



POLICY MANUAL

EMPLOYMENT

Number 394

Subject: Faculty and Professional Staff Employment

Covered Employees: Faculty and Professional Employees

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394.1 POLICY

Utah State University strives to employ highly qualified, competent faculty and professional staff employees while promoting equal opportunity and diversity.

Utah State University prohibits discrimination in employment based on race, color, religion, sex, national origin, age, disability, veteran's status, or sexual orientation.

Utah State University is committed to hiring only United States citizens or aliens lawfully authorized to work in the United States.

Any questions regarding the hiring of faculty and professional staff should be directed to the Office of Human Resources (OHR) or the Affirmative Action/Equal Opportunity (AA/EO) Office.

For additional issues related to hiring of faculty, see policy 404.

394.2 PROCEDURES

2.1 Permission to Open Positions

- A. When a department head/director determines a need to fill an open faculty or professional (exempt) position, a **Request to Fill Open Position** form must be completed.

*NOTE: If this is a new position, a **New Position Request** must also be completed and sent through appropriate channels for HR and budget purposes.*

If the **Request to Fill Open Position** form is approved by the dean/vp, it is submitted to the AA/EO Office.

- B. Request for a specific type of search should be based on departmental needs and Affirmative Action (AA) requirements. Departments are encouraged to contact OHR or the AA/EO Office to discuss the choices and requirements prior to completing the form. Information about meeting affirmative action requirements can be obtained through the dean/vp office, the HR Partners, or the AA/EO Office. The types of searches to consider include:

- 6.2 waive normal search requirements in accordance with USU Policy Number 385 (Appointments of Opportunity);
- 6.3 promote from within the department when there is only one employee who is clearly qualified **and** there are no affirmative action goals for the specific job group or the action will meet the affirmative action goal;
- 6.4 search within the department when there are multiple qualified employees **and** there are no affirmative action goals for the specific job group or the action will meet the affirmative action goal;
- 6.5 search within the entire University community when it is felt there are sufficient qualified University employees to compete for the open position;
- 6.6 search based on the external search process.

NOTE: In accordance with USU Policy Number 398 (Reduction-in-Force [RIF]), HR maintains a list of individuals terminated because of a RIF. These persons have a "right to first interview" if they meet the requirements of a specific position and that position is equal to or less than the position they previously held. HR will contact the department to discuss this process when there are qualified individuals under Policy 398 for a specific position.

- C. After comment by AA/EO, the **Request to Fill Open Position** form will go to the Provost's Office (for all positions relating to academic departments and Extension) or Vice President for Business and Finance (for all positions relating to non-academic departments) for final approval. The form will be sent to OHR to:

1. Notify the department that the request has been approved.
2. Determine if an in-house job description exists for the position. If a job description does not exist, OHR will work with the department to develop an

appropriate job description listing essential functions of the job.

If an open or University/Department-wide search is not required (B1 and B2 above), the candidate selected must have the minimum qualifications required for the position. Upon approval of the **Request to Fill Open Position** form, the procedure may advance to “2.6 Appointment Procedures.”

- D. If a search is required to fill the position, the department head or director will appoint a search committee. This committee will be appointed in consultation with and approval of the dean or vice president. The Dean/VP is responsible for promoting ethnic and gender diversity on search committees. One person will be designated as chair for the committee.

2.2 Advertising the Position

- A. After the appointment of the search committee and **before advertising is placed (i.e., Exempt Positions Advertising Request approved)**, the following **MUST** be accomplished:

1. An OHR representative will meet with the chair of the search committee and/or an individual designated to provide administrative support to the search. This hiring orientation includes instructions on the advertising and hiring process. During the session, the OHR representative will:

306.9.1 review the job description for a listing of essential functions of the job;

306.9.2 present an orientation of the hiring process and respond to questions which might arise; and

306.9.3 provide a hiring packet containing hiring process information which includes (but is not limited to):

- (1) a copy of “Procedures for the Employment of Faculty and Professional Staff;”
- (2) an **Exempt Positions Advertising Request** form;
- (3) **Applicants AA Information** cards (“green card”);
- (4) an **Applicants Selection/Nonselection** form;
- (5) a **Finalists Selection/Nonselection** form; and
- (6) other forms and information as required.

2. A representative from the AA/EO Office must meet with the search committee **prior to submission of the Exempt Positions Advertising Request form**. This meeting will include, as a minimum:

a. discussion of the unit’s affirmative action status; assistance in

developing proactive procedures to increase the diversity of the applicant pool (specifically women and minorities when there is underutilization) to reach unit goals;

- b. discussion of AA requirements relating to veterans and persons with disabilities;
- c. discussion of Equal Opportunity (EO) requirements and recommendations on conducting non-discriminatory searches; and
- d. reviewing the Advertising Request form and position announcement as it relates to AA and EO issues and providing recommendations to the committee to assist them in finalizing these documents.

306 After the above meetings are completed, the chair of the search committee completes the **Exempt Positions Advertising Request** form, finalizes the position announcement and forwards the form with supporting documentation (the position announcement as a minimum) through the department head/director and dean/vp for their approval and then to the AA/EO Office for final review. The AA/EO Office will forward the completed form to OHR.

The OHR is available to assist the search committee with the development and placement of advertisements. The following guidelines are recommended:

- 3. The position be advertised for a minimum of 30 calendar days from the date it first appears in the source with the widest circulation (i.e., for national advertising, *The Chronicle of Higher Education* or other national-level publications). If unforeseen circumstances warrant a shorter search, a memo explaining the circumstances and requesting such should be included with the **Request to Fill Open Position** form.
- 4. In order to seek a broad and diverse applicant pool, all faculty and professional positions will be advertised nationally.
- 5. A standardized advertising format, provided by the University, will be utilized wherever possible.

2.3 Search for and Review of Applicants

307 After an application is received, a letter of acknowledgment and the **Applicant AA Information Card** (with the name, job number and job title completed on the card), is sent to each applicant.

308 The committee screens each application according to the advertised criteria which is found on the full position announcement. This full position announcement is found,

at a minimum, on the HR employment opportunities web site and should be referenced in all advertisements.

- 309 After the closing/review date specified in the advertisements, a list of finalists is developed. The names of all applicants are entered on the **Applicants Selection/Nonselection** form. Finalists are identified by entering “finalist” on the form. Those finalists to be interviewed on campus are identified by checking the “interview” column on the form. Reasons for nonselection, **based on the advertised qualifications**, are listed beside the names of those applicants not selected for further consideration.

AA/EO guidance suggests that at least three qualified candidates are identified as finalists to be interviewed. If the search fails to produce three qualified finalists, a memorandum must be forwarded with the **Applicants Selection/Nonselection** form (through the AA/EO Office to the Provost’s Office) which details reasons why approval is sought to interview fewer than three finalists and outlining, at a minimum, the following:

1. Efforts to obtain a broad and diverse applicant pool (i.e., advertising, networking, etc.).
2. If applicant pool is small, provide rationale for this.

The forms and a copy of the curriculum vitae/resume of all finalists to be interviewed are given to the department head/director with the **Applicants Selection/Nonselection** form. A summary of the committee’s recommendations may also be included.

The department head or director reviews the information and, if he/she approves, signs the form and forwards the information to the dean or vice president.

The dean or vice president reviews the information and if he/she approves, signs the form, and forwards it, along with attached materials, to OHR.

NOTE: The signatures by the department head/director and dean/vice president indicates that: (1) they agree with the selections put forward by the search committee; (2) they agree that good faith efforts have been made to attract a diverse applicant pool when there is underutilization of women and/or minorities in the specific job group represented by the position; and (3) they agree that equal opportunity laws and regulations have been followed.

The OHR forwards the form to the AA/EO Office to check for compliance with AA/EO guidelines. The AA/EO Office resolves any concerns and then forwards

the packet to the President or Provost's Office with a recommendation to approve or not approve.

*NOTE: Interviews are not to be scheduled with finalists until the President/Provost's Office has approved the **Applicants Selection/Nonselection** form.*

If the committee (or department head/director or dean/VP) decides at a later date that persons indicated as finalists but not interviewed now need to be interviewed, they may do so by forwarding a copy of the curriculum vitae/resume of the person(s) to be interviewed to OHR. OHR will then send the **Applicants Selection/Nonselection** form through the AA/EO Office to the Provost's Office for approval. If the person to be interviewed is a new applicant, a new **Applicants Selection/Nonselection** form must be marked as an "Addendum" and processed as outlined above.

2.4 Arranging and Conducting Interviews

The President or Provost's Office reviews the Applicants Selection/Nonselection Form and associated materials, resolves concerns, authorizes interviews, and returns the packet to the Office of Human Resources.

Those applicants not selected as finalists should be notified in writing at this time. Interviews are scheduled, conducted, and the top finalists are determined.

2.5 Making an Employment Offer

Following approval of the department head and the dean/vice president, an offer may be extended to the selected candidate. (If the selected candidate declines the offer, an offer may be made to any of the other finalists.) The Finalist Selection/Nonselection Form is then completed, listing all finalists and giving specific reasons for those not offered the position. The candidate must be informed in writing that the offer is subject to approval by central administration. Certain administrative positions as defined by the Board of Trustees will be subject to their approval.

The form is then forwarded to the AA/EO Office and the President or Provost's Office for review. After review, the form is returned to the OHR.

2.6 Appointment Procedures

When the candidate accepts the preliminary offer, the **Employment Action Form** is prepared and forwarded to the dean or vice president. After the dean or vice president signs the form, it is forwarded to the Provost or Vice President for

Business and Finance and then to the OHR. A copy is provided by OHR to the AA/EO Office.

For certain administrative positions, the President recommends the appointment to the Board of Trustees, who approve or disapprove the appointment.

After final approval, official notice of appointment is sent to the selected candidate by the President.

When the **Employment Action Form** has all required signatures, the hiring department will communicate to the candidate that his/her appointment has been approved.

Unsuccessful finalists must be notified by the search committee that the position has been filled.

2.7 Verifying Employment Eligibility (Completing an I-9 Form)

(1) All persons hired to work in the United States after November 6, 1986, must submit document(s) proving their identity and their eligibility to work in the U.S., as required by the Immigration Reform and Control Act of 1986. Any time after an offer of employment has been accepted, but before the end of the third day of employment, newly hired employees must complete a U. S. Department of Justice Form I-9 "Employment Eligibility Verification. This form is available through OHR.

(2) If the form is not completed by the third working day, the new employee will be paid for time spent on the job before being notified of noncompliance by the Office of Human Resources or the Student Employment Office and placed on leave-without-pay status until the I-9 is filled out. Leave-without-pay will be for an indefinite period of time during which the prospective employee may not work. The hiring department will take full responsibility for an I-9 application that has been accepted, but completed incorrectly and is responsible for paying any fines levied by the U.S. Immigration and Naturalization Service.

(3) If an alien employee is hired, but at a later time fails to maintain employment authorization (does not receive an extension of his/her visa within specified time limits), the employee will be placed on leave-without-pay status. For example, a J visa must be extended before the expiration date listed on the IAP-66 Form. An H visa will be adjudicated within 60 days of receipt of application by the U.S. Immigration and Naturalization Service, or interim employment authorization will be granted for up to 120 days.

394.3 RESPONSIBILITY

3.1 Department Heads, Directors, Deans and Vice Presidents

Responsible for ensuring the hiring procedures are followed according to this policy and for coordinating all hiring procedures through OHR and AA/EO offices.

3.2 Office of Human Resources and Affirmative Action/Equal Opportunity Office

Responsible for ensuring that sound and equitable hiring practices are followed and providing administrative, equal opportunity, and affirmative action guidance during the search for a qualified candidate.