

HR/LR Policy #1434

# Recruitment and Selection

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**Authority:** Enterprise Employee Resources

## OVERVIEW

### Objective

To increase equal opportunity and the objectivity in the selection process and eliminate barriers and expand development opportunities.

A longer public notice period promotes transparency, open competition, and fairness in the hiring process. It supports state affirmative action goals, equity and inclusion initiatives, and efforts to ensure the workforce represents Minnesota workforce demographics.

Setting guidelines for the interview portion of the selection process sets a uniform standard that increases the validity and reliability of the selection process. This policy balances the state’s interest in open competition with agency interests in filling positions in a timely manner.

### Policy Statement

[Minnesota Personnel Rules 3900.3200](#) requires a minimum 24-hour public notice period and applies to most (refer to section I below) unlimited classified job vacancies. This policy sets standards for job and other opportunity announcements that exceed the requirements of the Rule. It also sets standards for the interview and hiring justification portion of the selection process.

### Scope

This policy applies to all employees of agencies in the executive branch, as defined in Minnesota Statutes, section 43A.02, subdivisions 2 and 22, and employees of the Minnesota State Retirement System, the Public Employees Retirement Association, and the Teachers Retirement Association.

### Definitions and Key Terms

Key Term	Definition
<i>Agency promotional</i>	Job announcements open for application by any current state employee of the posting agency.

Key Term	Definition
<i>Announcing</i>	Listing a job opportunity, to employ a qualified job applicant, on the Minnesota Careers website or another web-based recruiting platform. “Announce” for WOOC assignments includes internal agency websites or email communication to state agency employees.
<i>Classified Service</i>	All positions in the civil service that are not specifically designated unclassified pursuant to Minnesota Statute. These appointments obtain permanent status after successful completion of an initial probationary period.
<i>Open Competitive</i>	Job announcements that are open to the public for application by any qualified job seeker.
<i>Statewide Promotional</i>	Job announcements that are open for application by any current state employee.
<i>Unclassified</i>	<p>Positions designated as unclassified because they are:</p> <ul style="list-style-type: none"> <li>• Established in the unclassified service under <a href="#">M.S. 43A.08</a> or</li> <li>• Established in the unclassified service by other statutory authority.</li> </ul>
<i>Unlimited Appointment</i>	An appointment for which there is no specified maximum duration.
<i>Interview Panel</i>	Panel consists of 2 -5 individuals, including the hiring manager, who have knowledge about a position. The selection of panel members should represent a variety of work experience, diversity, and perspectives. Interview panels are used to gain perspective from other people in the organization and occasionally those outside the organization.
<i>Structured Interview</i>	A structured interview is a standardized way of comparing job candidates. The employer creates interview questions related to the knowledge, skills, and abilities of the position. Each interviewee is asked the same questions, in the same order. The employer also creates a standardized anchored rating scale for scoring candidates’ interview performance. Every interviewee is scored using the same scale.
<i>Managerial Position</i>	Classified position identified as managerial under <a href="#">M.S. 43A.18</a> , subd. 3 Managerial Plan.
<i>Working Out of Class</i>	The temporary assignment of a permanent or probationary classified employee to perform substantially all the duties of a temporarily unoccupied classified position in a different classification within the employee’s agency (WOOC).

Key Term	Definition
<i>Interchange Assignment</i>	The limited assignment of an employee to another State agency, government entity, or private industry.

## Exclusions

The following are excluded from coverage by this policy: Post-Retirement Option (PRO) appointments under [M.S. 43A.346](#), noncompetitive appointments of disabled veterans under [M.S. 43A.111](#), placement of employees with active workers' compensation claims under [Administrative Procedure 10B](#), reallocations/re-comparisons, appointments to meet the requirements of applicable collective bargaining agreement (CBA) language (e.g., bidding, recall from layoff, claiming), most positions unclassified under [M.S. 43A.08](#), subds. 1 and 1a or under agency enabling statute and any noncompetitive qualifying appointments as defined by [M.S. 43A.15](#) not filled by a finalist pool.

## Statutory References

Includes, but is not limited to the following in [M.S. Ch. 43A](#) State Personnel Management:

- M.S. 43A.01 Policies
- M.S. 43A.02 Definitions
- M.S. 43A.04 Subd. 1(a) General Powers and Responsibilities of Commissioner
- M.S. 43A.07 Classified Service
- M.S. 43A.08 Unclassified Service
- M.S. 43A.09 Recruitment
- M.S. 43A.10 Selection Process; Eligibility to Compete
- M.S. 43A.11 Veteran's Preference
- M.S. 43A.14 Appointments
- M.S. 43A.15 Noncompetitive and Qualifying Appointments
- M.S. 43A.18 Total Compensation; Collective Bargaining Agreements; Plans
- M.S. 43A.191 Agency Affirmative Action Programs

# GENERAL STANDARDS AND EXPECTATIONS

## I. 21-DAY ANNOUNCEMENT REQUIRED

State agencies must announce the following job openings as **open competitive** for at least twenty-one (21) calendar days:

- All unlimited classified **managerial positions**
- Temporary unclassified **managerial positions** anticipated to last more than one year and at the compensation code of **16 M or higher**.

Additionally, state agencies must announce the following job openings as **open competitive** available to all job seekers for at least seven (7) calendar days:

- Student Worker positions (does not apply to summer programs conducted in partnership with external entities, such as Right Track or Step UP, for example)
- Paid Intern positions

State agencies must announce the following job openings for at least seven (7) calendar days, with 21 calendar days recommended. Agencies may announce these positions as **agency promotional, statewide promotional, or open competitive**:

- Unlimited classified **non-managerial positions**
- Temporary unclassified **non-managerial positions** (e.g., M.S. 43A.08, subd. 2a) anticipated to last more than one year
- Temporary unclassified **managerial positions** anticipated to last more than one year that are at the compensation code of **15 M or lower**.

All announcements must be posted on the [mn.gov/careers](http://mn.gov/careers) website and may not close on a weekend or state holiday. Announcements should also be distributed to targeted and diverse recruitment sources. This could include occupational publications, various community partners, written or electronic announcements for bulletin boards or distribution.

## II. RE-ANNOUNCE FOR AT LEAST 3 DAYS

Job openings covered by Section 1 can be re-announced, if there is a business need, after an initial announcement has closed. The re-announcement must be for the same vacant position and must not be different from the original posting (i.e., same qualifications, duties, etc.) and be for at least three (3) calendar days.

A statement must be included indicating that the position is being re-announced. (e.g., "This position was previously announced (note the dates). If you already applied for this job, you do not need to reapply.")

## III. 7-DAY ANNOUNCEMENT FOR WORK OUT OF CLASS (WOOC) AND INTERCHANGE

### *Work Out of Class Assignments*

Work out of class (WOOC) assignments provide an important development opportunity for state agency employees to gain valuable experience across work teams or divisions. Agencies should announce all WOOC assignments internally for at least seven (7) calendar days.

Unless provided otherwise by CBA or compensation plan, agencies **must** announce WOOC assignments expected to last more than six (6) months internally for at least seven (7) calendar days. Exceptions to the 7-day announcement requirement may be granted by the Deputy Commissioner of Enterprise Employee Resources based on business need or other extenuating circumstances.

WOOC assignments are not appointments and therefore are not subject to pre-hire requirements for competitive appointments.

### *Interchange (Mobility) Assignments*

Agencies should announce all interchange (mobility) assignments.

Agencies **must** announce (limited to state employees/"statewide promotional") interchange (mobility) assignments expected to last six (6) months or more on [mn.gov/careers](http://mn.gov/careers) website for at least seven (7) calendar days.

Interchange (mobility) assignments are not appointments and therefore are not subject to pre-hire requirements for competitive appointments.

## **IV. WAIVERS REQUIRED FOR SHORTER POSTING PERIODS**

In limited cases, MMB may approve waivers of the announcement or re-announcement requirements in Sections 1 and 2. The Commissioner of MMB or a designee will decide whether to approve or deny waiver requests based on the facts provided. Agencies must seek written approval of waivers from MMB regardless of their delegated authority. MMB generally will respond to waiver requests within 1 to 2 business days.

For waivers of the announcement requirements for unlimited classified managerial positions, notice of a waiver must be published in the State Register no more than 14 days after MMB grants the waiver, and must describe the reason for the waiver.

### **A. How to submit a waiver request**

Send a memo or email to your MMB Agency and Applicant Services representative requesting a waiver to be considered. Include specific facts supporting the waiver. Such facts include but are not limited to:

1. The position requires specific technical skills that can only be obtained within the agency.
  - a) Identify the minimum required qualifications and explain why past efforts to recruit externally were unsuccessful.
  - b) Describe the agency's efforts to develop an internal talent pool through workforce planning and employee development and why posting the position for additional applicants would be impractical.
  - c) Identify the number of qualified internal candidates who will be interviewed.
2. The agency has budgetary issues or time limits that require prompt action to interview and fill from internal talent pools.
  - a) The requesting agency must describe the urgent need that prevents it from using a limited appointment to fill the need while external recruiting is conducted to fill the position.

## **V. EMPLOYMENT APPLICATIONS**

For all unlimited classified positions, it is **prohibited** to:

- Alter job requirements to fit a particular candidate prior to the posting of the position,
- Identify a particular candidate as the future holder of a position prior to their hiring.

Employment applications received after the expiration of a job announcement’s notice period will not be accepted. Job announcements expire at midnight of the publication deadline.

Agencies will develop screening criteria to ensure candidates selected for an interview at a minimum meet all minimum qualifications for the position (WOOC and interchange assignments do not have minimum qualifications except for required qualifications such as licensure). All candidates will be screened using the same criteria. The screening criteria must be job-related (e.g., minimum and preferred qualifications, knowledge, skills, and abilities, etc.).

Agencies must also adhere to all veterans’ preference requirements set forth in [M.S. 43A.11](#) and all affirmative action and equal opportunity requirements.

## **VI. INTERVIEWS**

### **A. Structured Interview**

The use of a structured interview is *required* for all classified vacancies and unclassified positions that are posted. In a structured interview, a set of job-related interview questions are developed and asked of all the candidates. This provides all candidates with the same opportunity to display their knowledge, skills, and abilities. Interviewee responses are scored against a pre-determined scoring matrix (e.g., a scale of one to five with response examples for each level).

Structured interviews are based on questions that are directly linked to the job duties and responsibilities. This increases the chances of a successful hire. Questions must be in compliance with Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Minnesota Human Rights Act [M.S. 363A](#), and other applicable laws.

State HR practitioners can access the Applicant Screening and Assessment (ASQ) on the HR Toolbox for guidance on screening and selection. All screening and selection criteria should be approved by the agency HR office or Affirmative Action Officer. These items include, but are not limited to:

- Interview questions,
- Scoring matrices,
- Assessments,
- Testing.

### **B. Interview Panels**

An interview panel of at least two (2) members must be used for all classified vacancies and should be used for all unclassified positions that are posted. Each panel must meet the following guidelines:

- Interview panels should have 3-5 members, but a minimum of two (2) members is required,
- Individuals should complete anti-bias in hiring training prior to participating on interview panels,
- Panels should include individuals who can provide varied or unique perspectives, experiences, or insight relevant to the hiring process,
- Panelists should be knowledgeable about the job being filled,
- Panelists can be from other departments or agencies, and even from outside of state government,
  - If panelists are from another agency or outside of state government, panelists should be asked to sign an agreement to comply with the Minnesota Government Data Practices Act before being provided private applicant data.
    - A sample agreement is located in the Forms and Instructions Section below.

The panel members may discuss the applicant responses and scoring after all interviews are completed; however, the panel members need not agree on points awarded. Each interview must be scored. The applicant's final score will be determined by dividing the aggregate score by the number of panel members.

### **C. Reasonable Accommodations**

Initial communication with all job applicants should notify them of the information and exercises that will be requested at the interview and invite applicants with disabilities to request reasonable accommodations for it. For more information on reasonable accommodations, refer to HR Policy [#1433 ADA Reasonable Accommodation](#). Direct such applicants to the [Employee/Applicant Request for Reasonable Accommodation Form](#) to submit a request.

## **VII. PRE-HIRE JUSTIFICATION**

Agencies shall require hiring supervisors to complete a Pre-Hire Justification Form for all hiring requests that are covered by this Policy, all competitive appointments, all noncompetitive appointments made under M.S. [43A.08, subs, 1](#), clauses (9) and (16), and any noncompetitive appointments in M.S. 43A.15 filled from a finalist pool. This form will be used to demonstrate that the finalist selected for a job offer is the top-ranked candidate for the position using job-related criteria:

- Work experience
- Training, certifications, or licensure (if required)
- Knowledge, skills, and abilities
- Other applicable job-related criteria described in the minimum and preferred qualifications for the posted position.

All relevant information must be provided on the completed Pre-Hire Justification Form.

The hiring supervisor cannot make any job offer until the completed Pre-Hire Justification Form and any attached documentation has been reviewed and approved with all required signatures.

Any changes by an agency to MMB's template Pre-Hire Justification Form must be reviewed and approved by MMB's Enterprise Director of Human Resources Management.

## **VIII. COLLECTIVE BARGAINING AGREEMENT AND LEGAL REQUIREMENTS**

This policy does not supersede any vacancy posting or bidding requirements in applicable collective bargaining agreements or requirements under the law.

# **RESPONSIBILITIES**

### **Agencies are responsible for:**

- Adopting this policy and communicating it with hiring managers
- Announcing jobs in compliance with this policy
- Conducting interviews in compliance with this policy
- Making exception requests when appropriate

## MMB is responsible for:

- Monitoring agency compliance
- Providing guidance on this policy
- Updating the policy as needed
- Responding to requests for waivers
- Publishing notice of waivers of the announcement requirements for unlimited classified managerial positions in the State Register no more than 14 days after MMB grants the waiver, including a description of the reason for the waiver.

## FORMS AND INSTRUCTIONS

### AGREEMENT TO COMPLY WITH MINNESOTA GOVERNMENT DATA PRACTICES ACT

As a member of the interview panel on behalf of [AGENCY] for the position of [POSITION], I agree to comply with Minnesota Statutes, Chapter 13, the Minnesota Government Data Practices Act (“MGDPA”), and safeguard the information presented to me.

I understand that in my role as a member of the interview panel, I will receive and create information that is considered private data on applicants under the MGDPA. I understand that private data is defined under the MGDPA as data that is not accessible to the public.

I understand that I will receive and create this data for the sole purpose of my participation in the selection process for the position of [POSITION]. I understand and agree that I will keep the data I receive and create as a member of the interview panel private, that I will employ all necessary precautions to ensure continued protection and prevent unauthorized access of the data, and I will not disclose the data to anyone other than the members of the interview panel, and employees and agents of [AGENCY] and Minnesota Management and Budget whose work assignments reasonably require access to the data.

I understand and agree that my responsibility to maintain the privacy of the data I receive and create as a member of the interview panel continues even after my role on the interview panel ends, and even after the position has been filled. I agree that I will return to the [AGENCY] all data that I receive or create as a result of my participation on the interview panel.

I understand that I may be subject to the civil or criminal penalty provisions of the MGDPA in the event that I disclose private data in violation of the MGDPA.

I understand and agree that I will not respond to requests for information related to the selection process for the position of [POSITION], but that I will forward any such requests to the [AGENCY] for response.

I have read this Agreement and knowingly agree to abide by its terms.

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

Signature: \_\_\_\_\_

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

## REFERENCES

### [Administrative Procedures](#)

- 1.1 Employee Mobility
- 8 Designation of Unclassified Positions
- 8.1 Student Worker Appointments
- 9B Notice of Vacancy Announcements
- 10 Limited Consideration of State Employees
- 10B Placement of Employees with Active Workers' Compensation Claims
- 14 Appointments
- 17.1 Work out of Class
- 21D Work Training
- 21E Internships

Minnesota Administrative Rules, [Chapter 3900](#)

- 3900.3100 Limitations on Applicant Admission
- 3900.3200 Public Notice

### [Interviewing: An Enterprise Guidance Document](#)

### [HR/LR Policy #1433 ADA Reasonable Accommodation](#)

### [Collective Bargaining Agreements and Compensation Plans](#)

## CONTACTS

MMB Agency and Applicant Services Representative