RECRUITMENT, HIRING, AND PROMOTION/LATERAL TRANSFER OF STAFF

A. **Purpose**

The purpose of this policy is to ensure the recruitment, selection, and retention of highly qualified and productive employees at The University of Texas Rio Grande Valley (UTRGV) through procedures which reflect a commitment to equal opportunity and affirmative action and which comply with applicable federal and state laws.

B. **Persons Affected**

This policy applies to the recruitment and hiring of classified and Administrative and Professional (A&P) employees, as defined in this policy. This policy does not apply to faculty positions or positions that require student status as a condition of employment.

C. **Definitions**

1. **Administrative Unit** - For purposes of this policy, refers to a division, college, or department.

2. **Administrative Unit Head** - For purposes of this policy, refers to a divisional head, dean, director, or department head.

3. **Administrative and Professional Employee (A&P)** - An at-will employee who meets one of the criteria listed below:
   
   a. Has primary responsibility for the management of multiple departments or operating units with the primary focus on strategic and tactical business planning and development, or
   
   b. Has responsibility for the management and operation of a department or unit within a department and performs one or more of the following: development and administration of policies, programs and internal procedures; development and maintenance of fiscal systems and operations; strategic and tactical business planning and development; facilities planning; recruitment, supervision, and development of professional and support staff, or
   
   c. Performs duties solely or predominantly of a recognized profession and/or State-licensed profession requiring an advanced degree such as lawyers, physicians, veterinarians, scientists and engineers, or
   
   d. Has primary responsibility for the creation, development, implementation and maintenance of programs relating to various significant institutional endeavors, or
   
   e. Holds a position such as that of a professional librarian, which is not considered a classified position.
4. **Classified employee** - an at-will employee who is not appointed as either a faculty employee or as an A&P employee.

5. **Administrative Unit Recruitment** - A recruitment conducted from a pool of qualified individuals currently employed in the administrative unit.

6. **Hiring Official** - The individual designated as the decision-maker who determines the ultimate selection of the candidate.

7. **Internal Promotion** - The process of evaluating the qualifications and advancing an individual by a change in classification within the same administrative unit. (This may or may not involve a salary increase.)

8. **Job and Position** - These terms are used interchangeably in this policy.

9. **Lateral Transfer** - The process of changing employment from one position into another position in the same job classification within the same administrative unit and at the same salary rate.

10. **Open Recruitment** - A recruitment conducted from a broad pool of qualified, diverse applicants from the open job market, either at the local, regional, or national level.

11. **Promotion** - An evaluation of the qualifications and advancement of an individual involving a change of classification within or between administrative units that may or may not involve a salary increase.

12. **Regular Employee** - One who is employed at least 20 hours per week for a period of at least four and one-half (4½) continuous months, excluding students employed in positions that require student status as a condition for employment.

13. **Regular Position** - A position that entails at least twenty hours per week for a period of at least four and one-half (4½) continuous months.

14. **University-wide Recruitment** - A recruitment from a pool of qualified individuals who are currently employed by the University regardless of administrative unit.

**D. Policy**

UTRGV is an Equal Opportunity/Affirmative Action employer and is committed to the recruitment and selection of highly qualified employees. Discrimination during the recruitment and employment process and during the operation of any of its programs, activities, or services on the basis of race, religion, color, sex, disability, age, veteran status, national origin, or sexual orientation is prohibited. Further, to the extent permitted by applicable law, UTRGV shall make good faith efforts to implement its Affirmative Action Plan. In pursuit of these objectives, all regular positions must be filled using one of these processes: open recruitment, University-wide
recruitment, administrative unit recruitment, internal promotion or lateral transfer within an administrative unit. The administrative unit head will determine the process to best fill the vacant position.

1. **Open Recruitment:**

   Open recruitment is available for all regular positions not filled by another process authorized in this policy. Current, regular employees who have successfully completed their probationary period may be eligible to apply for consideration. See Subsection E.1.a Job Postings below.

2. **University-wide Recruitment:**

   University-wide recruitment is available to all current UTRGV employees for positions not filled by administrative unit recruitment or internal promotion or lateral transfer within an administrative unit. Current regular employees who have successfully completed their probationary period may be eligible to apply for consideration. See Subsection E.1.a Job Postings below.

3. **Administrative Unit Recruitment:**

   At the discretion of the administrative unit head, a vacant position within an administrative unit may be filled by the current employees within the same administrative unit through recruitment within the administrative unit. The administrative unit head shall post a vacant position through the Office of Human Resources for recruitment within the administrative unit. UTRGV’s recruitment and selection procedures will guide the interview and selection process as prescribed by the Office of Human Resources established guidelines with respect to vacant staff positions.

4. **Internal Promotion or Lateral Transfer within an Administrative Unit:**

   a. Only regular employees may be considered for internal promotion or lateral transfer.
   
   b. The administrative unit head shall consider all current, regular employees (including employees under probation) within the administrative unit to determine the most qualified candidates for promotion. To be considered for internal promotion or lateral transfer, an employee must meet the official requirements as per the job description for the specific job classification assigned.

E. **Responsibilities**

1. **The Hiring Official is responsible for:**

   a. Complying with all applicable laws and regulations and UTRGV policies and procedures when selecting the best qualified candidate amongst the approved
applicant pool by considering and selecting qualified applicants for interview based on job-related criteria when filling a vacant regular position;

b. Ensuring all applicants selected for interview have submitted a UTRGV application for employment with Human Resources;

c. Ensuring all applicants selected for interview meet all minimum qualifications stated in the job posting and official University job description;

d. Checking the selected candidate’s references before an offer of employment is extended;

e. Completing the Recruitment Summary Form along with all required approvals for designated salary rate and forwarding to Human Resources for review and compliance, prior to the extension of an offer of employment;

f. Completing and submitting all employment documentation to Human Resources prior to the selected candidate’s start date;

g. Ensuring that the new employee completes the required employment eligibility verification under Subsection E.5 below; and

h. Ensuring that all procedures for internal promotion or lateral transfer within an administrative unit are followed.

2. The Office of Human Resources is responsible for:

a. Screening all applicants and providing to the Hiring Official an applicant pool that meets all stated requirements for the vacant position;

b. Coordinating and approving all staff job advertisements to be placed in newspapers, journals, etc., and ensuring that advertisements identify UTRGV as an Equal Opportunity/Affirmative Action Employer;

c. Reviewing recruiting files to verify interview and selection procedures employed are in compliance as outlined by state and federal laws and regulations and applicable UTRGV and The University of Texas System;

d. Verifying qualifications of selected candidates for internal promotion or lateral transfer;

e. Coordinating criminal background checks; and

f. Extending all official job offers of employment to selected candidates

3. The Applicant is responsible for:

Ensuring a complete application packet, including required supplemental documentation (official transcripts, certifications, etc.) is submitted to the Office of Human Resources when applying for a vacant position. The Hiring Official may request that resumes or standard submissions from national sources be accepted for purposes of preliminary screening and review before full packets are assembled. If an application packet remains
incomplete and the applicant is selected for hire, a job offer will not be extended until after the Applicant submits all pending materials to Human Resources and Talent Development. The Hiring Official may provide a deadline to the selected applicant for completion and submittal of all pending documentation. Failure to submit documentation by deadline will remove the applicant from consideration.

4. **The Interviewer or Search Committee Members are responsible for:**
   
a. Ensuring all interview questions are job related and relevant to the skills required;
   
b. Ensuring candidate ratings are based upon the job-related criteria as established by the job posting; and
   
c. Completing the Recruitment Summary Form prior to the extension of an offer of employment.

F. **Procedure**

1. **Open Recruitment, University-wide Recruitment, and Administrative Unit Recruitment**

   a. **Job Postings:**
      
      i. All job announcements will be posted on the Employment Opportunities website. At the discretion of the Hiring Official (in consultation with the Office of Human Resources) and with consideration of the position level and budgetary constraints, additional open recruitment advertisements in local, regional, or national publications may be placed. Job announcements for open recruitment must also be posted with the Texas Workforce Commission. The administrative unit is responsible for all expenses related to advertisements in selected publications. A position will be posted for three (3) business days unless justification is provided for a shorter posting and prior written approval is obtained from the Director of Human Resources or his or her designee.

      ii. If only individuals from within UTRGV will be considered for a position, the President may waive any posting or advertising and may appoint a qualified individual for any UTRGV position.

   b. **Application Process:**
      
      i. The Office of Human Resources will screen all applications for compliance with the minimum required specifications of the job announcement. The applications meeting all minimum required criteria will then be forwarded to the appropriate Hiring Official to begin the Interview and Selection process.
ii. The Office of Human Resources will verify any academic degrees claimed by the selected candidate as being conferred prior to the offer of employment, regardless of whether a degree was a required qualification. The candidate is responsible for submitting documentation requested.

iii. If an applicant inquires about or requests special accommodation for a disability or medical condition, either the Office of Human Resources or the Director of Institutional Equity must be contacted immediately by the Hiring Official, to coordinate a response to the request or inquiry.

c. Interview and Selection Process:

All hiring officials must employ and adhere to the established guidelines for Interview and Selection of staff candidates as set by the Office of Human Resources. The guidelines are available through the HR website or by contacting the Office of Human Resources.

2. Internal Promotion or Lateral Transfer within an Administrative Unit:

The following procedures must be followed by the Hiring Official when a selection is made without a job search under Subsection E.1:

a. An informal review process shall be used to ensure that all qualified employees within the administrative unit are considered for the promotion or lateral transfer.

b. Discussion with the Hiring Official, the appropriate Administrator Unit Head (as applicable) and the Office of Human Resources shall take place before initiation of an internal promotion or lateral transfer in order to obtain an approval to proceed.

c. Prior to extending an offer to the selected employee, the Hiring Official must contact the Office of Human Resources to verify that the selected employee meets the qualifications for the classification as established in the UTRGV pay plan.

d. The Staff Internal Promotion/Transfer Request form must be completed and shall include a justification for the internal promotion or lateral transfer, a list of the employees considered for the internal promotion or lateral transfer, and copies of the annual performance evaluations to justify the internal promotion or lateral transfer request. An exception to the foregoing requirement will be lateral transfers due to disciplinary reasons. In this case, the Hiring Official must consult with Employee Relations in the Office of Human Resources before a lateral transfer may take effect.

e. The Staff Internal Promotion/Transfer Request form must be submitted to Human Resources, along with the supplemental documentation listed in Section E.2.d, to attest the employee selected meets the established job requirements and skills for internal promotion or lateral transfer. The Office of Human Resources will then submit the Staff Internal Promotion/Transfer Request form to the appropriate divisional head for approval.
f. Only after the verification has been completed and applicable criminal background checks under HOP ADM 4-202 Employee Criminal Background Check, may the Hiring Official submit the appropriate documentation to change the selected candidate’s job assignment along with required documentation approving the promotion.

3. Employment Eligibility:

a. Criminal Background Checks

Prior to extending an employment offer to the selected candidate, the Hiring Official must notify Human Resources of their choice so that the applicable criminal background checks can be performed in accordance with UTRGV and UT System policies. Should business necessities require extending an offer of employment before satisfactory completion of a required background check, the offer will be made in writing and will include the following statement: “This offer is contingent of the completion of a satisfactory background check.” Offer letters not containing this statement will not be considered valid.

b. Employment of Foreign Nationals

Employment of foreign nationals at UTRGV will comply with the requirements of federal law.

c. Drug and Alcohol Testing

All applicants in positions that involve duties or activities that require possession of a commercial driver’s license are subject to compliance with all applicable federal laws and regulations, including those requiring pre-employment drug or alcohol testing prior to appointment.

d. Pre-Placement Examination

A three-part examination may be required for designated positions, and this examination may consist of a drug screening, physical examination, and functional evaluation to test for strength and agility.

4. Extending an Offer of Employment:

a. The Office of Human Resources will extend all official job offers of employment to the selected candidates. Hiring officials are not authorized to extend offers of employment without the coordination and approval of the Office of Human Resources.

5. Employment Eligibility Verification:

Employment eligibility verification of any person hired at UTRGV will be accomplished in compliance with the requirements of federal law. Employing administrative units may not
allow a new hire to work without having received notice from Human Resources that the selected candidate has completed all employment verification documents and is eligible to work.

G. Relevant Federal and/or State Statute(s), Board of Regents’ Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

Texas Government Code Chapter 656, Job Notices and Training

Texas Government Code Chapter 657, Veteran’s Employment Preferences

Texas Government Code Chapter 672, Employment Preferences for Former Foster Children

UTS105, Sexual Orientation Nondiscrimination Policy