



## Guidelines to Support Filling Vacancies (Policy 6.6.1)

Cornell University is committed to selection procedures that are fair, consistent, and in compliance with applicable laws and regulations. University policy 6.6.1 Filling Vacancies applies to all regular academic and non-academic positions. The information that follows provides procedural guidance to support adherence with policy.

### Search Exceptions

All search exception requests must be reviewed and supported by the local HR unit.

You are required to select the appropriate “**Recruiting Reason**” on the Workday requisition to record the criteria under which either;

- 1) no waiver/search is required, or
- 2) the waiver is being submitted.

### *Waivers*

For search exceptions requiring approval (waivers) by the Director of Inclusion and Workforce Diversity (IWD) or designee, the request is submitted through Workday and IWD will automatically be notified. Refer to [Workday Recruiting Guide for Recruiters and Primary Recruiters](#) for more information.

Include the details about why you are requesting a waiver in the Comments section of the Job Requisition. Go to your Workday Notifications (menu item below your Inbox) to see if your waiver has been approved or use the *Approved Waivers* report.

Only after receiving notification that the Director of IWD, or a designee, has approved the waiver request can the hiring authority move forward with the selection process. If a waiver is denied, then the position must be posted in accordance with policy.

### *Questions and Answers*

- 1) **Question:** If a local unit has diversity in a job title, however there remains a university goal, am I still able to submit and have a waiver request considered/supported?

**Answer:** Yes, if there is a goal, you can request a waiver even if, locally, you have diversity. This is because, for affirmative action compliance purposes, goals are determined at the university level.

- 2) **Question:** There are no affirmative action goals established for a title, however I have no diversity in my organization in that title. Is an affirmative action waiver still possible?

**Answer:** No. An affirmative action waiver is not appropriate if an affirmative action goal has not been established at the University level.

- 3) **Question:** How do university goals differ from discipline specific goals?

**Answer:** For academic titles, the university goals are determined by discipline. Therefore, the goals by discipline are the university goals. Accordingly, you should look at the goal for the applicable discipline. If there is a goal in the discipline, a request for a search waiver may be appropriate if a qualified candidate will help the university to meet the existing goal(s).

4) **Question:** What is the definition of protected veterans under affirmative action?

**Answer:** For affirmative action purposes, the Office of Federal Contractor Compliance Programs regulations limit the definition of protected veterans to four categories of veterans: 1) Disabled veterans, (2) Recently Separated veterans, (3) Active Duty Wartime or Campaign Badge Veterans and (4) Armed Forces Service Medal Veterans. Because of this federally regulated definition of protected veteran, waivers are limited to these same four categories of veterans. If a qualified applicant falls into one or more of these categories, a waiver may be appropriate.

***No Waiver Required:***

While the general expectation is that a search will be conducted, on occasion, and in order to advance institutional strategic priorities, a search may not be appropriate particularly in situations where the individual is deemed qualified to fill the vacancy. In these cases no posting, listing or waiver is required. However, in collaboration with the local HR representative, a careful analysis of the current diversity of the hiring unit and the university in the job group is required prior to filling any position. The Dean/VP/University Librarian or their designee retain final approval of all decisions.

For the search exceptions listed below, please select the appropriate recruiting reason in Workday when creating your requisition.

- Administrative Movement: Internal movement as the result of a reorganization or restructuring, reassignment or part of a documented succession planning or career development plan
- Restoration of Funding: the person identified was previously employed in a term-limited, sponsored-program position, which was terminated early or 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
- ADA Job Change: the individual identified is an employee who has been through Cornell's formal ADA process and a job change accommodation request has been approved by Medical Leaves Administration
- Return to Work: the employee is returning from a long term disability leave and has provided the appropriate work clearances to Medical Leaves Administration
- Layoff/Avoiding Layoff: the person identified is currently pending placement on layoff status or is on layoff status from the university
- Current or 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 identified individual was a finalist from the original search pool
- Progressive Promotion: an individual is being promoted within the same job family, and in accordance with the next promotional sequence
- Accompanying/Supporting Hire: as negotiated at the time of the primary hire, individuals are moving to Cornell to continue working with the primary hire.
- Search not Necessary: In the case of regular appointments envisioned and implemented to last no longer than one year (full-time equivalent), individuals may be appointed without a search; however, such individuals **may not** be reappointed to a continuing position without a full and open search

- Academic Title is Exempt from Search Requirements:
  1. Appointments to the following titles are not subject to search requirements:
    - Postdoctoral associate, postdoctoral fellow, visiting fellows, titles formally modified by “adjunct” or “courtesy” and visiting (or other) appointments paid by other institutions or agencies unconnected with Cornell
  2. Reclassification of Postdocs to Research Associate or Senior Research Associate
    - Persons holding the titles of postdoctoral associate or postdoctoral fellow for a minimum of three years, in the same Cornell postdoctoral position, may be appointed to the titles of research associate and senior research associate without a search. Reclassification of the postdoctoral title to research associate or senior research associate must be authorized by the dean, department chair and the appropriate college or unit level HR representative in consultation with Academic Human Resources. If for any reason it becomes important to promote a postdoctoral associate or postdoctoral fellow in less than three years, such a promotion should be done in connection with an open search/waiver involving full affirmative action procedures.

### **How do I document a search exception?**

Waiver requests, and decisions, are stored in Workday provided that all required information (position and applicant) has been provided.

If a waiver is not required, it is the responsibility of the local HR to ensure appropriate documentation to support the decision is stored with search materials. Documentation must include the reason for the search exception, the applicant material and the basis for the final decision.

It is very important that when the requisition is created in Workday the appropriate recruiting reason is selected so the basis for the search exception is recorded.

### **Posting and Advertising**

Before posting any position, a requisition must first be created in Workday and posted via the appropriate Workday career section(s). Please refer to the [Workday Recruiting Guide for Recruiters and Primary Recruiters](#) for more details on requisition creation and posting of positions. Each opening must be posted at the Jobs website for at least 5 business days. Positions posted on the Jobs site are automatically listed with NYS Job Bank, HERC, HigherEdJobs.com, Indeed.com, Hire a Hero, JOFDAV (Disabled American Veterans), RecruitABILITY (persons with disabilities) US Diversity as well as the local Department of Labor Office in order to comply with equal opportunity and affirmative action regulations. Additionally, we comply with other affirmative action requirements by requiring that vacancies be posted for at least 5 business days via the Jobs site. In order to ensure compliance with state and federal laws and to present Cornell University in a consistent and professional manner, all recruitment advertising should conform to the guidelines found in the [Job Search Advertising Guide](#).

Additional search considerations and posting language that must be discussed prior to posting and included in the advertising language if determined appropriate by the local HR are noted below:

- Medical examination and/or immunization - All recruitment advertising must clearly state if a medical examination and/or immunization is a condition of employment.
- Physical requirements - All recruitment advertising must clearly state the physical requirements of the position.
- Visa sponsorship

- Indicate whether the local unit is willing to request university support, and cover the associated costs, for sponsoring a visa for the position. If not appropriate, include the following text:
  - “Visa Sponsorship is not available for this position”
- Relocation assistance
  - Indicate whether the local college/unit will pay for all, or part of, the costs of relocating an employee to the Ithaca area. Often times this decision is made based on the type of position, pay band and available budget. In the advertising language it is important to clearly indicate the decision using one of the options below:
    - Relocation assistance will not be provided for this position.
    - Relocation assistance will be provided for this position.

It is recommended that you add the following instructional/clarifying language to all external job postings:

- When applying through our system, please remember to attach your application materials (Resume/Cover Letter/CV) in either Microsoft Word or PDF format. In the Experience section of your application, use the Paperclip icon to search for file(s) or use the ‘Drop Files Here’ box to manually drag document(s) into your application. For a more detailed description and instructions on how to create a profile online please [click here as an external candidate](#) or [click here if you are an internal candidate](#)

### **Applicant Tracking**

Applicant flow data is used to help identify, track, and measure possible areas of deficiency in the search process. Primarily, applicant flow data helps us understand at what point in the search process applicants from underrepresented backgrounds may be screened out and determine whether any group of applicants is adversely impacted. Applicant flow data also helps us determine the geographic recruiting area for particular job groups, which aids in calculating applicant availability.

All applicants for regular academic or non-academic positions must be afforded the opportunity to voluntarily self-identify demographic information required for Affirmative Action purposes. In searches where applicants apply through Workday, the voluntary self-disclosure is part of the application process. The same is true for searches where applicants apply through Academic Jobs Online.

We strongly encourage you to conduct all searches through Workday or Academic Jobs Online. However, for searches where it is not feasible to use Workday or Academic Jobs Online, it is the local college/unit’s responsibility to ensure all applicants are afforded the opportunity to voluntarily provide their EEO information. Direct applicants to <https://apps.hr.cornell.edu/jobs/applicant/> so they can have the required opportunity to self-identify. Local units can obtain applicant self-identification reports collected via this link by contacting Darren Jackson, Affirmative Action Compliance Lead at [dj39@cornell.edu](mailto:dj39@cornell.edu) or 607-255-0041.

## **Evaluating and Selecting**

### ***Interviewing***

The New York State Human Rights Law prohibits pre-employment and certain other inquiries as to race, creed, color, national origin, sex, age, disability, marital status or arrest records unless based upon a bona fide occupational qualification or other exception. View examples of [unlawful inquiries](#).

Refer to [Key Points for Interviewing Success](#) for additional information regarding the interview process.

For information regarding recording and compiling interview ratings in Workday go to [Interviews in Workday](#).

### **Notification of Applicants**

Local HR, or designee, is responsible for conveying the decision in writing to all applicants for a position. This communication should occur as closely as possible to the date the decision is made not to advance an applicant.

For all searches in which applicants apply through Workday, the communication templates are available through the Recruitment module. Refer to [Workday Recruiting Guide for Recruiters and Primary Recruiters](#) for more information. If applicants request a written statement explaining why they were not selected, consult with staff at the Recruitment and Employment Center to determine the appropriate course of action.

### **Effectively Documenting Employment Decisions**

The contents of the personnel records (including electronic records) can be subpoenaed by lawyers for lawsuits and Equal Employment Opportunity Commission (EEOC) complaints, as well as be randomly selected for review during an Office of Federal Contract Compliance (OFCCP) on-site audit.

### ***Required Documentation***

- List of all applicants
- Application materials for each applicant
- Voluntary EEO Disclosure information
  - This information is collected in either Workday or Academic Jobs Online depending upon which system is used.
- Information on what stage in the hiring process the candidate was no longer in consideration.
  - Reasons for not selecting candidates must be specific and job related.
    - Job specific skills, knowledge, and experience reflect specific things a candidate must know or be able to do in order to carry out core functions (i.e. required qualifications and essential functions) of the job.
    - Reasons may not be related to race, color, religion, sex, national origin, sexual orientation, ancestry, age, marital status, physical or mental disability, unfavorable discharge from the military, status as a disabled veteran, veteran, or other factors prohibited by law.
- Ultimately, who made the determination the candidate would not be moving forward (may be a committee in many cases).
- Reference Checking documentation including who was contacted, relationship and notes. Refer to the [Guidelines for Checking References](#) for more information.
- Documentation of Information Verification efforts including the background check results if applicable.

### **Checking References and Information Verification**

Hiring authorities or designee must conduct thorough reference checks and detailed information verification and receive satisfactory results on applicants (both internal and external) to whom the university intends to offer employment. This must be completed before the applicant's first day of work.

For more information, refer to [University Policy 6.6.2, Reference Checking and Information Verification](#) and the [Guidelines for Checking References](#).

### **Employment of Minors**

Working papers are required for all individuals under 18. The local HR representative must collect the original working papers from the minor at the start of the appointment, retain them throughout the appointment, and return them at the end of the appointment. To be in compliance, the **original** working paper document (not a copy) must be retained throughout the period of appointment. At the end of the appointment, the original working papers are to be returned to the minor. The local HR representative needs to ensure that the employment is in compliance with the New York State Child Labor Laws. Based on the position, a consultation with Risk Management may be needed.

For more information, regarding background check requirements for those working directly with minors, refer to [University Policy 6.6.2, Reference Checking and Information Verification](#).

### **Employment of Persons with Criminal Convictions**

Cornell is committed to providing a fair chance for all applicants to pursue opportunities at the University. Cornell University will not ask any applicant about their criminal conviction history until a verbal offer of employment has been extended. If upon collection of this information, convictions are disclosed, local HR must contact the Associate Vice President for Human Resources to evaluate the job relatedness of any reported convictions. Refer to [“Considering an Applicant with Criminal Convictions”](#) for more information.

### **Offer of Employment**

For additional information regarding offers of employment go to <https://hr.cornell.edu/hr-professional-tools/hiring-process/hiring/make-offer>.

When the search is managed through Workday, offer letters are generated within the Workday process. Standard language is presented so that local HR can review, edit as appropriate. Offer letters for these searches are delivered to the applicant via Workday and their acceptance is captured electronically. Refer [Workday Recruiting Guide for Recruiters and Primary Recruiters](#) for more information about preparing offer letters in Workday.

For offers that are extended outside of Workday (search exceptions), in addition to the offer letter, the following forms are required:

- NYS Wage Theft
- New Employee Data Collection

Non-academic positions also require:

- Employment Application (if not previously completed)
- Post-Offer Request for Conviction Related Information

For academic searches, local HR is responsible for reviewing and approving offer letter language prior to distribution.

### **Records Retention**

The university is committed to effective record management to meet legal and regulatory standards, preserve its history, optimize the use of space, and minimize the cost of record retention. Please refer to [University Policy 4.7, Retention of University Records](#) for specific information.

### **New Hire/Rehire Guidelines**

Refer to the [New Hire/Rehire Guidelines](#) for information on required forms and actions.

In compliance with federal regulations, all paid employees working in the U.S. must complete an I-9 within 3 days of the employment start date.

Most federal contracts (not grants) incorporate a provision requiring employment verification through a federal system (E-Verify). This is completed by the Onboarding team in the Human Resource Service Center.

To ensure compliance with federal regulations it is critical that the appointment be fully completed prior to the start of work.

### **Authorizing Employment of Non-U.S. Citizens**

**Cornell will file H1B petitions only for academic positions.** In almost all cases, these positions require a PhD degree. For more information regarding the approved academic titles, please reference [list of approved academic titles](#). In rare cases, Cornell may waive this policy for H1B workers. If you would like to apply for a waiver for an H1B temporary worker, you may find details about the process for requesting a waiver [here](#). If you would like to apply for a waiver for a non-academic position, you must complete the [Waiver for Non-Academic Position Application](#). NOTE: waiver of the policy may only be requested by the Hiring Unit/Department. The prospective H1B employee may not request a waiver of the policy. For more information visit <http://isso.cornell.edu/staff/host-departments>.

### **Movement between Weill Cornell or eCornell and Ithaca Campus and vice versa**

When an employee moves from the Weill Cornell Medical College or eCornell to endowed Ithaca or contract colleges of Cornell University credited service is calculated in accordance with the provisions outlined in “Credited Service Definitions” and the FAQ’s at

<https://hr.cornell.edu/hr-policies/nonacademic-staff/definitions>.

### **Use of External Search Firms**

In certain instances external recruiting services may be needed in addition to or in place of internal recruiting efforts for direct or temporary placements. This is done at the discretion of the local HR unit based on their needs and budget. Cornell does not have a preferred vendor list. Therefore, local HR units can identify a search firm on their own who or contact the Recruitment & Employment Center for a list of recommended vendors. It is the local HR unit’s responsibility to ensure that the Cornell University Professional Services Search Firm Agreement template is signed by both parties. If changes are requested by the search firm representatives, they need to be reviewed and approved through the Recruitment and Employment Center and Procurement. To access the agreement go to

<https://www.dfa.cornell.edu/tools-library/forms/professional-services-search-firm-agreement-template>.