing date when the applicant pool for a posted position is insufficient and neither document screening nor interviews have been conducted. The appropriate human resources representative shall complete the REQ2REOPEN eform, verifying that neither document screening nor interviews have been conducted. The human resources representative shall route the eform to the postings coordinator in accordance with the Request to Fill Guidelines.

3. Request for Job Posting Cancellation

The appropriate human resources representative shall complete the REQ2CANCEL eform to request a job posting cancellation, which shall include a justification for the request. The human resources representative shall route the eform to the postings coordinator in accordance with the Request to Fill Guidelines. If the request is a result of an approved job description revision, administrative reassignment of an employee into the position, including an ADA accommodation, TDCJ reorganization, or deletion of the vacant position, the selection system administrator or designee shall approve the request for cancellation. A request for cancellation based on any other reason shall be approved by the selection system administrator or designee only when no other option is feasible.

III. Access to Job Postings and Other Information

A. Mainframe Access to Job Postings

Job postings are made available through the TDCJ Mainframe Bulletin Board, which is available to employees who have mainframe system email access or who have access to common use area terminals.

B. Internet Access to Job Postings

Applicants may also access position vacancy information through the TDCJ website at [www.tdcj.texas.gov](http://www.tdcj.texas.gov) or the Texas Workforce Commission's (TWC) Work in Texas website at [www.workintexas.com](http://www.workintexas.com) on any personal computer with Internet access or through terminals located at the Human Resources Division headquarters.

C. Access to Other Information

An applicant may obtain the State of Texas Application for Employment forms, job description, study material, and information regarding worksite visits from the contact person as directed in the job posting. Additional questions from veteran applicants may be directed to the TDCJ veteran's liaison.

IV. Worksite Visits

If the job posting stated worksite visits will be conducted, all applicants who request a worksite visit shall be given equal opportunity for such a visit.

A. The same general information shall be presented to each applicant during a worksite visit. Applicants should also be encouraged to ask any questions. However, the applicant may not be asked questions that could be perceived as being part of the interview and selection decision process.

- B. Worksite visits may be conducted after the position has been posted and may continue until the minimum qualifications screener provides the employment application packets for all qualified applicants to the selection reviewer.
- C. The primary interviewer shall not give preferential consideration in the selection process to applicants who participate in a worksite visit as compared to applicants who did not participate in a worksite visit.

V. Application Process

A. All Applicants

- 1. An applicant shall submit the State of Texas Application for Employment and any other required documents to the contact person or designee by the closing date and time as directed in the job posting.
  - a. An applicant shall not use the following to submit an employment application packet to the contact person or designee:
    - (1) First class or certified mail postage or an external overnight delivery service paid or supplied by the state; or
    - (2) TDCJ mail service, either hand delivery courier or truck mail.
  - b. An applicant may fax a copy of the employment application packet to the contact person or designee; however, an applicant shall not use a TDCJ fax machine for this purpose.
  - c. An applicant, including a current employee applying for a posted position, may submit an online application through the Texas Workforce Commission's (TWC) online system. Applicants applying through the TWC online application process must also ensure that all required documents and the TDCJ Employment Application Supplement are submitted to the contact person or designee listed on the job posting.

All online applications shall be forwarded by the Selections Program Area to the contact person or designee.
- 2. Any applicant who provides false or inaccurate information or documentation when applying for a posted position shall be disqualified from consideration for that position and subject to disciplinary action in accordance with PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees." An outside applicant who provides false or inaccurate information or documentation when applying for a

posted position shall be disqualified from employment consideration for any other TDCJ position for a minimum period of one year from the applicant signature date on the State of Texas Application for Employment.

B. Current Employees

An employee serving disciplinary probation on the posted position's closing date is not eligible to interview if the move would result in a lateral transfer or promotion. If the move would result in a voluntary demotion, disciplinary probation shall not affect the employee's eligibility to interview for the position.

C. Job Postings Requiring Proof of Typing Skills

To be considered for a position requiring proof of typing skills, the applicant shall attach appropriate documentation to the State of Texas Application for Employment when it is submitted for employment consideration. The documentation shall verify that the applicant has taken and passed a TDCJ recognized typing test.

Applicants for such a position may have a typing test administered:

1. On a computer or typewriter by any TDCJ human resources representative;  
or
2. By any TWC office to include the Texas Workforce Center or Workforce Solutions.

VI. Completing the Applicant Log

The contact person or designee shall record the name of each applicant for the posted position on a PERS 288, Applicant Log (Attachment A).

VII. Minimum Qualifications Screening Process

If the TDCJ is undergoing a reduction in force (RIF), the contact person or designee shall first conduct minimum qualifications screening for those employees who are eligible for RIF priority consideration in accordance with PD-25, "Reduction-in-Force Procedures." Employment application packets of all qualified RIF employees shall be forwarded to the selection reviewer for review and interview prior to considering any other applicants. Otherwise, all applications shall be screened to determine whether the applicants meet TDCJ eligibility criteria and the minimum qualifications as of the closing date.

A. Documents Detached Prior to Minimum Qualifications Screening

Prior to minimum qualifications screening, the contact person or designee shall detach and retain each of the following documents from all employment application packets:

1. The PERS 282A, Additional Offender Information form;
2. The Applicant EEO Data Form, if submitted by the applicant;
3. Copy of the applicant's driver license, unless the position's minimum qualifications require a driver license;
4. Copy of the applicant's social security card;
5. Any attached documentation relating to an applicant's criminal history. If the applicant's information provided on the State of Texas Application for Employment relates to a criminal history, the contact person or designee does not need to conceal the information;
6. Copy of documentation of Selective Service Registration, if applicable;
7. Copy of birth certificate, if applicable; and
8. Copy of high school diploma or GED certificate.

These documents shall remain in the selection packet; however, they shall not be reattached to the applicant's employment application packet or reviewed by the selection reviewer or interviewers during the selection process unless directed otherwise by the contact person. Any other documents submitted by the applicant shall remain with the applicant's employment application packet for consideration by any selection process participant.

B. Designation of Minimum Qualifications Screener

1. The contact person or designee shall perform the minimum qualifications screening. The contact person or designee should have sufficient knowledge of the job requirements to perform this function.
2. The minimum qualifications screener shall review and sign the PERS 215, Minimum Qualifications Screening Instructions (Attachment B) prior to conducting minimum qualifications screening.

C. Proof of Education and Certification

Applicants shall not be screened out for failure to attach transcripts, diplomas, licenses, or other proof of education or certification.

D. Items to be Screened

The following items shall be screened in addition to the position's minimum qualifications.

1. Felony Conviction

The minimum qualifications screener shall review each applicant's answer to the felony conviction question on the State of Texas Application for Employment (page 1) and shall request assistance from the Employment Section if any applicant provided a "yes" answer.

2. Nepotism

An applicant who is ineligible due to a nepotism violation in accordance with PD-26, "Nepotism," shall be disqualified.

3. Former Employee

If an applicant is a former TDCJ employee, the minimum qualifications screener shall use the TDCJ Payroll/Personnel System (PPS) Personnel Accounting Information (ACCT) screen in the mainframe system to review the applicant's final payroll status code. If the ACCT screen shows no final payroll status code on the applicant, the minimum qualifications screener shall contact the Selections clearance area at Human Resources Division headquarters.

A former employee with a status code of DS067 (termination for cause) shall be ineligible for employment consideration with the TDCJ for five years. The contact person listed on the job posting shall fax the entire application, EEO sheet, and applicable supplement(s) to the Selections clearance area at Human Resources Division headquarters.

4. TDCJ Retiree

If an applicant is a TDCJ retiree who is applying for reemployment to the same position and same location from which the applicant retired, the minimum qualifications screener shall verify that if the retiree is selected for the position, the retiree's period of employment separation meets the minimum requirements in accordance with PD-84, "Reemployment and Selection of Retirees."

5. Uniformed Services

If an applicant is a former employee who separated from the TDCJ in order to enter the uniformed services, and returned to TDCJ employment in accordance with the time limits established in PD-76, "Employment and Reemployment of Members of the Uniformed Services," the screener shall count the time period the employee was separated from TDCJ employment and performing uniformed services duties as accrued state service time.

E. Applicant Screening Form

The minimum qualifications screener shall complete a PERS 300, Applicant Screening Form (Attachment C) for each applicant who did not meet the minimum qualifications or who was determined to be ineligible for the position. The PERS 300 shall be attached to the disqualified applicant's State of Texas Application for Employment.

F. Updating Applicant Log

Following the minimum qualifications screening, the contact person shall:

1. Document the applicant's status by entering the status information on the PERS 288, Applicant Log;
2. Forward the updated PERS 288 and the employment application packets for all qualified applicants to the selection reviewer; and
3. Retain all employment application packets for disqualified applicants.

G. No Qualified Applicants

1. Position Posted for Lateral Transfer and Voluntary Demotion Only

If there are no qualified applicants, the appropriate human resources representative should complete the REQ2REPOST eform to repost the position. The human resources representative shall route a completed REQ2REPOST eform to the postings coordinator in accordance with the Request to Fill Guidelines. The reposted position may be available to lateral transfers and voluntary demotions only or to both inside and outside applicants.

2. Position Posted for Inside and Outside Applicants

If there are no qualified applicants, the selection reviewer may approve one of the following:

- a. Reposting the position; or
- b. Keeping the position, not the job posting, open for a period not to exceed 90 calendar days to allow an opportunity for qualified applicants to be recruited for the position. If more than one qualified applicant is recruited during the 90-calendar day period, the selection reviewer or designee may interview some or all of the qualified applicants. During the 90-calendar day period:
  - (1) The position may be filled by a qualified inside applicant currently in a position with the same or higher salary group as the posted position via an administrative reassignment in accordance with PD-79, "Employee Transfers and Reassignments;"
  - (2) A qualified outside applicant may be offered the position in accordance with this directive; or
  - (3) The selection reviewer or designee may request that the position be reposted before the 90-calendar day period expires.

VIII. Appointments

After a position in salary group A17/B17/C4 or above has been posted, the selection reviewer may obtain written approval from the executive director, deputy executive director, or appropriate division director to appoint a qualified applicant to the position.

- A. Minimum qualifications screening shall be conducted prior to an appointment. At the discretion of the selection reviewer, the appointment process may include document screening, interviews, or follow-up interviews.
- B. Although specific forms are not required, the following shall be included in the selection packet submitted to the contact person: the written approval to appoint an applicant to the position and any interview questions and the rationale used for the selection of the chosen applicant, including any applicable foster child employment preference or veteran's employment preference.

IX. Veteran Appointments

The TDCJ may hire or appoint for an open position within the TDCJ an individual entitled to veteran's employment preference without announcing or advertising the position, if the TDCJ uses the TWC automated labor exchange system (known as WorkInTexas.com) and determines the individual meets the qualifications required for the position. Veteran appointments shall be at the division director's discretion and shall be coordinated through the Selections Program Area, Human Resources Division.

X. Document Screening

The selection reviewer or primary interviewer may interview all qualified applicants or conduct document screening.

A. If the selection reviewer or primary interviewer elects, document screening shall be conducted for all qualified applicants. If applicants qualify for veteran's employment preference, the following rules apply, as long as the minimum qualifications are met:

1. If the total number of applicants being interviewed for the position is six or fewer, at least one applicant qualified for a veteran's employment preference shall be interviewed.
2. If the total number of applicants being interviewed for the position is more than six, at least 20% of the applicants who are interviewed shall qualify for a veteran's employment preference. (Example: There are a total of 20 qualified applicants and document screening is conducted with a result of 10 applicants being interviewed. Two applicants qualify for a veteran's employment preference. Twenty percent of 10 applicants equals two; therefore, both applicants would be interviewed, along with the others meeting document screening criteria.)

If no applicants qualify for a veteran's employment preference, normal document screening procedures shall be followed.

B. Document screening criteria shall be developed by an individual in a position with the same or higher established salary rate as the position being filled. The criteria shall be based upon one or more of the following factors referenced in the job description:

1. Education level;
2. Amount and type of experience or training;
3. Licenses and certifications held; and
4. Typing skills.

If an applicant is a former employee who separated from the TDCJ in order to enter the uniformed services, and returned to TDCJ employment in accordance with the time limits established in PD-76, "Employment and Reemployment of Members of the Uniformed Services," the screener shall count the time period the employee was separated from TDCJ employment and performing uniformed services duties as accrued state service time.

- C. Document screening decisions shall be based upon information either provided in or attached to the State of Texas Application for Employment. An applicant shall not be screened out for failure to attach transcripts, diplomas, licenses, or other proof of education or certification. When conducting document screening for posted positions with a preferred typing speed, the document screener shall accept an applicant's typing speed as claimed on the State of Texas Application for Employment or attached documentation, such as a resume.
- D. Document screening shall reduce the qualified applicant pool to no fewer than three applicants.
- E. Document screening criteria and results shall be included in the selection packet.

XI. Interview Schedule and Notice to Applicants

A. Interview Schedule

After the applicants have been selected for interviews, the individual designated by the primary interviewer to coordinate the interview process shall complete the PERS 289, Interview Schedule (Attachment D) and coordinate the notice to applicants for interview.

B. Notifying Inside Applicants

An email message of the interview schedule shall be sent to each inside applicant's human resources representative, who will then notify the applicant(s) of the scheduled interview. A copy of the interview schedule may also be sent to an inside applicant's TDCJ email user ID. If the contact person notifies all applicants in person, by telephone, or by email, the interview schedule shall indicate that all applicants have been notified.

C. Notifying Outside Applicants

Outside applicants shall be notified either in person, by telephone, or by email. Documentation of outside applicant notification or attempts to notify shall be made part of the selection packet.

D. Schedule Conflicts

Interviewers shall accommodate applicants whose interview schedule conflicts with mandatory military or other governmental obligations, such as military leave or jury duty. If it is not feasible to adjust the interview schedule and telephonic interviews are not allowed, the primary interviewer shall contact the selection system administrator to determine the appropriate course of action.

XII. Time Reporting, Travel, and Per Diem for Inside Applicants

If an inside applicant is scheduled for duty at the time of an interview, the applicant shall be authorized work time for the purpose of traveling to and from the interview location and participating in the interview. The work time authorized shall only include the time the applicant was traveling or participating in the interview during the applicant's regularly scheduled work hours, for a period not to exceed a one-day shift. If the time required for travel and interview is less than a one-day shift, the applicant shall report to work for the remainder of the workday or receive approval from the employee's supervisor to use accrued leave in accordance with TDCJ leave policies. Neither travel expenses nor per diem are authorized for the purpose of interviewing.

XIII. Conducting the Interviews

A. Developing Interview Questions with Recommended Responses

Prior to conducting the interviews, the primary interviewer may elect to develop a scripted interview opening statement and shall develop interview questions with recommended responses based on training received through the required PD-71 Manager's Training.

The primary interviewer or designee shall document the scripted interview opening statements, if applicable, on an "IOC to File" and document the interview questions and recommended responses on the PERS 287, Interview Documentation Form (Attachment E). If additional space is needed, an extra sheet may be attached to the PERS 287.

1. All interview questions shall be phrased to give equal opportunity to all applicants without regard to a protected class.
2. All interview questions shall be job-related and appropriate to the vacant position's essential functions and level of responsibility.

B. Interview Process

1. Each applicant shall be asked the same job-related core questions as previously documented on the PERS 287. Based on an applicant's response to core questions, the interviewer may ask follow-up questions to

clarify the applicant's original response. Follow-up questions and answers shall be documented.

2. Applicants may not use or refer to any notes or study material during the interview.

C. Documentation of Responses

The primary interviewer shall document the applicant's responses and closing remarks, if applicable, on the PERS 287. Additional representatives have the option to also take job-related, appropriate interview notes or to provide job-related verbal comments to the primary interviewer regarding their observations. Interview notes taken by additional representatives shall be made a part of the selection packet and are releasable under the *Public Information Act*.

D. Follow-Up Interviews

Except for appointed positions in accordance with Sections VIII and IX of this directive, interviewers shall not conduct follow-up interviews with any applicants.

XIV. Selecting an Applicant

A. References

The primary interviewer may check references on one or more applicants.

1. Prior to contacting an outside applicant's current employer, permission shall be obtained from the applicant. It is not necessary to obtain an outside applicant's permission to contact the applicant's previous employers.
2. Questions asked of current or previous employers shall be work-related questions regarding the applicant's employment history.
3. Prior to the selection of an inside applicant, the primary interviewer may contact the applicant's current human resources representative to discuss or obtain a copy of the applicant's disciplinary file, if applicable, and previous performance evaluations.
4. Prior to the selection of an outside applicant who is a former TDCJ employee, the primary interviewer may contact the Employee Services Section, Human Resources Division, to request information concerning the former employee's disciplinary history and performance evaluations.

B. Factors for Consideration

The factors to be considered when selecting an applicant are:

1. An applicant's responses to the interview questions;
2. Job-related education, experience, certification, and training;

If an applicant is a former employee who separated from TDCJ in order to serve in the uniformed services and returned to TDCJ employment in accordance with the time limits established in PD-76, "Employment and Reemployment of Members of the Uniformed Services," the primary interviewer shall count the time period the employee was separated from TDCJ employment and performing uniformed services duties as accrued state service time.

3. Communication skills;
4. Employer reference information, including, if applicable, an inside applicant's or a former employee's disciplinary history and performance evaluations; and
5. Foster child employment preference and veteran's employment preference, if all other factors taken into consideration are equal.

If an applicant entitled to foster child employment preference is equally qualified with an applicant entitled to veteran's employment preference, the applicant entitled to the foster child employment preference shall be selected for the position.

If all factors taken into consideration are equal, and more than one applicant is eligible for the veteran's employment preference, the applicants shall be selected in the following order of priority: (1) a veteran with a disability; (2) a veteran; (3) a veteran's surviving spouse who has not remarried; and (4) an orphan of a veteran if the veteran was killed while on active duty.

6. Selection of an ERS Retiree

If an ERS retiree is recommended for selection to a non-targeted career position, or to a supervisor of COs, FSM IV, LM IV, or PO III-V, preapprovals must be obtained prior to documenting a rationale for selection, and prior to submission for clearance.

These procedures do not apply to the following positions: COs; FSM II and III; LM II and III; and PO I and II.

- a. The primary interviewer shall submit a request in writing for approval to select an ERS retiree for a position with the TDCJ through the selection reviewer, to the appropriate division director.
- b. The request must reflect justification for selection over other non-ERS retiree applicants.
- c. The division director shall provide concurrence or non-concurrence with the selection via email. The email must be retained with the selection packet.

This approval process for selection must be obtained for initial rehire, and for any subsequent position changes or rehires.

If the division director concurs with the selection of the ERS retiree, a rationale for selection shall then be documented. The rationale should reflect all job-related factors considered for selection and that appropriate concurrences were obtained.

- d. The contact person shall attach a copy of the division director's concurrence for selection when submitting for clearance.

C. Documenting Rationale for Selection

Upon selecting an applicant, the primary interviewer shall document the rationale for selection, to include identification of all job-related factors upon which the decision was based, in Section VI of the selected applicant's PERS 287, Interview Documentation Form.

If the primary interviewer elects to identify other applicants who may be selected for subsequent vacancies, the primary interviewer shall complete Section VI on each of these applicants' PERS 287 forms.

D. Positions Requiring a License or Certification

1. If a license or certification is required in the minimum qualifications or was used as part of the screening or selection process for the vacant position, the primary interviewer or designee shall request the departmental human resources representative to contact the licensing or certifying agent to obtain the information required to complete the appropriate portion of the PERS 284, Certification of Compliance (Attachment F). This information shall be obtained even if the applicant submitted a copy of the license or certification with the employment

application packet or the applicant's current position requires the applicant to have the license or certification.

The following information shall be obtained:

- a. Whether the license or certification is valid, meaning it has not expired, been cancelled, suspended, or revoked;
- b. Whether the licensee or certificate holder is restricted in the performance of functions requiring the license or certification;
- c. Whether the license or certification is fully renewable, such as it is not a temporary license; and
- d. The next renewal date and renewal intervals, such as it shall be renewed annually.

Upon employment of an employee in a position requiring the employee to have a license or certification to meet the position's minimum qualifications, the department human resources representative shall track the next renewal date in accordance with PD-93, "Employee Classification."

2. Once this information is obtained, the primary interviewer or designee shall document the information on the PERS 284, prior to submission of the interview paperwork to the selection reviewer. If the license or certification is not valid, includes restrictions, or is not fully renewable, the primary interviewer or designee shall contact the selection system administrator's office for guidance prior to submitting the paperwork to the selection reviewer.

E. No Selection Made

If no selection is made, the primary interviewer shall document valid job-related factors for non-selection on each applicant's PERS 287, Interview Documentation Form.

XV. Verifying Compliance

After the final decision has been made, the selection reviewer shall review the selection packet to verify that each step of the selection process was conducted in compliance with TDCJ policy and procedures.

- A. This review shall include verification of the following factors:
1. All qualified applicants were considered for the position, and the selection documentation reflects the selection process was conducted without regard to a protected class.
  2. Any applicable veteran reinstatement or veteran and foster child employment preferences were considered.
  3. If applicable, the document screening criteria was developed in accordance with policy guidelines.
  4. Interview composition was appropriate and in accordance with the provisions in this directive.
  5. Interview questions were job-related and appropriate for the position.
  6. Interview documentation has been completed and is appropriate.
  7. The selected applicant's documentation indicates the applicant meets the minimum qualifications and, if applicable, document screening criteria.
  8. The selection is not a nepotism violation.
  9. Job-related education, certification or license, training, or typing speed, if these were determining factors in the selection process.
  10. If a foster child employment preference was a determining factor in the selection process, eligibility for the preference was verified through the selection system administrator.
  11. If a veteran's employment preference was a determining factor in the selection process, eligibility for the preference was verified through review of the applicant's DD214, Certificate of Release or Discharge from Active Duty.
- B. If any step was not conducted in accordance with TDCJ policy and procedures, the selection reviewer shall coordinate with the selection system administrator or designee to determine what corrective action shall be initiated before a conditional offer of employment is made.
- C. If the selection reviewer was not the primary interviewer, the selection reviewer does not have the authority to select a different applicant.

- D. After the selection reviewer has completed this review, the selection reviewer shall sign the PERS 284, Certification of Compliance, and return the interview documentation to the contact person.

XVI. Announcement of No Selection Made

If no selection was made, the contact person shall announce the results. The human resources representative who submitted the original Request to Fill eform should complete the REQ2REPOST eform to repost the position. The completed REQ2REPOST eform shall be routed as specified by the appropriate division and submitted to the postings coordinator.

XVII. Clearance for Selection

If an applicant was selected by the primary interviewer and the results of the interviews have been reviewed and approved by the selection reviewer, the contact person shall obtain clearance to ensure the selected applicant is eligible for selection.

A. Inside Applicant

The contact person shall obtain written clearance from the inside applicant's human resources representative via the HR\_CLEAR eform. The clearance shall include verification of the applicant's current title, salary schedule, salary group, established salary rate, and actual salary rate. In addition, the contact person shall verify that the applicant's eligibility is not affected due to current disciplinary probation, having been recommended for dismissal, or any other reason.

1. Disciplinary Probation or Dismissal Recommendation

- a. An inside applicant serving disciplinary probation on the selection effective date shall be disqualified from consideration if the selection would result in a lateral transfer or promotion. If the move would result in a voluntary demotion, disciplinary probation shall not affect the applicant's eligibility for the position.
- b. An inside applicant who has been recommended for dismissal as of a closing date or selection effective date shall be disqualified from consideration.
- c. If during the clearance process it is determined the applicant has received a Notification of Employee Hearing in accordance with PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees," and the hearing has not been held, the clearance for selection shall be placed on hold pending the outcome of the hearing.

2. Criminal Record Check

The contact person shall request a criminal record check from the Employment Section if an inside applicant is selected for one of the following positions:

- a. A supervisor of COs, food service manager, or laundry manager from outside the respective series, parole officer, or unit commissary position. The criminal record check shall be used to determine whether the applicant has any pending criminal charges or prior criminal convictions that would disqualify the applicant from the position in accordance with PD-75, "Applicants with Pending Criminal Charges or Prior Criminal Convictions"; or
- b. A position with minimum qualifications requiring the selected applicant to meet the Texas Department of Public Safety (DPS) criteria for accessing the Texas Law Enforcement Telecommunication System operated by the DPS.

B. Outside or Interagency Transfer Applicant

The Employment Section shall perform a final employment clearance prior to a conditional offer to an outside or interagency applicant. The employment clearance shall include a criminal record check, verification that all required documents have been provided, verification of document authenticity, and eligibility for employment.

If the selected applicant is a former employee with a status code of DS067, the applicant may be eligible for employment after five years with the approval of the division director and executive director.

C. Employees Retirement System Retiree

1. If the selected applicant is an ERS retiree other than a retiree from TDCJ, the Employment Section shall verify, in accordance with the procedures in PD-84, "Reemployment and Selection of Retirees," the applicant has been separated from state employment for 90 calendar days prior to the date of hire or rehire.
2. If the selected applicant retired from TDCJ, the Employment Section shall verify that the retiree has been separated from TDCJ employment in accordance with the required time period for the position. The verification process and the required separation time period shall be in accordance with the procedures in PD-84, "Reemployment and Selection of Retirees."

3. If the selected applicant is an ERS retiree, the Employment Section shall verify that approval certification was obtained by the appropriate division director.

#### XVIII. Conditional Offer of Employment and Drug Testing

The conditional offer of employment process shall occur after the clearance process and determination of whether the selected applicant is required to attend the CID Pre-Service Training Academy (PSTA) or the Parole Division Parole Officer Training Academy (POTA).

##### A. Determination of Required PSTA or POTA Attendance

1. If the position requires completion of annual in-service training in accordance with AD-12.20, "Implementation and Operation of the TDCJ In-Service Training Program for Uniformed/Non-Uniformed Personnel," or PD/POP-1.1.1, "Parole Division Training Standards," the selected applicant shall attend the PSTA or POTA, unless the selected applicant, inside or outside, has:
  - a. Occupied a position requiring attendance at the PSTA or POTA within the 36-month period immediately preceding the payroll effective date; or
  - b. Previously attended the PSTA or POTA and attended the CID or Parole Division in-service training within the 12-month period immediately preceding the date of selection. In addition, if the vacant position is a sergeant, lieutenant, captain, major, food service manager, or laundry manager, the selected applicant shall have qualified with firearms and participated in chemical agent and defensive tactics training while attending the in-service training.
2. A request for an exception to the PSTA or POTA attendance requirement shall be submitted in writing from the selection reviewer to the CID director or Parole Division director and coordinated through the Human Resources Division director for approval.

##### B. Making the Conditional Offer of Employment

The selection reviewer or primary interviewer has the option to be present during the conditional offer of employment process in order to be the first to notify the applicant of the selection prior to the official conditional offer of employment. However, immediately following the notification, the contact person or designee shall explain that the selection is contingent upon the official conditional offer and read the PERS 286, Conditional Offer of Employment for Posted Positions (Attachment G) to the applicant.

C. ADA Accommodation

A request by the selected applicant during the conditional offer of employment process for an accommodation shall be coordinated with and processed by the accommodation coordinator prior to the selection announcement.

A selected applicant who requests an accommodation shall still be required to submit to the pre-employment drug test at the time and place identified during the conditional offer of employment.

D. Current State of Texas Employment and Continued Eligibility Information

During the conditional offer of employment process, an outside applicant shall be asked to provide information regarding:

1. Current state of Texas employment; and
2. Any event which occurred after the applicant's submission of the employment application packet or other information that may affect the applicant's continued eligibility for TDCJ employment, such as an arrest or notification of pending criminal charges.

E. Pre-Employment or Pre-Assignment Drug Testing

Pre-employment or pre-assignment drug testing shall be in accordance with PD-17, "Drug-Free Workplace," and PD-37, "Employee Commercial Drivers' Physical Examination and Alcohol and Drug Testing Programs."

F. Failure to Have a Negative Drug Test Result

1. Inside Applicant

An inside applicant who fails to have a negative drug test result through a refusal to test, tampers with a specimen, or has a verified positive drug test result may be subject to disciplinary action, and if separated, shall be ineligible for employment consideration with the TDCJ for five years.

2. Outside or Interagency Transfer Applicant

An outside or interagency transfer applicant who fails to have a negative drug test result through a refusal to test shall be ineligible for employment for one year from the test date.

An outside or interagency transfer applicant who tampers with a specimen or has a verified positive drug test result shall be ineligible for employment consideration with the TDCJ for five years.

G. Scheduling of PSTA or POTA

1. Inside Applicant

An inside applicant who is required to attend the PSTA shall be scheduled for the next available PSTA following the selection announcement by the human resources representative gaining the inside applicant using HR\_HIRE eform.

An inside applicant who is required to attend the POTA shall be scheduled for the next available POTA by the Parole Officer Selections Program Area using the PD-TRN-ACAD eform.

An inside applicant may not assume the duties of the position until completing the PSTA or POTA.

2. Outside Applicant

An outside applicant who is required to attend the PSTA shall be scheduled for the next available PSTA following the selection announcement by the human resources representative gaining the outside applicant using the HR\_HIRE eform and shall begin employment on the date the PSTA begins.

An outside applicant who is required to attend the POTA shall be scheduled for the next available POTA by the Parole Officer Selections Program Area using the PD-TRN-ACAD eform.

H. Payroll Effective Date

The payroll effective date for an inside or outside applicant shall be in accordance with PD-72, "Employee Salary Administration."

XIX. Selection Announcement and Payroll Status Change

Following completion of the conditional offer and, if applicable, drug testing process, the human resources representative acting as the contact person shall:

- A. Announce the name of the selected applicant using the RESULTS eform;
- B. Enter the payroll status change (PSC) in the Payroll Status Change Update (PSCUPD) screen in the PPS in accordance with the time frames established in PD-72, "Employee Salary Administration;" and

- C. Enter the code for Authority to Fill (ATFL) in the Attachment field on the PPS PSCUPD screen and ensure the effective PSC date is on or after the effective ATFL date.

XX. Release Date for Selected Inside Applicants

The release date for a selected inside applicant shall be coordinated between the gaining supervisor and the applicant's current supervisor. The applicant shall normally be released to the new position within two weeks after the selection announcement. If attendance at the PSTA or POTA is required, the applicant shall be released to attend the next available PSTA or POTA. If the applicant's gaining and current supervisors do not concur on the release date, the appropriate manager (salary group B22 and C6 or above) within the applicant's gaining chain of supervision and the applicant's current chain of supervision shall be consulted for a final decision. Under no circumstances shall the applicant be detained by the current supervisor or chain of supervision more than 30 calendar days after the selection announcement.

XXI. Subsequent Vacancies

The results of a selection process are valid for 180 calendar days from the effective date of the first selection. If, during this time period, an identical position at the same location becomes available, the selection reviewer may choose to either post the vacancy or to fill it as a subsequent vacancy from this selection process.

- A. If the selection reviewer chooses to post the vacancy, no future vacancies may be filled from this selection process.
- B. If the selection reviewer chooses to fill the identical vacancy as a subsequent vacancy, the following actions shall be performed, with the exception of the procedures in paragraphs 1 and 2 if they were already performed during the original selection process.
  - 1. The primary interviewer shall review the interview paperwork and document the rationale to select another applicant.
  - 2. The selection reviewer shall update the PERS 284, Certification of Compliance to verify the selection for the subsequent vacancy was made in accordance with the procedures within this directive.
  - 3. The contact person shall follow the clearance and conditional offer procedures outlined in this directive and announce the results. Conditional offers for subsequent vacancies shall be made within the 180-calendar day period.
  - 4. The Applicant Flow and Checklist shall be updated in accordance with Sections XXII and XXIII of this directive.

## XXII. Applicant Flow

The contact person shall compile applicant flow data for all positions on the PERS 45, Applicant Flow Reporting Form (Attachment H). The Employment Section shall maintain applicant flow statistics for all TDCJ positions.

## XXIII. Checklist and Maintenance of Selection Packets

- A. After the selection process has been completed, the contact person shall compile all applicable documents and complete the PERS 253, Checklist for Selection Packets (Attachment I).
- B. The contact person may maintain the selection packet for 180 calendar days from the payroll effective date of the initial vacancy in the event of a subsequent vacancy.
- C. No later than 30 calendar days following the 180-calendar day period, the contact person shall forward the selection packet to the attention of the selection system administrator, Human Resources Division.

## XXIV. Confidentiality

- A. The selection reviewer, primary interviewer, additional representatives in the interview process, and any other employee involved in the selection process or having knowledge of the selection results are prohibited from disclosing related information. This provision does not prohibit the selection reviewer from discussing the selection results with the selection reviewer's chain of supervision. Information related to the selection process that is prohibited from disclosure, unless the disclosure is made in response to a *Public Information Act* request for selection documents, includes:
  - 1. Selection results prior to the official announcement of the selected applicant by the contact person;
  - 2. The content of questions asked during the interview or answers; or
  - 3. Any deliberations concerning the applicants.This provision does not prohibit the selection reviewer from discussing the selection results with the selection reviewer's chain of supervision.
- B. Employee applicants are prohibited from disclosing questions and answers from the interview.

XXV. Requests for Deviation

Requests for deviations from the procedures within this directive shall be submitted to the Human Resources Division director, along with justification for the deviation. The Human Resources Division director shall make a recommendation and forward the request to the executive director, deputy executive director, or appropriate division director for final action. Requests for deviation shall be made part of the selection packet.

XXVI. Maintenance of Selection Packets

All documents relating to the selection process are considered official state records and shall be stored, managed, and disposed of in accordance with the TDCJ *Records Retention Schedule* and ED-02.29, "Records Management."

XXVII. Workforce Analysis

The Human Resources Division director or designee shall prepare a monthly analysis of the TDCJ's workforce which shall compare the TDCJ's workforce with the state civilian labor force.

XXVIII. Appeal by Qualified Applicant Entitled to the Foster Child Employment Preference

A qualified applicant for employment entitled to the foster child employment preference who is aggrieved by a selection decision may appeal the decision by filing a written complaint with the Texas Board of Criminal Justice (TBCJ). The TBCJ may render a different selection decision if the TBCJ determines that the foster child employment preference was not applied.

XXIX. Appeal by Applicant Entitled to the Veteran's Employment Preference

An applicant for employment entitled to the veteran's employment preference who is aggrieved by a selection decision may appeal the decision by filing a written complaint with the executive director. The executive director may render a different selection decision if the executive director determines that the veteran's employment preference was not applied.

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Bryan Collier  
Executive Director



## Texas Department of Criminal Justice Minimum Qualifications Screening Instructions

As the individual assigned to screen the applicant's State of Texas Application for Employment, you shall follow the instructions listed below:

- A. **ELIGIBILITY DETERMINATION:** Conduct an initial review of the State of Texas Application for Employment to determine if the applicant is ineligible for any of the following reasons: (a) violation of PD-26, "Nepotism;" (b) has a felony conviction within the last 10 years; (c) is a former employee whose termination status code is DS067 within the past five years; or (d) is a retiree whose reemployment would violate the provisions within PD-84, "Reemployment and Selection of Retirees."
1. **INELIGIBLE APPLICANTS:**  
If an applicant is ineligible, write "IE" and initial in the bottom right-hand corner of page one of the State of Texas Application for Employment and complete PERS 300, Applicant Screening Form, documenting reasons for ineligibility.
  2. **ELIGIBLE APPLICANTS:**  
Proceed with the minimum qualifications screening.
- B. **MINIMUM QUALIFICATIONS SCREENING:** All inside and outside applicants shall meet the required minimum qualifications specified in the job description on or before the closing date of the job posting.
1. **SCREENING FOR REQUIRED TYPING:**  
Applicants shall have attached a TDCJ or Texas Workforce Commission (TWC) typing test to the State of Texas Application for Employment.
  2. **SCREENING FOR REQUIRED EDUCATION, LICENSES, AND CERTIFICATIONS:**
    - a) Applicants shall document all education, licenses, and certifications required on the job description.
    - b) Do not screen applicants out for failure to attach proof of education, license, or certification. All education or licenses and certifications claimed by the applicant shall be verified prior to selection.
  3. **SCREENING FOR REQUIRED EXPERIENCE:**
    - a) Review definitions of required experience terms in the TDCJ Glossary of Experience Terms.
    - b) Consider full-time or part-time (minimum of 20 hours per week), wage earning work experience only. Part-time experience shall be converted to full-time equivalent for the purpose of minimum qualifications screening, for example two years of part-time experience is equivalent to one year of full-time experience.
    - c) Volunteer or unpaid experience may not be counted.
    - d) If a certain amount of experience is required, applicants **shall** have documented timeframes.
    - e) Be aware of work experiences which overlap as well as work experience obtained while attending high school or college full-time.
    - f) Only work experience performed at age 16 or older shall be considered.
    - g) The applicant shall have clearly documented the type of experience required by the job description, and spent a significant amount of time performing the specified function. Screeners should consider **all** information contained in the State of Texas Application for Employment and any attachments. Do not screen out an applicant who wrote "see resume" in the employment history if the resume is attached and reflects the applicant meets the minimum experience requirement.
  4. **QUALIFIED APPLICANTS:**  
If an applicant is qualified, write "Q" and your initials in the bottom right-hand corner of page one of the State of Texas Application for Employment.
  5. **DISQUALIFIED APPLICANTS:**  
If an applicant is disqualified for any reason, write "NQ" and your initials in the bottom right-hand corner of page one of the State of Texas Application for Employment and complete a PERS 300, Applicant Screening Form, documenting reasons for disqualification.  
I certify I have read the above instructions. I shall screen the enclosed State of Texas Application for Employment forms according to these instructions and PD-71, "Selection System Procedures."

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Screening

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title





**Texas Department of Criminal Justice  
Interview Documentation Form**

Interview Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Position's Payroll Title and Extended Working Title: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

**I. QUESTIONS**

**1. Question:**

Recommended response:

Applicant's response:

**2. Question:**

Recommended response:

Applicant's response:

**3. Question:**

Recommended response:

Applicant's response:

**4. Question:**

Recommended response:

Applicant's response:

**5. Question:**

Recommended response:

Applicant's response:

**6. Question:**

Recommended response:

Applicant's response:

**7. Question:**

Recommended response:

Applicant's response:

APPLICANT'S CLOSING REMARKS, IF APPLICABLE:

Applicant Name: \_\_\_\_\_

II. JOB-RELATED EDUCATION, TRAINING, LICENSES, CERTIFICATIONS

III. JOB-RELATED EXPERIENCE

IV. COMMUNICATION SKILLS - Select the statement which best describes the applicant's communication skills as demonstrated during the interview.

- Excellent ability to communicate ideas. (*Information was presented in a logical, organized, and understandable manner with appropriate word usage. Communication was effective and persuasive.*)
- Above average ability to communicate ideas. (*Gave clear, concise, and understandable responses*)
- Average ability to communicate ideas. (*Satisfactory ability to communicate responses*)
- Somewhat below average ability to communicate ideas. (*Gave somewhat unclear responses. Below average use of grammar and vocabulary*)
- Below average ability to communicate ideas. (*Could not communicate ideas in an understandable manner. Showed improper use of grammar and vocabulary*)

V. IF APPLICABLE, CONTACT WITH CURRENT AND PREVIOUS EMPLOYERS OR SUPERVISORS INDICATED THE FOLLOWING: If necessary, an additional page may be attached.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employer Name

\_\_\_\_\_  
Name and Title of Person Providing Reference

VI. RATIONALE FOR SELECTION: If this applicant is selected, document all job-related factors upon which the decision was based. If no applicants are selected, rationale for non-selection shall be documented for **each** applicant who was interviewed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IF SELECTED APPLICANT IS A FORMER FOSTER CHILD, WAS FOSTER CHILD PREFERENCE GIVEN?  Yes  No  
IF SELECTED APPLICANT IS A VETERAN, WAS VETERAN'S EMPLOYMENT PREFERENCE GIVEN?  Yes  No

PRIMARY INTERVIEWER:

\_\_\_\_\_  
Signature

**Texas Department of Criminal Justice  
Certification of Compliance**

Payroll Title	Unit/Department
Extended Working Title	Job Posting Date

**CERTIFICATION STATEMENT:**

By my signature I certify I am the selection reviewer for the identified position and have completed the required PD-71 Manager's Training relating to selection procedures. I further certify I have reviewed the selection process used for this position, as well as the qualifications of the applicant who was recommended for this position, if applicable, and find no evidence of deviation from PD-71. **The selection documentation reflects: (1) the selection process was conducted without regard to race, color, religion, sex (gender), national origin, age, disability, or genetic information, although inclusive of veteran reinstatement or veteran's and foster child employment preferences; (2) if all factors taken into consideration were equal for two or more applicants and one of those applicants was entitled to the foster child employment preference, the applicant entitled to the foster child employment preference is the applicant recommended for selection; (3) if all factors taken into consideration were equal for two or more applicants and one of those applicants was entitled to veteran's employment preference, the applicant entitled to veteran's preference is the applicant recommended for selection; (4) if an applicant entitled to foster child employment preference was equally qualified with an applicant entitled to veteran's employment preference, the applicant entitled to foster child employment preference is the applicant recommended for selection; and (5) if all factors taken into consideration were equal, and more than one applicant was eligible for the veteran's employment preference, the applicants were selected in the following order of priority: (a) a veteran with a disability; (b) a veteran; (c) a veteran's surviving spouse who has not remarried; and (d) an orphan of a veteran if the veteran was killed while on active duty.** If this certification includes applicants recommended for subsequent selection by the interviewer(s), I have indicated this in the appropriate space(s) below. I further certify if a license or certification was required or was used as part of the screening or selection process, this license or certification was verified prior to my review and the related section of this form was completed prior to my review. I hereby authorize a conditional offer of employment to be made following the required background clearance procedures. This certification shall be retained as part of the selection packet. The minimum qualifications screening process was certified by the minimum qualifications screener on the PERS 215, Minimum Qualifications Screening Instructions.

Name of Applicant Recommended for Selection: \_\_\_\_\_

This certification includes the following applicant(s) who have been recommended for subsequent selection:

**VERIFICATION OF LICENSE OR CERTIFICATION, IF APPLICABLE:**

License or Certification Information, if applicable	
Type of License or Certificate Required:	Licensing or Certifying Agent:
Name of Person Contacted: _____	
Title: _____	Phone Number: _____
<input type="checkbox"/> License or Certificate is Valid - Not expired or been cancelled, suspended, or revoked <input type="checkbox"/> License or Certificate is Fully Renewable - Not a temporary license <input type="checkbox"/> The Licensee or Certificate Holder is not restricted in the performance of functions allowed by the License or Certificate	
License or Certificate Expires: _____ (mm/dd/yyyy)	License or Certificate Shall be Renewed: _____ Example: Annually
Comments: _____	
Name of Departmental Human Resources Representative: _____	

**SIGNATURE OF SELECTION REVIEWER:**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Title  
PERS 284 (08/18)

\_\_\_\_\_  
Selection Reviewer Birth Month/Day (mm/dd)

## Texas Department of Criminal Justice Conditional Offer of Employment for Posted Positions

This form is to be completed by the contact person or designee when making a conditional offer of employment to the selected applicant.

SELECTED APPLICANT'S NAME: \_\_\_\_\_

**I. Read the Following to the Selected Applicant:**

This is a conditional offer of employment for the position of \_\_\_\_\_.

Are you still interested in this position? Yes  No  **If no, stop here. If yes, proceed.** This offer of employment depends on your ability to perform the essential functions of the job with or without reasonable accommodation. Accommodation means changes in the way things are done or changes in the workplace. The performance of the essential functions of the job requires certain mental and physical abilities and involves certain workplace conditions. As I read them to you, please advise me if you need to request changes because of a permanent medical condition. Do you understand? (Read Section IV of the job description)

**Certification by Contact Person or Designee - Check one of the following boxes:**

- The applicant **did not** indicate to me a need for special accommodations.  
 The applicant **did** indicate to me a need for special accommodations. Contact accommodation coordinator, Human Resources Division.

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**II. FOR OUTSIDE APPLICANTS ONLY:**

- A. Are you currently employed by another Texas state agency?** Yes  No  If the applicant answers yes, complete a Salary Worksheet for Interagency Transfers (PD-72 attachment).  
**B. Has any event that may affect your eligibility for employment with this agency occurred since your application for employment, such as arrest or any other notification of pending criminal charges?** Yes  No  If yes, what is the current status of the charge?  
\_\_\_\_\_

---

**III. A. If the selected applicant is: (1) an applicant who is not required to attend the physical agility test in conjunction with the PSTA; or (2) an applicant who has been selected for a commercial driver position, read the following and then proceed to Section III.B. If neither of these conditions apply, do not read the following, and proceed to Section VI.**

TDCJ policy requires you to submit to pre-employment drug testing and receive a negative result as a condition of employment. It is necessary for you to report to \_\_\_\_\_ (location of nearest collection site) within 48 hours of this phone call. The 48-hour period ends \_\_\_\_\_ (give actual date and time of deadline). You are required to take a photo identification card such as a driver license with you to the collection site. Approximately 72 hours after you have been tested, you shall be notified by phone of your hiring status. If you fail to take your pre-employment drug test as scheduled, the TDCJ shall not consider you for this position or any position for one year from the test date. (Have applicant read back to you: I understand that I need to report on \_\_\_\_\_ by \_\_\_\_\_. If I do not pass or report, I will not be eligible for employment on my scheduled Direct Hire date.)

**B. Once notification has been received from the Substance Control Officer that the applicant is cleared for selection:**

- (1) if the applicant is an outside applicant, call the applicant to set up the date and time for Direct Hire and proceed to Section V;  
(2) if the applicant is selected for a commercial driver position, proceed to Section VI; or  
(3) if the applicant is an outside or inside applicant required to attend the PSTA or POTA, proceed to Section IV.

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**IV. FOR OUTSIDE AND INSIDE APPLICANTS REQUIRED TO ATTEND THE PSTA/POTA:**

Give the applicant information for PSTA or POTA.

---

**V. A. Due to the Immigration Reform & Control Act of 1986, employment eligibility must be verified. To meet eligibility requirements, you must bring certain documents on your first day of employment. Examples of acceptable documents are – valid U.S. Passport, valid government issued ID Card, Social Security Card, Permanent Resident Card, or Employment Authorization Document that contains a photograph (Form I-766). In some cases, more than one document may be required. To view a complete list of acceptable documents, please refer to the TDCJ website [www.tdcj.texas.gov](http://www.tdcj.texas.gov). Failure to provide acceptable documents may prevent employment with the Texas Department of Criminal Justice on your scheduled date of hire.**

**B. Inform outside applicants attending a Direct Hire Session at a unit that certain items are not allowed on the unit, including, but not limited to, cell phones, canned drinks, fingernail clippers, lighters, matches, alcohol, and tobacco products.**

---

**VI. Check **\*\*one\*\*** of the following and provide the applicable information.**

- Payroll Effective Date (Inside Applicants only)  PSTA or POTA Effective Date & Location  Direct Hire Date & Location  
\_\_\_\_\_

---

Signature of Employee Making Offer

Date (mm/dd/yyyy)

Title of Employee Making Offer

## Texas Department of Criminal Justice Applicant Flow Reporting Form

POSITION: \_\_\_\_\_ JOB POSTING #: \_\_\_\_\_

EXTENDED TITLE: \_\_\_\_\_ JOB POSTING DATE: \_\_\_\_\_

REGION: \_\_\_\_\_ UNIT/DEPARTMENT: \_\_\_\_\_

Human Resources Use Only	
EEOC CODE#: _____	
CLASS #: _____	
UNIT: _____	
DEPARTMENT: _____	
REGION: _____	
POSITION #: _____	

APPLICANTS		# of Apps.		# Qual. App.		Offered		Selected	
		IN	OUT	IN	OUT	IN	OUT	IN	OUT
RACE	W – White								
	B – Black								
	H - Hispanic								
	P - Asian/Pacific Islander								
	I - American Indian/Alaskan								
	O – Other								
SEX	Male								
	Female								
AGE	- 40								
	+ 40								

Detach the Applicant EEO Data Form from the State of Texas Application for Employment before the minimum qualification screener reviews the minimum qualifications. Place the coded Applicant EEO Data Forms at the back of the selection packet as per the checklist.

**Human Resources Use Only:** This section is to be completed by the Employment Section.

**Position:** State title

**Extended Title:** Working title, if applicable

**Job Posting #:** The position number, followed by unit or department two-letter code (ex. 009001BC).

**Job Posting Date:** The date the position was posted.

**Region:** Human resources region the vacancy is located or assigned.

**Unit/Department:** Location of vacancy

*No shows, withdrawals, and applicants who provided incomplete race, sex, and/or age information on Personal Data Form are not counted anywhere on this form. This includes applicants who were unable to be contacted.*

The chart below shows a breakdown of applicant sections, in the shaded areas, and what each section consists of:

# OF APPLICANTS	# OF QUALIFIED APPLICANTS	OFFERED	SELECTED
Selected	Selected	Selected	Selected
SubVac (Sub Vacancy)	SubVac (Sub Vacancy)	SubVac (Sub Vacancy)	SubVac (Sub Vacancy)
DECL (Declined)	DECL (Declined)	DECL (Declined)	
DS (Document Screened)	DS (Document Screened)		
NS (Not Selected)	NS (Not Selected)		
NSM (No Selection Made)	NSM (No Selection Made)		
NQ (Not Qualified)			
NQI (Not Qualified at Interview)			
LATE			
IE (Ineligible)			

## Texas Department of Criminal Justice Checklist for Selection Packets

Job Posting #: \_\_\_\_\_

Payroll Title: \_\_\_\_\_

Extended Working Title: \_\_\_\_\_

Location of Vacancy: \_\_\_\_\_

Posting Date: \_\_\_\_\_

Interview Date: \_\_\_\_\_

Results Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Selection Results: \_\_\_\_\_

### Human Resources Representative

**Instructions: Indicate with a check mark (✓) or “N/A” whether each of the following documents is included in the selection packet. Ensure the documents are in the order listed and that the completed forms are the originals.**

\_\_\_\_\_ Job Description

\_\_\_\_\_ Job Posting

\_\_\_\_\_ Approval to Fill Subsequent Vacancies, if applicable

\_\_\_\_\_ PERS 288, Applicant Log

\_\_\_\_\_ Applications and Application Supplements with attached PERS 300, Applicant Screening Form, if applicable, in alphabetical order

\_\_\_\_\_ PERS 215, Minimum Qualifications Screening Instructions

\_\_\_\_\_ Document screening information, if applicable

\_\_\_\_\_ Email message of interview schedule and documentation of applicant notification for interview

\_\_\_\_\_ PERS 289, Interview Schedule

\_\_\_\_\_ “IOC to File” with scripted interview opening statements, if applicable

\_\_\_\_\_ PERS 287, Interview Documentation Form (one for each applicant interviewed)

\_\_\_\_\_ Email message from division director regarding selection of ERS retiree, if applicable

\_\_\_\_\_ PERS 284, Certification of Compliance

\_\_\_\_\_ Email notification regarding applicant clearance or non-clearance for selection

\_\_\_\_\_ PERS 286, Conditional Offer of Employment for Posted Positions

\_\_\_\_\_ Drug test results email, if applicable

\_\_\_\_\_ Email message announcing selection results

\_\_\_\_\_ PERS 45, Applicant Flow Reporting Form with Personal Data Forms in alphabetical order

\_\_\_\_\_ Copy of study material, if applicable

\_\_\_\_\_ Other \_\_\_\_\_

\_\_\_\_\_ Other \_\_\_\_\_