2.1.2 RECRUITING AND HIRING OF REGULAR STAFF

Last updated on: 12/14/2017

Formerly Known As Policy Number:
22.1
This policy reviews all phases of the recruiting and hiring process and the corresponding areas of responsibility.

Authority:
Approved by the Vice President for Human Resources.

Applicability:
All regular staff of the University and SLAC (as defined in Administrative Guide Memo 2.2.1: Definitions [1]), with some limitations:

- **Bargaining Unit**—For policies specific to employees covered by collective bargaining agreements, see agreements at Labor Relations & Collective Bargaining [2].
- **SLAC National Accelerator Laboratory (SLAC)**—Some procedures in this policy do not apply at SLAC. For procedures specific to SLAC, contact SLAC’s Human Resources Department.
- **Hospital**—“Hospital” refers to both Stanford Health Care (SHC) and Lucile Packard Children’s Hospital (LPCH). The hospitals are separate employers, each with its own policies and procedures. Contact SHC or LPCH Human Resources.

Purpose:
- To provide policies and guidance that support recruiting and hiring a diverse and talented workforce. To accomplish this, Stanford strongly encourages hiring supervisors to develop the broadest possible applicant pool allowing the best and the brightest candidates—internal and external—to fairly compete for all open positions. Through fair and open competition and application of equitable evaluation criteria, Stanford hires the best available candidates.
- To meet University policies and practices and comply with federal and state regulations.

1. General Recruiting and Hiring Responsibilities

a. **University Human Resources**
University Human Resources is responsible for developing, monitoring and overseeing employment policies and providing the University with support services necessary to attain staffing objectives.

b. **Local Human Resources Manager**
Local Human Resources Manager is the person responsible for administering recruiting and hiring policies for each organization.

c. **Hiring Supervisors**
Hiring Supervisors are those faculty and staff designated to make staff hiring decisions. Hiring supervisors are responsible for making such decisions in accordance with the policies and procedures established by the University and set forth in this Guide Memo. Each hiring supervisor is accountable for his/her actions in matters relating to applicable sections of this policy, compliance with federal and state regulations governing employment, and performance in achieving affirmative action program goals. Questions on these policies that cannot be resolved at the local level should be referred to the Vice President for Human Resources.

### Guide to Supervisors

#### Typical responsibilities for University Human Resources

- Conducts full-service recruiting and recruitment programs
- Develops recruitment and hiring-related programs
- Consults on recruitment strategies, compliance, diversity, selection and on-boarding
- Administers online recruiting systems and websites
- Ensures regulatory compliance; administers recruiting and hiring policies
- Oversees contingent staffing, international hiring, background checks, third party management (including executive search firms)

#### Typical responsibilities for Local Human Resources Managers

- Represents needs of the unit to University HR
- Develops programs to support local recruiting needs
- Consults on, and facilitates, the recruiting process within the local unit and between the local unit and University HR
- Conducts and coordinates position searches, including selection and use of employment search firms
- Emphasizes the need to ensure affirmative action goals are considered by hiring supervisor
- Implements and administers recruitment and hiring policies

#### Typical responsibilities for Hiring Supervisors

- Makes selection and hiring decisions within the stipulated policies and parameters, including reviewing resumes, interviewing candidates, conducting reference checks, and documenting process and decisions
- Implements recruiting and staffing policies, programs and processes locally
- Contributes toward the achievement of affirmative action goals

### 2. Recruiting and Hiring Policies

#### a. Equal Employment Opportunity & Affirmative Action

In accordance with all applicable law, it is the policy of University to:

- Comply with all affirmative action requirements, and
- Provide equal employment opportunities for all applicants and employees.
b. Employment Rights and Preferences of Former and Current Regular Staff

The University gives current and former regular staff certain reemployment rights and preferences described below:

(1) Right to Reemployment or Return to Active Employment

(a) Definition
The right of a former regular staff to reemployment or return to active employment in his/her former University position to the extent required by law.

(b) Who Qualifies
Reemployment rights extend to former regular staff who:

- Terminated employment to serve in the military. A department that receives an inquiry about reemployment of a former employee returning from the Armed Services should consult with an Employee Relations Representative.
- Returns from a leave of absence on or before the agreed upon return date (e.g., military, childbirth, family, medical) when the leave was formally requested and granted in accordance with University policy.

(2) Hiring Preference
The University is committed to hiring the best qualified candidate for the job. When the qualifications stated in the job listing and predetermined job-related selection criteria are used to determine each candidate's qualifications, and more than one qualified candidate competes for a job, the employment offer must be extended first to the candidate who has preference according to 2.b.3 below.

(3) Order of preference
Follow this order when considering substantially equal candidates:
(a) First Preference:
Regular staff who have been given written notice of permanent layoff or who are permanently laid off under the policies in Guide Memo 2.1.17: Layoffs. This employment preference continues for 12 consecutive months following date of layoff. Layoff preference also applies to regular staff whose positions are being eliminated and who have been informed that they will be laid off if they do not obtain alternative employment in the same department/administrative unit.

(b) Second Preference:
Current regular staff who meet the qualifications for the position and for whom placement in this job would constitute a promotion, or who have successfully completed a formal training program for the specific job.

(c) Third Preference:
Current temporary or casual employees on the Stanford payroll applying for a position in the same work group reporting to the same supervisor where the employee currently works in a temporary or casual role.

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Policy conflicts may occur between consideration of the hiring preferences and consideration of affirmative action goals. In these circumstances, consult with the local Human Resources Office before making an offer of employment.

c. Employment of Related Persons
Employment by a related person in any position (e.g., regular staff, faculty, other teaching, temporary, casual, third party, etc.) within an organizational unit can occur only with the approval of the responsible Vice Provost, Vice President (or similar level equivalent to the highest administrative person within the organizational unit), or his/her designee. Under no circumstances may a supervisor hire or approve any compensation action for any employee to whom the supervisor is related. An individual may not supervise, evaluate the job performance, or approve compensation for any individual with whom the supervisor is related.

Even when the criteria discussed here are met, employment of a related person in any position within the organization must have the approval of the local human resources office, in addition to the approval of the hiring manager's supervisor, including faculty supervisors.
Employment by a related person in any position (e.g., regular staff, faculty, other teaching, temporary, casual, third party, etc.) within an organizational unit can result in an actual or perceived conflict of interest and is strongly discouraged.

The university recognizes that relationships may develop in the workplace. The university expects its employees to disclose relationships as appropriate, and specifically in the case of direct reporting relationships and/or potential conflict of interest situations. Failure to properly disclose a relationship or family connection may lead to corrective action measures being taken.

All of the above requirements also apply to employing and hiring those with consensual sexual or romantic relationships. In addition, consensual sexual or romantic relationships must also be disclosed in compliance with section 4 in Guide Memo 1.7.2: Consensual Sexual or Romantic Relationships In the Workplace and Educational Setting [6].

**Definition of Related Person**—The employee’s spouse; same-sex domestic partner; children of the employee, spouse or same-sex domestic partner; parents and parents-in-law; parent surrogate; brothers and sisters of the employee; grandparents and grandchildren of the employee; and, any other dependent family member who lived in the employee’s residence.

d. Rehiring Former Regular Staff
Regardless of the reason for rehire, all former staff must serve a new Trial Period, including those former staff who meet the reinstatement criteria set forth below.

**1) Reinstating the Hire Date:**
Former regular staff will have their hire date reinstated if they left the University in good standing and meet these timelines:

(a) Former regular staff who has been laid off and is reemployed by the University within 24 months following the date of layoff will have the most recent hire date prior to layoff reinstated.

(b) Former regular staff whose employment was terminated for reasons other than layoff will have the most recent date of hire prior to termination reinstated if reemployment occurs within 12 months following the date of termination. Reinstatement includes all of the following:

- Bridging of service by restoring the most recent hire date in a benefits-eligible position before termination,
- Restoration of any sick leave balance at the time of termination, and
- Vacation accrual rate based on the reinstated hire date.

(2) Rehire After Involuntary Discharge
If a regular staff member was terminated from the University for cause, supervisors must consult their local HR Office and Employee Relations Representative before rehire or reinstatement. An individual who was terminated for gross misconduct is not eligible for rehire.
For information on how rehire or reinstatement affects benefits, visit the [Cardinal at Work](https://www.cardinalatwork.berkeley.edu) website or contact the [University HR Service Team](mailto:hr@berkeley.edu).

**Hiring Hospital Employees**—See [Guide Memo 2.1.4: Hiring Employees from Stanford Health Care or its Predecessor Companies](https://hr.berkeley.edu/guides) for information on applicability of University employment policies and eligibility for University benefits when hiring regular staff who was previously employed by Stanford Health Care (or its predecessor companies) or Lucile Packard Children’s Hospital.

### e. Age as a Hiring Factor

Age (except for persons under 18 who have not graduated from high school) may not be used as a factor in hiring unless it can be shown as a necessary job qualification.

### f. Employment of Minors

Before an offer of employment is made, the hiring department must obtain a work permit for applicants under age 18 years who have not graduated from high school. A permit is obtained from the applicant's school district and is retained in the department file.

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The Fair Labor Standards Act (FLSA) and California law restricts the hours and conditions of employment for minors. Because restrictions on the employment of minors can be complex, supervisors should consult with their local Human Resources Office about specific cases. General restrictions include:

- Except as part of approved University programs (e.g., Take Our Children to Work Day), minors are not permitted to visit in areas where they would not be permitted to work as employees.
- Minors ages 16-17: In addition to the above, prohibited from working on hazardous jobs. No other restrictions.
- Minors ages 14-15: In addition to all the above, during school session, cannot work more than 3 hours/day, 18 hours/week. During school vacation, cannot work more than 8 hours/day, 40 hours/week.
- Minors under age 14: In addition to all the above, prohibited from most non-agricultural work.

### 3. Policies And Practices—Search Phase

**a. Job Descriptions**

Before a job description is entered into the HR Applicant Tracking system:

**(1) Hiring supervisor's responsibilities:** Identify the functions of the job, define and describe the duties and responsibilities of the position, include required regulatory training, develop and document objective criteria for the selection process, and obtain local Human Resources Office's confirmation of position level and salary range. For guidance, visit [Staff Compensation](https://hr.berkeley.edu/compensation). Qualifications cannot unnecessarily prevent or lessen the employment opportunities for any class of applicants or potential applicants, as identified in Section 2.b.

**(2) Local Human Resources Office’s responsibilities:** Reviews the Position Summary for clarity and content, classification and salary range, and ensures that the job description is entered into the HR Applicant Tracking System.
b. Announcing Job Openings

(1) Local Human Resources Offices
All regular staff vacancies must be listed with the appropriate Human Resource office.

- For SLAC, SLAC Human Resources Department.
- For campus and School of Medicine, Staffing Services in University Human Resources. Staffing Services announces all openings on Stanford Careers [11] and may use other media as appropriate.

(2) Temporary Employment
Non-regular staff vacancies that do not lend themselves to employment of Stanford students due to the nature of the work and work schedule, may be listed with commercial temporary employment services and/or StanfordTemps.

(3) Text of Advertisements
Advertising and other notification of vacancies must be non-discriminatory and must include reference to the University’s commitment to affirmative action and equal opportunity: “Stanford is an equal opportunity employer and all qualified applicants will receive consideration without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability, veteran status, or any other characteristic protected by law.”

c. Posting Period

(1) Definition
A posting period is the period during which information about the job opening is made available and applications are accepted. Generally, postings should not exceed six months except where the hiring supervisor is actively seeking and reviewing applications for the position.

(2) Length of Posting Period
All vacant positions except those filled through an approved posting period waiver (see Section 3.d for information on waivers) are posted online for a minimum of 10 calendar days. The posting period begins when the approved online requisition updates the Applicant Tracking system. Applications are accepted through the full posting period.

(3) Changes in Posting Period
Posting periods may not be shortened or eliminated except through the waiver process (see Section 3.d). Posting periods may be extended at the hiring supervisor’s discretion and applications may be accepted beyond the posting period at the supervisor’s discretion.

(4) Timing of Employment Offer
Offers of employment may not be made until after the expiration of the posting period or an approved waiver of posting (see Section 3.d).

d. Waiver of Posting
All regular staff vacancies not posted for the minimum posting period must have an approved waiver of posting before an employment offer can be made. The local Human Resources Office may approve waiver requests. However, waiver requests for positions falling within job groups with affirmative action goals for the University must also be approved by the Diversity and Access Office.
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For a list of considerations to help determine if a waiver is appropriate, go to the [Staffing Services](#) website.

The local Human Resources Office (HRO) is responsible for following the waiver policy. Every job posting should be reviewed to determine if it is within an EEO job category that is currently underutilized with respect to women and/or minorities for which the University has an affirmative action goal. In addition, approved waivers should meet the approval criteria outlined below. The HRO also ensures that waiver requests do not unduly restrict consideration of individuals with employment preferences, and that Staffing Services receives the waiver documentation in writing (preferably in the Applicant Tracking system).

The Diversity and Access Office will approve or deny waiver requests for positions that fall within EEO job categories for which Stanford has an affirmative action goal.

**Approval Criteria**—The hiring department must have consulted with Staffing Services to determine if qualified layoff candidates are available. The hiring department must document the reason for requesting the waiver. The local Human Resources Office may approve the waiver request if:

- The department documents critical operational need, or
- Affirmative action goals are not negatively impacted, or
- There is a uniquely qualified/skilled applicant and it is unlikely a better qualified candidate would apply, or
- The department can reuse a recent (within past six months) applicant pool for a comparable job likely to result in a similar pool.

**Denial Criteria**—The local Human Resources Office may deny a waiver request if it is determined that the requested action would be inconsistent with the University’s waiver or affirmative action policies.

e. Recruitment of Applicants

**(1) Definition of an Applicant**

Currently Stanford requires resumes for regular staff positions to be submitted through the Stanford Careers (or Jobs@SLAC) website. Consistent with this requirement, an applicant is defined as any person who meets all of these criteria:

(a) The individual submits a resume for a specific position through the Stanford Careers (or Jobs@SLAC) website,

(b) Stanford considers the individual for employment in a particular position,

(c) The individual's resume indicates the individual possesses the basic qualifications for the position, and

(d) The individual at no time during the selection process prior to receiving an offer of employment removes him/herself from further consideration or otherwise indicates that he/she is no longer interested in the position.

**(2) Equal Opportunity Policy**

With the assistance of Staffing Services and the local Human Resources Office, departments must make every effort to recruit qualified individuals for job openings, keeping in mind the University’s commitment to equal opportunity and affirmative action, and any specific affirmative action goals (as opposed to quotas or preferences, which may not be used) established for specific classifications and departments.
(3) International Recruitment
Please review Section 6, International Hiring, before recruiting or hiring outside of the United States.

(4) Search Firms
In general, Stanford makes limited use of the services of executive search firms or employment agencies. In the instances where it is necessary to use such services (e.g., senior level vacancies), departments must consult with the local Human Resources Office before making any arrangement with an outside firm or agency.

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The hiring supervisor is accountable for assuring that the firm or agency is fully informed with regard to its responsibility for meeting the University's institutional affirmative action and record keeping responsibilities. Consultation on search firms is available from Staffing Services.

For a checklist on how to choose a search firm that meets Stanford’s requirements to provide a widely diverse selection of applicants and the ability to track the applicant pool, go to the Staffing Services website.

Receiving Electronic Resumes—Electronic resumes are submitted to Staffing Services using Stanford Careers. Staffing Services will send applications a written acknowledgement that his/her resume has been received. Electronic resumes are submitted to SLAC using Careers at SLAC.

4. Policies and Practices—Selection Phase

a. Employment Application Form
   - All interviewed applicants must complete and sign a Stanford University application form.
   - Stanford does not accept incomplete application forms.
   - Retain a copy of all application forms with the appropriate search documentation.
   - The successful candidate’s application form must be retained in the personnel file (see Guide Memo 2.1.3: Personnel Files and Data).

b. International Candidates
Please review Section 6, International Hiring, before selecting an international candidate.

c. Interviews
(1) Standard Administration—Hiring supervisors must ensure standard administration of the interview process, including the equivalent treatment of candidates, avoidance of discriminatory questions and uniform interview content.
(2) Accommodation—At the request of a disabled candidate, accommodation during the interview process may be required.

d. Testing
(1) Prior Approval—All testing or screening devices used in the employment process must be approved by the AVP, Recruitment & Talent Management in consultation with the Diversity & Access Office, as appropriate. Only standardized, validated test instruments may be considered.
(2) Accommodations—At the request of a disabled applicant, accommodation to enable testing may be required.
(3) Applicability of Test—
When used, approved tests must directly relate to essential job functions and be given to all applicants or finalists under the same or equivalent conditions. The test must be scored, evaluated and used as a selection factor equally for all applicants or finalists and maintained with other applications and selection materials.

e. Reference Checks
The hiring supervisor is required to obtain a minimum of two reference checks from previous employers. Reference checks must be part of the candidate’s evaluation and may be used as a factor in the hiring decision if the information is job-related. No offer of employment can be made before completing the hiring process, including reference checks.

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The hiring supervisor must exercise caution to assure that:

- The names of those contacted for references are retained in the search documentation with any unsolicited written references provided by the candidate,
- Inconsistent or negative information obtained in a reference check is corroborated, if possible, before it is used in making a hiring decision, and
- Reference information used in the hiring decision is job-related and can be shown to be a predictor of job performance.

Local Human Resources Offices may provide consultation.

f. False and/or Misleading Statements
Withdraw from consideration any applicant found to have misleading and/or false statements on the employment application or other documents.

g. Review of Personnel Files
Hiring supervisors have access to personnel files of current and former University employees who are finalists for the position. No offer of employment can be made before the hiring supervisor or Human Resources reviews the personnel files.

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Contact the local Human Resources Office for details and assistance (see Guide Memo 2.1.3: **Personnel Files and Data** [16]).

5. Hiring Decisions, Offers and Documentation

a. Hiring Decisions
Hiring decisions for regular University staff positions are based on the relative job-related qualifications of the applicants for the positions, with full consideration of the employment rights and preferences specified in Section 2.b.

1. The hiring supervisor is responsible for judging the relative qualifications of each applicant and for making the hiring decision, consistent with University policy and applicable governmental laws and regulations.
2. The local Human Resources Office is responsible for reviewing proposed hiring decisions and for ensuring compliance with regulations, laws, and/or University employment policies.
3. The Diversity & Access Office, if notified by an applicant or administrator regarding a particular opening, may delay a proposed hiring action for further review if it appears inconsistent with the University's Affirmative Action Program.

b. Employment Offers

(1) Timing of Offer—Employment offers should be made after:

- The expiration of the posting period (or, after approval of a waiver request), and
- The employment action (including in-hire salary) has received all required approvals.

(2) Conditional Offer of Employment—A written conditional offer of employment must be issued by the hiring department to the successful candidate using an approved offer letter template. Approved templates include those for standard hires, promotions and out-of-country hires. If a background check is required by policy, the written conditional offer of employment will inform the candidate that the offer is contingent upon successfully completing and passing a background check.

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Workplace Accommodation—At the request of a candidate or applicant who has a disability, workplace accommodation may be needed. The hiring supervisor should refer to Guide Memo 2.2.7: Requesting Workplace Accommodations for Employees with Disabilities.

Out-of-Country—If this is an offer of employment for the applicant to work in a primary site outside the U.S., Staffing Services will assist the local Human Resources Office with arrangements. See Section 6 for details on International Hiring.

c. Background Checks

Stanford may conduct background checks, as required by policy. Additional background checking may be required in some job classifications (e.g., Deputy Sheriffs). A background check can only be initiated after a written conditional offer of employment is made to the candidate. Local Human Resources Offices will provide information on specific requirements.

d. Criminal Records

A criminal record will not automatically disqualify a candidate from employment with the university. University Human Resources/Employee & Labor Relations will conduct an individualized assessment of any criminal record revealed during the background check process. If individual circumstances warrant, a candidate with a criminal record may be disqualified from employment.

e. Documentation and Record Keeping

(1) Pre-Employment

New, transferred, rehired or promoted employees may not start work in the new position until all appropriate forms have been signed and processed.

(2) Non-Selected Applicants

- The hiring supervisor is responsible for oral or written notification to all non-selected applicants who were interviewed.
- The hiring supervisor must ensure that all search summary records are completed, including indication of all applicants’ status (disposition data) in the HR Applicant Tracking system. For more information, see the Staffing Services website.

(3) Completeness
Records must include the resume and application materials of all applicants for a position, as well as documents pertaining to individuals considered for the position.

(4) Patent and Copyright Agreement
All employees must complete a Patent and Copyright Agreement Form (SU18) as a condition of employment.

(5) Retention Time
The hiring department must retain records relating to a search, selection and employment decision for a minimum of three years following the decision. Should there be a dispute (grievance/litigation), the documents must be retained until the matter is resolved, if not resolved by the conclusion of the three-year period.

(7) More Information
For more information, see the Staffing Services website.

6. International Hiring

Hiring, transfer or assignment of regular staff outside of the United States must be supported by a demonstrable University business purpose, and approved in writing by the cognizant School Dean or VP. Copies of such approvals should be forwarded to the Global HR Programs Manager in University Human Resources and the Global Business Director in Business Affairs.

Employees assigned or working outside of the United States are subject to local law as well as University policy and procedures when not in conflict with local law.
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Employment Options—Employment regulations in other countries may be very different than the U.S. In light of operational and regulatory complexities, careful consideration should be given to the various employment options in satisfaction of programmatic requirements, before considering an international hire, transfer or assignment.

- Consult with your HR Manager, and ask for a copy of the International Human Resources Checklist for Stanford University Human Resources Managers.
- See Plan Global Activities [19]
- For additional guidance, consult Global Business Services (GBS) [20] who can direct you to the cognizant central oversight office [21]

Administrative Costs—Assignments outside of the United States typically involve significant additional administrative costs in light of the regulatory and operational complexity involved in such assignments. Accordingly, the supervisor hiring or assigning the employee outside of the United States is responsible for ensuring that the added administrative expense of such an assignment is covered by the applicable budget for the duration of the assignment.

Work Authorization—Work authorization and immigration issues may require significant lead-time, and HR managers are responsible for ensuring that appropriate documents are secured prior to foreign employment. The local Human Resources Office cannot process an assignment until the proper work authorization is obtained. All offer letters must be approved by the local Human Resources Office in consultation with the Global HR Programs Manager.

Consulting Arrangements—It should be noted with caution that what may appear to be a consulting arrangement by U.S. standards, could in fact constitute an employment relationship in a foreign country, potentially triggering employment, tax and other regulatory considerations.

In general, the same policies and practices are required for international hires as detailed in the ensuing guidelines for U.S. employment. However, local country norms and requirements take precedence, and it is the responsibility of local HR managers and the supervisor to ensure that the employee is apprised of such requirements prior to the effective date of the assignment. Assignments should be of a limited duration for the purpose of addressing tax, expatriate status and visa considerations.

Additional guidance may be obtained from the Global HR Programs Manager at globalhrprograms@stanford.edu [23] in University Human Resources and/or the Global Business Director in Business Affairs.


Links
[4] mailto:equalopportunity@stanford.edu