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. <u>**Criteria**</u> -- 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. <u>**Background Check Service**</u>

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 UOCP 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 Heat 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.

UCOP BACKGROUND CHECKS – Critical Functions Guide
Revised November, 2011

Critical Function	Recommended Type of Background Check[2]	Position/Function/Task Examples[1]	
Master Key Critical Master key access to all office facilities.	• 7-Year Employment History (previous 2 employers) • Education Report (highest degree) • 7-Year Criminal Felony and Misdemeanor, All Recorded Counties • Widescreen Plus National Criminal Search • National Sex Offender Search • Social Security Number Trace	Typical Positions: • SMG Employees (as appropriate) • Building & Mail Services • Telecommunications & Engineering Staff • Security & Custodial Staff • Network and IT Staff • Locksmiths (as appropriate) • Executive Administrative Staff (as appropriate)	Typical Functions or Tasks: • Access to master keys • Access for furniture & equipment repairs • Access for computer or telecommunications networking & repairs • Heat, air, other environmental tests • Maintain building security and badging protocols
Human Life, Youth, Property Critical **Controlled Substance & Hazardous Materials Critical** Direct responsibility for the care, safety and security of human life or the safety and security of personal or University property. Also includes access to or responsibility for controlled substances or hazardous materials.	• 7-Year Employment History (previous 2 employers) • Education Report (highest degree) • 7-Year Criminal Felony and Misdemeanor, All Recorded Counties • Widescreen Plus National Criminal Search • National Sex Offender Search • Social Security Number Trace	Typical Positions: • SMG Employees • Student Affairs Officers • Health & Safety Personnel • Human Resources Staff • Building & Mail Services • Security & Custodial Staff • Counseling Services Staff	Typical Functions or Tasks: • Provide employee or student counseling • Access to computers and other valuable equipment & facilities • Access to potentially hazardous chemicals • Provide emergency care services • Maintain building safety & security
Cash Critical Direct access to or responsibility for cash and cash equivalents (as defined by Business & Finance Bulletin, BUS-49), inventories, or University property disbursements or receipts.	• 7-Year Employment History (previous 2 employers) • Education Report (highest degree) • 7-Year Criminal Felony and Misdemeanor, All Recorded Counties • Widescreen Plus National Criminal Search • National Sex Offender Search • Social Security Number Trace • Employee Credit Report	Typical Positions: • SMG Employees • Fiscal & Audit Management • Business & Accounting Staff • Cashiers & Cashier Management • Building & Mail Services • Purchasing & Vendor Relations • Payroll Services	Typical Functions or Tasks: • Expense reporting • Cashiering • Invoice approval and payment • Postage meter use • Preparation or distribution of employee salary or reimbursement checks • Handling & receipt of development funds and grants

Critical Function	Recommended Type of Background Check[2]	Position/Function/Task Examples[1]	
Financial Critical Extensive authority for committing the financial resources of the University.	• 7-Year Employment History (previous 2 employers) • Education Report (highest degree) • 7-Year Criminal Felony and Misdemeanor, All Recorded Counties • Widescreen Plus National Criminal Search • National Sex Offender Search • Social Security Number Trace • Employee Credit Report	Typical Positions: • SMG Employees • Directors/Managers of Purchasing, IT, Business & Contracts • Controller & Financial Management • Engineers & Architects • Purchasing & Vendor Relations • Budgeting Positions	Typical Functions or Tasks: • Bid & RFP approvals • Vendor or product approval • Commit funds for programs and projects • Approve insurance payments • Approval of contracts
Operation of Vehicles, Machinery, & Toxic Systems Critical Responsibility for operating commercial vehicles, machinery or toxic systems that could cause accidental death, injury or health problems.	• 7-Year Employment History (previous 2 employers) • Education Report (highest degree) • 7-Year Criminal Felony and Misdemeanor, All Recorded Counties • Widescreen Plus National Criminal Search • National Sex Offender Search • Social Security Number Trace • MVR Report	Typical Positions: • Development Engineers • Equipment Operators • Automotive Technicians • Building Services • Custodial Staff & Groundskeepers • Health & Safety Managers	Typical Functions or Tasks: • Operation of equipment or machinery • Operation of commercial vehicles • Responders to emergencies involving potentially hazardous substances
License, Certificate, Degree Critical 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.	• 7-Year Employment History (previous 2 employers) • Education Report (highest degree) • 7-Year Criminal Felony and Misdemeanor, All Recorded Counties • Widescreen Plus National Criminal Search • National Sex Offender Search • Social Security Number Trace • Professional Licenses Report	Typical Positions: • SMG Employees (as appropriate) • Engineers • Architects • Attorneys • IT & Networking Staff • Security • Employee Assistance Counselors	Typical Functions or Tasks: • Handle real estate transactions on behalf of UC • Design or build facilities and offices • Patent licensing • Provide legal advice • Counsel employees • Render medical services
National Security Critical Direct access to and/or responsibility for information affecting national security.	• 7-Year Employment History (previous 2 employers) • Education Report (highest degree) • 7-Year Criminal Felony and Misdemeanor, All Recorded Counties • Widescreen Plus National Criminal Search • National Sex Offender Search • Social Security Number Trace • Federal Criminal	Typical Positions: • Department of Energy (DOE) Lab positions • SMG Employees (as appropriate) • UC Staff whose position requires a government security clearance	Typical Functions or Tasks: • As defined by the agency granting the clearance

Critical Function	Recommended Type of Background Check[2]	Position/Function/Task Examples[1]	
Protected, Personal, Sensitive Data Critical Direct access to and/or responsibility for protected, personal, or other sensitive data. Direct access to and/or responsibility for employee/retiree retirement and insurance data, social security numbers and/or direct deposit banking information.	• 7-Year Employment History (previous 2 employers) • Education Report (highest degree) • 7-Year Criminal Felony and Misdemeanor, All Recorded Counties • Widescreen Plus National Criminal Search • National Sex Offender Search • Social Security Number Trace	Typical Positions: • SMG Employees (as appropriate) • IT & Network Staff • Human Resources Staff • Payroll Services • Attorneys • Fiscal & Audit Management • Student Affairs Officers • Building & Mail Services • Security & Custodial Staff • Customer Service Reps • Benefits Service Reps • Retirement Program Reps • Health Care Facilitators • Employee Database Preparers & Reviewers	Typical Functions or Tasks: • Access to restricted, sensitive or confidential data (as defined in IS-3 Electronic Information Resources) • Access to employee or payroll records • Access to protected health information • Maintenance of inventories of restricted data • IT programming & systems maintenance • Individual health insurance and/or service delivery issue resolution • Retirement investment and distribution processing • Entry and review of personal employee data in HR or Payroll Systems

1   Tasks/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 in this Guide, please contact UCOP Local Human Resources.

2   All background checks will be conducted in accordance with University policy and applicable labor agreements.