AA/EEO GUIDELINES FOR RECRUITMENT

AND SELECTION OF MANAGERIAL,

PROFESSIONAL, SUPERVISORY, CONFIDENTIAL AND OTHER NON-ALIGNED ADMINISTRATIVE STAFF

University policy protects all employees and applicants for employment against discrimination on the basis of race, religion, color, national origin, ancestry, age, sex, sexual orientation, gender identity and expression, disability, genetic information, atypical hereditary cellular or blood trait, marital status, civil union status, domestic partnership status, military service, veteran status, or any other category protected by law.[[1]](#footnote-1)

These guidelines have been designed to assist hiring authorities in conforming to university policy and EEO laws, orders, and regulations when filling Managerial, Professional, Supervisory, and Confidential (MPSC) and other Non-Aligned Administrative vacancies. UHR provides a complete online toolkit of hiring information at http://uhr.rutgers.edu/uhr-units-offices/consulting-staffing-compensation/hiring-toolkit. Should there be any conflict between these guidelines and applicable law, the law shall govern. These guidelines will be updated from time to time as legal developments and conditions at the university warrant.

1. ENSURING A BROAD APPLICANT POOL
2. It is suggested that the hiring authority conduct a *broad search* that will result in a representative applicant pool, one in which qualified minorities and women are attracted. Ideally, the applicant pool will reflect the racial and gender makeup of all people qualified for the position in the local, statewide, regional, or national labor market.[[2]](#footnote-2)
3. The responsibility for choosing the successful candidate from among those who are eligible and qualified belongs to the hiring authority alone.
4. All MPSC and other Non-Aligned Administrative positions, full- and part-time, regardless of source of funding or contractual commitments, where the appointment is for a period of ten months or longer, are posted on the University Human Resources website, <http://uhr.rutgers.edu/jobs>, which provides accessibility to anyone with internet access. MPSC and other Non-Aligned Administrative positions are also automatically posted on the New Jersey/Eastern PA/DE Higher Education Recruitment Consortium, [http://](http://www.njherc.org)[www.njepadeherc.org](http://www.njepadeherc.org), which is directed at those who are looking for employment in higher education in the region. Lastly, upon request of the hiring authority, an MPSC or other Non-Aligned Administrative position can be posted on the HigherEdJobs.com website, <http://www.HigherEdJobs.com>, at no cost to the hiring department by contacting an HR Consultant or the Office of Employment Equity. These various and open posting options are usually sufficient to ensure a broad applicant response and a diverse applicant pool.
5. Positions that are noted to be underutilized for females and/or minorities (that is, within a job group, minority/female populations are not within 80 percent of the available qualified population in the applicable recruitment area and the shortfall is at least one person), should receive special attention to ensure that the posting has generated a representative applicant pool. The Office of Employment Equity can provide to the hiring authority a summary of the applicant, or interview, pool as to race and gender.
6. RECRUITMENT REQUIREMENTS[[3]](#footnote-3)
7. All position announcements, both internal and external, and all classified advertising should be written in sexually neutral language and contain the tag line, “Rutgers is an equal opportunity/affirmative action employer.”
8. Since each position is now posted on the Internet, which receives broad response, there is normally no need or requirement to advertise in other ways, even when an MPSC or other Non-Aligned Administrative vacancy occurs in a job group in which minorities and/or women are underutilized, if a representative applicant pool is generated.
9. University policy on MPSC and other Non-Aligned Administrative vacancies[[4]](#footnote-4) requires all vacancies to be announced through the university job posting system, unless the position falls within an exception under the policy.
	1. POSITION DESCRIPTION
10. Each recruitment effort starts with a position description. A carefully written position description is valuable in several ways. It can screen out some unqualified applicants, it can decrease the subjectivity in matching candidate qualifications to position requirements, and it can support the hiring decision should a hiring authority be called upon to document its choice.
11. A good position description should accurately and clearly describe the position’s full range of responsibilities, duties, and tasks, identifying the skills and abilities required by the position. It should specifically outline the “essential functions” of the position. Essential functions are the major duties and responsibilities of such importance that if they were eliminated, the position would no longer exist. The position description should also be precise concerning the general qualifications, including required skills, knowledge, and abilities, physical requirements, as well as any special conditions of employment. All qualifications must be job-related and set no higher than necessary to perform the duties described. A position description may not be tailored to a particular individual. A number of generic position descriptions are available at [http://uhr.rutgers.edu/uhr-units-offices/consulting-staffing-compensation/classification-assistancehttp://uhr.rutgers.edu/uhr-units-offices/consulting-staffing-compensation/classification-assistance](http://uhr.rutgers.edu/uhr-units-offices/consulting-staffing-compensation/classification-assistancehttp%3A//uhr.rutgers.edu/uhr-units-offices/consulting-staffing-compensation/classification-assistance).
	1. INTERNAL/EXTERNAL CANDIDATES
12. Recruitment of qualified external and internal candidates for a vacant position is conducted concurrently through the postings on the internet. Applicants indicate on the application as to whether they are internal or external candidates. Casual and temporary employees shall be considered external applicants and may not be appointed to a vacant position without posting the vacancy.
13. To be eligible to apply for a vacant position, regularly appointed employees must have been employed in their current position for at least six months.

* 1. APPLICANT TRACKING SYSTEM
1. Rutgers has a user-friendly online Applicant Tracking System (ATS) on the University Human Resources website (see user guide at <http://uhr.rutgers.edu/uhr-units-offices/consulting-staffing-compensation/hiring-toolkit/classification-and-recruitment>) that allows departments to streamline the process by which classification requests[[5]](#footnote-5) and/or postings of new, vacant or encumbered positions are submitted to University Human Resources. The process determines the appropriate classification and grade for all new, vacant, and encumbered staff positions through a review of the position’s duties and responsibilities. It allows departments to submit the required forms and obtain all necessary approvals electronically. Classification assistance, as well as the Classified Assistance Recruitment Form (CARF), can be found at <http://uhr.rutgers.edu/uhr-units-offices/consulting-staffing-compensation/hiring-toolkit/classification-and-recruitment>. Departments are able to monitor the progress of their requests online through the ATS.
2. A complete listing of MPSC positions can be found on the Staff Job Listings webpage, <http://uhr.rutgers.edu/jobs>, where both internal and external applicants are able to apply for jobs online.
3. Applicants with disabilities may contact Human Resources for assistance with the application process or for accommodations for interviews as follows:

New Brunswick Campus:  Laxmi Vazirani, Disabilities Specialist at (848) 932-3974 or email at: Laxmi.vazirani@rutgers.edu

Newark Campus:  Judith Crespo, Senior Benefits Specialist at (973) 353-5234 or email at jcrespo@newark.rutgers.edu

Camden Campus: Greg O’Shea, Human Resource Manager at (856) 225-6475 or email at osheag@camden.rutgers.edu

1. Applicants are given the opportunity on the ATS site to indicate their race, ethnicity, and gender. While this specific information is not available to the hiring authority, the composition of the applicant pool can be summarized by the Office of Employment Equity. This information that is especially useful when there is an underutilization[[6]](#footnote-6) of females and/or minorities in the job group/unit or department posting the position. As an added service, when a hiring authority or search committee has indentified on the ATS site those candidates to be interviewed, the Office of Employment Equity can, upon request, provide a summary of the interview pool. If no women or minority candidates have been identified for interview, the Office of Employment Equity staff and the hiring authority can discuss how the qualifications of the candidates to be interviewed exceed those of the female and/or minority candidates and assess what steps may be needed to increase the number of female and/or minority interviewees.
2. If a department wants to place additional advertising either in print or through the internet in order to reach minorities, women, people with disabilities or other protected categories, the department can contact University Human Resources in New Brunswick or the Human Resources office in Newark or Camden for assistance with the posting. Media selected should reach a representative constituency within the relevant recruitment area. However, since the UHR online job listing is easily reached by a large portion of the applicant pool, it is not required that any hiring authority place advertisements with outside media, if there is a representative applicant pool. If there is underutilization of females and/or minorities, or if the hiring authority wishes to target minorities and/or women, there may be specific media targeted at these groups for the type of position available~~.~~
3. If more than one position is listed in a single advertisement, each should be numbered or otherwise identified and applicants requested to specify the position for which they are applying. In this way, the appropriate applicant pool for each position can be identified for purposes of collecting accurate applicant flow data. All applications should come through the UHR job posting site.
4. If the hiring authority wants to change the job title, job description, or salary range of a posted position after announcement, the position must be reviewed by University Human Resources for approval and then re-announced because the new conditions may attract a different applicant pool.
5. If an applicant is hired and his or her employment with Rutgers terminates within three months, and the original search was broad and resulted in a representative applicant pool, the same pool of candidates may be used for selecting a replacement. After three months, a new search should be undertaken, although qualified applicants from the original applicant pool can be reconsidered.
6. Positions are posted on the ATS for a minimum of 7 days (5 business days). Positions will be removed from the internet job site once the position is filled.

1. RECRUITING FOR POSITIONS WITH A HEALTH HAZARD
	1. Certain laboratory conditions or other work environments have been found to carry health risks for specific classes of individuals. When advertising for positions in which there is a risk of health to *some* individuals within a class, no restrictions should be placed on the applicants from that class.
	2. For example, if a position carries a health risk to pregnant women, no restrictions should be placed on the sex of the applicants. Rather, qualified applicants should be informed by the hiring authority through written communications or oral discussion of the risks involved so they can make informed decisions concerning their interest in competing for the job.
2. SEARCH COMMITTEES
3. While search committees are not required by UHR, whenever used, the search committee should, if appropriate, include women and members of minority groups. The search committee should be apprised by the hiring authority if there is an underutilization of minorities and/or women in the job group/occupational group in which the vacancy occurs, as determined by UHR. This information will guide the committee in planning the recruitment effort.
4. A copy of the AA*/EEO Guidelines for Recruitment and Selection of Managerial, Professional, Supervisory, Confidential and Other Non-Aligned Administrative Staff* should be provided to each member of the search committee. The guidelines are available on

 <http://uhr.rutgers.edu/sites/default/files/userfiles/RecruitmentSelectionGuidelines.docx>

* 1. INTERVIEWING
1. The Interview Process

* 1. The hiring authority should provide interviewers with a list of clearly defined questions designed to determine whether candidates are qualified and can perform the essential functions of the job. These questions should be asked uniformly of all candidates.
	2. All questions directed to applicants should be related to the position for which they have applied. No questions may be asked of one group of applicants that are not also directed to all other applicants. Questions concerning race, religion, national origin, ancestry, sex, sexual orientation, marital status, age, or disability or any other protected category may not be asked during the interview process**.**  The Office of Employment Equity and human resources units are available for consultation regarding appropriate interview questions.[[7]](#footnote-7)
	3. After each interview, the interviewers’ evaluations should be put in writing and must be retained for a period of two years in the department files with all other documents related to the search (see Record Maintenance, page 9).
	4. Final candidates should generally be interviewed by more than one person.
1. Interviewing Individuals with Disabilities
2. Employers have an obligation to make reasonable accommodations to enable applicants with disabilities to participate in the interview process. Accommodations for interviews may include: an accessible interview location for people with mobility impairments, a sign language interpreter for a person who is deaf, a reader for a person who is blind, and modified testing for a person with a learning disability.
3. The ADA, as amended (ADAAA) limits an employer’s ability to ask disability-related questions or to require medical examinations at three stages of employment: pre-job offer, post-job offer, and during employment. A disability-related question is a question that is likely to elicit information about a disability. On the other hand, if there are many possible answers to a question and only some of those answers would contain disability-related information, that question is not disability-related.
4. Employers cannot ask disability-related questions at the pre-offer stage. This means that employers cannot directly ask whether an applicant has a particular disability. It also means that employers cannot ask questions that are closely related to disability.[[8]](#footnote-8)
5. According to the Equal Employment Opportunity Commission (EEOC)[[9]](#footnote-9), once a conditional job offer is made and before an employee starts work, employers may ask job specific disability-related questions and they may require medical examinations as long as this is done for all entering employees in a particular job category.
6. In some cases employers may be able to rescind a job offer without violating the ADA. If the job specific disability-related questions or examination screens out an individual because of a disability, the employer must demonstrate that the reason for the rescission is job-related and consistent with business necessity.

Please contact the Disabilities Specialist prior to rescinding a job offer due to a medical condition.
7. Confidentiality
	1. Accommodation requests and any accompanying medical notes should be kept in a separate and locked file. You may not discuss these matters with other employees in the unit. Only those who need to know should receive information regarding the accommodation, and they should only receive information that they need to know.
	2. For advice you may contact:

New Brunswick Campus:  Laxmi Vazirani, Disabilities Specialist at (848) 932-3974 or email at: laxmi.vazirani@rutgers.edu

Newark Campus:  Judith Crespo, Senior Benefits Specialist at (973) 353-5234 or email at jcrespo@newark.rutgers.edu.

Camden Campus: Greg O’Shea, Human Resource Manager at (856) 225-6475 or email at osheag@camden.rutgers.edu

1. Interviewing Candidates with Religious Needs

	1. An employer is required to make reasonable accommodations to an individual’s religious observances and practices unless it causes undue hardship. Reasonable accommodations are (1) consistent with business necessity, (2) incur minimal costs, and (3) do not create major personnel problems.
	2. During the interview, the hiring authority can clearly state the hours of work but may not inquire whether these hours are in conflict with the applicant’s religious observances or practices. If, after the job offer is made and accepted, the new employee notifies you of a work-schedule conflict based on religion, you are obliged to consider an accommodation.
	3. BACKGROUND INVESTIGATIONS
	4. The hiring authority is encouraged to a conduct due diligence on the selected candidate in order to confirm the candidate’s qualifications, credentials and suitability relative to the requirements of the position for which he or she is being considered. To that end, University Human Resources administers a specific background investigations program in order to enable hiring authorities to obtain certain background information on selected candidates. More information regarding the program can be found at <http://uhr.rutgers.edu/lr/backgroundchecks.htm>
	5. Although background information can be relevant to the selection process, the fact that an applicant has a criminal history should not exclude the applicant as a matter of course. For purposes of the criminal history analysis, the hiring authority should note that the fact of an arrest does not establish that criminal conduct has occurred; however conduct underlying an arrest may trigger further inquiry into the applicant’s suitability for the position. With respect to criminal convictions, the hiring authority should consider the nature and gravity of the offense or conduct, the time that has passed since the offense or conduct and/or completion of the sentence, and the nature of the job for which the person is being considered.
	6. Before making a final decision, the hiring authority should conduct an individualized assessment whereby the hiring authority: (1) informs the applicant that he/she may be excluded from selection for the job because of past criminal conduct; (2) provides the applicant with the opportunity to demonstrate that he/she should not be excluded; and (3) considers whether the applicant’s additional information shows that excluding the individual is not job related or consistent with business necessity. If the applicant does not respond to the hiring authority’s attempt to gather additional information about the applicant’s background, the hiring authority may make its employment decision without the information.
	7. SELECTION

A. In New Brunswick and Camden, UHR reviews/qualifies the credentials of the selected candidate and approves the salary before an offer is made. In Newark, approval of the candidate’s credentials by the Human Resources office is also required before an offer is made.

1. Under equal employment opportunity law, the employer should normally select the candidate with the best overall qualifications; however, other job-related qualities such as hours, salary, availability and other factors may be considered as long as they are not discriminatory.
2. Whether or not the applicant has relatives employed by the university should obviously not influence selection decisions. University policy on Employment of Relatives[[10]](#footnote-10) permits an individual’s permanent employment as long as she or he meets requisite standards and the employment does not create a supervisor/subordinate relationship between relatives. No supervisory or administrative officer shall have hiring authority over a family or household member nor shall vote, make recommendations, or in any other way participate in the decision of any matter that may directly affect the appointment, tenure, promotion, demotion, salary, or other status or interest of a family or household member. Employees are expected to voluntarily absent themselves from participation in personnel decisions in which a family or household member is involved. This policy also applies to romantic relationships.
3. Whether or not the applicant is a citizen should not influence the selection decision. The Immigration Reform and Control Act (IRCA) of 1986 prohibits discrimination on the basis of citizenship status. IRCA permits employers to prefer a citizen over a non-citizen if both are equally qualified, but such citizen preferences may still violate Title VII if they have an adverse impact on persons of a particular national origin.
4. Whether or not the preferred candidate requests an accommodation for religious reasons or for a disability should not influence the selection decision unless the accommodation would cause an undue hardship.
5. Do not notify rejected candidates until a candidate has been selected and the chosen candidate has accepted the position.
6. If there are questions concerning choosing among equally qualified candidates, contact the Office of Employment Equity.

XI. RECORD MAINTENANCE

1. The Applicant Tracking System (ATS) will automatically retain the resumes and any accompanying documents submitted through the system.
2. Federal law requires the hiring authority to retain a complete record of the recruitment and selection process for a period of two years. Hiring authorities should maintain a file with the recruitment sources, correspondence, evaluations of applicants’ interviews (i.e., interview notes) and all other material that would be of assistance in documenting:
3. that good-faith efforts were made to recruit a broadly representative applicant pool;
4. that all candidates were treated fairly and equitably; and
5. justification as to why the successful candidate was chosen.

 C. See the UHR record retention schedule for maintenance and purging timetable at <http://rmp.rutgers.edu/>.

* + - 1. PROTECTED VETERANS AND INDIVIDUALS WITH DISABILITIES

Protected veterans and individuals with disabilities who are offered a position may choose to self-identify as such. They are given a memo and form in the new employee welcome packet of information. The memo and form are also available at <http://uhr.rutgers.edu/policies-resources/forms>.

1. The completed form should be forwarded to the Office of Employment Equity.

* 1. EMPLOYMENT ELIGIBILITY VERIFICATION FORM (I-9)

The Immigration Reform and Control Act (IRCA) of 1986 requires employers to have a completed Employment Eligibility Verification Form (I-9) on file certifying an individual’s identity and eligibility for U.S. employment. This form is completed electronically using the Guardian I-9 System which can be accessed through the rias.rutgers.edu website. All appointments are subject to the candidate being authorized to work as required by law.

1. To implement the requirements of IRCA without risking charges of discrimination:
2. carry out verification procedures uniformly for everyone, not just for “foreign-looking” applicants or employees;
3. do not reject applicants simply because they do not look or sound like U.S. citizens;
4. verify documents only after a job offer is made; and
5. do not state a preference as to the documents required to verify an employee’s identification and work authorization.

EEO/AA GUIDELINES TO STAFFING

EXTERNALLY FUNDED PROJECTS

In addition to the guidelines already described, the following apply to the special circumstances that often relate to recruitment for and transfer from grant-funded positions.

1. RECRUITMENT
	1. In order to facilitate prompt initiation of work on an externally-funded project, the broad search for personnel may be undertaken before funds are approved. Classified advertisements and announcements should include the stipulation that the position is available “contingent on the receipt of grant funds.”
	2. Money to cover classified advertising may be written into the grant proposal. An explanatory note should state that this money will be used, with an auditable record kept, to conduct a broad search in line with the obligation imposed on federal contractors by Presidential Executive Order No. 11246, as amended. However, as noted above in Section V, since the UHR online job listing is easily reached by a large portion of the applicant pool, it is not required that any hiring authority place advertisements with outside media. If there is underutilization of females and/or minorities, or if the hiring authority wishes to target minorities and/or women, there may be a specific media targeted at these groups for the type of position available.
	3. When the grant proposal is written by a full-time staff member, the writer may be named in the proposal as principal investigator/program director, and a search need not be conducted for this position. However, there must be broad recruitment for all other positions funded by the grant. As noted above and in Section V, since the UHR job listing is easily reached by a large portion of the applicant pool, outside advertising is not usually necessary.
	4. If employment on a grant-funded project will strengthen the research training of graduate students and provide financial support for their education, recruitment for specific positions may be limited to the relevant student community with the expectation that the applicant pool will be representative of the racial, ethnic, and gender composition of that community.
2. TRANSFER

	1. Upon expiration of the grant funds that provide the salary of a regular university employee occupying a Managerial, Professional, Supervisory, Confidential and Administrative position, that employee may be placed on another externally-funded line within the same unit, on the same or a different project, without recourse to a recruitment effort, providing that:
3. the employee’s work performance, evaluated by an appropriate supervisor, is found to be satisfactory;
4. the employee is fully qualified for the new position;
5. a full search was conducted when the employee was originally hired; and
6. no more than three months has elapsed since the employee went off the university payroll if there was a break in service.
7. When a university-funded staff line becomes available, it is expected that a full search will be conducted and that interested university employees will compete for the vacancy with the external candidates. However, a highly qualified grant-funded employee in the same unit may be transferred or promoted into the open position.

	1. HANDLING SPECIAL SITUATIONS
8. From time to time, hiring situations may arise that require special handling. Hiring authorities are encouraged to discuss these with their vice president or chancellor. Every effort will be made to accommodate these situations within the law and university procedures. Early consultation is a good guarantee against later delays.
9. Requests for exceptions should be made to the Vice President for Faculty and Staff Resources.

Attachment 1

**Examples of Permissible and Impermissible Pre-job Offer Questions under the ADA:**

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| --- |
| Job Performance |
| DO | DON’T |
| Are you able to perform the essential function of the job you are seeking, with or without accommodations? | - Do you have any physical or mental impairment that would keep you from performing the job you seek?- What physical or mental impairments do you have that would affect your job performance? |
| Attendance Requirements |
| DO | DON’T |
| - Can you meet our attendance requirements?- How many days were you absent from your last job?- How many Mondays or Fridays were you absent last year on leave other than approved vacation leave? | - How many days were you sick during your last job? |
| History of Injury |
| DO | DON’T |
| - How did you break your leg? | - Do you break bones easily?- Do you expect the leg to heal normally? |
| Drug Use |
| DO | DON’T |
| - Are you currently using illegal drugs? | - What medications are you currently taking? |
| - Have you ever used illegal drugs? | - How often did you use illegal drugs in the past?- Have you ever been addicted to drugs?- Have you ever been treated for drug addiction?- Have you ever been treated for drug abuse? |
| Alcohol Use |
| DO | DON’T |
| - Do you drink alcohol?- Have you ever been arrested for driving under the influence of alcohol? | - How much alcohol do you drink?- Have you ever participated in an alcohol rehabilitation program? |
|  |  |

This document was developed by the Job Accommodation Network (JAN) – updated (3/24/10). JAN is one of several services provided by the U.S. Department of Labor’s Office of Disability Employment Policy (ODEP)

1. Rutgers Policy 60.1.8 “Equal Employment Opportunity and Affirmative Action.” http://policies.rutgers.edu/PDF/Section60/60.1.8-current.pdf. [↑](#footnote-ref-1)
2. Availability figures for staff by job group within occupational category and relevant labor area are available from the Office of Employment Equity. [↑](#footnote-ref-2)
3. Also see section on EEO/AA Guidelines to Staffing Externally Funded Project, page 11. [↑](#footnote-ref-3)
4. Rutgers Policy 60.4.6 “Administrative and Managerial, Professional, Supervisory, and Confidential (MPSC) Vacancies.” See <http://policies.rutgers.edu/PDF/Section60/60.4.6-current.pdf>. [↑](#footnote-ref-4)
5. A classification review should be requested whenever a new position is created or the functions of an existing position have significantly changed and the department requests a re-evaluation of the position’s current grade or range. See “Classification Review Process” at <http://uhr.rutgers.edu/uhr-units-offices/consulting-staffing-compensation/classification-assistance> for further information. [↑](#footnote-ref-5)
6. Underutilization is defined as having minority/female populations within a particular job group that are not within 80 percent of the available qualified populations in the applicable recruitment area and the shortfall is at least one person. [↑](#footnote-ref-6)
7. For additional guidance regarding nondiscriminatory interview questions, contact the Office of Employment Equity or the appropriate human resources unit: on the New Brunswick campus - Consulting and Staffing (UHR); on the Newark campus – Associate Director for Human Resources; and, on the Camden campus – Manager, Human Resources. [↑](#footnote-ref-7)
8. See Examples of Permissible and Impermissible Pre-job Offer Questions under ther ADA. (Attachment 1). [↑](#footnote-ref-8)
9. http://www.eeoc.gov/ [↑](#footnote-ref-9)
10. Rutgers Policy 60.1.1 “Employment of Relatives.” <http://policies.rutgers.edu/PDF/Section60/60.1.1-current.pdf>. [↑](#footnote-ref-10)