



ADMINISTRATIVE POLICIES AND PROCEDURES

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These Administrative Policies and Procedures are intended to guide the Executive Director of the Commission in administrative practices, including procurement, contract administration, securing professional services, grant administration, grant application, personnel recruitment and selection, and interview guidelines. These procedures may be modified if warranted by extraordinary conditions. These policies are established by the Executive Director of the Commission and may be modified by the Executive Director as he/she deems necessary.

I. PROCUREMENT

The following policies and procedures shall be followed by the El Dorado County Transportation Commission (EDCTC) staff in securing equipment and supplies, and in the award and execution of contracts for professional services.

A. POLICIES

1. The Executive Director's office shall be responsible for EDCTC procurement administration.
2. All items or services over \$100 shall be purchased from the lowest bidder in a competitive process unless a sole source procurement is justified.
3. A sole source justification must be approved by the Executive Director. Sole source is justified when: 1) only one firm or vendor can provide the product or service; 2) time would prevent a formal bidding process; 3) a previously provided service is being continued.
4. Items shall be purchased on the basis of the lowest price except from a Disadvantaged Business Enterprise (DBE) provided that the DBE price is within 5% of the overall low price with a difference not to exceed \$2,000. In all cases, the item shall be purchased from a responsible, qualified vendor.
5. The item or service to be procured shall be included in the approved EDCTC budget.
6. "Open" purchase orders, i.e., "master bids" may be issued provided that the procedures described below are followed.

B. PROCEDURES

1. Purchases of \$100 or less
 - a. Generally use petty cash.
 - b. Approval of Executive Director or designated representative required.
 - c. Item shall be purchased by staff member authorized by the Executive Director.
 - d. Submit documentation (i.e. receipts) to the Administrative Services Officer.
2. Purchases of \$100 - \$5,000
 - a. Unless sole source is justified, a minimum of two vendors should be contacted to obtain bids before the purchase.
 - b. Approval of Executive Director required together with the rationale for the purchase.
 - c. Item or service shall be purchased by staff member authorized by the Executive Director.
 - d. Documentation shall be submitted to the Administrative Services Officer.
3. Contracts and Purchases over \$5,000
 - a. Must obtain Commission approval. If special conditions arise relative to health, safety, or essential operating needs, it may be necessary to enter contracts for amounts over \$5,000 without prior approval of the Commission. The Commission shall be informed and shall ratify any action taken under special conditions at the first available meeting of the Commission.
 - b. Procedures for the selection and contracting of professional services are detailed in the Professional Services Policies and Procedures section.

C. DEPRECIATION POLICY

EDCTC in accordance with Office of Management and Budget (OMB) Circular A-87, Section 19, Equipment and Other Capital Expenditures, item (2), utilizes a depreciation policy as follows:

“(2) “Equipment” means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals the lesser of (a) the capitalization level established by the governmental unit for financial statement purposes, or (b) \$5000.”

- EDCTC’s fixed assets are defined as assets with a useful life greater than one year and costing \$1,000.00 or more in aggregate.
- Depreciation will generally be calculated on the straight line method using the estimated useful life of the assets as determined by the Internal Revenue Service.

D. DISPOSAL OF SURPLUS PROPERTY

The Commission shall dispose of surplus property through a negotiated contract with an auction company. The auction company shall be responsible for the transportation, sales, and advertisement of the property for the purpose of selling at a public auction.

The Executive Director will bring to the Commission a list of property to be designated as surplus property. Commission members and staff are not eligible to bid on Commission property designated as surplus property for auction unless otherwise determined by the Commission.

The Commission may make available to community based organizations engaged in the pursuit of public purposes those items of surplus property found by the Commission not required or adequate for EDCTC use. The transfer of personal property to such organizations shall be made in accordance with Government Code §25365 and §25372, and pursuant to a written agreement.

Property found to be beyond economical repair or of no value shall, at the discretion of the Executive Director, be disposed of in any manner the Executive Director deems appropriate. Such determination of no value shall exempt items from placement in the surplus pool.

II. INVESTMENT POLICY

A. INTRODUCTION

The following is the investment policy and guidelines of the El Dorado County Transportation Commission (EDCTC), presented in accordance with §53600 et seq of the California Government Code.

This investment policy is intended to provide a guideline for the prudent investment of EDCTC money not immediately required to meet the financial obligations of the Commission and applies to all activities of the EDCTC with regard to investing the financial assets of the Administrative and Trust Funds.

B. BASIC POLICY AND STATEMENT OF OBJECTIVES

It is the objective of this policy to provide a system which will accurately monitor and forecast revenues and expenditures so the EDCTC can invest funds to the fullest extent possible. Funds of the EDCTC will be invested in accordance with sound treasury principles with the following priorities:

1. **Safety of Principal:** Investments shall be undertaken in a manner which first seeks to ensure the preservation of principal. The Executive Director shall evaluate, or cause to be evaluated, each potential investment, seeking both quality in issuer and in underlying security or collateral.
2. **Liquidity:** Investments shall be made whose maturity dates are compatible with cash flow requirements and which will permit easy, rapid conversion into cash without substantial loss of value.
3. **Return on Investment:** Investments shall be undertaken to attain market rates of return, consistent with constraints imposed by the safety objectives and cash flow consideration.

C. PRUDENCE

The Executive Director will put forth his/her best efforts to forecast accurately the revenues and cash needs of the Commission, in order to provide for investment of monies to the fullest extent possible.

EDCTC shall manage the investment portfolio under the Prudent Person Rule which states, in essence, that *“a Trustee shall exercise the judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”* The application of this rule opens up a broad spectrum of investment opportunities as long as the investment is deemed prudent and is permissible under currently effective legislation of the State of California and this policy.

Specifically, investments will be made only in securities and with financial institutions in which EDCTC is legally empowered to invest such funds, in accordance with the terms and conditions of §53600 through §53693 of the Government Code of California.

D. ACCEPTABLE INVESTMENT INSTRUMENTS

The Commission’s portfolio may include investments only in the following instruments:

1. **Passbook Savings Accounts and Money Market/ Management Checking Accounts:** These savings accounts may be maintained in local branches of commercial banks and/or savings and loans associations. Amounts maintained in such accounts shall be fully insured by the United States Government or collaterally in a manner acceptable to the EDCTC.
2. **State Local Agency Investment Fund (LAIF):** The LAIF was established by the State of California to enable treasurers to place funds in a pool for investments. There is a limitation of \$40 million per agency subject to a maximum of fifteen (15) total transactions per month.
3. **Certificates of Deposit:** Cash may be invested only in federally insured or fully collateralized certificates of deposit. Collateral for given investment, when applicable, must be in accordance with California Government Code §53600 et seq.

The investment institution must meet the following criteria to be considered by EDCTC:

- The institution must not be less than four (4) years old
- The institution must maintain a new worth-to-asset ratio of at least 3.5%, and a positive earnings record
- The institution must be located in California

E. PROHIBITED INVESTMENT PRACTICES AND INSTRUMENTS

Certain investment practices and instruments are inconsistent with the first objective of this policy – safety of invested funds, and therefore are prohibited.

The EDCTC shall not engage in leveraged investing, such as margin accounts or any form of borrowing for the purpose of investment.

F. SUMMARY

The EDCTC will strive to maintain the level of investment of funds not immediately active as near to 100% as possible. However, the basic premise underlying the Commission's investment policy is to insure the safety of principal and to provide funds when needed.

In order that the EDCTC Board may monitor the handling of invested funds, a full report detailing all investments will be submitted on an annual basis.

The EDCTC will review the Policy at least once a year and may modify the Policy as appropriate to the EDCTC needs and current law.

II. CONTRACT ADMINISTRATION

A. CONTRACTING PROCEDURES

1. **Overall Coordination:** The lead staff member for the particular project, under the direction of the Executive Director, coordinates and manages the RFP process; this includes the development of a schedule for the RFP process, organization of a consultant selection committee, development of a bidders' list, and preparation of an advertisement.
2. **RFP Preparation:** The lead staff member, under the direction of the Executive Director, prepares the RFP according to the procedures described in Professional Services Policies and Procedures, Section II.
3. **Issuance of RFP:** After Executive Director approval, the lead staff member issues the RFP in accordance with Professional Services Policies and Procedures, Section III.
4. **Close of RFP Deadline:** Upon close of the RFP deadline, the lead staff member:
 - a. Coordinates an evaluation of the proposal and checks references as outlined in Professional Services Policies and Procedures, Section V.
 - b. Notifies the successful bidder and the unsuccessful bidders of the results of the selection process. The Commission reserves the right to reject all bids.
 - c. Upon completion of contract negotiation, prepares consultant contract agreement and submits such agreement to legal counsel for review and approval. Upon approval by legal counsel, the agreement is then transmitted to the consultant for execution, with the consultant returning two signed copies. Both signed agreements shall then be executed by the Executive Director of EDCTC, and one signed agreement shall be returned to the consultant. The other signed agreement shall be entered in the EDCTC contract file.

III. PROFESSIONAL SERVICES, POLICIES, AND PROCEDURES

These policies and procedures pertain to any and all agreements for services including services of attorneys, planners, engineers, consultants, or other individuals or organizations possessing a high degree of technical skill, and all other types of agreements under which the contract provides services that are required by the EDCTC but not furnished by EDCTC staff.

The purpose of this procedure is to ensure an open, fair, and competitive process for selection of qualified professional consultants to perform work for the EDCTC.

A. POLICIES

1. A Request for Proposal (RFP) will be issued whenever there is a need for work to be

- performed by other than EDCTC staff.
2. The RFP shall contain all information necessary for a prospective bidder to adequately submit a proposal for the completion of the project. An RFP should contain sufficient information as to the required form and particulars of the service sought so that the proposals received can be equitably compared on the basis of the same facts and information.
 3. Contracts for services anticipated to cost less than \$5,000 may be awarded through direct negotiation. At the discretion of the Executive Director, the RFP process may be omitted in such circumstances.
 4. EDCTC will take all reasonable steps to ensure that disadvantaged business enterprises (DBEs) have the maximum opportunity to compete for and perform contracts.

B. FORM AND CONTENT OF THE REQUEST FOR PROPOSALS

An RFP should contain, but be limited to, all of the following:

1. **Introduction:** This section of the RFP should set forth and describe, as appropriate, the agency requesting the services.
2. **Background:** This section of the RFP should provide pertinent background information relative to the project.
3. **Project Summary and Description:** This section of the RFP should provide summary information about the agreement, including the source of funds, invoicing requirements, and the contract award process.
4. **Scope of Work/Services:** This section of the RFP should provide a detailed description of the scope of work necessary to complete the project. The focus should be on the types of activities and results expected. The scope of work/services may be stated such that the proposer may develop a creative approach to the work.
5. **Contract Deliverables:** This section of the RFP should describe the tasks, schedules, and intermediate products that are expected. This section will describe the expected end result of the work effort.
6. **Contact Persons:** This section of the RFP should include information relative to the EDCTC lead staff member.
7. **Project Timetable:** This section of the RFP should include all dates pertinent to the RFP, including: issuance of RFP, closing date for receipt of proposals, date finalists to be contacted to schedule interviews, interview schedule, anticipated contract award, and start of project.
8. **General Conditions:** This section of the RFP should include information relative to EDCTC limitations, contract award process, RFP Addendum requirements, and contract arrangements.
9. **Proposal Content and Organization:**
 - a. **Transmittal Letter:** The transmittal letter should include the name, title, address, phone number, and original signature of an individual with authority to negotiate on behalf of and to contractually bind the consulting firm, and who may be contacted during the period of proposal evaluation.
 - b. **Table of Contents:** A listing of the major sections in the proposal and the associated page number.
 - c. **Introduction:** In this section, the proposer should demonstrate an adequate understanding of the role and relationships of EDCTC.
 - d. **Technical Approach:** This should include a summary of the proposed approach, and explanation of the consultant's intended role as related to the project, a thorough explanation of the consultant's proposed course of action, and an itemized description of the proposed project schedule and the deliverables to be produced.
 - d. **Project Management:** The proposer must explain the project management system

and practices designed to assure that the project is completed within the scheduled time frame and that the quality of the required products will meet the requirements.

- f. **Consultant and Subcontractor Staff:** The proposal must describe the qualifications and experience of each professional who will participate in the project, including a resume for each member of the project team. A project manager must be designated, and an organizational chart showing the manager and all project staff must be included. If a subcontractor will be used, the proposer must include a letter from the subcontractor committing to perform the work.
 - g. **Consultant Qualifications and References:** The proposal must describe the nature and outcome of projects previously conducted by the consultant that are related to the work described within the RFP. Descriptions should include client contact names, addresses, and phone numbers. Up to two samples of the consultant's work on closely related projects may be included with the proposal, if available.
 - h. **Cost Proposal:** The cost proposal shall describe both the total and the detailed price for which the consultant will commit to complete the total scope of work and end products.
10. **Proposal Evaluation and Selection:** This section of the RFP should describe the process for the evaluation of contracts detailed in the Awarding of Contracts section.
 11. **Payment Schedule:** This section of the RFP should include the process for invoicing EDCTC for payment for work performed. EDCTC may withhold ten percent (10%) of all payments until the successful completion of the project and delivery and acceptance of all final products.

C. REQUEST FOR PROPOSALS DISTRIBUTION

The RFP will be issued and posted on the EDCTC website and advertised in newspapers of general circulation. Firms identified as having potential for selling the item or providing the service, including those in established EDCTC consultant files, will be notified of the intentions of EDCTC to accept proposals. Any qualified firm or consultant requesting an RFP will be provided one and placed on a consultant list for future distribution.

EDCTC will take all reasonable steps to ensure that disadvantaged business enterprises (DBEs) are afforded a maximum opportunity to participate in the proposal process.

D. AWARDING OF CONTRACTS

1. **Evaluation of Proposals:** A panel of technically competent persons, including appropriate staff members, will be formed to evaluate the proposals. Each proposal will be evaluated for its responsiveness to the RFP and the established evaluation criteria. The panel will formulate a recommendation for selection to the Executive Director. The evaluation panel's analysis of proposals will be documented.
2. **Interviews and Reference Checks:** Based upon the recommendation of the evaluation panel, consulting firms may be interviewed pending further consideration. Regardless of whether interviews are conducted, professional references provided by the consultant will be contacted.
3. **Contract Negotiations and Execution:** Based on the recommendation of the review panel and the reference checks, the Executive Director shall select and notify one bidder who has been selected for contract negotiations. Contracts of \$5,000 or more must be approved by the Commission.

Once approval is granted, the Executive Director has the authority to approve and sign any and all necessary documentation on behalf of the EDCTC.

E. CONTRACT MODIFICATIONS

Occasionally, situations may arise in which the EDCTC or consultant may wish to modify the cost, scope, or products of a contract.

1. **Modification Proposal:** Modifications may be proposed by the EDCTC or the consultant.
2. **Analysis:** The lead staff member, in conjunction with the consultant and Executive Director, performs an analysis of the proposed modification, including change to timelines, products, and costs.
3. **Determination:** Based on the analysis, the Executive Director makes a determination on the proposed modification.
 - a. **Minor Modifications.** Minor changes may be executed on the decision of the Executive Director, which is considered final.
 - b. **Major Modifications.** Major changes, including those which increase contract costs by \$5,000 or more, must be approved by the Commission.
4. **Execution:** Based on the determination of the Executive Director or Commission action, the modification is executed after review and approval of legal counsel.

V. GRANT ADMINISTRATION

A. GRANT AGREEMENTS

1. **Receipt:** EDCTC receives agreements to perform work as specified in the approved Overall Work Program (OWP).
2. **Administration:** Each grant will have a Project Manager designated by the Executive Director.
3. **Administrator Responsibilities:** The designated Project Manager:
 - a. Records receipt of agreement.
 - b. Reviews grant conditions.
 - c. Obtains review by legal counsel.
 - d. Obtains authorized EDCTC signatures.
 - e. Transmits executed agreement to appropriate parties.
 - f. Notifies appropriate staff of agreement approval.
 - g. Files agreement in EDCTC Agreement file.

B. THIRD PARTY AGREEMENTS WITH PARTICIPATING AGENCIES

Third party agreements with participating agencies describe grants which are awarded to and administered by EDCTC, but whose tasks are performed by another government agency.

1. **Agreement Preparation:** Project Manager prepares agreement including:
 - a. Continuing cooperative agreement.
 - b. Resolution for Performance of Services (RPS), including an authorization to incur costs.
2. **Agreement Documentation:** Project Manager enters agreement into pending file and transmits agreement to third party for execution. In order for costs to be incurred on a project (work element), there must be a management authorization letter countersigned by the appropriate EDCTC project manager and the participating agency manager.

The Project Manager receives and files executed agreements and management letters from the participants.

C. THIRD PARTY AGREEMENTS WITH CONSULTANTS

Third party agreements with consultants describe grants which are awarded to and administered by EDCTC, but whose tasks are performed by a consultant.

1. **Determination to Contract:** Prior to soliciting bids for consultant to perform work specified in the OWP, the lead staff member assigned to the work and the Executive Director develop a recommendation whether to use a consultant or EDCTC staff to perform the work.
2. **Requests for Proposals (RFP):** When the use of a consultant contract is deemed necessary, procedures outlined in the Contract Administration section shall be followed.

VI. GRANT APPLICATION POLICIES AND PROCEDURES

A. DEVELOPMENT

1. **Initiation:** EDCTC staff initiates development of the concept for a new grant by the staff member transmitting the proposal to the Executive Director. The proposal should include:
 - a. A brief description of the grant activity.
 - b. Relationship of the grant activity to EDCTC planning program.
 - c. EDCTC capacity to perform.
 - d. Total budget estimate.
2. **Concept Approval:** The Executive Director evaluates the grant application concept and makes a recommendation to the Commission. Commission approval is required for all grant funded projects as specified in the approved Overall Work Program.
3. **Application Development:** Once the grant concept is approved, the application is developed. Under the direction of the Executive Director, the lead staff member coordinates the development of the grant. The staff member prepares the proposal development schedule and the budget, the administrative "boiler plate", and transmittal letter. The staff member also prepares the detailed grant program description (i.e., work program, estimate of resources, staff weeks, and direct costs).
4. **Application Approval:** The Executive Director reviews and finalizes the grant proposal and transmits the grant application to the funding agency.

VII. PERSONNEL RECRUITMENT AND SELECTION PROCEDURES

All employee selections and promotions shall be made according to merit, qualifications, and the job requirements as ascertained by a competitive interview process or, in some instances, through a direct appointment. The policies and procedures outlined below shall not supersede established policies regarding Affirmative Action and Equal Opportunity Employment.

A. FILLING VACANT POSITIONS

Whenever a position vacancy occurs, it may be filled in one of the following three ways:

- **Open Recruitment:** All interested persons are eligible to compete for a vacant position.
- **Internal Recruitment:** Provided certain criteria are met, only current Commission employees are eligible to compete for a vacant position.
- **Direct Appointment:** A direct appointment of a current Commission employee to a vacant position, without open or internal recruitment.

The Executive Director may, in his/her discretion, determine not to fill a vacant position.

1. OPEN RECRUITMENT

Open recruitment is a defined process which requires: 1) the position is advertised (notice) to the general public; and 2) both Commission employees and any interested person are eligible to apply and, if qualified, be considered for the position.

Criteria

Open recruitment shall be applied 1) to all position classifications at the director level or 2) if, under Internal Recruitment, the recruitment criteria are not met; or 3) if a direct promotion is not requested/approved.

Procedure

The following procedures and requirements shall be followed for open recruitment:

- a. The Executive Director shall ascertain the minimum qualifications and the requirements of the position.
- b. A recruitment bulletin (job announcement) will be developed which will contain at a minimum the following information:
 - Position title
 - Salary range
 - Brief description of duties to be performed
 - Minimum qualifications (knowledge, skills, abilities, etc.)
 - Preferred qualifications
 - Physical qualifications, if any
 - Last date applications must be filed with the Commission to be considered for the position
 - Information on where and how to apply
 - General information about the Commission and the fringe benefits

Recruitment bulletins must be posted at the EDCTC office, on the EDCTC website, and advertised in appropriate newspapers, magazines, and trade papers. Consistent with the Commission's Affirmative Action and Equal Employment Policy, recruitment bulletins will be distributed to identified minority, women's, and disabled organizations and advertised in appropriate newspapers and other such publications.

Applications: Interested persons must submit an application to the Commission to be considered for employment. Resumes may not be accepted in lieu of an application. Applications must be filed no later than the established deadline date indicated on the job announcement. The Commission reserves the right to extend the application filing deadline. (Appropriate notices will be posted indicating the new application filing deadline.)

Supplemental applications may also be required. Applicants will be asked to complete a confidential questionnaire that is to provide statistical information necessary to measure the agency's Affirmative Action goals. (This may not be considered as part of the application.) Applications will be retained by the commission for a minimum of six months after the date of hire of the successful applicant.

Application Screening: After the close of application filing period, the Executive Director or his/her representative will review the applications submitted. **Only the most qualified applicants will be invited for personal interviews.** The number of candidates selected to be interviewed may vary depending upon: 1) the numbers of qualified applicants; 2) the number of positions available; and 3) available time and resources.

Each application will be reviewed for completeness and the level of qualifications to fill the position. The Executive Director may reject an application for any of the following reasons:

- a. Failure of the applicant to show reasonable conformity with one or more of the announced minimum requirements for the position, such as training and experience.
- b. False statements by the applicant on his/her application with regard to any material fact.
- c. Physical unfitness of the applicant with respect to the requirements of the position applied for. (It is Commission policy to provide reasonable accommodations for handicapped persons who qualify for positions with the Commission.)

Interviews: The Executive Director or his/her representative will notify applicants to be interviewed and will arrange (confirm) the date and time of the interview.

- a. Initial interviews will be conducted by an interview panel. Panel members may be comprised of Commission employees or persons from outside agencies. Panel members may be selected based upon their understanding of the job requirements, impartiality, and/or working relationship to the position.
- b. The panelist will use an interview rating sheet to rate interviewees. Questions asked by panelists during the interview must be consistent with the position requirements. Questions of age, race, sex, marital status, and religion are prohibited by law.
- c. Panelists may not rate candidates of whom they are: 1) well acquainted socially, 2) a relative, or 3) member of his/her household, i.e., roommate.
- d. Second Interview - Based upon the ratings (ranking), the top candidates may be asked to return for a second interview. The second interview panel may consist of the Executive Director, the supervisor and a representative from other agencies.

Final Selection: The panel will recommend a final selection to the Executive Director.

Job Offer: All job offers must be made by the Executive Director and verified in writing.

Notification of Candidates: All candidates not selected shall be notified in writing. When feasible, the top three candidates will be personally contacted by the Commission.

2. **INTERNAL RECRUITMENT:** Internal Recruitment is defined as filling a vacant position by promoting or laterally transferring current employees.

Procedure/Criteria: Recruitment for positions shall be limited to current Commission employees. A job announcement will be developed and posted at designated bulletin boards throughout the agency only.

Applications: Interested employees must submit a resume and/or application to be considered for the vacant position.

Application Screening: After the close of the filing period, applicants will be evaluated based on their degree of qualifications to perform the job, as determined by: 1) relevant experience, 2) past job performance, 3) recommendation of current supervisor, 4) qualifications to fill the higher position, i.e., training courses, etc. Based on the evaluation, the Executive Director or his/her designee will then:

- a. Certify that the employees are qualified to fill the position. If approved by the Executive Director, the interview and final selection may be limited to current employees; or
- b. Make a direct promotion; or
- c. Commence open recruitment procedure.

Interviews: Interviews shall be conducted as outlined under the Interview Guidelines.

Status of Successful Candidate: If the new position is at a higher level, the successful candidate must serve a minimum six-month probationary period in the new position; by the end of this period, a written performance evaluation will be prepared by the supervisor recommending whether or not the employee should be retained in the new position in accordance with personnel procedures.

- a. If the employee is not recommended for regular status, s/he may be permitted to return to previous position level, if applicable, depending upon: 1) whether a vacant position is available for which s/he is qualified, and 2) approval by the supervisor and Executive Director.
- b. If there are no vacant positions which s/he can fill, the employee would be laid off from the Commission and would be given consideration when a vacancy occurs.

3. **DIRECT APPOINTMENT:** If in the best interest of the agency, the Executive Director may directly promote, reassign or transfer employees to positions without being subject to the established recruitment/selection procedures.

Eligible Positions: A direct appointment may only apply to current Commission employees for position classifications below the division head level.

Procedure: A supervisor can recommend a direct appointment. A memorandum must be prepared justifying the proposed direct appointment and the reasons for not soliciting/considering other candidates. The recommendations for a direct appointment must take into consideration such factors as:

- a. Special needs of the position/department or project: Current incumbent of a position may have duties/responsibilities far exceeding those reasonably expected of the existing position; appointment to the position in question is justified by program needs, and the incumbent has demonstrated the ability to do the work; the program is expanding and higher level/more complex functions are required; incumbent has been doing closely similar work and has demonstrated capabilities to perform the duties of the new position.
- b. Qualifications/record of performance and accomplishments of the candidate/other capabilities indicating that this person is best qualified for the job.
- c. Special circumstances involving the candidate and office, such as tenure in a position for which the new job is a logical step; and/or the need to fill the position quickly with a person who can be operational with a minimal or no learning/start-up time.
- d. Special skills or experience of the candidate and/or prior employment which make him/her particularly well qualified for the position.

Determination

The Executive Director may:

- a. Approve the direct appointment and issue an inter-office memorandum to that effect;
- b. Disapprove the direct appointment recommendation; and/or
- c. Require internal or open recruitment to fill the position.

Status of Successful Candidate

If the direct appointment is approved, the successful candidate would be placed on a minimum six-month probationary period in accordance with personnel procedures.

B. TEMPORARY ASSIGNMENT/ACTING POSITIONS

If in the interest of the agency, the Executive Director may assign persons to a position temporarily in an acting capacity. Said person may be compensated at a higher rate if approved by the Executive Director.

C. COMPLAINT/GRIEVANCE PROCEDURES

An applicant for a vacancy on the Commission staff who feels s/he was the victim of discrimination should forward a written complaint to the Executive Director.

D. DISQUALIFICATION FOR EMPLOYMENT BY REASON OF POLICE RECORD

An arrest or conviction record is not an automatic bar to employment with the Commission. In cases where a conviction in a court of law is related to the position for which the individual is applying, careful consideration will be given to the effect the appointment would have on the operation of the business of the Commission. In such cases, the Executive Director must grant explicit approval prior to the appointment.

E. NEPOTISM

Job vacancies are to be filled according to the qualifications of the individual applicants. A relative of an employee, irrespective of title or position of that employee, is to follow the same application procedure and be evaluated by the same criteria as an applicant who is not so related. Final selection of a successful candidate is based on objective considerations. A relative of an employee will not be favored above another applicant who is better qualified. Neither will a relative be penalized by virtue of the relationship if s/he has the better qualifications. In any event, an applicant will not normally be permitted to be placed in or transferred to a division where a relative of a family member is currently employed. Management reserves the right of final decision in this matter.

EDCTC is an equal opportunity employer and does not discriminate on the basis of race, creed, color, national origin, ancestry, gender, marital status, disability, religious or political affiliation, age, or sexual orientation.

F. INTERVIEW GUIDELINES

The employment interview is an important factor in selecting the best-qualified candidate. Interview questions that do not measure a candidate's ability to do the job may discriminate against applicants.

The major purpose of the employment interview is to obtain information about the individual to aid the interviewers in making an intelligent decision regarding the suitability of the candidate for the job. Proper interviewing techniques play a large part in obtaining job-related information.

A good job interview should be well planned and this requires accurate knowledge of the job to be filled. The requirements of the position being filled should be analyzed, and appropriate questions based on these requirements should be formulated and asked of all candidates. The test for selecting valid interview questions is three-part:

1. Is the question related to the duties of the position?
2. Is the general type of question applicable to all candidates?
3. Does the question prompt the type of information being sought?

These guidelines are intended to assist any interview panelist who interviews candidates in conducting an effective interview, and to avoid unrelated and potentially illegal inquiries.

Questions that may adversely affect a specific group place the Commission in a vulnerable position, even if they are asked without ulterior motive. While the following questions are not necessarily discriminatory, they may be used in a manner which violates equal employment opportunity and, therefore, should be avoided:

- **Age:** The Age Discrimination in Employment Act prohibits discrimination on the basis of age against individuals between the ages of 40 and 65. There are very few jobs at the Commission in which age is a legitimate consideration, and thus, asking a candidate in an interview to disclose age is not a job-related inquiry.
- **Religion:** Title VII of the 1964 Civil Rights Act prohibits religious discrimination. Unless an employer can demonstrate that allowing an employee or prospective employee to practice his/her religion will cause undue hardship on the conduct of the business, the employer must make a reasonable effort to accommodate the religious needs of employees.
- **Citizenship:** Citizenship is not a requirement for work with the EDCTC, as it does not relate to a person's ability to do the job.
- **Police Records:** The Executive Director department may conduct background investigations if effective job performance would be affected by a criminal record. Inquiries about arrests not resulting in convictions should be avoided.

- **Gender:** Interviewers frequently ask questions of women which they do not ask of men. Since these questions do not directly relate to the ability of a woman to do a job, they should not be asked. The following are areas which should not be included in the interview: number of children, ages of children, family plans, child care arrangements, etc.
- **Marital Status:** These questions do not indicate job qualifications and are frequently discriminatory against women and minorities. Recent statistics show that many more black than white persons and proportionately more working women than men are either widowed or divorced. Thus, these types of questions may adversely affect women and blacks.
- **Education:** According to the Supreme Court's decision in Griggs v. Duke Power Company, education requirements must be shown to be job-related. The Executive Director establishes minimum requirements, and, therefore, the interview should consider education only as a desirable attribute and not as a minimum requirement.
- **Physical Disability:** Under the Rehabilitation Act and the Fair Employment Practices Act, it is illegal to discriminate against anyone on the basis of a disability. The employer may not assume that a person's handicap will interfere with effective job performance. Each handicapped candidate must be evaluated individually in relation to the job and the employer must try to make reasonable accommodations for a handicapped applicant. However, it is not illegal for an employer to refuse to hire, retain, etc., a handicapped person who is unable to safely perform the duties of the job.

Several examples (taken from Success magazine article, The Right and Wrong Way to Interview, 1985) of good versus poor questions to ask applicants are listed below. The open-ended questions offered much more useful information to the interviewer in evaluating the candidate whereas the closed-ended ones usually resulted in a minimal "yes/no" candidate response.

Closed-ended	Open-ended
Do you feel you are qualified for this position?	How have your past job experiences prepared you, directly or indirectly, for this position?
Did you get along with your previous supervisor?	How would you describe your previous supervisor? In what ways were you alike and different?
Were you able to handle difficult work situations easily?	Describe an unpleasant work situation in the past and tell how you dealt with it.
Do you set performance standards for your subordinates?	What methods have you found successful in setting job objectives for your subordinates?
Have you ever thought of doing any other type of work?	If you could structure the perfect job for yourself, what would you do and why?
Are you ambitious?	What is your interpretation of "success"?
Are you satisfied with your present state of professional development?	In what areas do you feel you would like to develop further? How do you plan to accomplish this development?
Have you had any meaningful problems with interpersonal relationships on the job?	Tell me about two serious interpersonal relationships on the job.
Do you consider yourself a leader?	In groups, do you often emerge as a dominant figure? What do you feel causes this?
Did your job at _____ prepare you for greater responsibilities?	In what ways did your job at _____ prepare you for greater responsibilities?
Do you usually work at your optimum?	What kind of challenges do you feel bring out your potential?
Do you consider yourself a good decision maker?	What methods do you use to make decisions?

Interviewer-Applicant Relationships

It is important to the credibility of the interview panel and to the success of the selection process that a good rapport be established between the candidate and the interview panel. The relationship you establish with the candidate can significantly enhance or inhibit communication in the interview and thereby increase or restrict the quantity and quality of information you can obtain and use in evaluating candidates.

In addition to enhancing communication, establishing good rapport with the candidates will give the appearance of, as well as the fact of, a fair and complete interview. Often candidates express concerns or file protests based on misunderstandings or misinterpretations of the words or actions of interview panel members. Therefore, please be aware of the effect your actions may have on the candidates to insure that each interview is conducted properly.

Interviewers can set the tone of the interview, establish good rapport, and make the candidate feel more at ease by conveying to the candidate, through facial expression, eye contact, posture and other means, interest in and understanding of what the candidate has to say. Just as positive gestures may enhance the tone of the interview, any nervous habits, such as playing with a pencil and paper, overly relaxed way of sitting, poor eye contact while talking or listening or disinterested or disapproving facial expressions, etc., may distract the candidate. This can disturb the tone or rapport so that the candidate may believe that he/she did not receive fair consideration.

Listed below are a few suggestions that have shown to be helpful in establishing good rapport with candidates:

- Set the candidate at ease by starting the interview with a subject with which the candidate is familiar, such as his/her experience.
- When interviewing candidates from minority groups, you should recognize that language and cultural differences may sometimes inhibit their interview performance. Please help these candidates feel at ease so that they will not be penalized merely for cultural and/or language differences.
- **Each interview panelist should participate equally in the interview to convey to the candidate that each rater is interested in and paying attention to what the candidate is saying.** Although a rater who may only ask one or two questions may be very observant and make good evaluations of responses made, candidates often feel that lack of participation shows lack of interest or disapproval of the responses. This sometimes serves to make candidates uncomfortable and unsure about their interview performance.
- Keep to the interview schedule as much as possible. The Executive Director/designee will advise you of the schedule during the briefing. **All interviews should last approximately the same length of time so that each candidate has the same opportunity to present his/her qualifications.** It is also important to keep to the schedule so that candidates do not have to wait too long in the reception area for their interviews. Some candidates feel that waiting too long increases stress and thereby affects their interview performance. In addition, some candidates are fretful that if their interviews are behind schedule the panel may rush through the interview to catch up. Therefore, be aware of the effect you may have on the candidates who may have to wait too long. Should the interviews fall behind, the panel can often make up time and get back on schedule by using the time between interviews for grading and reviewing applications more efficiently.