

ELIZABETH CITY STATE UNIVERSITY Recruitment and Posting of Vacancies Policy

Preamble

Elizabeth City State University (ECSU) shall meet its workforce needs through systematic recruitment, selection and career support programs that identify, attract and select from the most qualified applicants for State employment, and encourage diverse representation at all occupational levels of the workforce. No selection decision shall be made that will constitute unlawful discrimination in violation of State and Federal law. To the extent that any provisions of this policy conflicts with the Office of State Human Resources (OSHR-P) Recruitment and Posting of Vacancies Policy, the OSHR version shall control.

I. Recruitment and Posting of Vacancies

A. Recruitment and Selection

Elizabeth City State University has developed and maintains a written recruitment and selection process according to guidelines provided by OSHR-.

1. The Recruitment and Selection Guidelines provides assurance to employees and applicants that the recruitment and selection process shall be based on fair and valid selection criteria.
2. ECSU shall be responsible for maintaining recruitment and selection data and documentation to support decisions and provide information to OSHR to prepare reports required by statute.
3. OSHR shall consult, as requested, with ECSU in the design, development and implementation of an education program for managers, supervisors and Human Resources professionals in the recruitment and selection process.

B. Exempt Positions

While most positions are filled through systematic recruitment, it is recognized that some positions in State government are exempt from various provisions of the State Human Resources Act because of the relationship between the position and the responsibility of elected or appointed officials expected to implement the public policy of the State. While these positions are exempt from various provisions of the State Human Resources Act; they are subject to the following requirements:

1. If an individual applies for an exempt position, written notification that a position is exempt shall be given to the individual at the time the individual makes application for the exempt position. Written notification that the position is exempt may be contained in the vacancy announcement via ECSU's online employment system if the position is posted as exempt, or in an email notice that acknowledges acceptance of an application for an exempt position or in a written offer of employment for an exempt position or a notification that the position is exempt.
2. Written notification that a position is exempt shall be given to an employee placed in an exempt position not less than 10 working days prior to the employee's first day in the exempt position.
3. If an employee occupies a subject position that is subsequently designated as exempt, ECSU shall provide written notification to the employee that the position has been designated exempt. The exemption shall apply to the employee 10 working days after receiving written notification.

C. Vacancy Announcement

1. Vacant positions to be filled at Elizabeth City State University shall be publicized to permit open and fair competition for all interested employees and applicants. The recruitment and selection process shall be consistently applied, non-discriminatory and promote open and fair competition and the hiring of a diverse workforce.
2. Each vacancy will be described in an announcement which includes at minimum:
 - a. For graded classes: the position number, classification title, salary grade and range, essential functions, knowledge, skills, abilities, minimum education and experience, and any vacancy-specific qualifications as determined by ECSU in accordance with 25 NCAC 01H.0635 (c), the application period, and the appropriate contact information.
 - b. For banded classes: the position number, banded class title, banded class salary range or recruitment range corresponding to the competencies and duties, salary grade equivalency, essential functions, competencies, minimum education and experience, vacancy-specific qualifications as determined by the agency in

accordance with 25 NCAC 01H.0635 (c), the application period, and the appropriate contact information.

- c. For all vacancy listings a closing date shall be given unless the classification has been determined as critical. Factors used in determining critical classifications shall include: university turnover; number of positions in class; geographic location; scarcity of skills; safety, health or quality of care for clients. Such critical classifications shall be approved by the State Human Resources Commission.
- d. On those classes determined to be critical, which are considered open, continuous postings, ECSU shall determine how long applications shall be considered active.

D. Minimum Qualifications

1. The employee or applicant must possess at least the minimum qualifications set forth in the class specification of the vacancy being filled. Additional minimum qualifications, if any, included on the specific vacancy announcement must also be met. These additional qualifications must have a documented business need. Qualifications include education, experience, competencies and knowledge, skills and abilities. The minimum qualifications on the vacancy announcement shall bear a direct and logical relationship to the minimum on the class specification, class administration guidelines developed by OSHR, and the specific position description. This requirement shall apply in new appointments, promotions, demotions or reassignments, transfers, redeployments and reinstatements.
2. Qualifications necessary to perform successfully may be attained in a variety of combinations. Reasonable substitutions of formal education and job-related experience, one for the other, may be made.
3. ECSU management is responsible for determining the vacancy-specific qualifications that are in addition to minimum education and experience requirements. Such vacancy-specific qualifications shall bear a logical and job-related relationship to the minimum requirements. Management shall be responsible for the adverse effects resulting from the use of qualification standards that are unreasonably construed.

4. OSHR shall make the final determination as to whether the employee or applicant meets the minimum qualifications in questionable selection situations.

E. Posting Period

Each permanent position to be filled shall be posted via ECSU's online employment system for not less than five working days. Temporary positions are not required to be posted, including positions filled by Model Co-operative Education students and State government interns. The following posting requirements apply:

1. **Internal Posting**

Vacancies to be filled from within the ECSU workforce shall be prominently posted in at least Human Resources and the particular work unit having the vacancy. An email shall be sent to all employees to provide notification of the vacancy.

2. **Internal and External to State Government**

Vacancies to be filled from within state government or outside the state government workforce shall be posted on ECSU's online employment system, Human Resources and the particular work unit. In addition, vacancies to be filled from outside the state government workforce shall be listed with the Employment Security Commission.

- a. When a vacancy is listed with the Employment Security Commission, ECSU may not fill the job opening for at least 21 days after the listing has been filed, and the local office with which the listing is made must be notified within 15 days after the vacancy is filled.
- b. Upon ECSU's request, the Employment Security Commission may waive the waiting period for filling listed vacancies in position classifications for which the State Human Resources Commission has recognized that candidates are in short supply and it hinders ECSU in providing essential services.

F. Posting Requirements Not Applicable

1. Posting is not required when ECSU determines that it will not openly recruit. The decision shall be based upon a bona fide business need and is

the responsibility of the Chief Human Resources Officer in consultation with the Chancellor. Examples when postings are not required include vacancies which are:

- a. committed to a budget reduction;
 - b. used to avoid a reduction in force;
 - c. used to effect a disciplinary transfer or demotion;
 - d. to be filled by transfer of an employee to avoid the threat of bodily harm;
 - e. to be filled immediately to prevent work stoppage in constant demand situations, or to protect public health, safety or security;
 - f. designated exempt policymaking [G.S. 126-5(d)];
 - g. to be filled by chief deputies and chief administrative assistants to elected or appointed agency heads; and vacancies for positions to be filled by confidential assistants and confidential secretaries to elected or appointed agency heads, chief deputies, or chief administrative assistants;
 - h. to be filled by an eligible exempt employee who has been removed from an exempt position and is being placed back in a position subject to all provisions of the State Human Resources Act;
 - i. to be filled by a legally binding settlement agreement;
 - j. to be filled in accordance with a formal, pre-existing written agency workforce plan, including lateral appointments resulting from the successful completion of the requirements for the Model Co-op Education Program, the In-Roads Program or the Governor's Public Management Fellowship Program;
 - k. to be filled immediately because of a widespread outbreak of a serious communicable disease, and
 - l. to be filled as a result of a redeployment arrangement.
2. Employees filling the above positions are required to meet the minimum training and experience requirements of the position.

G. Priority Reemployment Consideration

Prior to or simultaneous with posting the vacancy announcement, ECSU must review the latest list of applicants with priority status. If the classification of the vacancy appears, a priority certificate must be requested and the appropriate priority afforded.

H. Violation of Posting Requirements

1. The Office of State Human Resources may withhold approval to fill a vacancy if ECSU cannot validate that it complied with the(se) posting requirements.
2. If ECSU hires any person in violation of the posting requirements and it is determined by the OSHR that the employment of the person hired must be discontinued as a result of the posting violation, ECSU shall pay such person for the time worked.

I. Application for Employment

Applicants applying for a State vacancy must complete and submit an application via ECSU's online employment system listing the vacancy for which they are applying. In addition:

1. Persons subject to registration under the Military Selective Service Act (50 United States Code, Appx Section 435) must certify compliance with such registration requirements to be eligible for State employment, as required by G. S. 143B-421.1.
2. Persons eligible for veteran's preference shall submit a DD Form 214, Certificate of Release or Discharge from Active Duty, with the application or resume. Elizabeth City State University shall verify eligibility for veteran's preference.
3. The knowing and willful failure of a subject person to certify compliance when submitting an application for formal consideration, or to falsely certify compliance, may be grounds for dismissal.

II. Selection

A. Selection of Applicants

ECSU shall select from the pool of the most qualified persons to fill vacant positions. Employment shall be offered based upon the job-related qualifications of applicants for employment using fair and valid selection criteria and not on political affiliation or political influence.

1. Definition: Political affiliation & political influence: For the purposes of this policy, political affiliation is the membership in, participation in, or support of, a particular political party, group or candidate. Political influence occurs when political affiliation impacts the decision to hire or not to hire and the selection decision was not based on fair and valid selection criteria.
2. The selection of applicants for vacant positions shall be based upon a relative consideration of their qualifications for the position to be filled. Using fair and valid selection criteria, ECSU shall review the credentials of each applicant and determine who possesses the minimum qualifications. From those applicants who meet the minimum qualifications, a pool of the most qualified candidates shall be identified. The pool of most qualified candidates shall be those individuals determined to be substantially more qualified than other applicants. The individual selected for the position must be chosen from the pool of the most qualified applicants.
3. Selection procedures and methods shall be validly related to the duties and responsibilities of the vacancy to be filled.

B. Written Notification to Applicants

After making the selection decision, ECSU shall provide timely written email notices of non-selection to all unsuccessful candidates. In making the determination of minimally qualified and most qualified, policies regarding priority reemployment consideration must be applied.

C. Appeals

1. A state employee or applicant for State employment who believes that he or she was denied because of harassment, discrimination or retaliation may appeal first through the informal EEO inquiry process and then through the agency grievance procedure.
2. A career State employee who believes he or she was denied priority consideration as a State employee for promotion may appeal through the agency grievance procedure.

3. A State employee or applicant for State employment who believes that he or she was denied a reduction in force priority in violation of law may appeal through the agency grievance procedure.

D. Applicant Information

Applicants must furnish true, accurate and complete information and documentation. When ECSU discovers that an applicant provided false or misleading information on a State application, or its equivalent, the following shall occur:

1. When ECSU discovers, prior to employment, that an applicant provided false or misleading information in order to meet position qualifications, the applicant shall be disqualified from consideration for the position in question.
2. When ECSU discovers, after employment, that an employee provided false or misleading information or concealed employment history or other required information significantly related to job responsibilities, but not used to meet minimum qualifications, disciplinary action is required and shall be administered in accordance with the following criteria:
 - a. Disciplinary action, up to and including dismissal, shall be taken, but the severity of such action shall be at the discretion of the Chancellor.
 - b. The Chancellor's decision, while discretionary, shall consider: the effect of the false, misleading or concealed information on the hiring decision, the advantage gained by the employee over other applicants, the effect of the false information on the starting salary, and the advantage gained by employee in subsequent promotion and salary increases. Job performance shall not be considered in such cases, nor can decisions be made on the basis of race, creed, color, religion, nation origin, sex, age, disability or political affiliation.
3. When ECSU discovers that an employee was selected based on false or misleading work experience, education, registration, licensure or certification information in order to meet position qualifications, the employee shall be dismissed, regardless of length of service.

E. Verification of Credentials

ECSU shall verify the validity of academic and professional credentials and the accuracy of data contained in the application information and documentation provided by each new employee within 90 days from the date of the employee's initial employment. ECSU shall inform applicants in writing at the time of selection that credentials must be verified within 90 days of initial employment and prior to the granting of a permanent or time-limited permanent appointment.

Credentials that are required to be verified are the highest post-secondary degree in all cases and registrations, licenses, certifications, and work history that are used to qualify or set the salary of an applicant.

III. Employment Limitations

A. Age Limitations

The Fair Labor Standards Act sets 14 as the minimum age for most non-agricultural types of work but limits the number of hours that may be worked for minors under age 16. It also prohibits minors under age 18 from working in any occupation that is deemed to be hazardous. Agencies should review the Child Labor provisions in the FLSA if questions of minimum age arise. (Website: <http://www.dol.gov/dol/topic/youthlabor/agerequirements.htm>)

North Carolina State government is not subject to the North Carolina Department of Labor laws and, therefore, does not require an Employment Certificate as issued by the Department of Social Services.

1. Law Enforcement Officers must be at least 20 years of age.
2. Maximum Age – There is no maximum age for employment.

B. Employment of Relatives (Nepotism)

Members of an immediate family shall not be employed at ECSU if such employment will result in one member supervising another member of the employee's immediate family, or if one member will occupy a position which has influence over another member's employment, promotion, salary administration or other related management or personnel considerations. The term immediate family includes wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson and granddaughter. Also included is the

step-, half- and in-law relationships based on the listing in this paragraph. It also includes other people living in the same household, who share a relationship comparable to immediate family members, if either occupies a position which requires influence over the other's employment, promotion, salary administration or other related management or personnel considerations.

C. Employment of Aliens

The State is permitted to hire only properly identified U. S. citizens and aliens with proper work authorization from the Department of Homeland Security, Bureau of U. S. Citizens and Immigration Services.

D. Federal Military Selective Service Act

State law requires selected applicants to indicate if they are in compliance with the Federal Military Selective Service Act. Failure to comply with the registration requirements bars a person from State employment.

IV. Special Employment and Reemployment Considerations

A. Priorities

1. Priority for vacant positions shall be given to:
 - a. employees separated from exempt policy-making/confidential positions or exempt managerial positions for reasons other than just cause (See Priority Reemployment for Exempt Policy-Making/Confidential and Exempt Managerial Employees),
 - b. employees separated from exempt managerial positions as a result of a violation of G.S. 126-14.2 (See Priority Reemployment for Exempt Managerial Employees Removed from Positions for Violations of G. S. 126-14.2),
 - c. employees notified of or separated by reduction in force (See Reduction in Force Priority, Section 2 of the OSHR Policy Manual),
 - d. employees returning from workers' compensation leave (See Workers' Compensation Policy),

- e. career State employees seeking promotions (See Promotional Priority), and
 - f. eligible veterans (See Veterans' Preference Policy).
2. The Office of State Human Resources provides a monthly Priority Reemployment Inventory for reduction-in-force employees and employees separated from exempt policy making/confidential and exempt managerial positions. ECSU shall be responsible for assuring that these priorities, as well as the other priorities, are appropriately administered. If priority reemployment applicants are available, the appropriate priority must be afforded.