

# MSU-Billings

## Personnel Procedures

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POLICY REFERENCE: **Recruitment and Selection**

OTHER REFERENCES: MUS 702.1, 703; 49-2-405, M.C.A.; 39-29-102, M.C.A.; Collective Bargaining Agreements; Executive Order 11246; Section 503 of the Rehabilitation Act of 1973; Section 4212 of Vietnam Era Veterans Readjustment Assistance Act; Americans with Disabilities Act; Equal Pay Act; Montana State Constitution, Article X, Section 7; Civil Rights Act of 1991; ADEA

DATE ADOPTED/REVISED:

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### I. RECRUITMENT

#### A. Scope

A department with a vacancy may conduct a recruitment typically utilizing one of four options. Human Resources will assist departments in determining the most viable option. Factors to be considered when determining the most effective option include the job duties and responsibilities, probable availability of eligible applicants within a recruitment area, and any special recruitment needs. The Director of Human Resources may approve any designated recruitment area as long as the scope allows for a fair and equitable process.

##### Option 1: Intra-Departmental Recruitment

Any permanent employee within the hiring department may apply for the position. To be considered as a candidate, the employee must meet at least the minimum qualifications for the position based on the role/position description and criteria for selection as defined in the vacancy announcement. The recruitment period shall be at least three (3) working days.

##### Option 2: Campus Recruitment

Any non-temporary employee of MSU-Billings hired through an external recruitment process may apply for the position, unless otherwise specified in the vacancy notice. The employee selected must meet at least the minimum qualifications for the position as specified in the vacancy announcement. The recruitment period shall be at least five (5) working days.

##### Option 3: External Recruitment

Applications will be accepted from any person interested in applying for the position. The recruitment period shall consist of a minimum of five (5) working days.

#### Option 4: Career Ladder (Classified Staff Only)

Eligible employees may be promoted through the use of a pre-approved career ladder. There is no requirement for recruitment if an established career ladder is used in accordance with staff compensation policies and procedures.

#### B. Authorization to Conduct Recruitment

To initiate recruitment for a position vacancy, hiring authorities shall complete a *Recruitment Authorization Form* and obtain appropriate authorization to fill the vacancy. Upon receipt of the *Recruitment Authorization Form*, a representative from Human Resources will contact the department to provide assistance in determining the best option for filling the vacancy.

If a department elects to use Option 1 and does not have minimally qualified applicants apply for the position, Option 2 or 3 may be subsequently utilized. If the hiring department first used Option 2 and found no acceptable candidate, the position will be advertised using Option 3.

#### C. Screening and Selection Process

##### 1. Accommodation:

In accordance with the Americans with Disabilities Act (ADA) of 1990, a hiring department is required to make reasonable accommodation for a known physical or mental limitation of an otherwise qualified individual unless to do so would impose an undue hardship on MSU-Billings. A reasonable accommodation may be required at any step of the recruitment and selection process such as when submitting an application, interviewing, or testing. Human Resources monitors the recruitment process to ensure compliance with ADA and to assist departments in providing reasonable accommodations for job applicants.

##### 2. Criteria:

Screening and selection criteria must be job-related and based on the role/position description and required qualifications. Human Resources will provide assistance in identifying relevant criteria. The role/position description and selection criteria must be reviewed and approved by the Director of Human Resources prior to advertising the vacancy. Job-related selection criteria must be provided in writing before any applications are screened. The criteria must be applied uniformly to all applicants. The Director of Human Resources shall grant pre-interview approval prior to the scheduling of any interviews.

### 3. Interviews:

Written justification for applicants not selected for interview shall be submitted to Human Resources, along with a list of proposed interview questions and copies of any proposed tests. The material will be reviewed for compliance with ADA, EEO/AA and other federal/state laws and regulations. After receiving approval from Human Resources to proceed, the hiring department may interview applicants. Candidates selected for interview shall be treated similarly with regard to the timing and structure of interviews.

### 4. Reference Checks:

Reference checks are a mandatory step in the selection process. Applicants are typically required to provide three references. References in addition to those listed by the applicant should be contacted.

Restrictions on pre-employment inquiries apply to inquiries made directly to an applicant or made indirectly about an applicant. During the process of checking references, the interviewer shall not ask previous employers or other sources about an applicant's disability, illness, workers' compensation history, or other similarly restricted matters.

*A Reference Check Form* shall be completed for each reference check. The interviewer must attempt to verify any negative information received as a result of a reference check by contacting at least one other reference.

Reference checks may be made at any time during the hiring process; however, they are usually most beneficial when used after an interview in order to allow follow up on specific information that may be gleaned from the interview. Although it is not necessary to conduct reference checks on all applicants in the screening and/or interview pool, the decision of when to conduct reference checks should be justifiable and applied in a fair and consistent manner.

### 5. Final Selection:

All recruitment materials, including justification for selection/non-selection for all interviewed applicants will be forwarded to Human Resources for review and final approval prior to the extension of an offer of employment to the preferred applicant.

After acceptance of the job offer by the successful candidate, all applicants interviewed for the position shall receive notice from the hiring department advising them that they were not selected for the position. Any subsequent inquiries regarding the selection procedures or outcome should be referred to Human Resources.

## 6. Background Investigation:

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Background investigations shall be required prior to employing permanent staff members, contract administrators, contract professionals, faculty members, individuals on Letters of Appointment, and designated temporary staff members. This policy includes positions for which recruitments are conducted, along with individuals hired through approved recruitment exceptions. Each background investigation will include a review of criminal (including sex offender status) and educational records. Depending on the position, credit check verification may be conducted.

### a. Notification:

All candidates for covered positions will be notified in writing of the requirement to successfully pass background investigations. Each vacancy notice shall contain an appropriate statement notifying potential applications of this requirement.

### b. Initiation of Investigations:

*1. Permanent Staff Positions:* After completion of the initial screening, reference checks, and interview processes, the hiring authority/committee will select one finalist. Prior to offering the position to the finalist, the background investigation must be completed and results assessed. Human Resources will provide necessary information to the agency conducting the investigation.

*2. Contract Administrators, Contract Professionals, Letters of Appointment, Coaches and Faculty:* Background investigations will be initiated concurrent with the scheduling of interviews. The appropriate Dean's office will ensure that completed forms and required information for faculty positions is submitted to Human Resources.

*3. Temporary Staff:* Temporary staff members expected to be employed at least six (6) consecutive months are subject to background investigations. The hiring authority shall submit required information to the Office of Human Resources prior to employment of the individual.

In the event an initial employment period of less than six (6) months is subsequently extended to exceed six (6) months, a criminal background investigation must be completed at the time employment is extended.

### c. Required Information

The following information shall be submitted to the Office of Human Resources, as designated above.

- Completed and signed Authorization for Pre-Employment Background Investigation.

d. Offer of Employment

An offer of employment may be extended pending the outcome of background investigations, upon prior approval from Human Resources.

If a conditional offer of employment is extended, individuals hired for permanent staff positions shall be notified by the hiring authority that they are subject to immediate dismissal if adverse, relevant information is discovered as a result of the investigation.

Temporary staff hired pending the results of a background investigation are subject to immediate dismissal if the results of the investigation are unacceptable.

Individuals hired for all other positions (i.e., faculty, contract administrator, contract professional, Letter of Appointment) shall be provided with a written letter of offer that includes the following statement:

*"Employment is contingent upon a satisfactory background investigation. The determination of "satisfactory" is at the sole discretion of the Employer. Immediate dismissal will occur if background investigation results are unsatisfactory."*

e. Investigation Results

Results of background investigations will be conveyed to the Human Resources Director. If background investigations result in the detection of criminal records, the Director of Human Resources, in consultation with Legal Counsel if appropriate, will determine the candidate's appropriateness for employment. If necessary, the hiring authority and/or Chancellor will be consulted. The hiring authority will be notified of the decision. Details of investigation results will not be provided to the hiring authority, search committee chair, or any other individuals in order to protect the individual's right to privacy.

In determining whether criminal convictions will preclude individuals from being hired, the University will consider the 1) number, 2) nature, 3) gravity, 4) recency, and 4) job-relatedness of any records, along with 5) rehabilitation efforts and success.

Results of the background investigations will remain confidential, will be

maintained by the Office of Human Resources, and will be shared with authorized individuals only on a need-to-know basis. Background investigation results are protected by laws and regulations governing confidential criminal justice information.

f. Cost

Hiring authorities will pay costs associated with background investigations.

D. Special Conditions

1. MPEA Classified Staff Layoff Pool:

According to the collective bargaining agreement between the Montana Public Employees Association (MPEA) and the Montana University System, employees in the layoff pool may apply for any MPEA bargaining unit position vacancy for which they qualify. Employees in the layoff pool shall submit all applicable application materials in order to be considered a candidate for a vacant bargaining unit position. Hiring authorities must first consider the application of employees in the layoff pool for open positions in the bargaining unit.

2. Reassignment:

At the discretion of the supervisor, employees may be reassigned to a new or different position of the same job title within the department. No reassignment shall be considered to be effective until the proposed change has been reviewed by the Director of Human Resources.

3. Career Ladders: (Classified Staff Only)

Progression pay shall be utilized when classified staff employees advance through pre-established career progression plans (career ladders) that have been approved by the Director of Human Resources. Human Resources personnel are available to assist departments in the development of career ladders. However, it must be recognized that career ladder opportunities vary depending on the nature of work performed. Career ladder opportunities are not available to every position. To establish a career ladder, there must be a business need for employees to use newly acquired skills on the job.

4. Recruitment Exceptions:

Individuals written into grant and contract proposals by name may be appointed without recruitment to positions funded by grants. These positions may not be clerical or administrative support in nature. To be eligible for a recruitment exception, the individual named in the grant under a staff position must possess grant-specific professional and/or technical skills that are unique to the grant and essential to the awarding of the grant funding.

The Director of Human Resources may grant recruitment exceptions for positions. Requests must be submitted to Human Resources in writing a minimum of ten (10) working days prior to the estimated start date, along with supporting documentation verifying the individual is named in the grant. The individual(s) for which an exception is requested shall not begin employment without prior approval by the Director of Human Resources.

5. Temporary Fixed Term Staff:

A "fixed term" or temporary employee is one whose employment is not intended to be permanent and with no expectation of employment beyond the period specified, not to exceed one year. No temporary position may be changed to a permanent position without recruitment.

No formal recruitment process is required for temporary employment. The hiring department may recruit employees to fill temporary positions. The hiring department shall collect application materials and interview candidates. Assistance is available from Human Resources. All screening and interviewing materials used in the selection process must be job related.

6. Moving/Relocation Expenses:

Reimbursement for all or partial moving and/or relocation expenses are allowable in limited circumstances and only with the advance approval of the Vice Chancellor and Chancellor.