

UCOP Human Resources Procedure 21 – APPOINTMENT

I. POLICY REFERENCES

UC-PPSM 12, Non-Discrimination in Employment
UC-PPSM 14, Affirmative Action
UC-PPSM 20, Recruitment
UC-PPSM 21, Appointment
UC-PPSM 22, Probationary Period
UC-PPSM 30, Salary
UC-PPSM 60, Layoff and Reduction in Time from Professional and Support Staff Career Positions
UC-PPSM 66, Medical Separation
UC-PPSM 81, Reasonable Accommodation
UCOP Administrative Procedure, Recruitment
UCOP Online Employee Database (EDB) System Manual (SHIR – New Hire Bundle)

II. SELECTION

The hiring authority shall select from qualified candidates the individual with the skills, knowledge, and abilities to effectively carry out the duties and responsibilities of the position. The hiring authority shall also give consideration to University employees seeking transfers or promotions, and to the University's equal opportunity and affirmative action objectives.

The hiring authority shall consider eligible layoff candidates who meet the minimum job requirements prior to other applicants. The hiring authority shall consider other internal and external applicants only if eligible layoff candidates are not selected.

The experience, skills, knowledge, and other qualifications used for the selection criteria shall be job-related and derived from the classified job description. The methodology used for assessing the candidates' qualifications shall be fairly and consistently applied to all candidates.

III. PREFERENCE FOR RE-EMPLOYMENT OR TRANSFER

A. Layoffs with Rights to Preference

1. Employees who have been laid off or who have been notified of an impending indefinite layoff or reduction in time, and who are eligible and meet the minimum job requirements, will be referred to the hiring authority for consideration before all other applicants. Layoff candidates may be disqualified if they do not meet the minimum job requirements. At the request of the UCOP Employment and Staffing Service Unit, the hiring authority shall submit for review written justification for the disqualification. The UCOP Compensation and Employment unit may subsequently share the reasons for non-selection with the candidate.
2. Regular status Professional or Support Staff (PSS) employees with the right to preferential rehire may be required upon prior written notification to serve a trial employment period of up to six months upon rehire to any vacant career position. Reference UC-PPSM 60 (Layoff and Reduction in Time from Professional and Support Staff Career Positions), Section F.3.

B. Special Reappointment and Selection

1. In accordance with UC-PPSM 66 (Medical Separation), Section D, and UC-PPSM 81 (Reasonable Accommodation), Section D, an eligible employee will be referred to the hiring authority for consideration concurrently with candidates using preferential rehire rights.
2. In accordance with UC-PPSM 81 (Reasonable Accommodation), Section C, a disabled regular status employee or a regular status employee who has been medically separated may be referred and considered for trial employment for limited term positions. Such appointments may not exceed 1,000 working hours within any rolling year.

IV. EMPLOYEE APPLICANTS

An employee shall be granted reasonable time off to interview for positions in other UCOP departments.

V. SELECTION PROCEDURES

- A. The hiring authority shall follow the procedures for a non-discriminatory selection process and shall follow practices that foster non-discrimination and promote equal opportunity. Selected candidates must complete a University application form.

A record of the process shall be created by the hiring department and subsequently shall be maintained by the UCOP Employment and Staffing Services Unit for reporting and auditing purposes. The record of the process should consist of:

1. The University employment application form for the selected candidate and resumes of all qualified applicants (qualified applicants are those who meet minimum job requirements). NOTE: The UCOP Compensation and Employment Unit will maintain resumes electronically.
 2. Job-related standards used to screen the applicants.
 3. Questions used for the interviews, including those used by search committees and panels.
- B. The hiring department may choose an interview format that best facilitates the department's selection process.
 - C. If a search committee or panel includes members from outside the department, consideration should be given to diversity in the composition of the committee or panel. The UCOP Employment and Staffing Service Unit may serve as a consultant to the hiring authority and search committee chair. Normally, a search committee is charged to screen, interview, and recommend a group of qualified candidates for consideration by the hiring authority. Thereafter the hiring authority may make a selection from the candidates recommended.
 - D. The UCOP Compensation and Employment Unit is responsible for demonstrating good faith efforts to obtain and refer a diverse, qualified applicant pool for consideration. If a diverse pool can not be identified, the hiring authority and the UCOP Compensation and Employment Unit shall determine if further recruitment would produce a more representative pool.
 - E. The hiring authority may begin the assessment after all information is gathered from the applications, interviews, reference checks, background checks and other job-related sources. The hiring authority is responsible for documenting the selection decision by completing the Interview Data Form and sending it, along with a completed rating sheet for all applicants, all applications and resumes and a copy of the offer letter, to the UCOP Compensation and Employment Unit.
 - F. The hiring authority shall make an offer, usually by telephone, to the successful candidate. Salary offers that exceed the promotional guidelines fifteen- (15%) or are above the mid-point of the applicable salary range require the approval of the Manager, UCOP Compensation and Classification (or designee) prior to the offer being confirmed either verbally or in writing. The hiring authority should send a letter to the successful

candidate confirming the job offer and including a signature line to indicate the candidate's acceptance. Other candidates interviewed but not selected should be notified once the job offer to the successful candidate has been finalized.

- G. The UCOP Compensation and Employment Unit is the Office of Record for the employment process and documentation.

VI. BACKGROUND CHECKS

A background check, both on an applicant for employment to a position identified as “critical,” and when transferring, promoting, or reclassifying current or incumbent employees to positions that have been identified as “critical,” is an important part of the selection process. (See *UCOP Background Check Authorization Form* and the chart that follows.)

A background check is conducted to promote a safe work environment; to protect key organizational assets such as people, property and information; and to enable hiring authorities to make prudent employment decisions based upon more comprehensive job-related information.

Each department head will identify positions (or services provided by independent contractors and consultants) as critical and subject to a background check.

- A. **Criteria** -- The criteria for identifying a position as critical are:
- Master key accesses to residence and other facilities, or direct access to or responsibility for University property.
 - Direct responsibility for the care, safety and security of human life, or the safety and security of personal or University property.
 - Direct access to or responsibility for cash (as defined by Business and Finance Bulletin, BUS-49, Cashiering Responsibilities and Guidelines) check stock, cash disbursements, or cash receipts.
 - Direct access to or responsibility for controlled substances.
 - Authority for committing University financial resources.
 - In the course of normal job duties, responsibility for operating University-owned vehicles, machinery or toxic systems which could cause accidental death, injury or health problems.
 - The requirement for a professional license, certificate or degree, the absence of which would expose the University to legal liability and/or adverse public reaction.
 - Direct access to and/or responsibility for information affecting national security.

The criteria for determining the extent of the background check required can be determined by reviewing the UCOP Background Checks – Critical Positions chart which follows.

B. **Background Check Service**

The background check service is conducted by an outside vendor and provides verification of information requested. Information such as dates of employment, social security numbers, criminal convictions, licenses, certificates, and degrees are examples of what can be verified if the information relates to the requirements of the position. Background check options include:

- State Felony Record (last 7 years or counties of significant residence)
- Credit Report
- DMV Record

- Credential Verification
- Social Security Verification (DTEC)
- Verification of educational degree, license, or certificate
- Employment History
- References

Appropriate background check options are based on the requirements of the position and the needs of the hiring authority.

In addition to this background check, applicants/incumbents for certain critical positions, including but not limited to positions for which there is a statutory requirement, and positions with cash handling responsibilities, are subject to a check of Department of Justice Records based on fingerprinting conducted through the Berkeley Campus Police Department. The hiring division or department pays the cost of obtaining the background check information.

C. Background Check Notification and Record Keeping

When initiating a recruitment process, the Division or Department Head will indicate on the job vacancy listing whether the position is critical and whether fingerprinting is required. The UCOP Compensation and Employment Representative will coordinate with the Manager, UCOP Employee and Labor Relations (or designee) the background check process, including the provision of appropriate release forms to department personnel responsible for the hiring process.

Job announcements for critical positions should include language such as "Employment in this critical position is contingent upon the successful clearance of a background check. A critical position may be offered to a final candidate before the successful clearance of a background check is obtained. However, if the results of the background check are not satisfactory, you may be released from University of California employment." Falsification of information submitted on University employment application materials may be cause for corrective action up to and including dismissal.

The UCOP Compensation and Employment Unit will maintain in a confidential manner a log of all background checks completed for critical positions at the Office of the President. The log will include: title of critical position, background check options included, date of background check, date of hire/promotion, department, unit, name of applicant/incumbent, whether fingerprinting is required, and whether the background check was passed.

D. Promotions and Reclassifications into Critical Positions

The Division or Department Head is responsible for assuring that the appropriate background check is conducted when an incumbent employee is proposed for promotion into or reclassification to a position that has been designated as critical.

The UCOP Compensation and Employment Unit will coordinate the background check process. Prior to promotion or reclassification into a critical position, the UCOP Compensation and Employment Representative will notify the Division or Department Head that the background check has been successfully cleared. *University employees being proposed for promotion or reclassification into a critical position should be informed of the need for a background check. Consent of the affected individual should also be obtained prior to initiating a background check.*

If a completed background check regarding a current University employee reveals adverse information, the Manager, UCOP Employee and Labor Relations (or designee) will consult with the hiring department and the UCOP Office of the General Counsel, as necessary, to determine the appropriate course of action.

E. Annual Review and Report

In January of each year, all UCOP departments will be asked to review the listing of critical positions requiring background checks, to determine if additions, deletions, or revisions are necessary. The updated list should then be returned to the UCOP Compensation and Employment Unit.

In February of each year the UCOP Compensation and Employment Unit will prepare a summary report of all background checks that have been completed by the Office of the President for the preceding calendar year. This report will be submitted to the UCOP University Auditor.

VII. CITIZENSHIP AND IMMIGRATION REQUIREMENTS

Refer to UC-PPSM 21 (Appointment), Section F.

VIII. NEAR RELATIVE APPOINTMENT

- A. Consistent with the University's policy on equal opportunity and nondiscrimination in employment (UC-PPSM 12), the employment of a near relative in the same department shall be permitted when it is in the best interest of the University. For purposes of this procedure, "near relative" is defined as a spouse, parent, child, sibling, or step-relative or in-law in these categories.

Prior approval from the Associate Vice President, Human Resources and Benefits (or designee) is required when the near relatives will have:

1. A direct or indirect supervisory relationship with each other;
2. The same immediate supervisor; or
3. A close working relationship.

Prior approval is also required when two employees become near relatives (e.g., through marriage, adoption, etc.) and any of the work situations identified above pertain.

- B. In the case of any competitive (open-recruitment) position, the hiring authority shall submit a written request for prior approval to the Director, UCOP Human Resources before making a job offer to the near relative. The Director, UCOP Human Resources will obtain the Associate Vice President, Human Resources and Benefits, final approval before the job offer can be made to a near relative. The Division or Department Head must "sign off" on all requests for prior approval before they are submitted to the Director, UCOP Human Resources.

The written request for approval shall explain why the near relative is the best candidate for the position. The written request should contain information concerning the reason the near relative should be hired, and identify the near relative's special skills, the length and percentage of time for this position, and what efforts were made to find other suitable candidates.

IX. REFERENCE CHECKS

- A. The purpose of the employment and reference check is to validate the information provided by the candidate during the application and interview process. The employment verification confirms the employment history of the individual through an employer's personnel records. The reference information is obtained through contact with individuals who have direct knowledge of the candidate's work record and performance.
- B. Verification of employment history and work performance should be obtained from current and previous supervisors prior to the hiring decision. Other individuals with knowledge of the candidate's work performance, interpersonal relationships with peers, supervisors and customers can also contribute valuable information.

1. The consent of the candidate should be obtained before contacting current employers. Prior employers may be contacted at any time.
2. As a public employer, the University is covered by the provision of the California Information Practices Act of 1977. The Act requires that the information obtained from any reference and the source of the information may not be held in confidence from the subject, and must be released upon legitimate request to do so.

Any such requests should be referred to the UCOP Compensation and Employment Unit.

University of California, Office of the President (UCOP)

**BACKGROUND CHECK DISCLOSURE
AND AUTHORIZATION**

Disclosure:

This is to notify you that a consumer report is being obtained from the consumer reporting agency named below for the purpose of evaluating you for employment, promotion, or reclassification. The report may contain information regarding:

- | | |
|---|--|
| <input type="checkbox"/> Criminal records | <input type="checkbox"/> Driver's license status |
| <input type="checkbox"/> Civil records | <input type="checkbox"/> Employment history |
| <input type="checkbox"/> Social Security # verification | <input type="checkbox"/> Educational attainment |
| <input type="checkbox"/> Credit Reports | <input type="checkbox"/> Other (specify) _____ |

Name of Consumer Agency: Choicepoint Services Inc.

Authorization:

I authorize the University of California to obtain the information specified above from the consumer-reporting agency named above.

I hereby authorize and request any present or former employer, school, police department, financial institution or other person having personal knowledge about me, to furnish bearer with any and all information in their possession regarding me in connection with an application for employment. I am willing that a photocopy of this authorization be accepted with the same authority as the original, and I specifically waive any written notice from any present or former employer who may provide information based upon this authorized request.

I understand that University of California Office of the President positions, which are designed critical, require background checks. I also understand this Authorization is to be part of the written employment application which I sign and any misrepresentation, falsification or omission of facts thereon may be considered cause for separation. (*See State Privacy Notice on back*).

I understand that if the University obtains a consumer credit report of my credit worthiness, credit standing, and credit capacity, I may receive a free copy of my credit report by checking the box printed below.

I wish to receive a free copy of my consumer credit report.

Print Name: _____ Social Security Number: _____

Print Other Names Used, if any: _____

Applicant's Signature

Date

State Privacy Notice

The State of California Information Practices Act of 1977 (effective July 1, 1978) requires the University to provide the following information to individuals who are asked to supply information about themselves.

The principal purpose for requesting the information on this form is to conduct background checks. University policy and federal statute authorize the maintenance of this information.

Furnishing all information requested on this form is mandatory – failure to provide such information may result in a determination that the applicant is ineligible for employment.

The University official responsible for maintaining the information contained on this form is The Director—HR/Benefit Services - University of California Office of the President.

UCOP BACKGROUND CHECKS – Critical Functions Guide

Critical Function	Recommended Type of Background Check	Position/Function/Task Examples ¹	
Extensive authority for committing the financial resources of the University.	<p><u>Basic:</u></p> <ul style="list-style-type: none"> • Felony Record² • Credit Report • Fingerprinting/Department of Justice records check <p><u>Additional checks as appropriate:</u></p> <ul style="list-style-type: none"> • Employment history • Educational attainment • Social Security Verification (DTEC) 	<p><u>Typical Positions:</u></p> <ul style="list-style-type: none"> • SMG Employees • Directors/Managers of Purchasing, Computing, Business & Contracts • Engineering Managers or Engineers • Architectural Managers or Architects • Buyers 	<p><u>Typical Functions or Tasks:</u></p> <ul style="list-style-type: none"> • Bid/RFP approvals • Vendor or product approval • Commit funds for programs or projects • Approve insurance payments • Approve contracts
Direct access to or responsibility for cash (as defined by Business & Finance Bulletin, BUS-49, Cashiering Responsibilities and Guidelines), check stock, cash disbursements or cash receipts.	<p><u>Basic:</u></p> <ul style="list-style-type: none"> • Felony Record • Credit Report • Fingerprinting/Department of Justice records check <p><u>Additional checks as appropriate:</u></p> <ul style="list-style-type: none"> • Employment history • Educational attainment • Social Security Verification (DTEC) 	<p><u>Typical Positions:</u></p> <ul style="list-style-type: none"> • SMG Employees • Accounting Managers & Officers • Business Managers • Cashier Office Managers, Supervising Cashiers or Cashiers • Collection Managers • Mail Service Supervisors 	<p><u>Typical Functions or Tasks:</u></p> <ul style="list-style-type: none"> • Check writing • Petty cash reimbursement • Cashiering • Invoice approval and payment • Postage meter use • Distribution of employee salary or reimbursement checks
Master key access to facilities and residences.	<p><u>Basic:</u></p> <ul style="list-style-type: none"> • Felony Record <p><u>Additional checks as appropriate:</u></p> <ul style="list-style-type: none"> • Employment history 	<p><u>Typical Positions:</u></p> <ul style="list-style-type: none"> • SMG Employees • Facilities Managers • Telecommunications/Engineering/Building Services Managers and Staff 	<p><u>Typical Functions or Tasks:</u></p> <ul style="list-style-type: none"> • Building security • Access for computer or telecommunications networking/repair • Heat, air, other environmental tests
Direct responsibility for the care, safety and security of human life or the safety and security of personal or University property.	<p><u>Basic:</u></p> <ul style="list-style-type: none"> • Felony Record • Fingerprinting/Department of Justice Records check <p><u>Additional checks as appropriate:</u></p> <ul style="list-style-type: none"> • Employment history • Educational attainment 	<p><u>Typical Positions:</u></p> <ul style="list-style-type: none"> • SMG Employees • Counseling Services Managers and Officers³ • Student Affairs Officers³ • Childcare Services Supervisors & Staff • Health & Safety Managers, Technologists and Technicians 	<p><u>Typical Functions or Tasks:</u></p> <ul style="list-style-type: none"> • Employee or student counseling or advising • Building safety and security

Critical Function	Recommended Type of Background Check	Position/Function/Task Examples ¹	
Responsibility for operating vehicles, machinery or toxic systems that could cause accidental death, injury or health problems.	<u>Basic:</u> <ul style="list-style-type: none"> • DMV record including license class <u>Additional checks as appropriate:</u> <ul style="list-style-type: none"> • Employment history 	<u>Typical Positions:</u> <ul style="list-style-type: none"> • Development Engineers • Automotive Equipment Operators 	<u>Typical Functions or Tasks:</u> <ul style="list-style-type: none"> • Transporting University employees to meetings
A requirement for a professional license, certificate, or degree, the absence of which would expose the University to legal liability and/or adverse public reaction.	<u>Basic:</u> <ul style="list-style-type: none"> • Verification of the credential, license, certificate and/or degree <u>Additional checks as appropriate:</u> <ul style="list-style-type: none"> • Employment history • Educational attainment (if required for certificate or license) 	<u>Typical Positions:</u> <ul style="list-style-type: none"> • SMG employees (as appropriate) • Engineers • Architects • Attorneys • Licensing Associates, Officers and Assistants • Vocational Rehabilitation Counselors • Employee Assistance Counselors 	<u>Typical Functions or Tasks:</u> <ul style="list-style-type: none"> • Handle real estate transactions on behalf of UC • Design or build facilities and offices • Patent licensing • Provide legal advice • Counsel Employees
Direct access to and/or responsibility for information affecting national security.	Government Security Clearance	<u>Typical Positions:</u> <ul style="list-style-type: none"> • DOE Lab positions • SMG Employees (as appropriate) • UC Staff whose position requires a government security clearance. 	<u>Typical Functions or Tasks:</u> <ul style="list-style-type: none"> • Defined by agency granting clearance.

¹Tasks/positions noted on chart do not include ALL positions, responsibilities or functions which may require a background check. For additional information or questions on positions/functions/tasks not appearing on this list, please contact Employment and Staffing Services

²Felony records check is typically done for the counties of significant residence. Departments must specify counties to check in the report. In California, the period checked is the previous 7 years; other states may vary.

³Includes positions which provide counseling and services directly to students.