

## Policy and Procedure 8-2

# Human Resources Equal Opportunity and Employment Practices (Policies 2.05 - 2.35)

**Issued By:** Robert W. Farrell, State Forester

**Effective Date:** March 23, 2021

**Codes/Mandates:** Code of Virginia [§2.2 Chapter 12, Department of Human Resource Management](#)  
Code of Virginia [§2.2 Chapter 29, Virginia Personnel Act](#)  
Code of Virginia [§2.2-1201.1, Criminal Background Checks for Certain Positions](#)  
Code of Virginia [§10.1-1181.12, Exemption from Article](#)  
Code of Virginia [§54.1-3448, Schedule II](#)  
Code of Virginia [§54.1-3450, Schedule III](#)  
Code of Virginia [§54.1-3452, Schedule IV](#)  
Code of Virginia [§54.1-3454, Schedule V](#)  
Code of Virginia [§15.2-1707, Decertification of Law Enforcement Officers](#)  
[Title VII of the Civil Rights Act of 1964 \(Title VII\)](#)  
[The Pregnancy Discrimination Act](#)  
[The Equal Pay Act of 1963 \(EPA\)](#)  
[The Age Discrimination in Employment Act of 1967 \(ADEA\)](#)  
[Title I of the Americans with Disabilities Act of 1990 \(ADA\)](#)  
[Sections 102 and 103 of the Civil Rights Act of 1991](#)  
[The Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)

**References:** Department of Human Resource Management (DHRM) Policies:  
<http://www.dhrm.virginia.gov/hrpolicies>  
DHRM Employee Handbook (<http://www.dhrm.virginia.gov/docs/default-source/hr/manuals/employeehandbook.pdf?sfvrsn=4> )  
[Veteran's Hiring Preference Guidance](#)

**Forms:** [Virginia Online Job Application](#)  
3.7 Moving and Relocation Tenure Agreement  
8.2 Emergency Work Disclosure  
8.5 Alternate Work Schedule/Telework Agreement  
8.7 Wage Employment Application  
8.8 Employee Arrival Checklist  
8.10 Employee Exit Checklist  
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8.43 Authorization for Release of Information for Internet-Based (online) Background Check  
8.44 Authorization for Release of Information for Fingerprint-Based Background Check

- 8.45 Certificate of Receipt of VDOF Policy and Procedure
- 8.46 Disclosure of Child Support Withholding
- 8.47 Voluntary Employee Certification of Handicap Survey
- 8.48 Recruitment/Retention Bonus Agreement
- 8.49 Annual Leave Grant Agreement
- 8.52 Voluntary Lateral Transfer Request
- DHS I-9 Employment Eligibility Verification
- COV VA-4 Virginia Tax Withholding
- IRS W-4 Employee’s Withholding Allowance Certificate
- DOA Employee Direct Deposit Authorization
- DMV Special Identification Card Application (DL 02)
- DHRM Certificate of Receipt - Employee Handbook
- DHRM Certificate of Receipt - Use of Electronic Communications and Social Media, Attachment A
- DHRM Certificate of Receipt - Summary of the Commonwealth of Virginia's Policy on Alcohol and Other Drugs, Attachment I
- DOL-DHRM New Health Insurance Marketplace Coverage (Affordable Healthcare Act)
- DHRM State Health Benefits Program Enrollment Form for Employees
- VRS Virginia Retirement System Designation of Beneficiary Form
- LifeBenefits Optional Life Insurance
- LifeBenefits VRS and Optional Life Insurance Forms
- DOA FBMC Employee Status Change Form
- Cardinal Employee Profile Maintenance Form

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## PURPOSE

To direct employees to the appropriate Department of Human Resource Management (DHRM) policies in regards to the topics covered. DHRM policies are applicable to all executive agency state employees. In addition, the VDOF HR Equal Opportunity and Employment Practices Policy will provide VDOF-specific applications of the DHRM policies.

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## POLICY

The Virginia Department of Forestry is committed to observing and following all policies issued by the Virginia Department of Human Resource Management and Virginia Department of Forestry. All VDOF employees are responsible for following DHRM policies and further VDOF policy and procedure specified below.

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## DEFINITIONS

**“Agency”** and **“VDOF”** means the Virginia Department of Forestry.

**“Agency staff”** means all Virginia Department of Forestry classified, restricted and wage personnel, consultants, contract personnel and other non-employees, such as volunteers or interns.

**“Classified Employee”** means an employee who is filling a classified position.

**“Classified Position”** means a salaried position assigned to an Occupational Family and Career Group based on duties and responsibilities, and to a Role Code based on the compensable factors of complexity, results and accountability.

**“Commonwealth”** means the Commonwealth of Virginia.

**“DHRM”** means Department of Human Resource Management.

**“Emergency Firefighters”** means seasonal wage employees hired under a Blanket Emergency Exemption for firefighting.

**“Restricted Employee”** means an employee who is filling a restricted position. The employee in a classified restricted position is normally a classified employee.

**“Restricted Position”** means a classified position with at least 10 percent of its funding from non-continuous or non-recurring funding sources, such as grants, donations, contracts, capital outlay projects or higher education auxiliary enterprise revenues. The employee in a classified restricted position is normally a classified employee.

**“RMS”** means Recruitment Management System.

**“Wage Employee”** means an employee who is filling a wage position. Wage employees are sometimes referred to as hourly or P-14 employees.

**“Wage Position”** means a position that receives pay for hours worked rather than a fixed salary. Wage positions are sometimes referred to as hourly or P-14. Wage employment is intended to cover peak workloads and seasonal or short-term needs.

**“Workplace”** means any state-owned or leased property (including, but not limited to, buildings, other structures, parking lots and open spaces) or any site or location where the employee is at work or otherwise representing the Commonwealth in an official or work-related capacity.

## PROCEDURES

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### Equal Employment Opportunity

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VDOF will follow [DHRM Policy 2.05, Equal Employment Opportunity](#), which provides that all aspects of human resource management be conducted without regard to race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics or disability in accordance with the Governor’s Executive Order on Equal Opportunity and state and federal laws. (For the purpose of this policy, “disability” is defined in accordance with the “Americans with Disabilities Amendments Act” and “genetics” in accordance with Title II of the Genetic Information Non-Discrimination Act.”

### Hiring

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VDOF will follow [DHRM Policy 2.10, Hiring](#), to prohibit discrimination on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics or disability in the recruitment, selection and hiring of its workforce.

### Classified and Wage Positions

- ◆ The VDOF shall maintain employment levels in its programs that are appropriate for the successful conduct of the agency's business and within budgetary limits. In achieving these levels, it is the agency's intent to fill positions promptly with the best-suited applicants, affording equal opportunity to all by ensuring selections are based on job-related qualifications.
- ◆ The state forester is the appointing authority for the VDOF. Employment offers for classified positions may be made only after the state forester’s approval is obtained. Employment offers for wage positions may be made only with the authorization of the state forester, deputy state forester, chief of administration, chief of operations or director of human resources.
- ◆ Vacant positions are normally filled through competitive means and applications may be limited to agency classified employees only, state employees only or open to the general public. (Refer to [DHRM Policy 2.10, Hiring](#)).
- ◆ Applicants must complete a Virginia online job application, be interviewed and meet the position's qualification requirements.
- ◆ When applying for wage positions, some positions will require a Virginia online job application and some will require a Form 8.7 Wage Employment Application (see recruitment advertisement).
  - Emergency Firefighters are required to use the Form 8.7 Wage Employment Application.
- ◆ Vacancies may be filled without competition through one of the following personnel processes: placement resulting from layoff, demotion or agency internal recruitment. Hiring authorities filling positions without competition must be sensitive to VDOF's commitment to equal employment opportunity.
- ◆ In order to avoid potential conflicts of interest, relatives of VDOF employees will be hired only through competitive means (with the exception of seasonal wage firefighting employees). In addition, relatives will not be hired for or appointed to temporarily act in positions that place them in the direct organizational chain of the VDOF employee relative. VDOF employees will not participate in the screening or selection process in which their relatives are applicants.

- ◆ Applicants may be hired only into positions that have been assigned a number, role and pay band by the VDOF Human Resources Office. This is necessary to track staffing levels.

## Persons with Disabilities

- ◆ When requested, VDOF shall provide reasonable accommodation throughout the hiring process to applicants with disabilities when such applicants are being considered for employment {See VDOF Policy and Procedure 8-8, Return to Work/Need for Accommodations}.

## Hiring Process

### Preparing to Fill a Position

- ◆ The hiring manager should review the Employee Work Profile (EWP) and make any necessary revisions. Changes in organizational structure; customer expectations; new laws and regulations, and technology could all impact the way work is accomplished and may be important to include in the description.
- ◆ A Form 8.35 Agency Hiring Request must be completed and sent to the Human Resources Office. It will then be sent to the state forester and Secretary of Agriculture and Forestry for approvals. Once approved, a job posting will be created by the director of human resources or HR analyst and sent to the hiring manager for approval.
- ◆ The hiring manager will complete the Form 8.36 Job Posting Details and forward it to Human Resources along with the current EWP and the Form 8.35 Agency Hiring Request. This form documents the recruitment plan, time frames, recruitment advertising, budget and type of recruitment {General Public, State Employees Only, Agency Only – refer to [DHRM Policy 2.10, Hiring](#)}.
  - The screening criteria must also be documented on Form 8.36 Job Posting Details. The screening criteria will appear in the posting announcement and will be the basis for screening and selecting candidates. The criteria must be directly job related and reflect the knowledge, skills and abilities shown in the EWP. Any supplemental questions that will be required for applicants to answer will also be documented on the form. A draft posting announcement may be attached.
  - The hiring manager's signature on this form confirms adequate funding for the position, the recruitment plan and all other job-related information on the form.

### Job Postings

- ◆ All VDOF positions are designated as a “sensitive position” and the posting shall include notice of a fingerprint-based criminal history check and a drug test (if applicable). Positions that include forest warden responsibilities shall contain the requirement of a physical ability test.
- ◆ All positions commonly containing “forester” in the work title will include the following verbiage: “To use the work title ‘forester’, a B.S. degree in forestry from an SAF-accredited college or university is required; or you must meet the requirements of the Code of Virginia [§10.1-1181.12](#). If the chosen candidate does not meet the above requirements, their work title will be natural resource specialist.”
- ◆ All positions that are considered restricted will include the following verbiage: “This is a restricted position, which is solely funded by (*name of grant or non-general fund funding source*) for a *specify time period* (i.e., June 2016-January 2018). The availability of funding is scheduled for review (enter “annually” if funded by non-general funds or enter “before the grant expiration date” if grant funded) and periodically thereafter. Employment is contingent on the continued availability of grant or non-general funds.”
- ◆ All full-time positions (except for those that follow the agency internal recruitment process) will be advertised in the state’s recruitment management system (RMS) for a minimum of five business days.

### Agency Internal Recruitment

- ◆ Positions occasionally are approved for fill as a lateral transfer. In coordination with hiring managers, the Human Resources Office will announce to VDOF employees via email that a current vacancy is eligible for fill as a lateral transfer. Agency employees interested in a lateral transfer must complete and email Form 8.52 Voluntary Lateral Transfer Request with an updated resume to the director of human resources or the HR talent management and

HRIS coordinator by the announced deadline. If more than one employee is interested, all applicants/employees will be interviewed by the hiring manager before a final selection decision and job offer are made.

### **Advertisement**

- ◆ Media advertising is not required but may be necessary to recruit qualified applicants. Human Resources will place advertisements in media sources mutually agreed upon in discussions with the hiring authority and will be based on where VDOF can attract the most competitive pool of applicants. HR will serve as the designated custodian of any documentation and data associated with recruiting.
- ◆ Expenses associated with advertising will be borne by the division in which the position is located. Expenses will be obligated by Human Resources when contacting the advertising source. Upon receipt of the bill, expenses will be charged to the appropriate hiring authority's cost code as indicated on the Form 8.36 Job Posting Details. If divisions wish to review advertising costs before ads are placed, the hiring authority should indicate this on the Form 8.36 Job Posting Details. Advertising sources will estimate the cost based on the size of the ad and this information will be coordinated with the hiring authority.

### **Screening Applications**

- ◆ The hiring manager will have access to the RMS to print and view the applications and resumes for the position under recruitment. The hiring manager is responsible for the security of any printed applications and resumes downloaded from the system.
- ◆ The hiring manager will screen and evaluate these applications using the screening criteria. Screening shall be documented on the candidate screening sheet via RMS and returned to HR when completed. No marks should be made on the original employment applications. The screening sheet should clearly document why the selected candidates were identified for interview.
- ◆ Along with the Form 8.37 Candidate Screening, the hiring manager must complete the Form 8.38 Interview Selection to identify the applicants selected for interview and the interviewer or interview panel. The Form 8.37 Candidate Screening, Form 8.38 Interview Selection, all original applications and a list of interview questions will be forwarded to the Human Resources Office prior to scheduling interviews.
- ◆ Human Resources will review the screening conducted by the hiring manager and the proposed questions. Any recommendations will be communicated to the hiring manager. Interviews may proceed at the conclusion of this review.

### **Veteran's Preference**

- ◆ The Code of Virginia requires that veterans be given preference during the selection process provided the veteran meets all the knowledge, skills and ability requirements of the vacant position. Military service is identified on the state application form. After the initial screening, hiring managers will treat veteran status as a preferred qualification and veteran status with service-connected disability as an additional preferred qualification.
- ◆ The Code also requires that a veteran's grade be adjusted on any scored test used to evaluate applicants as part of the selection process.

### **Interviewing Applicants**

- ◆ The Human Resources Office contacts applicants and sets up the actual interview dates and times.
- ◆ The Human Resources Office prepares packets for each member of the interview team consisting of the interview schedule, interview tips, copy of the job ad, copies of applications for people to be interviewed and copies of the interview questions. The hiring manager also receives the Form 8.39 Candidate Evaluation and Disposition, Form 8.40 Candidate Authorization for Release of Information (for reference checks), Form 8.41 Candidate Reference Check and Form 8.42 Recommendation for Hire.
- ◆ Prior to the interview process, the hiring manager must develop and forward to HR for review the questions to be asked verbally or in writing. Further questions may be asked during the interview to clarify applicant's

responses to interview questions or to clarify written information previously submitted. All responses must be documented.

- ◆ Assessment tools/work sample demonstrations may be administered and used as part of the interviewing process. These tools/work samples must be approved by HR. HR can recommend certain assessment tools that have proven reliable in the past. HR must also review any questions developed for use in second or subsequent interviews.
- ◆ Applicants selected to be interviewed for wage and classified positions are required to complete Form 8.40 Candidate Authorization for Release of Information.

### ***Selection Panels (Classified and Wage Employees)***

- ◆ Panels can help ensure that selected candidates are chosen on an impartial basis. The purpose of panels is to make recommendations to the hiring authority regarding employment selections. The hiring authority remains responsible for the final selection. Although recommended, panels are not required for selection of either classified or wage applicants. However, no person will be hired without having been interviewed and their qualifications assessed against the needs of the position and meeting any license requirements needed for the position.
  - Panels should be used when:
    - Interviewing for supervisory or management level positions because of the broader scope of those positions;
    - There are a number of internal applicants;
    - The recommendation of a technical expert may be useful, and/or
    - It would be appropriate for a panel to reflect the diversity of the applicant pool and/or VDOF workforce.

### ***Selection***

- ◆ After the interviews, the hiring manager or panel chair must articulate on the Form 8.39 Candidate Evaluation and Disposition the justification for selection and non-selection of those interviewed. This justification should be directly related to the screening criteria and be based on information documented during the interviews. Reference checks should be documented on the Form 8.41 Candidate Reference Check. All recruitment-related material (applications, interview notes, selection documentation and reference check forms) must be forwarded to HR. In addition, Form 8.42 Recommendation for Hire should be completed and sent forward in the approval process.

### ***Salary Offers***

- ◆ Human Resources will review all documentation and make any necessary recommendations including starting salary. Factors considered in determining the salary offer include: the applicant's education and experience relevant to the position, salaries of employees in comparable positions, the hiring authority's budget, the applicant's salary history, the availability of other qualified candidates from the recruiting pool and the Commonwealth's Pay Practices Guidelines [{DHRM Policy 3.05, Compensation}](#).
- ◆ The state forester is the appointing authority for the VDOF. Employment offers for classified positions may be made only after the state forester's approval is obtained. Employment offers for wage positions may be made only with the authorization of the deputy state forester, chief of administration, chief of operations or director of human resources.
- ◆ Emergency Firefighters are paid based on the current Statewide Part-time Firefighter Training and Qualifications Requirements.
- ◆ The hiring manager will extend the offer of employment to the selected applicant and conduct any approved salary negotiations. Upon the applicant's verbal acceptance, HR will send a written employment offer letter and copy the hiring manager.



## Recruitment Incentives

- ◆ Exceptional recruitment incentive options may be used for salary negotiations in situations where employees are extremely difficult to recruit. They must be pre-approved by the director of human resources prior to offering and they must comply with [DHRM Policy 3.05, Compensation](#). A Form 3.7 Moving and Relocation Tenure Agreement, which includes requirements for satisfactory performance and duration of employment, must be executed with each employee outlining payback terms if the agreement is not met. See Form 8.48 Recruitment/Retention Bonus Agreement and Form 8.49 Annual Leave Grant Agreement for other possible incentives (bonuses and leave).

## Background Checks

- ◆ All offers of employment are contingent upon clear results of a thorough background check. Background checks will be conducted on all final candidates and on all employees who are promoted, as deemed necessary. In addition, it may be necessary to determine the suitability of continued employment of any person presently working for VDOF by conducting applicable background checks. Background checks will include:
  - **Online Court Case Information** – A preliminary background check will be conducted by Human Resources using available online court systems.
  - **Personal and Professional References** – Calls will be placed to individuals listed as references by the applicant. Every attempt should be made to call a recent supervisor and confirm the applicant's employment with the listed company, including dates of employment, position held and additional information available pertaining to salary/wages, performance rating, reason for departure and eligibility for rehire. A minimum of two reference checks should be done with each final candidate.
  - **Educational Verification (if a degree is required for the position)** – Transcripts will be required to confirm the applicant's claimed educational institution, including the years attended and the degree/diploma received.
  - **Fingerprint-Based Criminal History – All fingerprinting is coordinated and scheduled via Fieldprint.** This includes a review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:
    - The nature of the crime and its relationship to the position.
    - The time elapsed since the conviction.
    - The number (if more than one) of convictions.
    - Whether hiring, transferring or promoting the applicant would pose an unreasonable risk to the business, its employees or its customers and vendors.
- ◆ Only the following positions are authorized to schedule applicants for fingerprinting; handling of the background report and require completion of Criminal Justice Interface/Security Awareness Training within 90 days of initial assignment and biennially thereafter:
  - Director of Human Resources
  - Employee Benefits and HR Services Lead
  - Talent Management and HRIS Coordinator
- ◆ The following additional background searches will be required if applicable to the position:
  - **Motor Vehicle Records** – Provides a report on an individual's driving history in the state requested. This search will be run when driving is an essential requirement of the position.

## Personal and Professional Reference Checks (Classified and Wage Employees)

- ◆ Hiring managers/supervisors are responsible for conducting the reference checks. Reference checks are required on applicants selected for classified and wage positions. At least two reference checks are recommended, preferably from the current and previous employers (supervisors). Items that should be verified are dates of employment; position title; job duties; beginning and ending salaries, and training completed. Questions should also attempt to verify the technical qualifications of the individual; their workplace behavior and character traits, and whether they would be rehired.



## Criminal History Checks (Classified and Wage Employees)

- ◆ All classified positions within VDOF are considered sensitive for the purpose of conducting a criminal background check per Code of Virginia [§2.2-1201.1, Criminal Background Checks for Certain Positions](#). All selected candidates must sign Form 8.44 Authorization for Release of Information for Fingerprint-Based Background Check and may be scheduled for fingerprinting up-to seven days from employment's start date. Should an employee begin employment prior to the completion of the background check and the background check subsequently indicates negative results, the employee will be terminated immediately.

## Special Requirements for Commissioned Forest Wardens

- ◆ Positions that include commissioned forest warden duties shall be denied employment (or terminated immediately) if any of the following is found in the employee's background check:
  - Criminal History:
    - Conviction of any felony.
    - Conviction of any crime involving moral turpitude (lying, cheating, stealing).
    - Conviction of a Class 1 or Class 2 misdemeanor of the Code of Virginia or equivalent within the last twelve months. Convictions beyond twelve months will be reviewed on a case by case basis.
    - Conviction of a Class 3 or Class 4 misdemeanor of the Code of Virginia or equivalent within the last twelve months.
    - Admission of felonious behavior.
  - Traffic Violations:
    - Minus six or more points on a Virginia Operators License or the equivalent for out-of-state license, at the time of application.
    - Conviction of Driving Under the Influence, Refusal to take Blood or Breath Test, Eluding Police or Racing.
  - Drug Use:
    - Must not have used marijuana in the past 12 months.
    - Must not have possessed or used any Schedule I substances as defined by the Code of Virginia [§54.1-3448](#), [§54.1-3450](#), [§54.1-3452](#), [§54.1-3454](#).
    - Must not have used any other illegal drug in the past five years.
    - Selling any illegal drugs.
  - Other:
    - Dishonorable discharge from any military service.
    - De-certification of law enforcement or jailor status by the Department of Criminal Justice Services, according to the Code of Virginia [§15.2-1707](#), or similar status in other states.
    - Untruthfulness, falsification or the intentional withholding of any information on any application, certificate, credential, interview, test or documents associated with the position.
    - Criminal or ethical behavior unsuitable or inappropriate for a Public Safety Officer or equivalent, as determined by the appointing authority.
    - Not being a United States citizen.
    - Incidents of past physical or mental abuse of anyone.
    - No applicant shall be, shall have been or shall become a member of any organization which advocates the forceful overthrow of the United States government or any other organization cited as being subversive or un-American by the United States Attorney General.
    - No applicant shall be, shall have been or shall become, a member of a criminal organization.
    - No applicant shall seek membership in or shall publicly indicate support to a group that promotes discrimination.
  - The following offenses may carry an interim disqualification for employment or continued employment:
    - \*\*\**Applicants with a conviction for one of the following felonies is disqualified if the applicant was convicted, pled guilty (including 'no contest'), or found not guilty because of insanity unless the **listed years** have elapsed on the date of the application.*
    - Distribution, possession w/ intent to distribute, or importation of a controlled substance. **(7 years)**

- Driving under the influence/while intoxicated (DUI/DWI) offenses: First **(1 year)** Second **(3 years)** Third **(5 years)**
- Reckless Driving: Class 1 misdemeanor **(1 year)** Class 6 felony **(3 years)**

**+++The agency's director of human resources may waive a portion of the required application's waiting period if applicant's subsequent employment, references and background checks demonstrates rehabilitation from the date of conviction or release from incarceration.**

## Moving and Relocation Expenses (Classified Employees)

- ◆ These expenses are classified by the Department of Accounts (DOA) CAPP Manual Topic Number 20345, Moving and Relocation and VDOF Policy and Procedure 3-3, Moving and Relocation Expenses. Managers may recommend offering moving and relocation expenses for candidates for classified positions as an inducement to accepting employment. The state forester has final approval authority. Associated expenses shall be charged to the hiring authority's cost code. Wage employees will not be offered moving and relocation expenses. Employees must sign a Form 3.7 Moving and Relocation Tenure Agreement for relocation expenses. If the employee does not meet the requirements of the tenure agreement, the funds will be paid back to the agency upon separation.

## Initial Start Date and Orientation

- ◆ HR will schedule the new employee for orientation on the first day of employment (typically the first day of a pay period – the 10<sup>th</sup> or the 25<sup>th</sup> of the month). Further requirements that qualify the employee for employment will be completed at that time, including completion of fingerprints.

## E-Verify

- ◆ The agency is an E-Verify registered employer. All new and rehired employees have their employment eligibility verified through E-Verify within three (3) days of beginning employment.

## Mandatory Training

- ◆ All VDOF staff must fulfil the required training for their position/role within required time frames. Please refer to the VDOF Policy and Procedure 08-05, Human Resources – Management and Development Training, for specific training requirements.

## Employee Arrival Check-In

- ◆ Supervisors shall use the Form 8.8 Employee Arrival Checklist anytime an employee is hired or moves into a position. They shall also ensure that the appropriate responsible party signs as verification that the action was completed or the item issued.
- ◆ For employees moving positions, previous supervisors will also ensure that the employee is processed out from their old position using the Form 8.10 Employee Exit Checklist.
- ◆ Once completed, the form should be sent to HR where it will be kept in the employee's personnel file.

## Requirements for Certain Positions

### Commercial Driver's License

- ◆ All applicants for positions requiring a Commercial Driver's License(CDL) must be sent for drug testing within 10 days of beginning employment. Positive drug tests will result in immediate termination.

### Education Requirements for Forester Positions

- ◆ To use the work title "forester," the candidate must have a baccalaureate or higher degree from a college or university curriculum accredited by the Society of American Foresters and such degree curriculum shall meet the minimum education criterion set forth by the Society in the fields of forest ecology and biology, management of forest resources, and forest resources policy and administration. If the candidate does not meet this requirement, they can still be called a forester if they meet the exemption in Code of Virginia [§10.1-1181.12](#), or

they must use the work title “natural resource specialist” in place of area forester and “natural resource manager” in place of senior area forester.

### **Physical Fitness Requirements**

- ◆ Employees having primary, active wildland firefighting duties in his or her Employee Work Profile are considered **Responders** per Policy and Procedure 4-3, Readiness and Mobilization Plan, and are required to meet the agency’s physical fitness requirements. Active wildland firefighting duties are defined as work on the actual fire line – this includes mop-up duties and prescribed burns. Dispatch and other wildland fire support functions are not considered active wildland firefighting duties.
- ◆ Individuals up to age 50 in positions designated above are required to pass the moderate work-capacity test, per Federal guidelines, which consists of walking two miles in 30 minutes carrying a 25-pound pack. Passing the moderate work-capacity test is required to work any of the wildland firefighting or emergency response duties, as needed.
- ◆ Individuals age 50 and over or with the necessary medical documentation {*See Policy and Procedure 8-8, Return to Work/Need for Accommodations*} in positions designated above are required to pass the light work-capacity test, per Federal guidelines, which consists of walking one mile in 16 minutes. Passing the light work-capacity test is required to at least perform equipment operator duties in support of fire suppression or emergency response; however, the employee may perform additional wildland firefighting or emergency response duties as they feel capable. It is the responsibility of the employee to tell the incident commander (person in charge) if they have passed the light work-capacity test and only able to perform equipment operator duties. Equipment operator duties include: driving tractors, transport trucks, bull dozers, brush trucks and pick-up trucks, and performing incident command or support-related functions.
- ◆ Employees who elect to take and pass the arduous work-capacity test, which consists of walking three miles in 45 minutes carrying a 45-pound pack, are not required to also pass the moderate or light test required to work any of the wildland firefighting duties support-related functions.
- ◆ Work capacity tests are given annually.
- ◆ Employees who are unable to pass the work-capacity test and do not have a verified medical condition immediately lose their eligibility to commute in a state vehicle, both in and out of the fire seasons, per VDOF Policy and Procedure 5-2, Motor Vehicle Operation. Employees are then required to re-take and pass the test within six months. Employees who do not have a verified medical condition and have active wildland firefighting duties in his or her Employee Work Profile and still unable to pass the test will be subject to the [DHRM Policy 1.60, Standards of Conduct](#).
  - Employees unable to pass the test due to a temporary verified Americans with Disability Act (ADA) or Family Medical Leave Act (FMLA) medical condition are provided the accommodation of continuing their eligibility to commute in a state vehicle, per the agency’s policy, for up to six months. These employees are also required to re-take and pass the test within six months.
  - If an employee with a permanent or extended (beyond six months) verified ADA or FMLA medical condition is still unable to pass the test, he/she loses their eligibility to commute in a state vehicle, both in and out of the fire seasons, and to utilize work time for physical fitness activities.
- ◆ All new employees in Responder positions are required to pass the moderate work-capacity test within 10 workdays, per Federal guidelines, as outlined above. The test will generally be given during orientation with the use of a treadmill. If given by regional personnel, the test will be administered outdoors by a senior area forester or equivalent.
- ◆ Current employees, under the age of 50 and who wish to move into a Responder position, must pass the moderate work-capacity test.
- ◆ Current employees, age 50 and over, who wish to move into a Responder position, must pass the light work-capacity test.

- ◆ If new applicants and/or current employees have taken and passed the appropriate work-capacity test within one year of moving into the Responder position, he/she is not required to re-take the test at the start of employment

## Types of Employment

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VDOF will follow [DHRM Policy 2.20, Types of Employment](#), to identify the categories of state employment and defines the terms and conditions of each.

### Wage Employment

- ◆ Wage employees will be hired only to provide additional staff for seasonal or temporarily excessive workloads.
- ◆ Wage employees shall be limited to working no more than 1,500 hours during a wage year, not to exceed 29 hours per week.
- ◆ Because of the need to hire wage employees quickly, normal advertising, screening and selection procedures are not required unless a relative of a VDOF employee is an applicant for a non-firefighting wage position.
- ◆ Hiring authorities shall give full consideration to equal employment opportunity practices in the identification and selection of candidates for wage employment.
- ◆ The performance of wage employees should be periodically evaluated, but completion of the classified employee "Employee Work Profile/Performance Evaluation" is not required.
- ◆ The Affordable Care Act (ACA) requires a 13-week break in employment before hiring a former VDOF employee into a VDOF wage position.

### Volunteer/Students

- ◆ Requests for non-paid volunteers and/or students to ride-along or help with basic tasks should be approved by the chief/director and by the director of human resources to ensure that the agreement complies with employment laws.
- ◆ Employee and volunteer/student must complete the Form 8.12 Volunteer/Student Agreement after the request has been approved.
- ◆ All hours and activities shall be logged on the Form 8.13 Volunteer/Student Time Sheet.
- ◆ All completed forms are kept in the Human Resources Office.

### Internships

- ◆ VDOF only has internships in areas that have an established program via a special grant or partnership. Any other area who wishes to request an internship must submit a formal proposal through their chain of command. These proposals should include details about the funding, schedule, supervision, description of activities, planned training and goals of the program. Once the appropriate chief/director has approved the proposal, it will be forwarded to the director of human resources for final approval.

## Workplace Harassment

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VDOF will follow [DHRM Policy 2.30, Workplace Harassment](#), to provide its employees with a workplace free from harassment and/or retaliation against employees who either complain of harassment or aide in the investigation of such a complaint.

## Civility in the Workplace

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VDOF will follow [DHRM Policy 2.35, Civility in the Workplace](#), to foster a culture that demonstrates the principles of civility, diversity, inclusion, and equity. In keeping with this commitment, workplace harassment (including sexual harassment), bullying (including cyber-bullying), and workplace violence of any kind are prohibited in state government agencies.

## Separating Employees

- ◆ It is the policy of VDOF to settle all obligations with employees and non-employees prior to their separation from the agency. Specifically, they are required to return all agency funds and property for which they are accountable, have their access to agency-controlled property and state-owned/maintained business applications voided, and be counseled on benefit options for which they are eligible prior to receiving their final compensation. VDOF will not release the employee's final compensation until outstanding obligations are satisfactorily met.
- ◆ VDOF is also interested in collecting information that leads to improved operations, increased productivity, reduced turnover and improved employee relations. As part of out-processing, employees leaving VDOF will be provided the opportunity to voluntarily participate in an exit interview. Information obtained from exit interviews will not become a part of any employee's official personnel record. The results shall be considered confidential and used to make improvements and for statistical analysis.
- ◆ Supervisors are responsible for determining what employee obligations exist and ensuring that obligations are satisfied and that all required notifications are completed, using Form 8.10 Employee Exit Checklist.
- ◆ HR serves as the final checkpoint to ensure the checklist is completed, an exit interview has been offered and the employee has been advised of post-employment benefit options before advising the Finance Office to release the employee's final compensation. This out-processing applies to all classified and wage employees as well as non-employees.

### Process

Upon receipt of official notice that an employee is separating from VDOF, or that a non-employee will no longer be assigned to VDOF.

- ◆ Supervisor shall:
  - Immediately advise HR by telephone or e-mail.
  - Send the resignation or termination letter to HR so that it arrives within two business days after the employee's notification.
  - Complete the Form 8.10 Employee Exit Checklist to ensure all obligations are met, equipment returned and access voided (passwords deleted/changed, access codes removed).
  - For small purchase charge card (SPCC) holders, submit the SPCC, current Form 3.13 Small Purchases Corporate Charge Card Usage Log and the entire purchasing file to the director of finance.
  - As applicable, notify the employee in writing regarding any outstanding obligations. Advise the employee that final compensation may be withheld pending settlement of outstanding obligations. HR should be copied on this correspondence as notification to hold the final compensation until all obligations are met.
  - In the case of termination without prior notice, the employee's supervisor should obtain all outstanding assets such as keys, phones, computers, VDOF employee identification card, Forest Warden badge, access cards, small purchase charge card (SPCC), travel charge card and current Form 3.13 Small Purchases Corporate Charge Card Usage Log and charge card historical files. Immediately notify the director of information systems.
  - If the employee's position is located at headquarters, notify the assets and infrastructure manager.
  - Send a copy of the completed Form 8.10 Employee Exit Checklist, signed by the employee and supervisor to HR no later than the last day of work and provide the individual with a copy.
- ◆ Human Resources shall:
  - Immediately notify the Payroll Service Bureau of the impending termination so they may prepare the employee's final compensation. The following are also notified: Finance Office, Information Systems Office, Assets and Infrastructure Office and VITA.
  - Send the employee the online exit interview. Employees have the option to conduct the exit interview with HR in person.

- Contact the employee and schedule an appointment to discuss out-processing and benefits. (Note: when regional employees are separating or time does not allow for an appointment, benefits and out-processing material will be emailed or mailed to the employee for completion).
- Process the separation action in the Personnel Management Information System (PMIS), IFRIS, Cardinal and VITA. Receive the Form 8.10 Employee Exit Checklist from the supervisor and review for completeness, including the supervisor's indication that all obligations have been satisfied. When final payments are withheld, they will remain under the control of Finance until release authorization is received from HR.
- Maintain the official repository of exit interview documentation in confidential files separate from the employee's personnel file. HR also monitors exit interviews and takes further action if necessary (e.g., to investigate reports of disparate treatment). This information will be used for management reports that will not identify individual employee names.
- Notify the Payroll Service Bureau of the final day the employee worked or is on paid leave. Advise the former employee in writing if payment for leave or hours worked will be delayed for any reason.

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## AUTHORITY

This policy and procedure is issued by the Virginia state forester.

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## INTERPRETATION

The director of human resources and deputy state forester are responsible for the interpretation of this policy and procedure.

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## APPROVAL

I certify that this policy and procedure is approved and ready for publication.

Hector Rivera

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Director of Human Resources Name (Print)

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Director of Human Resources Signature

Ed Zimmer

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Deputy State Forester Name (Print)

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Deputy State Forester Signature