
Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Talbot County Sheriff's Office and that are promulgated and maintained by the Administrative Services.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Talbot County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administrative Services Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administrative Services Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

1000.4.1 CRIMINAL HISTORY INQUIRIES

The Administrative Services Commander should establish procedures to ensure that inquiries into the criminal history of applicants conform to the requirements of Md. Code LE § 3-1501 et seq.

1000.4.2 FACIAL RECOGNITION

The Office should not use any facial recognition service to create a facial template of a candidate during an interview for employment unless the candidate provides a written consent waiver containing (Md. Code LE § 3-717):

- (a) The candidate's name.
- (b) The date of the interview.
- (c) A statement that the candidate consents to the use of facial recognition during the interview.
- (d) A statement that the candidate has read and understood the consent waiver form.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify the candidate's personal integrity and high ethical standards, and to identify any past behavior that may be

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indicative of the candidate's unsuitability to perform duties relevant to the operation of the Talbot County Sheriff's Office.

The Sheriff shall ensure that background investigations for candidates for deputy include (COMAR 12.04.01.05):

- (a) A check of military records, when applicable, including obtaining a complete copy of the candidate's discharge document.
- (b) A report from a credit agency regarding the candidate's current and past credit history.
- (c) An investigation of the prior illegal use of controlled substances by the candidate as specified under COMAR 12.04.01.16. Prior marijuana use is not a disqualifier for certification as a deputy and may not be the basis for disqualifying an applicant for a position as a deputy (Md. Code PS § 3-209; Md. Code PS § 3-215).
- (d) An examination of school records or interviews with school officials if the candidate attended school within the last five years.
- (e) Interviews of:
 1. Personal references furnished by the candidate.
 2. Neighbors of the candidate within the past five years.
 3. Current and past employers within the last five years.
 4. Coworkers within the last five years.

The Sheriff shall maintain a record of the background investigation on each candidate hired as a deputy by this office. The results of the investigation shall be recorded on an Application for Certification (AFC), including any supplemental information, as specified in COMAR 12.04.01.01 and submitted to the Maryland Police Training and Standards Commission (MPTSC). The MPTSC may refuse to certify the candidate based upon supplemental information (COMAR 12.04.01.05).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.5.2 STATE NOTICES

The Sheriff shall complete an AFC for a deputy hired by this office. The Sheriff is responsible for (COMAR 12.04.01.02):

- (a) Accurately completing the AFC.
- (b) Submitting the AFC to the MPTSC (COMAR 12.04.01.08).
- (c) Signing the AFC to certify that the MPTSC's selection standards have been met.
- (d) Including on the AFC the:
 1. Date the candidate completed the certification requirements.
 2. Office telephone number for the Sheriff.

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- (e) Submitting the AFC to the MPTSC if he/she has, within one year before submitting the AFC:
 - 1. Completed or verified for the candidate each of the selection standards as required under COMAR 12.04.01.04 or COMAR 12.04.01.08.
 - 2. Determined that the candidate meets each of the selection standards under COMAR 12.04.01.04 or COMAR 12.04.01.08.

False or misrepresented information on the AFC is a basis for rejection or revocation of certification by the MPTSC and may be the basis for separate administrative or legal action (COMAR 12.04.01.02).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, an employer may not request or require that an employee or applicant disclose any user name, password, or other means for accessing a personal account or service through an electronic communications device. An employer may require an employee to disclose any user name, password, or other means for accessing non-personal accounts or services that provide access to the employer's internal computer or information systems (Md. Code LE § 3-712).

The Administrative Services Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Office fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administrative Services Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 INTERVIEWS

Background investigation interviews may be conducted (COMAR 12.04.01.05):

- (a) In person.
 - 1. A personal interview conducted as part of a background investigation is considered appropriate when an interviewee is available within 50 miles of this office.
- (b) By telephone.
- (c) By using a designated office form and questionnaire that the interviewer or individual interviewed is required to complete.
- (d) By using other lawful methods designed to elicit useful information from an individual concerning the candidate.

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Personal references and others residing outside the state may be contacted by correspondence or telephone (COMAR 12.04.01.05).

1000.5.5 OUT-OF-STATE CANDIDATES

When the candidate for deputy has resided or been employed out-of-state, the background investigation may be performed by an appropriate law enforcement agency or a legitimate private background investigation agency in the area where the candidate lived or worked (COMAR 12.04.01.05).

If a candidate has been employed as a police officer for the federal government or in another state, the Sheriff shall:

- (a) Report the law enforcement agency's name and jurisdiction to the MPTSC.
- (b) Forward any supplemental information obtained from the previous out-of-state law enforcement agency or from any other source.

1000.5.6 INVESTIGATIONS BY OTHER AGENCIES

The Office may authorize another individual, office or agency to conduct a background investigation (COMAR 12.04.01.05).

The Maryland State Police or a local law enforcement agency may assist this office in a background investigation.

1000.5.7 CRIMINAL RECORD CHECKS AND FINGERPRINTS

The Office shall fingerprint candidates for deputy and submit the fingerprints to the appropriate local, state, and national agencies for a search of criminal records (COMAR 12.04.01.05).

1000.5.8 DRUG SCREENING

A candidate shall be subject to a drug screening to test for controlled dangerous substances, narcotic drugs and marijuana as specified in COMAR 12.04.01.15 (COMAR 12.04.01.04).

The Sheriff shall maintain a record of the drug screening results and report the results to the MPTSC.

If the test results exceed the levels established under COMAR 12.04.01.15, the MPTSC may not certify the candidate unless the positive screen for a controlled dangerous substance, narcotic drugs or marijuana was determined to be the result of a legitimate ingestion or exposure as established under COMAR 12.04.01.16.

1000.5.9 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

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1000.5.10 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.11 PRIOR PEACE OFFICER EMPLOYMENT

The Sheriff or the authorized designee should require candidates for deputy to disclose, under penalty of perjury, all prior instances of employment as a deputy at other law enforcement agencies and to authorize the Talbot County Sheriff's Office to obtain the candidate's personnel and disciplinary records from those agencies (Md. Code PS § 3-215). The background investigator should obtain and review any personnel and disciplinary records and include the results in the background report. The Sheriff or the authorized designee should certify to the MPTSC that applicant's disciplinary record was reviewed (Md. Code PS § 3-215).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Administrative Services should maintain validated standards for all positions.

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1000.7.1 STANDARDS FOR DEPUTIES

Candidates for certification as a deputy shall meet the following MPTSC minimum standards (COMAR 12.04.01.04):

- (a) Be 21 years old or older.
- (b) Be a United States citizen and submit documents supporting a claim of citizenship to this office.
 - 1. Candidates may be permanent legal residents if they are honorably discharged veterans of the United States armed forces and have applied to obtain United States citizenship, provided that their application for citizenship must be ultimately approved (Md. Code PS § 3-209).
- (c) Possess and submit either of the following:
 - 1. A high school diploma issued by a high school or recognized by the State Board of Education.
 - 2. A General Education Development (GED) certificate or diploma issued by Maryland or another state or recognized by the State Board of Education.
 - (a) A college degree may be accepted in place of high school diploma or GED requirements.
 - (b) In the absence of a copy of a diploma, the Sheriff may accept a certified transcript indicating that a candidate successfully completed the requirements for graduation from a high school or college.
- (d) Be eligible under federal and Maryland law to possess and use a handgun.
- (e) Be of good moral character as determined by a thorough background investigation and criminal history investigation, including a fingerprint check, according to the requirements under COMAR 12.04.01.05.
- (f) Submit to mental health and physical agility assessments as required by the MPTSC and any related regulations and be free from any physical, emotional, or mental condition which might adversely affect the exercise of police powers as evidenced by examinations and recommendations by appropriate health care officials (Md. Code PS § 3-209).
- (g) Possess a valid driver's license
- (h) Participate in an interview with the Sheriff or the authorized designee.
- (i) Submit to a screening for controlled dangerous substances, narcotic drugs, and marijuana according to procedures outlined in COMAR 12.04.01.15.
- (j) Submit to an implicit bias test as required by the MPTSC and any related regulations (Md. Code PS § 3-207).

The Sheriff may establish more restrictive standards than those of the MPTSC for selection of a candidate for the position of deputy.

The Sheriff may submit a request for a waiver of MPTSC selection standards in accordance with the requirements of COMAR 12.04.01.14.

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1000.8 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.9 PROBATIONARY PERIODS

The Administrative Services Commander should coordinate with the Talbot Administrative Services to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.