

## Human Resources Branch Memorandum

SUBJECT: Hiring Above Minimum (HAM) ( <b>Edited April 8, 2022</b> )	NUMBER: <b>HRB 21-004</b>
	DATE ISSUED: <b>March 3, 2021</b>
DISTRIBUTION: CDFW Supervisors and Managers	EXPIRES: <b>N/A</b>

Action Required       Informational Only       Control Agency Directive

### Purpose

The purpose of this memorandum is to inform supervisors and managers of the California Department of Human Resources' (CalHR) policy on Hiring Above Minimum (HAM) Requests. This memorandum also informs supervisors and managers of the California Department of Fish and Wildlife (CDFW) Human Resources Branch's (HRB) process for requesting a HAM.

**Note:** In accordance with Labor Code section 432.3, effective January 1, 2018, prior salary, current salary, or competing job offer salary may no longer be used to set a HAM salary rate. This means departments and/or hiring managers may not inquire, directly or indirectly, about a candidate's salary history information, including compensation and benefits.

Please see [CalHR Manual Section 1707](#) for information regarding HAM Requests for Current State Employees, Former Legislative Employees, and Former Exempt Employees.

### Authority

- [California Department of Human Resources \(CalHR\) Manual Section 1707](#)
- Government Code sections 18990 and 19836
- Labor Code section 432.3

### Policy

Government Code section 19836 authorizes CalHR to allow payments above the minimum rate in the salary range of a classification for situations when it is necessary to obtain persons with extraordinary qualifications. A HAM salary rate must be requested by the candidate and approved by the HRB prior to the candidate accepting employment. Under no circumstance will supervisors and managers initiate or approve HAM requests. Upon notification by the candidate that a HAM is requested, the supervisor must begin communication with the HRB to obtain approval of the request. Once requested by the candidate, the supervisor may request additional information from the candidate in order to complete the necessary paperwork to forward to the HRB for review and approval.

The ability to approve a competitive salary above the minimum salary rate of a class allows the employer to obtain the services of extraordinarily qualified employees.

Department personnel applying these standards to candidates with extraordinary qualifications should strike a balance between the need to hire highly qualified individuals and the need to keep the cost to the state as low as possible. In most cases, entry level classifications would not be considered appropriate for a HAM.

### **HAM Request Documents**

All HAM Requests must include the following:

- [CalHR-684 Form](#)
- Justification memo addressing all Standards for HAM Approval in detail
- Candidate's written denial of the job offer and/or request for a HAM
- Candidate's current employment application (STD. 678)
- Application screening criteria and scores, including the number of applications received
- Interview ranking sheet
- Applications of all candidates that applied

### **Standards for HAM Approval**

Contribution to the Agency - Persons with extraordinary qualifications should contribute to the work of the department significantly beyond that which other applicants offer:

- a. Extraordinary qualifications may provide expertise in a particular area of a department's program. This expertise should be well beyond the minimum qualifications of the class.
- b. Unique talent, ability, or skill as demonstrated by previous job experience may also constitute extraordinary qualifications. The scope and depth of such experience should be more significant than its length.
- c. The degree to which a candidate exceeds minimum qualifications should be a guiding factor, rather than a determining one. When a number of candidates offer considerably more qualifications than the minimum, it may not be necessary to pay above the minimum to acquire unusually well-qualified people.
- d. The qualifications and hiring rates of state employees already in the same class should be carefully considered, since questions of salary equity may arise if new higher entry rates differ from previous ones.

Recruitment Difficulty - Recruitment difficulty is a factor to the extent that a specific extraordinary skill should be difficult to recruit, even though some applicants are qualified in the general skills of the class. This also includes difficulty due to geographic isolation.

- a. How is the candidate superior to other eligible candidates interviewed?
- b. How does the candidate's experience and qualifications compare to current employees in the same class/same location?

**Note: If there is no difficulty in recruiting qualified employees, there is no need for a HAM.**

### **Procedure**

HAM requests must be made by a candidate **prior** to the acceptance of a **final offer of employment** made by the hiring supervisor.

1. Hiring supervisor extends a tentative offer to candidate. Before accepting the offer, the candidate requests a HAM.
2. If the Hiring Supervisor supports the candidate's request for a HAM, the Hiring Supervisor collects all the required documents and submits to the assigned HRB Classification and Pay (C&P) Analyst for review.
3. C&P Analyst reviews the documents and determines all HAM standards are met and justified.
4. If CALHR-684 is approved, C&P Analyst notifies Hiring Supervisor of the approved salary rate and the hiring supervisor may move forward with offering the HAM to the candidate.
5. If CALHR-684 is not approved, C&P Analyst will notify Hiring Supervisor with reasons why the request was not approved.

The Hiring Supervisor cannot move forward with offering a HAM rate to candidate without C&P approval.

### **Salary Determination**

The Hiring Supervisor must include a proposed Monthly Salary on the CalHR-684 for consideration by the C&P Unit. To ensure consistency and appropriately exercise the Department's delegated authority to authorize salaries above the minimum, Hiring Supervisors may not propose monthly salaries that exceed 5% above the starting salary rate per 3 years of experience that the candidate has above the minimum qualifications.

### **Forms**

1. [CalHR-684](#): Hire Above Minimum (HAM) Request For Extraordinary Qualifications
2. [CalHR-685](#): HAM - Former Exempt Employee
3. [CalHR-691](#): HAM - Former Legislative Employee

### **Contact**

If you have any questions, please contact your assigned C&P Analyst.