

Hiring Justification

Equal Opportunity and Access Division

Policy Number: 4100.250
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Issue Date: 7/1/2025

POLICY:

Hiring supervisors must provide a hiring justification when seeking to hire a non-underrepresented candidate when hiring for a vacancy in a job category with underrepresentation. Hiring justifications must be submitted to and approved by DHS Equal Opportunity and Access Division (EOAD) prior to an offer of employment being made.

AUTHORITY:

[Minnesota Statutes, Chapter 43A, "State Personnel Management"](#)

[Minnesota Rules, Chapter 3905; "State Agencies"; "Affirmative Action"](#)

APPLICABILITY:

This policy applies to all employee groups who engage in the following types of hirings or vacancies under [Minnesota Statutes, Section 43A.191, subdivision 3\(c\)](#):

- Competitive appointments
- Noncompetitive appointments made under:
 - a. [Minnesota Statutes, Section 43A.08](#), subdivisions 1, clauses (9), (11), and (16), and 2a;
 - b. [Minnesota Statutes, Section 43A.15](#), subdivisions 3, 10, 12, and 13.

Employees may be subject to disciplinary action, up to and including termination, for failure to comply with policies.

PURPOSE:

The purpose of this policy is to ensure DHS meets affirmative action responsibilities to comply with state statutes and must increase the diversity of its workforce to reflect and effectively serve its client base.

DEFINITIONS:

Affirmative action: proactive efforts rooted in various civil rights legislation with the goal of increasing diverse representation within the workforce of an organization.

Affirmative action goals: goals for hiring and retaining diverse populations, based on employment data within the surrounding regional population and within the employer's workforce.

Affirmative action officer or designee: an employee or official tasked with maintaining an affirmative action plan and the implementation of its goals and corrective actions.

Hiring supervisor: the supervisor/manager of the department hiring for a job, responsible for hiring decisions.

Interview pool: all candidates who meet minimum qualifications and are eligible for an interview.

Minimum qualifications: the basic requirements required for a candidate to be successful in their job. See [Central Office Job Qualifications Guidelines for Managers and Supervisors](#).

Non-affirmative hire: a hiring decision where a non-underrepresented candidate is chosen for hire when qualified, underrepresented candidates exist in the interview pool.

Preferred qualifications: additional job-related skills the employer would like a candidate to have but are not required to be successful in the job.

Protected group(s): females, persons with disabilities, and members of the following minorities: Black, Hispanic, Asian or Pacific Islander, and American Indian or Alaskan native.

Recruitment and selection record: hiring information including but not limited to requisitions, job announcements, ads, job postings and bids, resumes, cover letters, applications, test scores, interview records, and reference checks.

Unconscious bias: attitudes and beliefs that we are not aware we hold about other groups of people.

Underrepresented: when the FTE (full-time equivalent) representation of one or more protected groups is less than that group's estimated availability in the relevant geographic area and labor force.

Vacancy: an approved, unclassified or classified position that is open and will be filled.

PROCEDURES:

A. Human Resources:

1. will make a good-faith effort to drive diverse applicants to the vacancy posting through targeted recruitment;
2. determines if the vacancy is in a job category with underrepresentation before providing the hiring supervisor with a list of candidates who have met minimum qualifications;
3. informs the hiring supervisor whether any candidates are members of the underrepresented group(s) if the vacancy is in a job category with underrepresentation. This information should be noted on the list of qualified candidates but must not indicate candidates' specific protected group(s);
4. provides hiring justification document to the hiring supervisor if they plan to hire a non-underrepresented candidate;
5. informs the hiring supervisor that the hiring justification must be completed and submitted when there is one or more qualified, underrepresented candidates in the interview pool;

6. documents hiring decisions and compiles information to be included in the [Monitoring the Hiring Process DHS-3866A](#) form;
7. completes the Monitoring the Hiring Process form; and
8. completes the hiring process with the hiring supervisor once approval has been received for any hiring justification (Refer to the "[Interview Guide for Hiring Leaders](#)").

B. Hiring supervisor:

1. cannot make an offer of employment to a non-underrepresented candidate for vacancies in job categories with underrepresentation, before a hiring justification is approved by DHS Equal Opportunity and Access Division (EOAD). Failure to follow practices below may result in a delay in hiring justification approval, or denial of justification;
2. must offer interviews to at least three (3) underrepresented candidates if the interview pool contains three (3) or more underrepresented candidates, offering more than three (3) underrepresented candidates interviews, as time constraints allow;
3. documents in a recruitment and selection record:
 - a. efforts to contact (by phone and email, when possible) all selected qualified candidates for interviews and provides at least one full business day for candidates to respond to interview requests;
 - b. objective criteria used to determine which candidates were selected for an interview if all qualified candidates are not selected for an interview;
 - c. whether candidates declined an interview, withdrew from consideration, or failed to appear for an interview;
 - d. objective criteria used to score candidate interviews, writing samples, testing, or any other evaluation methods used in the selection process; and
 - e. objective reasons for selecting a non-underrepresented candidate over the most qualified underrepresented candidate. Objective reasons may include, but are not limited to:
 - 1) minimum qualifications;
 - 2) preferred qualifications;
 - 3) interview scores; and
 - 4) other objective factors, including but not limited to:
 - a) other requirements within the position description;
 - b) candidate references; and
 - c) background check results.
4. ensures that the selection decision is based upon posted qualifications;

5. completes and submits a [Justification for Not Hiring a Qualified Underrepresented Candidate DHS-3866](#) if/when they intend to make a non-affirmative hire when one or more qualified, underrepresented candidates are in the interview pool;
6. provides documentation on interview and selection process, as needed, upon request;
7. completes the hiring process with Human Resources once approval has been received for any hiring justification; and
8. is not required to submit a Justification for Not Hiring a Qualified Underrepresented Candidate form when:
 - a. all qualified, underrepresented candidate(s) withdrew from consideration; or
 - b. a qualified, underrepresented candidate is chosen for the position.

C. Affirmative action officer or designee:

1. requests additional information, as needed, from the Human Resources representative or the hiring supervisor to approve or deny the hiring justification;
2. approves or denies the hiring justifications based on posted qualifications and objective standards;
3. returns the hiring justification decision to the hiring supervisor and assigned Human Resources representative; and
4. records and stores hiring justifications for record retention purposes; and
5. facilitates consultation and training by:
 - a. providing consultation on affirmative action, hiring justifications, unconscious bias, and other related topics, as needed; and
 - b. developing and providing training for Human Resources employees and hiring supervisors about affirmative action requirements, policies, and procedures.

REVIEW:

Biennial.

REFERENCES:

[Department of Human Services \(DHS\) Affirmative Action Plan \(PDF\)](#)

[Minnesota Management and Budget \(MMB\) HR/LR #1379, "Affirmative Action Officers" \(PDF\)](#)

[Central Office Job Qualifications Guidelines for Managers and Supervisors \(PDF\)](#)

ATTACHMENTS:

[Interview Guide for Hiring Leaders \(PDF\)](#)

[Justification for Not Hiring a Qualified Underrepresented Candidate DHS-3866 \(eDoc\)](#)

SUPERSESSION:

DHS administrative policy 4100.005, "Affirmative Action Implementation," effective 05/06/14 and all policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

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Equal Opportunity and Access Division