

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF HUMAN RESOURCES

October 30, 2006

**HUMAN RESOURCE MEMORANDUM 8-06**

TO: Service Center Directors, Deputy Directors, Human Resource Directors

**SUBJECT: AMENDMENT TO IMPLEMENTATION OF HUMAN RESOURCE COMPONENTS OF SECURITY PROTOCOLS**

Human Resource Memorandum 8-06 implements changes to HR Memo 7-06 that came about as a result of the implementation process.<sup>1</sup> The procedures provided herein are intended to ensure public confidence and security, and to ensure that the State Government workforce is appropriately qualified and credentialed. ***Full implementation of the human resource related security protocols outlined in this memorandum will begin January 1, 2007.***

These measures are an integral component of an information security initiative developed by the Office of the Chief Information Officer. It is anticipated that agencies will develop specific information security protocols that are consistent with the *State of Maine Information Technology Security Policy*.<sup>2</sup> This human resource memorandum will fulfill the human resource aspects of agency information security policies.

This memorandum was developed by a team of human resource professionals from the Bureau of Human Resources and several agencies. This team, and their successors, will periodically convene to ensure that human resource related security issues remain a viable component of the State's overall information security effort.

**SECTION 1.1 SECURITY IN JOB DEFINITION AND RESOURCING**

**1.1.1 SECURITY IN JOB RESPONSIBILITIES**

1.1.1.a Classification specifications will include:

- A general statement concerning employee security responsibilities.
- Supervisory classifications will include a statement concerning security responsibilities.

1.1.1.b Job postings will include a statement that information provided during the application, interview, and selection processes will be verified.

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<sup>1</sup> Section 1.1.2.d, concerning the verification for foreign educational credentials, expands the number of services which can provide equivalency verification. There are also certain minor changes to the text and attachments.

<sup>2</sup> The *State of Maine Information Technology Security Policy* ". . . provides a uniform set of information technology security policies, standards and general guidelines for every State Department, Agency, Board, Bureau, Commission, and Authority which are required to comply with Maine Revised Statute Annotated (MSRA) Title 5, Chapter 158, § 1871 - 1896. All Maine State Government entities, unless specifically exempted, are required to abide by the policies hereby established. All users (employees, contractors, vendors, and other parties) are expected to understand and abide by them."

- 1.1.1.c The State of Maine employment application(s) developed by the Bureau of Human Resources will include the following affirmations:
- The application is true, correct, and complete to the best of the applicant's knowledge.
  - The applicant may have to submit information not specifically requested on the application form.
  - BHR or the employing agency may verify any information provided in the application process.
  - BHR or the employing agency may conduct reference checks.
  - BHR or the employing agency may conduct a credit check when appropriate.
  - BHR or the employing agency may release information to authorized agents, officers, and/or employees of the State of Maine which may include, but are not limited to, information concerning past work, present work, attendance, evaluations, educational records (including transcripts), military service, criminal records, and any other personal record deemed necessary to verify the information provided in the application or during the selection process.
  - Supplying erroneous information or omitting pertinent information as part of the application process would be sufficient cause for discharge.

## 1.1.2 PERSONNEL SCREENING AND POLICY

Verification of information pertaining to applicants and new employees is a responsibility that is shared by BHR and appointing authorities. BHR is responsible to ensure that applications are complete, with the appropriate verifications left to agency interview/selection panels and the agency HR Service Center or other appropriate agency HR representative.

**All new hires on or after 01/01/07 are *conditional* until all prescribed verifications for the particular position are completed. All verifications must be completed prior to the end of the probationary period.**

### 1.1.2.a *Employment Application*

- For competitive positions, completeness verified by BHR.
- For direct hire positions, completeness verified by agency human resource representative.
- Incomplete application(s) will be failed or returned to the applicant.

### 1.1.2.b *Employment References*

- Employment references must be obtained before a job offer is made or, if necessary, before the candidate starts work. (Again, an offer of employment is conditional. If employment references are not available, one of the conditions should be appropriate personal references.)

- References are gathered by interview/selection panel chair (or panel member) or other appropriate agency staff designated by the interview/selection panel chair.
- At least one work-related reference should be obtained, preferably from the last previous and/or the most job-related employer. Additional work-related references are encouraged. In addition to ascertaining that the person was employed with the organization in question, and to the extent a former employer is willing to provide additional information, reference checks should include:
  - The position held, whether full-time or part-time, dates of employment and eligibility for rehire.
  - Questions directly associated with the Core Competencies, Knowledge and Skills, Terms and Conditions and, for applicable supervisory positions, the manager-related questions found in the State of Maine Performance Management Form (PER 119 3/97 or its successor).
- If a work-related reference is not available, a personal reference may be included.

#### 1.1.2.c *Resumes/Vitae*

- Completeness verified by interview/selection panel chair (or panel member).
- Special attention should be given to account for significant gaps in employment history.

#### 1.1.2.d *Academic Qualifications*

- It is the employee's responsibility to produce original academic documentation (or copies certified with a raised seal from the institution) to the employing agency.
- Photocopies of educational credentials are acceptable only on a *temporary* basis.
- If original academic credentials/documents are not immediately available, it is the employee's responsibility to obtain official copies from the educational institution prior to the end of the probationary period.
- Academic credentials/documents must be provided to the agency at the employee's expense. These documents are generally available through the Registrar at the educational institution.
- In the event there is any question concerning the authenticity of academic transcripts or other credentials, the agency must verify graduation, the degree conferred, and major/minor fields of study directly with the academic institution.
- Verify that the educational institution is accredited by a nationally recognized accrediting agency that the United States Secretary of Education (ED.gov) has determined to be a reliable authority as to the quality of education or training provided by the institution of higher education and the higher education programs they accredit. [List published by the U.S. Secretary of Education may currently be found at <http://ope.ed.gov/accreditation/search.asp>] A degree from an institution that is not accredited by a nationally recognized accrediting agency that the United States Secretary of Education has determined to be a reliable

authority as to the quality of education or training will not be treated as a valid degree for purposes of qualification for the classification or for other purposes.

- Education from colleges and universities in foreign countries must be evaluated in terms of equivalency to that acquired in U.S. colleges and universities. As part of the verification process, new employees educated in whole or in part in foreign countries must submit sufficient evidence, including transcripts, to an accredited private organization for equivalency evaluation of course work and degree. The employee must provide a copy of the letter containing the results of the equivalency evaluation. For a listing of services which can perform this evaluation, visit the National Association of Credential Evaluation Services, Inc.'s web site at <http://www.naces.org/members.htm>.
- Many professional licensing boards (physicians, nurses, attorneys, social workers, etc.) undertake an extensive credential evaluation prior to issuing a license to practice in Maine. In those cases, possession of the appropriate Maine license to practice may be considered *prima-facie* evidence that the foreign academic credential is valid and no further independent verification of the academic credential is required.
- A copy of a degree (and equivalency if from a foreign institution) should be retained in the personnel file only after the interview/selection panel chair (or member) and/or appropriate agency HR representative has viewed the original document. The person verifying authenticity of the copy and accreditation must indicate original was viewed and accreditation verified, then sign and date copy for employee personnel file.\*

#### 1.1.2.e Licenses/Certifications

- It is the candidate's responsibility to produce *original* licenses and certifications from the issuing authority.
- All licenses and certifications must be obtained and maintained at the candidate's expense.
- Verify possession of license/certification required by the classification or which has been used to establish qualification for the classification to be employed.
- A copy of a license should be retained in the personnel file only after interview/selection panel chair (or member) and/or appropriate agency HR representative has viewed the original document. The person verifying authenticity of copy must indicate original viewed, sign and date copy for employee personnel file.
- Verify authenticity of license/certification directly with the granting authority, such as a licensing board.
- An agency may choose to ascertain if a candidate has had any adverse licensing board actions with respect to a professional license. In that event, the agency may consult the website maintained by the Department of Professional and Financial Regulation, which provides much of this information. If the

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\* The term "personnel file" is not specifically defined in Civil Service Law or Civil Service Rules. The Civil Service Law, 5 MRSA, §7070 and §7071 defines what records the Director, BHR is required to maintain. These requirements are further defined in CSR, Chapter 14.

candidate is an attorney, the information may be accessed through the Board of Overseers of the Bar.

#### 1.1.2.f *Background Checks*

- A criminal background check shall be conducted for all new employees.
  - A criminal record may legitimately be considered pursuant to Human Resources Memorandum 2-06 (March 15, 2006) or its successors.
  - State agencies should consult the Department of Public Safety for access to the website that will provide conviction and adjudication information for adult and juvenile crimes committed within the State of Maine.
  - In the event that a prospective employee self identifies a criminal conviction, or a criminal conviction is subsequently determined by way of the criminal records check, agencies should refer to Human Resources Memorandum 2-06 (03/15/06).
- When the employee will be required to spend a significant amount of time driving a State-owned or privately-owned vehicle conducting State business, and/or in cases when a State employee is customarily required to transport clients, patients, inmates, or civilians, a driving record check may be conducted.
  - When the operation of a motor vehicle is a regular component of employment, a candidate's driving record may legitimately be considered as a factor in the selection process.
  - In the event that a prospective employee self identifies an adverse driving record, or an adverse driving record is subsequently determined by way of the driving record check, agencies should consider the driving record in a manner similar to that provided in HR Memorandum 2-06 (03/15/06). That is, there must be a nexus between the driving record and the job.
  - Employees using a vehicle owned by the State of Maine are required to adhere to the *VEHICLE USE AGREEMENT* provided by Risk Management.
- A credit check may be conducted in cases where a legitimate nexus exists between an employee's credit history and his or her job functions.
  - Credit checks should only be instituted for positions where there is a clear and direct correlation between credit history and job duties.
  - Agencies are cautioned that the collection and proper use of credit information is subject to a myriad of state and federal laws. If an agency contemplates instituting credit checks, the agency should receive specific direction from the Department of the Attorney General.

#### 1.1.2.g *Verification of Identity*

- Verification of identity and eligibility for employment will be verified by an agency human resource representative [Form I-9] when completing new-hire paperwork.

#### 1.1.2.h *Information to Applicant Prior to Employment Interview*

- Interview/selection panel chair or member or an agency HR representative should advise each applicant, in writing, what will be required at the time of the

initial employment interview. These items include, but are not limited to, current resume/vitae or other information that the agency deems appropriate for the employment interview.

- A model pre-interview letter is attached for reference.
- Circumstances may require that the interview be scheduled by phone. In that case, all of the information outlined in the sample letter should be communicated verbally during the phone contact.

#### 1.1.2.i *Written Job Offer*

- Every offer of employment must be in writing. (This does not preclude initial notification by other means, such as email or phone, followed by a written job offer.)
- Every offer of employment must include a statement that the job offer is conditional based upon verification of information provided to the State, a criminal background check and, if required for the position, a driver's license and/or credit check.
- Every offer of employment must advise the candidate what "New Hire" information will be required including, but not limited to, identification materials for the Form I-9, original academic degrees, licenses, certifications, or other work-related credentials.
- A sample written job offer is attached as a reference.<sup>3</sup>

#### 1.1.2.j *Administration*

- A verification checklist must be completed for all new employees prior to the end of probation.
- An agency HR representative will ensure that the verification checklist has been completed prior to authorizing permanent status.
- The failure of an employee to provide the documentation necessary to verify his/her credentials during initial probation is deemed to be unsatisfactory performance and the employee may not attain permanent status. The employee will be so advised pursuant to the Civil Service Rules or appropriate bargaining agreement. Depending on the individual circumstances, the employee's service may be terminated or, if the appropriate documentation has been requested in a timely manner, but is pending, probation may be extended for up to an additional six months.
- In the event the agency has received the necessary documentation, but is unable to complete the necessary verifications within the initial probationary period, the employee's probation will be extended for up to an additional six months.

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<sup>3</sup> It is strongly recommended that the job offer include the starting salary stated in terms of both the salary schedules (Grade/Step/Salary Specification) and the actual hourly and/or annual dollar amount. This will avoid any confusion as to salary considerations for a new employee. It should be emphasized that hiring supervisors do not have the authority to promise a salary above Step 1 of the salary grade. The only exception would be if the authority to hire above the minimum rate is pre-approved.

- ***Failure to complete verification prior to the end of an extended probation (up to one year) is deemed to be unsatisfactory performance and the employee may not attain permanent status.***

### **1.1.3 CONFIDENTIALITY AGREEMENTS**

Confidentiality agreements are intended to ensure that information designated confidential is not improperly released to unauthorized persons. Confidentiality agreements inform an employee of his or her responsibilities with respect to the confidentiality of information and the potential consequences of the improper release of information.

Although maintaining the confidentiality of information remains an important responsibility of each State employee, the guiding principles with respect to public access to public records articulated in Title 1, Chapter 13, should always be considered in the conduct of State business.

1.1.3.a In the event that an employee is unsure as to whether information should be released, *supervisory and or legal guidance should be obtained prior to the release of the information requested.*

1.1.3.b Prior to starting work, every employee of the State of Maine, regardless of employee status, is required to read, agree to, and sign a confidentiality agreement.

- In the event an agency does not have a confidentiality agreement, the attached sample provided by the Bureau of Human Resources may be utilized.
- This agreement will be included in the employee's personnel file.

1.1.3.c Individual agencies may have additional confidentiality agreements that are specific to the work location or other appropriate mission.

1.1.3.d In the event that an employee changes work location, whether on a temporary or permanent basis, an HR representative must ensure that an appropriate agency confidentiality agreement is agreed to and signed by the employee.

### **1.1.4 TERMS AND CONDITIONS OF EMPLOYMENT**

1.1.4.a Individual employees are responsible for information security within the purview of their employment.

## **SECTION 1.2 USER TRAINING**

### **1.2.1 INFORMATION SECURITY EDUCATION AND TRAINING**

Information security responsibilities and protocols will be incorporated into new employee and management training.

1.2.1.a Information security will be included in mandatory New Employee Orientation, whether it is a statewide or agency-specific NEO program.

1.2.1.b Information security will be included in mandatory Managing in State Government (MSG) training, whether it is a statewide or agency-specific program.

- A security segment will be incorporated in the MSG handbook.

**SI** *Alicia Kellogg*

Alicia Kellogg, Director  
Bureau of Human Resources

AK/pjs





HR MEMORANDUM 8-06  
ATTACHMENT 2

**In addition to the customary information provided on an interview letter (e.g.: received their name on a certification; day, date, time and place of interview, etc.), when scheduling an interview by letter or by phone, the same information should be provided.**

**A sample scheduling letter is shown below. The letter may, of course, be revised to fit each supervisor's individual requirements and style.**

\* \* \* \* \*

Dear \_\_\_\_\_,

You have been scheduled for an interview for the position of *(State job classification)* on *(day, date, time, place)*. [OPTIONAL: *(1.) It may be advantageous for the candidate to bring a resume, writing sample(s), or other job-related materials to the interview. If so, place that request here. (2.) If rescheduling is an option, state how the rescheduling should be accomplished here.*] We look forward to talking with you on *(day and/or date)*.

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ATTACHMENT 3

**MODEL REFERENCE CHECK**

Candidate: \_\_\_\_\_

Reference Organization: \_\_\_\_\_

Reference Name/Title: \_\_\_\_\_

**MINIMUM REFERENCE CHECK**

Position held? \_\_\_\_\_

How long did you supervise candidate? \_\_\_\_\_

Full-Time or Part-time? \_\_\_\_\_

If part-time, how many hours per week? \_\_\_\_\_

Dates of employment? \_\_\_\_\_

Eligible for rehire? \_\_\_\_\_

**EXPANDED REFERENCE CHECK**

With rating categories of Needs Improvement, Satisfactory and Outstanding, how would you rate (the candidate) on the following areas:

**Initiative**

NI    S    O

Did (candidate) set high standards of performance? Y   N

Did (candidate) display a high level of effort and commitment to performing the work? Y   N

Comments:

**Adaptability**

NI    S    O

Did (candidate) handle day-to-day work challenges confidently? Y   N

Was (candidate) willing and able to adjust to multiple demands and shifting priorities? Y   N

Comments:

**Decision Making**

NI    S    O

Did (candidate) share information and involve others as appropriate in the decision making process? Y   N

Did (candidate) take responsibility for their decisions? Y   N

Comments:

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**Customer Service**                      NI    S    O

Did (candidate) provide quality services to customers? Y N

Did (candidate) search for ways to increase customer satisfaction? Y N

Comments:

**Teamwork**                                NI    S    O

Did (candidate) contribute to organizational goals? Y N

Comments:

**Interpersonal Relations**            NI    S    O

Did (candidate) show respect and tolerance for people? Y N

Did (candidate) possess good listening skills? Y N

Comments:

**Planning and Organizing Work**    NI    S    O

Did (candidate) arrange work in an efficient manner? Y N

Did (candidate) use resources (time, money, materials) effectively? Y N

Comments:

**Oral Communication Skills**        NI    S    O

Comments:

**Written Communication Skills**    NI    S    O

Comments:

**Works When Scheduled**            NI    S    O

Did (candidate) begin and end work when required? Y N

Did (candidate) call in according to policy when arriving late  
for work or when absent? Y N

Did (candidate) use work time appropriately? Y N

Comments:

**Would you rehire this person? Y N**

Comments:

**Is there anything else you can tell us about (candidate)'s work?**

THANK YOU

HR MEMORANDUM 8-06  
ATTACHMENT 4

**Written job offers must include a statement that the job offer is conditional upon verification of information provided to the State, a criminal background check and, if required for the position, a driving record check and/or a credit check.**

**As a general rule, written job offers should advise the candidate what "New Hire" information will be required including, but not limited to, identification materials for the Form I-9; original academic degrees/transcripts, licenses, certifications, and/or other work-related credentials.**

**The start date and starting salary should be included in the written job offer.**

**A sample written job offer is shown below. The letter may, of course, be revised to fit each supervisor's individual requirements and style, but each of the components of the letter must be included.**

\* \* \* \* \*

Dear \_\_\_\_\_,

We have completed our interviews for the position of *(job classification)* and I am pleased to formally advise you that you have been selected. Please let me take this opportunity to congratulate you for an excellent interview. I/we look forward to having you join our *(office/division/bureau/agency)*.

Your starting salary will be *(grade, step, and actual salary for overtime exempt employees/hourly rate for overtime-eligible employees)*. You will be eligible for a merit increase after one year of employment. The details of your benefits package will be explained to you at New Employee Orientation, but you should feel free to ask me or our HR staff any questions concerning your benefits before that is scheduled.

Your start date will be *(day and date)*. At that time I will introduce you to *(name)* in Human Resources who will help you complete required "sign up" paperwork such as the Employment Eligibility Verification (Form I-9), tax deductions, Maine State Retirement, insurance forms, and other related documents.

In order for the agency to comply with our policy concerning personnel screening and verification, please be prepared to provide original (photocopies are not acceptable) credentials that you claimed on your application for employment or during the selection process. Common examples of these documents would be an original college/university degree or transcripts provided by your college or university; professional licenses (nurse, social worker, etc.); certifications; or other similar materials. A member of the staff will examine the documents and make a copy of the original for your personnel file, verifying that it is a copy of the original. Since your selection is conditional upon verification of your credentials and you cannot pass probation unless the verifications are completed, if you do not have these documents, please take immediate steps to obtain originals or certified copies from the issuing authority. (NEXT SENTENCE AS NEEDED ONLY: A driver's license or credit check will also be conducted during the probationary period.) If additional information is necessary to complete the verification process, we will contact you.

Please feel free to contact me at *(phone and/or email address)* if you have any questions prior to your start date. Again, congratulations on being selected. We look for to seeing you on *(date)*.

HR MEMORANDUM 8-06  
ATTACHMENT 5

**CONFIDENTIALITY**  
**OPTIONAL AGENCY STATEMENT TO BE COMPLETED BY ALL NEW EMPLOYEES**  
**(TO BE INCLUDED IN EMPLOYEE PERSONNEL FILE)**

This is to acknowledge that a representative of my agency has explained to me the need for safeguarding and keeping confidential certain information to which I may have access in the course of my employment with the State of Maine. I further understand that information that may be legally deemed confidential varies considerably from agency to agency and an individual office, division, bureau, or agency may require that I acknowledge and adhere to additional individual policy statements on confidentiality.

While maintaining the confidentiality of certain information remains a critically important responsibility of each state employee, the principles articulated in Maine's "Freedom of Access" laws with respect to public access to public records should always be considered in the conduct of State business [1 MRSA, Chapter 13]. Therefore, **I understand that if I have any questions or concerns as to whether I am authorized to access, inspect, copy, or release information, it is my responsibility to seek advice and approval from my supervisor prior to such access, inspection, copying, or release of the information.** I understand that failure to adhere to the confidentiality provisions of state law, rule or policy may result in disciplinary action up to and including discharge. I also understand that the unauthorized disclosure of confidential information may also result in civil or criminal penalties established in law.

\_\_\_\_\_  
Employee Name (Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor/Designee

\_\_\_\_\_  
Date

HR MEMORANDUM 8-06  
ATTACHMENT 6

**POLICY GUIDELINE CONCERNING APPLICANTS WITH CRIMINAL  
CONVICTIONS**

The long-standing policy that governs the consideration of criminal convictions in the selection process was established in Executive Order 4 FY 74-75 (March 11, 1975). The executive order requires equal employment opportunity for ex-offenders and, hence, a *blanket prohibition of hiring ex-offenders is not consistent with State policy.*

This policy is intended to facilitate fair employment opportunities for ex-offenders while balancing the legitimate interest of the State in protecting property, and the safety and welfare of specific individuals and the general public. Hiring decisions must be considered on a case-by-case basis. In considering candidates for employment (including initial hires, transfers or promotions) who have a criminal record, the following analysis must be undertaken by the hiring agency.

First, because a candidate's criminal record may legitimately be considered in the selection process, all employment applications ask about prior criminal convictions.<sup>1</sup> If the candidate discloses a prior conviction, the following factors must then be considered by the agency prior to making a final decision regarding an offer of employment:

- The nature and severity of the conviction(s).
- The relevance of the conviction to the position, taking into account both the nature of the conviction and the duties of the position. (In other words, is there a nexus between the conviction and the job?)
- The number of convictions.
- When the convictions took place. (The implication being that the time that has elapsed since a conviction or whether there have been intervening convictions, should be considered.)
- Evidence of rehabilitation.

Once the above factors are taken into consideration, the agency must then determine whether hiring the individual would create potential situations in which the safety and well-being of citizens are threatened. *When considering the safety and well being of the general public, particular attention must be given to those positions requiring contact with the public outside of State office locations.* If consideration of all of these factors leads to a determination that an individual cannot perform the duties of a particular job without presenting a potential risk to the safety and well-being of the general public the individual may be denied employment in that position.

If an applicant with a criminal record is hired by the State after due consideration of the factors discussed in this policy, appropriate instruction and training shall be provided to the individual's supervisor to ensure the public's safety and welfare, and to protect the individual from discrimination/harassment in the workplace based on their ex-offender status.

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<sup>1</sup> Agencies have typically imposed a serious disciplinary response, up to and including discharge, if it is later learned that an applicant lied, or took affirmative steps to conceal, the existence of criminal convictions on his or her application.