CHAPTER 4-07-05
RECRUITMENT AND SELECTION

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4-07-05-01. Scope of chapter.

This chapter applies to all state and local government agencies, departments, institutions, and boards and commissions that employ individuals in positions classified by human resource management services.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.
General Authority: NDCC 54-44.3-12
Law Implemented: NDCC 54-44.3-12(1)

4-07-05-01.1. Definitions.

The terms used throughout this chapter have the same meaning as those in North Dakota Century Code chapter 54-44.3, except:

1. "Closing date" means a date by which applications must be received or postmarked as specified.

2. "External recruiting" means that applications for filling a vacant position under an appointing authority shall be accepted from current employees of the appointing authority and persons not employed by the appointing authority.

3. "Internal recruiting" means that applications for filling a vacant position under an appointing authority shall only be accepted from current employees of the appointing authority and employees eligible for reinstatement by the appointing authority.

4. "Promotion" means a personnel action that results in the advancement of an employee to a position in a different class that has a higher pay grade than the employee's previous position.

5. "Regular employee" means a person who has completed the probationary period and who is or was in a position classified by human resource management services at the time the personnel action occurs.

6. "Reinstatement" means a personnel action that involves the reemployment of a previous employee of the appointing authority, who resigned or was separated while in good standing in a classified position.

7. "Transfer" means a personnel action that results in the reassignment of an employee from one position to a different position that has the same pay grade as the employee's previous position and that does not result in a break in service.

8. "Vacancy announcement" means an announcement that a particular position is vacant and that the appointing authority intends to recruit to fill it.

History: Effective July 1, 1995; amended effective November 1, 1996; July 1, 2004; April 1, 2020.
General Authority: NDCC 54-44.3-12
Law Implemented: NDCC 54-44.3-12(1)

4-07-05-02. Promotion.

An appointing authority may promote a regular or probationary employee to fill a vacant classified position in accordance with section 4-07-05-05.1.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.
General Authority: NDCC 54-44.3-12
Law Implemented: NDCC 54-44.3-12(1)

4-07-05-02.1. Reinstatement.

An appointing authority may reinstate a former employee who was hired through a competitive process and who has successfully completed a required probationary period to fill a vacant position. The reinstatement must be effective within three years from the date of the employee's separation.

History: Effective November 1, 1996; amended effective July 1, 2004.
General Authority: NDCC 54-44.3-12
Law Implemented: NDCC 54-44.3-12(1)

4-07-05-02.2. Transfer.

An appointing authority may transfer a regular or probationary employee from one classified position to another classified position in accordance with section 4-07-05-05.1.

History: Effective November 1, 1996; amended effective July 1, 2004.
General Authority: NDCC 54-44.3-12
Law Implemented: NDCC 54-44.3-12(1)

4-07-05-03. Minimum qualifications.

Except as provided in section 4-07-05-06, an appointing authority may employ, promote, reinstate, or transfer a person into or to a position in the classified service provided that person possesses qualifications that at least meet the minimum qualifications for that class as stated in the class descriptions and successfully completes any examination requirement specified by the appointing authority.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.
General Authority: NDCC 54-44.3-12
Law Implemented: NDCC 54-44.3-12(1)

4-07-05-04. Notifying human resource management services.

An appointing authority shall notify human resource management services of each vacant classified, nontemporary position that the appointing authority intends to fill through external recruitment. The notification must be submitted prior to beginning the recruiting effort and may be in the form of a completed vacancy announcement, letter, or memo and transmitted electronically or by mail.

An appointing authority that lists vacancies with job service North Dakota need not provide notification to human resource management services.

History: Effective September 1, 1992; amended effective November 1, 1996; July 1, 2004.
General Authority: NDCC 54-44.3-12
Law Implemented: NDCC 54-44.3-12(1)

4-07-05-05. External recruiting.

When an appointing authority proceeds to fill a vacant classified, nontemporary position through external recruiting, the appointing authority shall ensure that the public has the opportunity to know of and apply for the position. Additionally, the appointing authority shall select the applicant for appointment on the basis of the applicant's job-related qualifications for the position.

History: Effective September 1, 1992; amended effective November 1, 1996.
General Authority: NDCC 54-44.3-12
Law Implemented: NDCC 54-44.3-12(1)

4-07-05-05.1. Internal recruiting.

When an appointing authority proceeds to fill a vacant classified, nontemporary position by recruiting within its agency, the appointing authority shall ensure that all employees occupying classified positions of the appointing authority or within the specified work units have the opportunity to know of and apply for the position. An appointing authority may specify a work unit or work units within the agency from which applicants may be considered. However, there is no requirement for a vacancy announcement when the transfer of an employee to a vacant position is necessary to provide a reasonable accommodation for an employee under the Americans with Disabilities Act, or to avoid a reduction-in-force during a reorganization.

History: Effective November 1, 1996; amended effective July 1, 2004; July 1, 2014.
General Authority: NDCC 54-44.3-12
Law Implemented: NDCC 54-44.3-12(1)

4-07-05-05.2. Temporary employees and interns.

An appointing authority may consider a current temporary employee or individual who has completed an approved internship with the agency as an internal applicant provided the applicant meets the following requirements:

1. A temporary employee must have been selected on an open and competitive basis at the time of employment to the current temporary position with the agency.

2. An intern must have completed a documented internship with the agency within a two-year period immediately prior to the employment date.

History: Effective November 1, 1996; amended effective July 1, 2004.
General Authority: NDCC 54-44.3-12
Law Implemented: NDCC 54-44.3-12

4-07-05-06. Alternative classification.

When no fully qualified candidates are available after an internal or external recruiting effort, an appointing authority may apply an alternative classification when filling a position if each of the following requirements are met:

1. The hiring authority shall include clear language in the position announcement that an alternative classification may be considered and explaining what circumstances will justify an alternative classification.

2. The alternative classification must be one for which human resource management services either has granted specific prior approval for use in the position announcement or has provided delegated authority for position classification assignments to the agency as pursuant to section 4-07-03-06.1.

3. The applicant selected possesses the appropriate license or meets other applicable statutory requirements.

History: Effective July 1, 1995; amended effective November 1, 1996; July 1, 2004; April 1, 2020.
General Authority: NDCC 54-44.3-12
Law Implemented: NDCC 54-44.3-12

4-07-05-07. Veterans' preference.

Veterans' preference must be applied in the recruitment and selection of employees in accordance with North Dakota Century Code chapter 37-19.1.

History: Effective November 1, 1996; amended January 1, 2012.
General Authority: NDCC 54-44.3
Law Implemented: NDCC 37-19.1, 54-44.3-23

4-07-05-08. Vacancy announcement contents.

Each vacancy announcement must include the following information:

1. Class or working title.

2. Position number for internal use only.

3. Salary or projected hiring range.

4. Closing date.

5. Duty location of position (city).

6. Procedures for applying.

7. Summary of work.

8. Minimum qualifications and special requirements.

9. Whether recruitment is internal or external.

10. Status:

    a. Full time or part time; and

    b. Regular or temporary.

11. If a position is exempt from veterans' preference, the advertisement must state that veterans' preference does not apply to the position being advertised.

Additional preferred qualifications may be listed on the vacancy announcement at the discretion of the appointing authority, or a reference to the position description may be made.

History: Effective November 1, 1996; amended effective July 1, 2004; July 1, 2008; January 1, 2012; April 1, 2020.
General Authority: NDCC 54-44.3-12
Law Implemented: NDCC 37-19.1-02(4), 54-44.3-12

4-07-05-09. Vacancy announcement requirements.

1. A vacancy announcement may not contain minimum qualifications that are less than the established minimum qualifications on the class description, but it may contain more specific requirements.

2. When advertising for required education on a vacancy announcement, an appointing authority may:

   a. Narrow the range of appropriate degrees.

   b. Specify the additional training or experience needed for working in an upper level of a class series.

3. An appointing authority shall define the type and length of experience that substitutes for a college degree, if a substitution statement is used in the minimum qualifications of the class description.

4. An appointing authority wishing to consider applicants for an alternative classification in the initial vacancy announcement shall indicate such and state the required minimum qualifications for the alternative classification.

History: Effective November 1, 1996; amended effective July 1, 2004; April 1, 2020.
General Authority: NDCC 54-44.3-12
Law Implemented: NDCC 54-44.3-12