



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-037400 Recruitment	Issued: 04/14/90 Effective: 04/14/90	Reviewed: 09/29/23 Revised: 04/04/17
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

- A. NMSA 2016, Section 33-1-6, and NMSA 1978 33-1-11, as amended.
- B. State Personnel Board Rules 1.7.2.1 through 1.7.2.14 and 1.7.5.1 through 1.7.5.12 NMAC.
- C. Prison Rape Elimination Act [§115.17]

REFERENCES:

- A. ACA Standard 2-CO-1C-07, 2-CO-1C-09 and 2-CO-1C-13, *Standards for the Administration of Correctional Agencies*, 2nd Edition.
- B. ACA Standard 4-APPFS-3A-03, 4-APPFS-3D-19 and 4-APPFS-3E-09, *Standards for Adult Probation and Parole Field Services*, 4th Edition.
- C. ACA Standards 2-CI-6D-3, *Standards for Correctional Industries*, 2nd Edition.
- D. Policy CD-037300.

PURPOSE:

To establish a recruitment network that provides equitable job opportunities for all Corrections Department employees.

APPLICABILITY:

New Mexico Corrections Department employees and external applicants.

FORMS:

Request to Fill Position form (CD-037401.1)

DEFINITIONS:

- A. Classified Position: A job which is covered by the State Personnel Act which requires a regularly assigned combination of duties to be performed by one employee and is a fully budgeted position.
- B. Correctional Programs: Managing or overseeing the confinement, treatment, or rehabilitation of a person convicted of a criminal offense through a program involving penal custody, probation, or parole.
- C. Custody Series: All employees with a working title of Correctional Officer Cadet, Correctional Officer 1, Correctional Officer Sergeant, Correctional Officer Lieutenant, Correctional Officer Captain, and Correctional Officer Major.

- D. Hiring Authority: The level of authority within the NMCD that can authorize hire.
- E. In-House Applicant: A probation, career-status or term employee of the NMCD.
- F. Outside Applicant: An applicant on a State Personnel Board Employment List or an applicant from outside the NMCD, but within State government.
- G. Safety-Sensitive Position: A position in which impairment by drugs or alcohol use would constitute an immediate and direct threat to public health or safety.
- H. Screening: To review the qualifications of candidates to determine if their education and experience meet the needs of the position applied for.

POLICY:

- A. Selection, retention, and promotion of employees to positions shall be based on merit principles. Non-merit factors such as race, color, religion, age, sex, national origin, disability, or political affiliation will not be considered to be part of the selection process unless a bona fide occupational justification exists. (Refer to the NMCD Equal Employment Opportunity Plan.) **[2-CO-1C-13] [2-CO-1C-09] [2-CI-6D-3] [4-APPFS-3E-09]**
- B. The New Mexico Corrections Department is sensitive to creating diversity in the workplace, which includes an awareness of the benefits and competencies that persons with mental and/or physical disabilities can contribute to the efficient operation of NMCD.
- C. All vacant classified positions that are going to be filled must be advertised through the State Personnel Office for at least seven days and fourteen days for AFSCME bargaining unit positions prior to the commencement of the selection process unless otherwise allowed by State Personnel Board Rules and Agency policies.
 - 1. Employees of the NMCD shall be made aware of job opportunities and be given every opportunity to advance in their respective careers. **[4-APPFS-3D-19]**
 - 2. Upon receipt of an employment list, from the State Personnel Office, Human Resource Bureau staff shall certify the applicant's education and experienced based on what the applicant indicated was their highest level of education and progressive years of experience of the minimum qualifications of the position.
 - 3. Human Resource staff shall provide a certified ranked list of the top fifteen (15) candidates to the hiring authority.
 - a. Experience that cannot be verified shall not be certified and the candidate shall not be referred on the ranked list. Experience must be directly related to the minimum qualifications of the position and the purpose of the position. Dates related to the experience listed must have the months and years the employee preformed the duties listed to be certified.

4. Applicants who indicate that they have Job Related Qualification (JRQ) experience in an “acting” capacity, must provide documentation from an appointing authority that verifies starting and ending dates of such acting capacity to be given credit toward the required JRQ experience.
 5. Justification as to how interviewees were determined must be provided and maintained as part of the interview documentation.
 6. All selections must be justified in writing.
 7. The hiring authority shall approve all selections.
- D. Exceptions to open recruitment must be approved by the Secretary and State Personnel Director, unless otherwise allowed by State Personnel Board Rules or Agency policy.
- E. Employees in custody positions will not be eligible for transfer or promotion outside of the custody series for one year from date of hire due to the substantial training investment incurred by the NMCD for these positions. Exceptions to this must be requested and justified in writing for the Secretary’s approval.
- F. Selections into custody positions for Lieutenant, Captain and Major must be approved by the Adult Prisons Division Director.
- G. For safety sensitive positions, prior to final selection, the applicant shall be required to pass a drug test in accordance with State Personnel Board Rules and Department policy.
- H. All inter-departmental job postings shall outline the minimum experience, education, and educational substitutions for each position’s qualification. **[2-CO-1C-07]**
- I. Employees whose jobs involve use of force, law enforcement responsibilities and/or powers of arrest, shall receive a physical examination prior to their job assignment. All other employees shall receive a medical screening prior to their job assignment.
Provisions shall exist for re-examination, according to a defined need or schedule. **[4-APPFS-3A-03]**
- J. Applicants and contractor applicants who have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (as defined in 42 U.S.C. 1997); or have been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse, or; have been civilly or administrative adjudicated to have engaged in the activity described above, shall not be hired or promoted. **[\$115.17]**
- K. Incidents of sexual harassment shall be considered in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates. **[\$115.17]**

- L. The agency shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in section J of this policy in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. Employees have a continuing affirmative duty to disclose any such misconduct. **[§115.17]**



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AUTHORITY:

Policy *CD-037400*

PROCEDURES: [2-CI-6D-3]

A. Job Advertisement Procedures: [2-CO-1C-07]

1. If the hiring authority wishes to fill a position, the hiring authority will submit a completed **Request to Fill Position** form (*CD-037401.1*) The form shall be routed to the appropriate Business Manager and to the Budget Director so they can review the request and determine if the funding is available to fill the position and FTE is reconciled to E-1 operating budget. The Division Director or Bureau Chief shall approve or disapprove the form and return it to the Human Resources Bureau. Disapproved requests shall be returned to the hiring authority.
2. The Division Director or Bureau Chief shall have final approval authority of the request.
3. Once approved, the Human Resources Bureau will submit the job order through the SHARE recruitment program which shall then be reviewed and approved by the State Personnel Office.
4. Applicants shall apply for vacant positions through SHARE.
5. All Correctional Manager positions at the Administration Operations level and above must state at the time of posting that the selected applicant must be willing to relocate at the discretion of NMCD.
6. All Correctional Manager positions (Unit Manager, Region Manager, Deputy Warden and Warden) shall require experience in correctional programs as defined in this policy. Required years of experience shall be indicated in the individual job postings.
7. Other positions throughout the Corrections Department may be identified at the time of posting as a position for which the selected applicant must be willing to relocate at the discretion of the Corrections Department.
8. Approved job postings shall be emailed to facility/division Human Resource staff as the job postings are approved by State Personnel. The local human resource office will post the notice of job postings on the bulletin board(s) within the work location

so that employees within the work location will be aware of the advertisement. Instructions on how to access the website will be made available.

B. Correctional Officer Agency Minimum Qualifications

In order to qualify for the rank of Sergeant, Lieutenant, Captain and/or Major, applicants must have the following experience to be eligible to promote:

<u>To promote to</u>	<u>must have</u>	<u>in the position of</u>
Sergeant	24 Months	Cadet/Correctional Officer I
Lieutenant	24 Months	Sergeant
Captain	24 Months	Lieutenant
Major	24 Months	Captain

C. External Recruitment Procedures:

1. When a hiring authority wishes to advertise a position in trade journals, newspapers or other media, the hiring authority shall initiate the process by submitting a copy of the advertisement to the Human Resources Bureau for review and approval.
2. The Human Resources Bureau will coordinate the advertisement to ensure that all concerned parties are aware of the advertisement.

D. Exceptions to Job Advertisement:

All positions must be advertised through the State Personnel Office unless the State Personnel Director grants a waiver for legitimate reasons, e.g. demotion, inter-agency transfer within a 35-mile radius, ADA/workers' compensation situations, reemployment after military service, Correctional Officer positions, transfers, NMCD needs, etc.

E. Employment Information:

The NMCD relies upon the accuracy of information contained in the application/résumé, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications or material omissions in any of the information may result in the NMCD's exclusion of the individual from further consideration for employment or, if the person has been hired, disciplinary action up to and including dismissal.

F. Medical Examinations: [4-APPFS-3A-03]

Employees whose jobs involve use of force or law enforcement responsibilities, which may include power of arrest, shall receive a physical examination prior to their job assignment. All other employees shall receive a medical screening prior to their job assignment. Provisions shall exist for re-examination, according to a defined need or schedule.

1. Staff whose responsibilities include the potential for physically demanding tasks must have physical examinations to:

- Protect their health,
 - Ensure their ability to perform effectively,
 - Avoid appointments or assignments incompatible with their physical condition.
2. The basic health status of all employees shall be evaluated against the specific job requirements of their assignments.
 3. Physical examination and screening procedures shall be established by the appropriate medical authority for the agency in accordance with applicable laws and regulations.

