Filling Vacancies (Excluding Academic and Bargaining Unit Staff)

POLICY STATEMENT

Cornell University is committed to selection procedures that are fair, consistent, and in compliance with applicable laws and regulations. Therefore, before initiating searches to fill vacancies, units must utilize a strategy that takes into account the values of equal employment opportunity, affirmative action, a diverse and inclusive workforce, and internal mobility.

REASON FOR POLICY

In an effort to identify and to attract qualified applicants to the Cornell workforce while increasing the representation of protected groups, and to encourage career growth of current staff members, the university supports a carefully planned and articulated strategy for filling each regular vacant position.

ENTITIES AFFECTED BY THIS POLICY

- All units of the university, excluding the Weill Cornell Medical College

WHO SHOULD READ THIS POLICY

- Discrimination and affirmative action representatives (DAARs)
- Deans, directors, and department heads
- Unit human resource (HR) representatives
- Regular nonacademic, non-bargaining unit staff members
- Supervisors
- Unit administrators

WEB ADDRESS FOR THIS POLICY

- This policy: www.dfa.cornell.edu/treasurer/policyoffice/policies/volumes/humanresources/vacancies.cfm
- University Policy Office: www.policy.cornell.edu
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RELATED RESOURCES

**University Policies and Documents**

- University Policy 4.7, Retention of University Records
- University Policy 6.4, Prohibited Discrimination, Protected-Status Harassment, Sexual Harassment, and Sexual Assault and Violence
- University Policy 6.6.2, Reference Checking and Information Verification
- University Policy 6.10.9, Staff Transfer (Excluding Academic and Bargaining Unit Staff)
- University Policy 6.12, Separations, Voluntary and Involuntary (Including Layoff)
- Cornell University's Statement on Diversity and Inclusiveness
- Guide to Giving Employment References
- Human Resources' Tools for Managers
- Human Resources Policy 6.6.12, Special Employment Circumstances (includes Employment of Minors and Nepotism)
- Human Resources Policy 6.7.5, Temporary and Casual Appointments
- President's Statement on Affirmative Action

**External Documentation**

- Age Discrimination in Employment Act
- Americans with Disabilities Act
- Civil Rights Act of 1991
- Drug-Free Workplace Act
- Employee Polygraph Protection Act
- Equal Pay Act
- Executive Orders 11246,11375,11478 (Affirmative Action)
- Fair Credit Reporting Act
- Fair Labor Standards Act of 1938
- Federal Fair Employment Practices
- Immigration Reform and Control Act
- Local Law C—Sexual Preference/Orientation Law
- New York State and Tompkins County Laws and Regulations
- NYS Human Rights Law
- NYS Law on Sexual Orientation
- Pregnancy Discrimination Act
- Title VII of the Civil Rights Act of 1964
- Uniform Guidelines on Employee Selection Procedures
- Vietnam-era Veterans Readjustment Act
- Vocational Rehabilitation Act
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RELATED RESOURCES, continued

University Forms and Systems

Appointment Procedures and Forms for Staff and Faculty
Department of Labor Listing Fax Form (pdf)
Exempt Nonacademic Offer Letter, sample
Exempt Nonacademic Term Offer Letter, sample
Form I-9, Employment Eligibility Verification
Jobs at Cornell Online Application System
Nonexempt Nonacademic Offer Letter, sample
Nonexempt Nonacademic Term Offer Letter, sample
Notification (i.e., acknowledgement and rejection letters), sample
Position Analysis Worksheet (PAW)
Position Creation/Change Form (PCCF), Procedures and Instructions
Staff Skills for Success
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CONTACTS

Direct any general questions about this policy to your college or unit administrative office. If you have questions about specific issues, contact the following offices.

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<td></td>
<td>Office of Human Resources, Recruitment and Employment Center</td>
<td>(607) 254-8370</td>
<td><a href="mailto:employment_svcs@cornell.edu">employment_svcs@cornell.edu</a></td>
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<td></td>
<td>Department of Inclusion and Workforce Diversity (IWD)</td>
<td>(607) 255-3976</td>
<td><a href="mailto:owdi@cornell.edu">owdi@cornell.edu</a></td>
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<td>Visa and Employment Eligibility</td>
<td>International Students and Scholars Office (ISSO)</td>
<td>(607) 255-5243</td>
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DEFINITIONS

These definitions apply to terms as they are used in this policy.

Affirmative Action  A program of active steps to ensure that women, minorities (or people of color), persons with disabilities, and veterans (including disabled veterans) are represented in applicant pools and in the university’s workforce.

Applicant  Any person who applies (requests review of his or her credentials, experience, or other qualifications) in accordance with the stated directions for a specific and discrete open position.

Business Service Center  A shared service organization that provides administrative and other business support services to academic and nonacademic units.

Casual Appointment  An appointment to a position of less than 20 hours per week.

Department of Labor Listing  Notification to New York State Department of Labor of an open position at Cornell.

Discrimination and Affirmative Action Representative (DAAR)  An individual designated by management with responsibility for affirmative action issues at the unit level.

Equal Employment Opportunity  The concept of providing access to employment opportunities to all persons regardless of, but not limited to, such factors as race, color, creed, religion, national or ethnic origin, sex, sexual orientation, age, disability (including HIV status), marital status, veteran status, or ex-offender status.

External Applicant  A job applicant who does not presently hold a regular appointment with the university.

Hiring Authority  An individual who is responsible for making the hiring decision or has responsibility for some aspect of the search process. For example, a supervisor, unit human resource (HR) representative, or an appropriate designee may serve as the hiring authority at different points of the search process.

Internal Applicant  A job applicant who is currently appointed to a regular position at the university or someone in an eligible employment status, such as layoff status or short-term disability.

Posting  An open position that is advertised on the Jobs at Cornell website.

Protected Groups  In the context of equal employment opportunity, people who are covered by any of a number of non-discrimination laws.

Regular Appointment  Employment in a non-temporary position of at least 20 hours per week with an expected duration of at least six months.

Temporary Appointment  Employment in a position of at least 20 hours per week with an expected duration of less than six months.

Unit  A college, department, program, research center, business service center, or other operating unit.

Unit Human Resource (HR) Representative  The primary human resource administrator at the unit level.
### RESPONSIBILITIES

The following are the major responsibilities each party has in connection with this policy:

| **Discrimination and Affirmative Action Representative (DAAR)** | Provide guidance and collaborative assistance to the hiring authority and/or unit human resource (HR) representative regarding internal movement, equal employment opportunity issues, and affirmative action requirements before and during the recruitment and hiring process.  
Monitor selection activity for consistency with affirmative action guidelines.  
Consult with the Recruitment and Employment Center and the Department of Inclusion and Workforce Diversity (IWD), as needed, to achieve policy compliance. |
|---|---|
| **Hiring Authority** | Carefully plan and execute a hiring strategy that takes into account the selection procedures and guidelines stated in this policy.  
Seek the guidance and advice of the unit HR representative, the discrimination and affirmative action representative (DAAR), and/or the Recruitment and Employment Center before and during the recruitment and hiring process, in accordance with this policy. |
| **Inclusion and Workforce Diversity (IWD)** | Review and determine if waiver requests will be approved or denied. |
| **Recruitment and Employment Center** | Provide advice and guidance to unit administrators, as requested, regarding internal movement, equal employment opportunity issues, affirmative action requirements, search strategy, and the selection process in accordance with this policy. |
| **Unit Human Resource (HR) Representative** | Provide guidance and collaborative assistance to the hiring authority regarding search strategies, internal movement, equal employment opportunity issues, and affirmative action requirements before and during the recruitment and hiring process.  
Work with the DAAR to ensure policy compliance. |
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PRINCIPLES

General Philosophy

Cornell University is an affirmative action/equal opportunity employer. In addition, the university is committed to diversifying its workforce and providing maximum opportunity for internal mobility (refer to University Policy 6.10.9, Staff Transfer (Excluding Academic and Bargaining Unit Staff)) within the institution. Balancing the values of equal employment opportunity, affirmative action, a diverse and inclusive workforce, and internal mobility requires a carefully planned and articulated strategy for filling each vacant regular position that routinely takes into account each of these values. Refer to Cornell University’s Statement on Diversity and Inclusiveness: Open Doors, Open Hearts, and Open Minds

Equal employment opportunity means providing access to employment opportunities to all persons regardless of, but not limited to, such factors as race, color, creed, religion, national or ethnic origin, sex, sexual orientation, age, disability (including HIV status), marital status, veteran status, or ex-offender status.

Affirmative action means taking active steps to ensure that women, minorities (or people of color), persons with disabilities, and veterans (including disabled veterans) with requisite qualifications are represented in applicant pools and in the university’s workforce. For women and minorities, this representation should be in proportion to their availability in the relevant labor market. For management and professional positions, the "relevant labor market" is generally defined as regional or national. For most other positions, it is local or regional.

The use of any selection procedure that has an adverse impact on the hiring, promotion, or other employment opportunities of members of any race, sex, or ethnic group may be considered discriminatory and inconsistent with the federal Uniform Guidelines on Employee Selection Procedures (adopted on August 25, 1978 by the Equal Employment Opportunity Commission).

This policy is intended to reflect and accomplish the following university goals:

- Identify and attract qualified applicants while increasing the representation of members of protected groups in the Cornell workforce
- Give particular consideration in the hiring process to applicants who are qualified regular staff members, with a good performance record, who face or have faced the loss of their positions within the previous year due to either of the following:
  - Reductions in staff
  - An inability to perform the essential functions of their current position based on a medical condition

◆Note: Hiring authorities may have stronger obligations to applicants who are qualified individuals with a disability under federal and/or state
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law. In those cases, the hiring authority should consult with the Department of Inclusion and Workforce Diversity to assess such obligations.

- Encourage internal mobility of current staff members

Therefore, before initiating a search, each hiring authority must recognize and accept his or her responsibility to (a) contribute to the efforts to further diversify the university’s workforce, and (b) in collaboration with the discrimination and affirmative action representative consider issues of equal employment opportunity, affirmative action requirements, a diverse and inclusive workforce, and internal movement (transfers) when developing an effective and appropriate search strategy.
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PROCEDURES

Posting and Listing Requirements
To ensure compliance with state and federal laws, regular positions must be posted. Equal opportunity and affirmative action regulations require that Cornell University list positions with the local Department of Labor, Employment Services Office. In addition, Cornell complies with affirmative action requirements by requiring that vacancies be posted for at least five working days via the Jobs at Cornell website. In certain situations, there may be circumstances that warrant an exception to these requirements as detailed in the “Requesting a Waiver of Posting” section, which follows.

◆Note: Positions posted via the Jobs at Cornell website are forwarded automatically to the Department of Labor.

Requesting a Waiver of Posting
The university’s affirmative action plan provides for exceptions to the policy requiring the posting and/or listing requirements of regular nonacademic positions. Any questions should be discussed in advance with the discrimination and affirmative action representative (DAAR) and the director of the Department of Inclusion and Workforce Diversity (IWD) or a designee.

◆Note: Submission of a waiver request meeting the criteria outlined below does not guarantee approval of the request. Each request is evaluated based on its own merits in relation to the university’s compliance requirements.

◆Note: The approval of the DAAR and the director of IWD or a designee must be obtained prior to offering an applicant a position that has not been posted or listed.

In conjunction with the DAAR, the hiring authority or a designee may request a waiver, which may be considered for approval by the director of IWD or a designee if the person identified fulfills the criteria specified in one of the following categories:

1. **Affirmative Action Waiver I:** the applicant identified is a veteran or disabled veteran and is deemed qualified to fill the vacancy.
2. **Affirmative Action Waiver II:** the applicant identified would assist the university in meeting its race and/or gender affirmative action obligations for the relevant job group and is deemed qualified to fill the vacancy.
3. **Affirmative Action Waiver III:** the applicant identified has a disability and is deemed qualified to fill the vacancy.
4. **Internal Selection of a Regular or Temporary/Casual Employee:** the applicant identified is currently a regular or temporary/casual employee within the university, is deemed qualified to fill the vacancy, and there already exists racial and gender diversity in the unit consistent with availability for that job group.
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5. **Current/Previous Search**: a search was conducted for a regular position with the same title, band, job description, and minimum requirements; an offer was extended within the last 90 days; the nominated individual met the minimum qualifications; and the nominated individual was selected for interview from that search pool.

6. **University Best Interest**: the Vice President for Human Resources and Safety Services or a designee determines that it is in the university’s best interest to place an individual in an available regular position. Examples of situations that may fall under this criterion include, but are not limited to, the following:
   - **Return to work**: the applicant identified is an employee returning from disability, and is deemed qualified to fill the vacancy
   - **Dual career**: the applicant identified is searching for a position as a result of either (1) pro-active and targeted recruitment and hiring effort, or (2) retention effort of their spouse or partner by Cornell and is deemed qualified to fill the vacancy
   - **Avoiding layoff**: reassignment or move to another position at Cornell to avoid a layoff
   - **Layoff**: the person identified is currently on layoff status from the university and is deemed qualified to fill the vacancy
   - **Reassignment**: the person identified is an employee who is no longer able to perform the essential functions of their current position based on a medical condition and is deemed qualified to fill the vacancy
   - **Resolution of a workplace issue or concern
   - **Restoration of funding**: the person identified was previously employed in a term-limited, sponsored-program position, which was not renewed due solely to the lack of funds. This applies only if the funding is restored within 12 months, and if the employee would return to the same unit, title, and duties held prior to the non-renewal

◆ **Note**: Job opportunities fulfilled through the use of the waiver criteria above do not need to be posted via the Department of Labor.

Waiver Request Material

The waiver request material is comprised of all of the following information:
   - Documentation detailing the rationale for requesting a waiver of posting on Jobs at Cornell
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- Résumé or application of the selected applicant(s)
- In the case of restoration of funding, a list of all previous employees similarly impacted by the loss of said funds within a rationale stating why one (or some) individual(s) is/are being restored (if not all those similarly impacted are being simultaneously restored)

Reviewing Waiver Requests

The waiver request for all nonacademic exempt and nonexempt positions must be approved or denied by the DAAR prior to being submitted to the director of IWD or a designee for final determination.

Any position for which a waiver of posting is denied must be posted on Jobs at Cornell.

Only after receiving notification that the director of the IWD or a designee has approved the waiver request, can the hiring authority move forward with the selection process. After the selection is completed and a formal employment offer has been made, initiate the appointment process. For more information, see www.hr.cornell.edu/managers/onboarding/offer.html.

Progressive Promotion

To support development of current, regular staff members, the university supports a progressive promotion practice. In situations where the internal promotion opportunity meets all of the criteria listed below, no posting, listing, or waiver is required if a resulting vacancy is posted and a full search is conducted (for clarification, consult your unit HR representative).

Progressive Promotion Criteria

The position to which an individual is promoted must meet the following criteria:

- It must be within the same job family
- It must be within the same unit
- It must be one of the following:
  - Within the same band
  - A change of one band, unless there is no intermediary band for the title in the promotional sequence. For example, the sequence of Illustrator I to Illustrator II goes from band C to band E with no intermediary “band D” title.

When appointing an employee to a new position as a result of a progressive promotion, indicate, “progressive promotion” on the information submitted as part of the appointment process. To access appointment information and forms, go to www.hr.cornell.edu/managers/onboarding/offer.html.
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Advertising a Position

In addition to posting, it may be important to advertise openings through print and electronic media. To ensure compliance with regulations, all recruitment advertising must be approved by the unit HR representative or a designee prior to placement. To streamline the process and portray Cornell University in a consistent and professional manner, the university utilizes the services of the Graystone Group Advertising Agency (www.hr.cornell.edu/managers/onboarding/graystone.html) for the preparation and presentation of advertising.

Applying for a Position

In order to be considered an applicant for nonacademic staff positions, applicants must apply online via the Jobs at Cornell system.

◆ Note: If an accommodation for a disability is required so that an applicant may participate in the selection process, he or she is encouraged to contact IWD at (607) 255-3976, TDD (607) 255-7006, or via e-mail at owdi@cornell.edu.

Capturing Applicant Flow Data

In an effort to comply with federal equal employment opportunity requirements, certain applicant data are requested as part of the online application process. This is voluntary information and is provided at the discretion of the applicant.

Interviewing Applicants

In accordance with your unit hiring process, the unit HR representative or a designee and/or the hiring authority are responsible for identifying and interviewing qualified applicants for vacant positions in their unit. The applicant pool should be sufficient to enable selection of several qualified applicants for interviews. If not, the hiring authority should contact unit HR representative or a designee to discuss further recruitment efforts.

In keeping with the goals of this policy, the applicants considered for interviews should include, but not be limited to, the following:

- Those applicants who advance the diversity of the university, including those who help meet the university’s affirmative action goals
- Regular staff members, with a good performance record, who within the previous year face or have faced the loss of their positions due to either one of the following:
  - Reductions in staff
  - Medical inability to perform the essential functions of their current positions
- Current staff members seeking internal mobility
PROCEDURES, continued

Note: Hiring authorities must offer interviews to applicants on university layoff status who apply for an open position, and who meet the qualifications for the position. See University Policy 6.12, Separations, Voluntary and Involuntary, (Including Layoff).

Evaluating and Selecting Applicants (Including Testing)

The use of any selection procedure must be consistent with the federal Uniform Guidelines on Employee Selection Procedures. Employee selection procedures include job requirements (physical, education, experience), and evaluation of applicants or candidates on the basis of application forms, interviews, performance tests, paper and pencil tests, performance in training programs or during probationary periods, and any other procedures used to make an employment decision, whether administered by the employer or by an employment agency. Regardless of the selection procedure, it is essential that the hiring authority clearly understands the hiring criteria, the reasoning for the specific criteria, and how qualifications of applicants will be measured.

As a result, units may not administer, or utilize a third party to administer, any pre-employment tests (written, oral, or physical) to be used in the evaluation and selection of applicants for employment without the prior approval of the unit HR representative or a designee and the director of the Recruitment and Employment Center or a designee.

For the purposes of this policy, résumé review and interview strategies are not subject to the prior approval requirement as stated above. It is recommended that the unit HR representative or a designee discuss résumé review and interview strategies with the hiring authority and other search committee members prior to their use.

For more information on effective recruitment and selection procedures, refer to www.hr.cornell.edu/managers/onboarding/recruiting.html.

Checking References

Hiring authorities and/or unit human resources (HR) representatives must conduct thorough reference checks and receive satisfactory results on applicants to whom the university intends to offer employment, before the applicant’s first day of work.

Before making an offer to an applicant, the hiring authority or a designee must contact at least two of the applicant’s references, one of whom should be the most recent supervisor, if possible. For an internal applicant, the current supervisor must be one of the references contacted. If extenuating circumstances exist, contact the unit HR representative for guidance.

Efforts consistent with the practices of the college/unit should be made to check
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references appropriately for applicants to whom the university intends to offer a temporary or casual, nonacademic or volunteer position.

◆ Note: Regular, nonacademic position applications are completed via an online system, and a completed Cornell employment application includes a certification that all information provided (written or verbal) is truthful, complete, and accurate, and signifies the university’s right to investigate pertinent information about the applicant. Therefore, applicants for nonacademic positions must complete an employment application in accordance with the hiring process for the specific position vacancy before information verification efforts (including reference checking, employment and/or license verification, etc.) can begin.

If you are considering a more extensive credential and information certification process (criminal, motor vehicle, credit, etc.), contact your unit HR representative.

Offering Employment

All offers of employment must conform to university policy and must have the prior approval of the unit head, the unit HR representative or a designee, and the DAAR. If policy is not followed and not all approvals are obtained, the Vice President for Human Resources and Safety Services or a designee may declare an offer of employment invalid and subject to reversal.

Offers of employment are conditional upon the completion of the Employment Eligibility Verification Form (Form I-9). All paid employees working in the U.S. must complete an I-9 at the time of hire. Departments must use the most recent version of the I-9 form at www.uscis.gov/i-9.

I-9s are not required for the following:

- Anyone working and residing outside the U.S.
- Unpaid appointments
  ◆ Note: Individuals on Cornell-sponsored visas are required to visit the International Students and Scholars Office (ISSO), even if they are on an unpaid appointment.

Re-verification of I-9 information must be done for the following:

- All employees on a visa at the time of extension
- All employees who are rehired, regardless of the length of their break in service.
  ◆ Note: Under federal regulations, there are a limited number of situations exempt from this requirement. For example, if an individual is engaged in seasonal employment with a reasonable expectation that employment will resume. In these situations, re-verification is not required.

Re-verification can be done for all employees with an I-9 form less than three years
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old, but re-verification must always be performed on the newest version of the I-9 form. If the existing I-9 is greater than three years old, a new I-9 must be completed in its entirety on the most current government version of the I-9 form.

All offers of employment must be confirmed in writing and should be accepted in writing. For sample letters, see Offering the Position on the Office of Human Resources’ website at www.hr.cornell.edu/managers/onboarding/offer.html.

Conditional Offer – Medical Examinations and Immunizations

After an offer of employment is made and the start date, a medical examination and/or immunization only if it is relevant to the job duties and required for all employees in a given job. Units must obtain advance approval from their unit representative or designee all recruitment advertising must clearly state the condition of employment.

Authorizing Employment of Non-U.S. Citizens

If considering offering a nonacademic position to a non-U.S. citizen, contact the ISSO for information regarding visas and employment. Prior to extending an offer of employment to a non-U.S. citizen, the Office of Human Resources and the ISSO must approve all requests to pursue an H1-B visa for a nonacademic position. The university does not sponsor permanent residency (green card) for nonacademic staff members.

Notifying Applicants

The unit HR representative or a designee is responsible for conveying the decision in writing to all applicants for the position.

Applicants may request a written statement explaining why they were not selected for employment. If such a request is received, consult with staff at the Recruitment and Employment Center to determine the appropriate course of action.

Retaining Records

The unit HR representative or a designee must retain all records of the search and selection process, including information gathered during reference checking and information verification, for a period of three years, after which such records must be destroyed, except as noted below.

◆ Notes:

1. Applicants hired by the university should have their application-specific material retained as part of their employment file. For additional information on record retention requirements, refer to University Policy 4.7, Retention of University Records.

2. Information stored in the Jobs at Cornell online system is considered part of the
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official search file. These records are stored electronically in the system.

3. Information stored in the Verifications, Inc. “VI Online” system is considered part of the official search file.
   a. For the selected applicant, you must print out the information verification report and store it in the department personnel file.
   b. If the information verification report is relied upon to make an adverse employment decision (e.g., decision not to extend an offer of employment), then it must be retained for three years beyond the date of the decision.
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Filling Vacancies (Excluding Academic and Bargaining Unit Staff)

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