

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 Town of Cheektowaga Police Department and that are promulgated and maintained by the Personnel Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Town of Cheektowaga Police Department 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 Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department 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 Administration Captain should employ a comprehensive recruitment and selection strategy to recruit candidates who qualify for the Civil Service exam 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 department website and the use of department-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 Administration Captain shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

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All job announcements must include a description of the duties of the position, minimum qualifications of the position, elements of the application process, and note that the Department is an Equal Opportunity Employer.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.4 SELECTION PROCESS

All candidates must pass a written test as part of the selection process, as administered by the Erie County Civil Service Commission and in accordance with New York State Civil Service Law. All testing will be done in a uniform and non - discriminatory manner. Upon the certification of a civil service list and following the laws and rules guiding selection from the list, the Department shall actively strive to identify the candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department 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) 60 Hours of college credit or a two - year degree from an accredited school OR Completion of a minimum of thirty (30) semester credit hours from a regionally accredited or New York State registered college or university and completion of one (1) year of active duty military service.
- (b) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. (a) Applicants shall submit a personal history statement that addresses each of the components of moral character set forth in 9 NYCRR § 6000.10. This includes information, when applicable, related to the applicant's criminal history; use of controlled substances; conduct involving dishonesty, deceit, or misrepresentation; dishonorable discharge; inappropriate sexual conduct; and history of traffic violations.
- (c) Driving record
- (d) Reference checks
- (e) Employment eligibility, including U.S. Citizenship and Immigration Services 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.
- (f) Information obtained from public internet sites
- (g) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (h) Fingerprint - based criminal history check of Local, State and Federal criminal history record checks
- (i) Polygraph examination (when legally permissible)

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- (j) An impartial medical exam by a licensed physician or practitioner that meets the Municipal Police Training Council(MPTC) standards (may only be given after a conditional offer of employment) (9 NYCRR 6000.4)
- (k) A psychological examination administered by qualified professionals to ensure psychological fitness (may only be given after a conditional offer of employment)(9 NYCRR 6000.11)
- (l) Oral Review board or selection committee assessment based upon standardized questions with candidate's responses recorded on uniform reports

1000.4.1 VETERAN PREFERENCE

The Department will provide veteran preference credits as required (Civil Service Law § 85).

1000.4.2 ADDITIONAL REQUIREMENTS

All candidates for entry-level officer positions will be required to pass a written test as part of the selection process.

All verbal and written tests used in the selection process shall be administered, scored, evaluated, and interpreted in a uniform and nondiscriminatory manner.

Any candidate being considered for a sworn (entry-level and lateral appointments) position shall be interviewed prior to their appointment. The interviews will employ a set of uniform questions, and the results obtained will be recorded on standardized forms. At least one person who participates in the interview process shall be a sworn member of the Department.

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 indicative of the candidate's unsuitability to perform duties relevant to the operation of the Town of Cheektowaga Police Department.

Background investigators will be provided with instructions and checklists to ensure thorough, comprehensive, and objective investigations of candidates. Elements of the background investigation will include verification of employment, education, and residences; interviews with previous and current employers, family members, neighbors, social contacts, provided references, developed references, and organizations; and review of credit history, military records, and other public records searches.

Every background investigation shall additionally include assessments required by 9 NYCRR 6000.10 and as described in the Standards for Officers Under State Law subsection of this policy.

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the New York Fair Credit Reporting Act (15 USC § 1681d; General Business Law § 380-c).

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1000.5.2 STATE NOTICES

Every applicant disqualified due to facts discovered during the background investigation by the Town of Cheektowaga Police Department will be provided a written statement specifying the reasons for the disqualification and allowed an opportunity for rebuttal (Civil Service Law § 50).

Applicants who are or were subject to an extreme risk protection order (temporary or final) should be afforded an opportunity to explain the circumstances and provided with copies of records related to the order that are obtained by the Department (CPLR § 6346).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Captain should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Administration Captain 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 Department fully complies with applicable privacy protections and local, state and federal law.

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

1000.5.4 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.

1000.5.4 RECORDS RETENTION

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

Records of appointed candidates, which are not maintained by Erie County Civil Service Commission, shall be maintained by the Town of Cheektowaga Police Department for a period of six (6) years beyond the duration of employment.

Findings related to the candidate's moral character shall be available for review by the Division of Criminal Justice Services (9 NYCRR § 6000.10).

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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

1000.6.1 DISQUALIFICATION FACTORS UNDER STATE LAW

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework. State law provides for statutory minimal standards for disqualification as prescribed by Civil Service Law § 50 and MPTC. Candidates shall be deemed unfit to serve as an officer if within three years of the date of application, the candidate has engaged in any of the following activity or criminal activity, whether criminally charged or prosecuted, regardless of where the act took place, if the conduct would be an offense in New York:

- (a) Any felony offense
- (b) Any sex offense or sexually violent offense as defined in NY Correction Law § 168-a (Sex Offender Registration Act)
- (c) Any serious offense (NY Penal Law § 265)
- (d) Any crime involving misconduct and obstruction of public servants, bribery of a public servant, perjury, or crimes related to judicial proceedings (NY Penal Law Art. 195, Art. 200, Art. 210, Art. 215)
- (e) Any crime involving forgery, false written statements, or crimes involving fraud (NY Penal Law Art. 170, Art. 175, Art. 190)
- (f) Any crime involving assault and menacing, obscenity, crimes against public sensibilities, or crimes against public order (NY Penal Law Art. 120, Art. 235, Art. 245, Art. 240)
- (g) The unlawful use of any controlled substances
- (h) False statements or conduct that subverts or attempts to subvert the application process
- (i) A dishonorable discharge from any of the Armed Forces of the United States

Additional considerations should include:

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- Any of the conduct above, which has occurred more than three years from the date of application
- The unlawful use of a controlled substance more than three years from the date of application
- Inappropriate sexual conduct regardless of adjudication
- Conduct involving dishonesty, deceit, or misrepresentation
- Historical pattern of conduct of moving traffic violations
- Any other conduct determined to be a reflection on the candidate's moral character

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 Department 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 Personnel Department should maintain validated standards for all positions.

The Administration Captain or the authorized designee shall undergo a case-by-case analysis to determine that the nondiscriminatory employment standards, including medical standards, for each position are consistent with the business necessity of the Department and contain the position's essential job functions (9 NYCRR 6000.7; 9 NYCRR 6000.9).

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards:

- (a) Free of any felony convictions
- (b) Citizen of the United States or permanent resident alien eligible for and has applied for citizenship
- (c) At least 20 years of age and no more than 35 years of age with certain exceptions (Civil Service Law § 58)
- (d) Fingerprinted for local, state and national fingerprint check(9 NYCRR 6000.10 (b)(2))
- (e) Good moral character as determined by a thorough background investigation(9 NYCRR 6000.10(b))
- (f) High School graduate, passed the GED or obtained a 60 college credit hours or a two year, four year or advanced degree from an accredited or approved institution OR Completion of a minimum of thirty (30) semester credit hours from a regionally accredited or New York State registered college or university and completion of one (1) year of active duty military service.

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- (g) Free from any physical, emotional or mental condition which might adversely affect the exercise of police powers
- (h) Candidates must also satisfy the Municipal Police Training Council (MPTC) selection requirements, which included medical and physical fitness standards and procedures for police officer candidates.3; 9 NYCRR 6000.4; 9 NYCRR 6000.8; 9 NYCRR 6000.10)

In addition to the above minimum MPTC required standards, candidates should be subjected to additional evaluations including physical ability testing, drug screening, polygraph and/or pre-offer personality test. The aforementioned testing will be conducted by licensed and qualified professionals.

1000.7.2 STANDARDS FOR OFFICERS UNDER STATE LAW

Candidates should be subjected to additional evaluations to determine whether they meet MPTC-required standards and whether they are physically and psychologically fit to perform essential job functions with or without reasonable accommodations (9 NYCRR 6000.3). The evaluations shall include physical ability testing, good moral character as determined by a background investigation, polygraph and/or pre-offer personality test, drug screening, and medical and psychological review.

All candidates should undergo a physical fitness screening test offered by the MPTC prior to receiving a conditional offer of employment by the Department (9 NYCRR 6000.8).

Candidates who successfully complete the physical fitness screening test shall undergo the Department background investigation consistent with this policy and the procedures set forth 9 NYCRR 6000.10(b). In addition to the standards for officers above, the evaluation shall assess whether the candidate demonstrates good moral character and is not otherwise disqualified or unfit to serve (see the Disqualification Standards Under State Law subsection in this policy).

To assess a candidate's moral character, the investigator shall consider, at a minimum, the candidate's complete employment application, personal statement, review of information provided by family, references, educational institutions, previous and current employers, neighbors, landlords, social contacts, the Department of Motor Vehicles, military records, organizations and affiliations, court records, credit history, Police and Peace Officer Registry maintained by the Division of Criminal Justice Services, and the National Decertification Index (or successor).

The investigator should additionally conduct an in-person interview to include (9 NYCRR § 6000.10):

- Prior criminal behavior (regardless of whether the candidate was charged or convicted).
- Driving behavior.
- Use of controlled substances.
- Any conduct involving fraud, dishonesty, deceit, or misrepresentation.

Candidates who are determined to be of good moral character shall undergo a medical examination pursuant to 9 NYCRR 6000.4 and psychological examination pursuant to 9 NYCCR

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6000.11 after receiving a conditional offer of employment. The Department shall consider the recommendations in the post-offer medical review to determine whether to revoke a conditional offer of employment (9 NYCRR 6000.4).

The Department should provide reasonable accommodations that are necessary to perform an essential job function to qualified candidates with a disability (9 NYCRR 6000.5).